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LEGISLATION

Proclamations



New South Wales

Proclamation

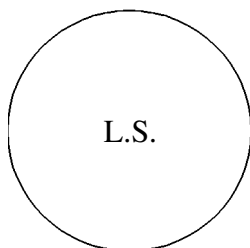
under the

**Child Protection (Offenders Registration) Amendment Act 2004
No 85**

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 *Child Protection (Offenders Registration) Amendment Act 2004*, do, by this my Proclamation, appoint 30 September 2005 as the day on which that Act commences. Signed and sealed at Sydney, this 29th day of September 2005.

By Her Excellency's Command,



L.S.

CARL SCULLY, M.P.,
Minister for Police

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

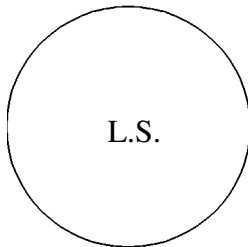
Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 No 43

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 *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*, do, by this my Proclamation, appoint 30 September 2005 as the day on which Schedules 2, 3 and 7.3 to that Act commence.

Signed and sealed at Sydney, this 29th day of September 2005.

By Her Excellency's Command,



FRANK SARTOR, M.P.,
Minister for Planning

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provisions of the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* that contain amendments to the *Environmental Planning and Assessment Act 1979* in relation to planning instruments and development consents and that contain consequential amendments to the *Environmental Planning and Assessment Regulation 2000*.



New South Wales

Proclamation

under the

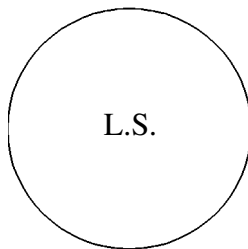
Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Act 2005 No 48

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 (1) of the *Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Act 2005*, do, by this my Proclamation, appoint 1 October 2005 as the day on which that Act (except Schedule 1 [10]) commences.

Signed and sealed at Sydney, this 29th day of September 2005.

By Her Excellency's Command,



IAN MACDONALD, M.L.C.,
Minister for Primary Industries

GOD SAVE THE QUEEN!

Explanatory note

Section 2 (2) of the *Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Act 2005* provides that Schedule 1 [10] to that Act is to commence on the day appointed under section 4 of the *Farm Produce (Repeal) Act 1996* for the repeal of section 38 of the *Farm Produce Act 1983*.



New South Wales

Proclamation

under the

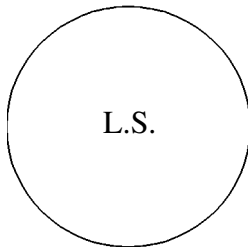
Road Transport (General) Act 2005 No 11

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 (1) of the *Road Transport (General) Act 2005*, do, by this my Proclamation, appoint 30 September 2005 as the day on which that Act (other than Schedule 3.33 [1]–[3] and [15]–[19]) commences.

Signed and sealed at Sydney, this 29th day of September 2005.

By Her Excellency's Command,



JOSEPH TRIPODI, M.P.,
Minister for Roads

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the *Road Transport (General) Act 2005*, except for provisions dealing with search warrants which are to commence on the commencement of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

Regulations



New South Wales

Births, Deaths and Marriages Registration Amendment (Change of Name Fee) Regulation 2005

under the

Births, Deaths and Marriages Registration Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Births, Deaths and Marriages Registration Act 1995*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Births, Deaths and Marriages Registration Regulation 2001* to increase from \$54 to \$88 the fee for:

- (a) the insertion, in a recording of a name, of an additional name or other particulars, or
 - (b) the registration of a change of name,
- in the Births, Deaths and Marriages Register.

The fee increase is as a result of the introduction by the Births, Deaths and Marriages Registry of comprehensive checking and compliance processes to reduce the risk of identity fraud.

This Regulation is made under the *Births, Deaths and Marriages Registration Act 1995*, including section 54 (Fees).

Clause 1 Births, Deaths and Marriages Registration Amendment (Change of Name Fee) Regulation 2005

Births, Deaths and Marriages Registration Amendment (Change of Name Fee) Regulation 2005

under the

Births, Deaths and Marriages Registration Act 1995

1 Name of Regulation

This Regulation is the *Births, Deaths and Marriages Registration Amendment (Change of Name Fee) Regulation 2005*.

2 Commencement

This Regulation commences on 1 November 2005.

3 Amendment of Births, Deaths and Marriages Registration Regulation 2001

The *Births, Deaths and Marriages Registration Regulation 2001* is amended by omitting the matter “54.00” from item 6 of Schedule 1 and by inserting instead the matter “88.00”.



New South Wales

Charitable Fundraising Amendment (The E.U. Graduates Fund) Regulation 2005

under the

Charitable Fundraising Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Charitable Fundraising Act 1991*.

GRANT McBRIDE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to exempt The E.U. Graduates Fund (being a religious organisation) from the application of the *Charitable Fundraising Act 1991* (apart from section 48 which deals with remuneration of board members of charitable organisations).

This Regulation is made under the *Charitable Fundraising Act 1991*, including sections 7 (1) (b) and 55 (the general regulation-making power).

Clause 1 Charitable Fundraising Amendment (The E.U. Graduates Fund)
Regulation 2005

Charitable Fundraising Amendment (The E.U. Graduates Fund) Regulation 2005

under the

Charitable Fundraising Act 1991

1 Name of Regulation

This Regulation is the *Charitable Fundraising Amendment (The E.U. Graduates Fund) Regulation 2005*.

2 Amendment of Charitable Fundraising Regulation 2003

The *Charitable Fundraising Regulation 2003* is amended by inserting in the list of religious bodies and religious organisations in clause 7 in alphabetical order the following matter:

The E.U. Graduates Fund



New South Wales

Child Protection (Offenders Registration) Amendment Regulation 2005

under the

Child Protection (Offenders Registration) Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Child Protection (Offenders Registration) Act 2000*.

CARL SCULLY, M.P.,
Minister for Police

Explanatory note

The object of this Regulation is to amend the *Child Protection (Offenders Registration) Regulation 2001* in connection with the amendments to the *Child Protection (Offenders Registration) Act 2000* made by the *Child Protection (Offenders Registration) Amendment Act 2004*.

This Regulation is made under the *Child Protection (Offenders Registration) Act 2000*, including section 22 (the general power to make regulations) and sections 3, 3A, 3C, 11B, 12A, 13 and 19.

Clause 1 Child Protection (Offenders Registration) Amendment Regulation 2005

Child Protection (Offenders Registration) Amendment Regulation 2005

under the

Child Protection (Offenders Registration) Act 2000

1 Name of Regulation

This Regulation is the *Child Protection (Offenders Registration) Amendment Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Child Protection (Offenders Registration) Regulation 2001

The *Child Protection (Offenders Registration) Regulation 2001* is amended as set out in Schedule 1.

Child Protection (Offenders Registration) Amendment Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit “or 7” from the definition of *statutory notice* in clause 3 (1).

Insert instead “, 7 or 7B”.

[2] Clause 3 (2)

Omit the subclause.

[3] Clauses 4A, 4B and 4C

Insert after clause 4:

4A Definition of “Class 2 offence”

Pursuant to paragraph (k) of the definition of *Class 2 offence* in section 3 (1) of the Act, the following offences are stated to be Class 2 offences:

- (a) an offence against section 271.4 of the *Criminal Code Act 1995* of the Commonwealth,
- (b) an offence against section 271.7 of the *Criminal Code Act 1995* of the Commonwealth,
- (c) an offence against section 474.26 of the *Criminal Code Act 1995* of the Commonwealth,
- (d) an offence against section 474.27 of the *Criminal Code Act 1995* of the Commonwealth.

4B Definition of “corresponding Act”

Pursuant to paragraph (b) of the definition of *corresponding Act* in section 3 (1) of the Act, the following Acts are stated to be corresponding Acts:

- (a) the *Child Protection (Offender Reporting) Act 2004* of Queensland,
- (b) the *Child Protection (Offender Reporting and Registration) Act 2004* of the Northern Territory,
- (c) the *Community Protection (Offender Reporting) Act 2004* of Western Australia,
- (d) the *Sex Offenders Registration Act 2004* of Victoria.

Child Protection (Offenders Registration) Amendment Regulation 2005

Schedule 1 Amendments

4C Definition of “corresponding child protection registration order”

Pursuant to the definition of *corresponding child protection registration order* in section 3 (1) of the Act, the following orders are stated to be corresponding child protection registration orders:

- (a) orders under section 13 of the *Child Protection (Offender Reporting) Act 2004* of Queensland,
- (b) orders under section 13 of the *Child Protection (Offender Reporting and Registration) Act 2004* of the Northern Territory,
- (c) orders under section 13 of the *Community Protection (Offender Reporting) Act 2004* of Western Australia,
- (d) orders under section 11 of the *Sex Offenders Registration Act 2004* of Victoria.

[4] Clauses 5A and 5B

Insert after clause 5:

5A Foreign witness protection laws

For the purposes of sections 3A (3) and 13 (1A) of the Act, the following foreign witness protection laws are specified:

- (a) the *Witness Protection Act 1994* of the Commonwealth,
- (b) the *Witness Protection Act 1996* of the Australian Capital Territory,
- (c) the *Witness Protection (Northern Territory) Act* of the Northern Territory,
- (d) the *Witness Protection Act 2000* of Queensland,
- (e) the *Witness Protection Act 1996* of South Australia,
- (f) the *Witness Protection Act 2000* of Tasmania,
- (g) the *Witness Protection Act 1991* of Victoria,
- (h) the *Witness Protection (Western Australia) Act 1996* of Western Australia.

5B Corresponding registrable persons

For the purposes of section 3C (c) of the Act, the following classes of persons are prescribed as corresponding registrable persons for the purposes of the Act:

- (a) persons who are *reportable offenders* within the meaning of the *Child Protection (Offender Reporting) Act 2004* of Queensland,

Child Protection (Offenders Registration) Amendment Regulation 2005

Amendments

Schedule 1

-
- (b) persons who are *reportable offenders* within the meaning of the *Child Protection (Offender Reporting and Registration) Act 2004* of the Northern Territory,
 - (c) persons who are *reportable offenders* within the meaning of the *Community Protection (Offender Reporting) Act 2004* of Western Australia, other than those who are reportable offenders merely because they have been sentenced by a court for a class 3 offence within the meaning of that Act,
 - (d) persons who are *registrable offenders* within the meaning of the *Sex Offenders Registration Act 2004* of Victoria, other than those who are registrable offenders merely because they have been sentenced by a court for a class 3 or class 4 offence within the meaning of that Act.

[5] Clause 7 Exercise of sentencing court's functions by the Commissioner of Police

Insert "9 or" after "section" in clause 7 (1) (b).

[6] Clause 10 Contents of written notices

Insert after clause 10 (1):

- (1A) Each statutory notice must also contain a statement reminding the registrable person of his or her reporting period and specifying the date on which the reporting period ends.

[7] Section 10A

Insert after section 10:

10A Change of travel plans while out of New South Wales

For the purposes of section 11B of the Act, a report made by a registrable person under that section may be sent by post to such person as the Commissioner of Police may from time to time notify to the registrable person as the person to whom such a report should be sent.

Child Protection (Offenders Registration) Amendment Regulation 2005

Schedule 1 Amendments

[8] Clause 14

Omit the clause. Insert instead:

14 Manner in which registrable person may report

- (1) For the purposes of section 12A (2) of the Act, a report referred to in that subsection that is required to be made by a registrable person may be made by telephone to the Crime Manager for the Local Area Command within which the registrable person resides.
- (2) The report:
 - (a) may be made by the registrable person, or
 - (b) may be made, on the registrable person's behalf, by the registrable person's supervisor.
- (3) A supervisor may not make a report on a registrable person's behalf unless the registrable person has presented for the supervisor's inspection the documents that he or she would have had to present under section 12D of the Act had he or she made the report to a police officer in person.
- (4) In this clause:

Crime Manager, in relation to a Local Area Command, means the police officer for the time being appointed by the Commissioner of Police to the position of Crime Manager for that Command, and includes any police officer acting in that position.

Local Area Command means an area designated by the Commissioner of Police as a Local Area Command.

supervisor, in relation to a registrable person, means the person from the person's supervising authority who is appointed for the time being to supervise the registrable person.

[9] Clause 15 Verifying documentation to be provided by parents, guardians, carers and nominees

Omit "12 (5)" from clause 15 (1). Insert instead "12A (4) or (5)".

[10] Clause 16

Omit the clause.

[11] Clause 17

Omit the clause.

Child Protection (Offenders Registration) Amendment Regulation 2005

Amendments

Schedule 1

[12] **Clause 18**

Omit the clause. Insert instead:

18 Child Protection Register

For the purposes of section 19 (2) (i) of the Act, the following information is prescribed as information that the Register is to contain in respect of a registrable person:

- (a) the date of each occasion on which the registrable person has asked for the accuracy of his or her reporting period, as specified in the Register, to be checked,
- (b) the date of each occasion on which the registrable person has been notified of the results of any such check.

19 Transitional provisions concerning existing registrable persons

- (1) Without limiting clause 10, the first statutory notice under section 7B of the Act in respect of a person who was a registrable person immediately before the commencement of the 2004 amending Act must contain the following information:
 - (a) the nature of the additional relevant personal information, within the meaning of the 2004 savings and transitional provisions, that must be provided to the Commissioner of Police pursuant to those provisions,
 - (b) the nature of the registrable person's reporting obligations, as applying under Part 3 of the Act following its amendment by the 2004 amending Act, including the fact that he or she is required to report annually,
 - (c) any extension of the period of the registrable person's reporting obligations under subclause (2).

- (2) The reporting period for any registrable person whose reporting obligations commenced on or after 1 October 2004 is to be calculated in accordance with Division 6 of Part 3 of the Act, as inserted by the 2004 amending Act.

Note. Pursuant to the 2004 savings and transitional provisions, the reporting period for any person whose reporting obligations commenced before 1 October 2004 remain as they were before the commencement of the 2004 amending Act.

- (3) In this clause:
 - the 2004 amending Act* means the *Child Protection (Offenders Registration Amendment Act 2004)*.
 - the 2004 savings and transitional provisions* means the provisions of Schedule 2 to the Act that are consequent on the enactment of the 2004 amending Act.



New South Wales

Commercial Vessels Amendment (Fees) Regulation 2005

under the

Commercial Vessels Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Commercial Vessels Act 1979*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Ports and Waterways

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees prescribed by the *Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986* that are payable in respect of:
 - (i) examinations for certificates of competency, and
 - (ii) the issue, recognition and revalidation of certificates of competency, and
 - (iii) miscellaneous other matters, and
- (b) to increase certain fees prescribed by the *Commercial Vessels (Load Lines) Regulation 1986* for:
 - (i) an initial survey and the issue of a load line certificate, and
 - (ii) an initial survey and the issue of a load line exemption certificate, and
 - (iii) a periodical survey, and
 - (iv) a periodical inspection, and
- (c) to increase certain fees, charges and expenses prescribed by the *Commercial Vessels (Permits) Regulation 1986* for:
 - (i) applications for permits under the *Commercial Vessels Act 1979*, and
 - (ii) investigations of those applications, and
 - (iii) miscellaneous other matters.

The fee increases are generally in line with movements in the Consumer Price Index.

Commercial Vessels Amendment (Fees) Regulation 2005

Explanatory note

This Regulation is made under the *Commercial Vessels Act 1979*, including sections 17, 30, 30G (3), 38 and 52 (the general regulation-making power) and such other sections as are referred to in this Regulation.

Commercial Vessels Amendment (Fees) Regulation 2005

Clause 1

Commercial Vessels Amendment (Fees) Regulation 2005

under the

Commercial Vessels Act 1979

1 Name of Regulation

This Regulation is the *Commercial Vessels Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

The *Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986* is amended as set out in Schedule 1.

4 Amendment of Commercial Vessels (Load Lines) Regulation 1986

The *Commercial Vessels (Load Lines) Regulation 1986* is amended as set out in Schedule 2.

5 Amendment of Commercial Vessels (Permits) Regulation 1986

The *Commercial Vessels (Permits) Regulation 1986* is amended as set out in Schedule 3.

Commercial Vessels Amendment (Fees) Regulation 2005

Schedule 1 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

**Schedule 1 Amendment of Commercial Vessels
(Certificates of Competency and Safety
Manning) Regulation 1986**

(Clause 3)

Schedule 3

Omit the Schedule. Insert instead:

**Schedule 3 Fees payable in connection with
certificates of competency**

(Clause 13)

Part 1 Fees in respect of examinations

Column 1	Column 2	Column 3
Class of certificate or endorsement	Examination for which fee is payable	Fee \$
Master Class 1, Master Class 1 (limited to sail as Chief Mate), Master Class 2, Master Class 2 (limited to sail as Chief Mate), Second Mate Class 1, Second Mate Class 2	All exams for the relevant class of certificate	390
Master Class 3 or Master Class 3 (limited to sail as Chief Mate)	All exams for the relevant class of certificate	390
Master Class 4 or Mate Class 4	All exams for the relevant class of certificate	357
Master Class 5	All exams for the relevant class of certificate	269
Coxswain	All exams for the relevant class of certificate	135
Marine Engineer Class 1, Marine Engineer Class 2 or Marine Engineer Watchkeeper	All exams for the relevant class of certificate	390
Marine Engineer Class 3	All exams for the relevant class of certificate	269
Marine Engine Driver Grade 1	All exams for the relevant class of certificate	269

Commercial Vessels Amendment (Fees) Regulation 2005

Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986 Schedule 1

Column 1	Column 2	Column 3
Class of certificate or endorsement	Examination for which fee is payable	Fee \$
Marine Engine Driver Grade 2	All exams for the relevant class of certificate	176
Marine Engine Driver Grade 3	All exams for the relevant class of certificate	93
All classes mentioned above	Where a single written or single oral supplementary exam is carried out for the relevant class of certificate	37
Certificate endorsed for either trading or fishing operations	Trading or fishing operations	93
Certificate endorsed for air-cushioned vessel operations	Air-cushioned vessel operations	93
Certificate endorsed for special operations	Special operations	93
Certificate endorsed for refrigeration operations	Engineering knowledge—written	93
	Engineering knowledge—oral	93

Part 2 Fees in respect of issue, recognition and revalidation of certificates of competency

Column 1	Column 2
Matter for which fee is payable	Fee \$
Issue of certificate under section 30H of the Act if the candidate satisfies examination requirements (or those requirements except for short courses) outside NSW	43
Recognition of certificates of other States etc under section 30L of the Act:	
(a) by endorsement of certificate	15
(b) by notice certifying validity	31
Revalidation of certificate under section 30I of the Act	93
Issue of duplicate certificate under section 30H (4) of the Act for certificate lost or destroyed	93

Commercial Vessels Amendment (Fees) Regulation 2005

Schedule 1 Amendment of Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

Part 3 Miscellaneous fees

Column 1	Column 2
Matter for which fee is payable	Fee \$
Eyesight test conducted by the Minister to satisfy medical requirements for issue of certificate of competency	47
Re-assessment of written examination paper for issue of certificate of competency	23
Oral examination required on seamanship or coastal local knowledge in connection with certificate of competency	93
Application for review of the Minister's decision under clause 6 of this Regulation	31
Record of service book	25
Where, at the request of the applicant for examination, a person acting on behalf of the Minister attends at a place where the officer would not, except in response to the request, have been engaged on official duties—travelling and accommodation expenses incurred by the officer because of that attendance	Such reasonable fee as may be deemed by the Minister to cover some or all of those expenses and was notified to the applicant at the time of the request
Issue of certificate of competency where the applicant has passed examinations conducted by another marine authority	72
Search fee—per item	37

Commercial Vessels Amendment (Fees) Regulation 2005

Amendment of Commercial Vessels (Load Lines) Regulation 1986

Schedule 2

Schedule 2 Amendment of Commercial Vessels (Load Lines) Regulation 1986

(Clause 4)

Schedule 2 Fees

Omit items 1–4 from the Schedule. Insert instead:

1	Initial survey and issue of load line certificate	288
2	Initial survey and issue of load line exemption certificate	288
3	Periodical survey	288
4	Periodical inspection	96

Commercial Vessels Amendment (Fees) Regulation 2005

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

(Clause 5)

Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Fees, expenses and charges

(Clause 14)

Part 1 General

- | | | |
|---|---|--|
| 1 | Replacement of a permit plate that has become lost, illegible, damaged or destroyed (section 15 (5) of the Act) | \$69 |
| 2 | Investigation as to whether conditions should be imposed on a deemed temporary permit (but only where conditions are imposed under section 19 (3) (b) of the Act): | \$246 |
| | In addition, for any inspection of a vessel for that purpose | \$124 per hour or part of an hour |
| 3 | Work carried out in connection with: | |
| | (a) an application for a permit and investigation of the application (including survey, examination, approval of plans, witnessing position of draught marks, witnessing of inclining tests, approval of stability data, witnessing of vessel trials and examination of information in connection with approval of plans), or | |
| | (b) an application for approval of prototype vessel plans: | |
| | For a vessel less than or equal to 7.5 metres in length | \$127 per metre (or part of a metre) of length of the vessel |
| | For a vessel more than 7.5 metres in length | \$265 per metre (or part of a metre) of length of the vessel |

Commercial Vessels Amendment (Fees) Regulation 2005

Amendment of Commercial Vessels (Permits) Regulation 1986

Schedule 3

-
- | | | |
|----|---|--|
| 4 | Work carried out in connection with an application for a permit in respect of a vessel of a design or production run for which a prototype approval has previously been issued: | |
| | For a vessel less than or equal to 7.5 metres in length | \$66 per metre (or part of a metre) of length of the vessel |
| | For a vessel more than 7.5 metres in length | \$124 per metre (or part of a metre) of length of the vessel |
| 5 | Work associated with the repeated re-examination of vessel survey plans | \$124 per hour or part of an hour |
| 6 | Investigation as to whether the suspension of a permit was justified (section 22 (5) of the Act): | \$124 |
| | In addition, for any inspection of a vessel for that purpose | \$124 per hour or part of an hour |
| 7 | Work carried out in respect of the survey of a vessel in accordance with its survey schedule (section 30 of the Act): | |
| | For a vessel less than or equal to 7.5 metres in length | \$43 per metre (or part of a metre) of length of the vessel |
| | For a vessel that is more than 7.5 metres in length but less than or equal to 15 metres in length | \$64 per metre (or part of a metre) of length of the vessel |
| | For a vessel that is more than 15 metres in length | \$77 per metre (or part of a metre) of length of the vessel |
| 8 | Issue of a replacement survey record book (clause 10 (7)) | \$166 |
| 9 | Issue of a towage permit (clause 12): | \$63 |
| | In addition, for any inspection of a vessel for that purpose | \$124 per hour or part of an hour |
| 10 | Inspection, where a defect or deficiency has been revealed by a survey under section 28 of the Act, for the purpose of ascertaining whether the defect or deficiency has been rectified | \$124 per hour or part of an hour |
| 11 | Inspection subsequent to repairs following accident damage (section 29 (3) of the Act) | \$124 per hour or part of an hour |
-

Commercial Vessels Amendment (Fees) Regulation 2005

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

12	Preliminary inspection of an existing vessel for oral advice on survey requirements	\$207 (which is to be deducted from any subsequent application fee in relation to the vessel)
13	Conversion of a deemed temporary permit to a New South Wales permit (section 20 of the Act)	\$124 per metre
14	Reinstatement of suspended permits	\$124
15	Resurvey of vessel with cancelled survey permit:	
	For a vessel less than or equal to 7.5 metres in length	\$66 per metre (or part of a metre) of length of the vessel
	For a vessel more than 7.5 metres in length	\$124 per metre (or part of a metre) of length of the vessel

Part 2 Supplementary charges payable in addition to the fees, expenses and charges under Part 1

16	Survey or service carried out by a surveyor outside normal working hours	\$62 per hour or part of an hour (including travelling time), subject to a minimum fee of \$241 where the hours are not merely an extension of normal working hours
17	Attendance by a surveyor (at the request of an applicant for a vessel permit, or of a person submitting a vessel for inspection or the issue of a towage permit) otherwise than at a place or time at which the surveyor is normally engaged in official duties	Such reasonable travel and accommodation expenses as are incurred by the surveyor for the purposes of the attendance



New South Wales

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* so as to extend the BASIX certification scheme under that Regulation to all forms of residential development (other than hotels and motels). The Regulation modifies that scheme so that, in future, a single BASIX certificate will suffice in relation to any proposed development. Currently, separate BASIX certificates are required for each dwelling comprised in any proposed development.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general power to make regulations) and section 80A.

Clause 1 Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *BASIX affected building*. Insert instead:

BASIX affected building means any building that contains one or more dwellings, but does not include a hotel or motel.

[2] Clause 3, definition of “dwelling”

Insert in alphabetical order:

dwelling, in relation to a BASIX affected building, means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

[3] Clause 3, definition of “relevant BASIX certificate”

Insert “applicable to the development when the construction certificate is issued or (in the case of a construction certificate modified under clause 148) modified” after “the replacement BASIX certificate” in paragraph (a) (ii).

[4] Clause 50 How must a development application be made?

Insert after clause 50 (1A):

(1B) If a development application referred to in subclause (1A) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:

- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
- (b) to improve the thermal performance of the building.

[5] Clause 97A Fulfilment of BASIX commitments

Omit “each relevant” from clause 97A (3). Insert instead “the relevant”.

[6] Clause 115 What are the requirements for an application for modification of a development consent?

Insert after clause 115 (1A):

(1AA) If an application referred to in subclause (1A) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

Schedule 1 Amendments

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- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
 - (b) to improve the thermal performance of the building.

[7] Clause 115 (1C)

Omit “one or more BASIX certificates”. Insert instead “a BASIX certificate”.

[8] Clause 115 (1C)

Omit “appropriate BASIX certificates”.

Insert instead “the appropriate BASIX certificate”.

[9] Clause 115 (1D)

Omit “The appropriate BASIX certificates for the purposes of subclause (1C) are”.

Insert instead “The appropriate BASIX certificate for the purposes of subclause (1C) is”.

[10] Clause 115 (1D) (a) and (b)

Omit “to the extent to which any current” wherever occurring.

Insert instead “if the current”.

[11] Clause 136D Fulfilment of BASIX commitments

Omit “each relevant” from clause 136D (3). Insert instead “the relevant”.

[12] Clause 143A Special requirements for construction certificates for residential flat development

Insert after clause 143A (2):

- (3) If the development application referred to in subclause (1) was also required to be accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in subclause (2) need not be verified to the extent to which they aim:
 - (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
 - (b) to improve the thermal performance of the building.

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

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- [13] Clause 145 Compliance with development consent and Building Code of Australia**
Omit “each relevant” from clause 145 (1) (a1). Insert instead “the relevant”.
- [14] Clause 149 Applications for occupation certificates**
Omit “each relevant” from clause 149 (2A). Insert instead “the relevant”.
- [15] Clause 154A Special requirements for occupation certificates for residential flat development**
Insert after clause 154A (2):
- (3) If the development application referred to in subclause (1) was also required to be accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in subclause (2) need not be verified to the extent to which they aim:
 - (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
 - (b) to improve the thermal performance of the building.
- [16] Clause 154B Fulfilment of BASIX commitments**
Omit clause 154B (2). Insert instead:
- (2) A certifying authority must not issue an occupation certificate (whether interim or final) for a BASIX affected building to which this clause applies, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part has been fulfilled.
- [17] Clause 164A BASIX certificates**
Omit clause 164A (3). Insert instead:
- (3) The relevant application need only be accompanied by one BASIX certificate.
- [18] Clause 164A (4A)**
Insert after clause 164A (4):
- (4A) In the case of a development that involves the erection of a building for both residential and non-residential purposes, or the change of use of a building to both residential and non-residential

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

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purposes, the description referred to in subclause (4) (a) need only include information concerning the part of the development that is intended to be used for residential purposes.

[19] Clause 164A (5), definition of “sustainability”

Omit “a dwelling” and “the dwelling”.

Insert instead “proposed development” and “the development”, respectively.

[20] Clause 286A Savings and transitional provisions: introduction of BASIX scheme

Insert after clause 286A (2):

- (3) The amendments to this Regulation made by the *Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005* do not apply to:
- (a) a development application, or application for a complying development certificate, that has been made before 1 October 2005, or
 - (b) a development consent or complying development certificate arising from an application referred to in paragraph (a), or
 - (c) an application for a construction certificate or occupation certificate that is made in relation to development carried out under the authority of a development consent or complying development certificate arising from an application referred to in paragraph (a).

[21] Schedule 1 Forms

Insert after clause 2 (5):

- (6) In the case of development to which clause 2A applies, the explanation referred to in subclause (5) (a) need not deal with the design quality principles referred to in that paragraph to the extent to which they aim:
- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
 - (b) to improve the thermal performance of the building.

Environmental Planning and Assessment Further Amendment (Building Sustainability Index: BASIX) Regulation 2005

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[22] Schedule 1, clause 2A (2)

Omit “must also be accompanied by a BASIX certificate, issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development”.

Insert instead “must also be accompanied by a BASIX certificate for the development, being a BASIX certificate that has been issued no earlier than 3 months before the date on which the application is made”.

[23] Schedule 1, clause 4A (2)

Omit “must also be accompanied by a BASIX certificate, issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development”.

Insert instead “must also be accompanied by a BASIX certificate for the development, being a BASIX certificate that has been issued no earlier than 3 months before the date on which the application is made”.

[24] Schedule 1, clause 6A (2)

Omit “must also be accompanied by a BASIX certificate, being either the BASIX certificate applicable to the development when the relevant development consent was granted or some other BASIX certificate issued no earlier than 3 months before the date on which the application is made, for each dwelling comprised in the development”.

Insert instead “must also be accompanied by a BASIX certificate for the development, being either the BASIX certificate applicable to the development when the relevant development consent was granted or some other BASIX certificate that has been issued no earlier than 3 months before the date on which the application is made”.



New South Wales

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to make provision consequent on the commencement of the amendments made by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* in relation to planning instruments (including development control plans) and development consents (including staged development applications), and
- (b) to make other minor and consequential amendments.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 74E and 157 (the general regulation-making power) and Part 1 of Schedule 6 (savings and transitional regulations).

Clause 1 Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 17A Where specific consultation is required

Omit the clause.

[2] Clause 24 Application of Part to development control plans made by the Director-General

Omit “under section 51A”.

Insert instead “by the Director-General, as the relevant planning authority, under section 74C”.

[3] Clause 24 (b)

Insert “or a State environmental planning policy” after “regional environmental plan”.

[4] Part 3, Division 6

Omit the Division. Insert instead:

Division 6 Miscellaneous

25 Additional information requested by relevant planning authority

- (1) If an environmental planning instrument requires or permits a development control plan to be prepared and submitted to the relevant planning authority, the planning authority may request the owners (as referred to in section 74D of the Act) who are submitting the plan to provide the planning authority with such additional information as the planning authority considers necessary for the purposes of making the plan.
- (2) Any such request is to be in writing.
- (3) The information that the relevant planning authority may request is limited to information relating to any relevant matter referred to in an environmental planning instrument.
- (4) In accordance with section 74D (6) of the Act, the 60-day period referred to in section 74D (5) of the Act may be extended by the number of days from the day on which the request for the information was made until the day on which the information is provided or on which the owners refuse to supply the information (whichever is the sooner).

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Schedule 1 Amendments

- (5) If the owners refuse to supply the requested information, the development control plan is taken not to have been submitted to the relevant planning authority.

25AA Assessment and preparation fees

- (1) If a draft development control plan under section 74D of the Act is prepared (and submitted to the relevant planning authority) by the owners of the land to which it applies, the owners must pay the relevant planning authority an assessment fee as determined by the planning authority.
- (2) If any such draft development control plan is prepared by the relevant planning authority at the request of the owners (or the percentage of the owners as referred in section 74D (3) of the Act), those owners must pay the planning authority a preparation fee as determined by the planning authority.
- (3) Any such assessment or preparation fee must not exceed the reasonable cost, to the relevant planning authority, of assessing or preparing the draft development control plan, carrying out any associated studies and publicly exhibiting the draft plan.
- (4) If there is more than one owner of the land to which the draft development control plan applies, the fee concerned is to be apportioned between them as the relevant planning authority determines.
- (5) If the Minister, in accordance with section 74D (5) (b) of the Act, acts in the place of a council to make the development control plan concerned, the council must, if directed by the Minister to do so, forward to the Minister any assessment or preparation fee that has been paid to the council in relation to that plan.
- (6) Any assessment or preparation fees payable under clause 272, 273, 273A, 274A or 274B (as in force before their repeal by the *Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005*) are taken to be fees (as determined by the relevant planning authority concerned) payable under this clause. If, under any such repealed clause, a lessee was liable to pay a fee, a reference in this clause to the owner of the land extends to any such lessee.

25AB Councils to provide copies of development control plans to Director-General

A council must, within 28 days of making a development control plan, provide the Director-General with a copy of the plan.

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Amendments

Schedule 1

25AC Purchase of copies of development control plans

Copies of a development control plan (including any document referred to in a development control plan such as a supporting map, plan, diagram, illustration or other material) are to be made available for purchase from the principal office of the relevant planning authority that prepared the plan.

Note. Under section 74E (4) of the Act, a development control plan must be available for inspection (without charge) at the principal office of the relevant planning authority that prepared the plan.

The above clause does not require the relevant planning authority to supply certified copies of any document. Certified copies are supplied under section 150 of the Act on payment of a prescribed fee. The fee for a certified copy is prescribed by clause 262.

25AD Further transitional provisions: 2005 Amending Act

- (1) In this clause:

deemed DCP means a master plan, in force under a provision of an environmental planning instrument immediately before the relevant commencement, that is taken to be a development control plan under section 74D of the Act because of clause 95 of Schedule 6 to the Act, and includes a master plan that is taken to be a development control plan as provided by subclause (4).

relevant commencement means the date on which Schedule 2 to the 2005 Amending Act commences.

2005 Amending Act means the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.

- (2) **Effect of section 74C on deemed DCPs**

Section 74C (2) and (5) of the Act (as inserted by the 2005 Amending Act) does not render invalid any deemed DCP until such time as the principal local environmental planning instrument applying to the land concerned adopts the provisions of a standard instrument (as referred to in section 33A of the Act).

- (3) **Amendment of deemed DCPs**

A deemed DCP may be amended or revoked only in accordance with the procedures provided in relation to the making of the master plan by the environmental planning instrument under which it was made. Accordingly, section 74C (4) of the Act does not apply in relation to a deemed DCP.

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Schedule 1 Amendments

(4) **Pending master plans**

Any master plan lodged under a provision of an environmental planning instrument but not made or adopted as at the relevant commencement may, after that commencement, proceed to be made or adopted as if the amendments made to the Act and this Regulation by Schedules 2 and 7.3 to the 2005 Amending Act had not been made. Once it is made or adopted, the master plan is taken to be a development control plan under section 74D of the Act.

[5] **Part 6, Division 3A**

Insert after Division 3:

Division 3A Special provisions relating to staged development applications

70A Information to be included in staged development applications

Despite clause 50 (1) (a), the information required to be provided in a staged development application in respect of the various stages of the development may, with the approval of the consent authority, be deferred to a subsequent development application.

70B Staged development applications—residential flat development

Clause 50 (1A) applies in relation to a staged development application only if the application sets out detailed proposals for the development or part of the development.

[6] **Clause 92A Preliminary planning: sections 79C (1) (a) (iv) and 80 (11) of the Act**

Omit the clause.

[7] **Clause 100 Notice of determination**

Insert after clause 100 (1) (c):

- (c1) whether the applicant has the right to request a review of the determination under section 82A of the Act,
- (c2) in the case of a consent for a staged development application—whether a subsequent development application is required for any part of the site concerned,

[8] **Clause 109 Days occurring while consent authority's request for additional information remains unanswered**

Insert “, or is taken to have notified,” after “notifies” in clause 109 (1) (b).

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Amendments

Schedule 1

[9] Clause 112 Consent authority to notify applicant that time has ceased to run

Omit “periods of time” from clause 112 (1).

Insert instead “assessment periods”.

[10] Clause 256B

Insert after clause 256A:

256B Staged development applications

The maximum fee payable for a staged development application in relation to a site, and for any subsequent development application for any part of the site, is the maximum fee that would be payable as if a single development application only was required for all the development on the site.

[11] Clause 271 Precinct plans etc under SEPP 59

Insert before clause 271 (1):

Note. Precinct plans as referred to in this clause are taken to be development control plans under the Act—see clause 25AD and clause 95 of Schedule 6 to the Act.

[12] Clauses 272, 273, 273A, 274A, 274B and 275

Omit the clauses.

[13] Clauses 289 and 290

Insert after clause 288:

289 Miscellaneous savings and transitional provisions: 2005 Amending Act

(1) In this clause:

2005 Amending Act means the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.

(2) **Adoption of model provisions**

An environmental planning instrument made after the commencement of the repeal of section 33 of the Act by Schedule 2 to the 2005 Amending Act (but initiated before that commencement) may, despite the repeal of that section, adopt model provisions made under that section as in force immediately before its repeal. Accordingly, those model provisions continue in force for the purposes of any environmental planning

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Schedule 1 Amendments

instrument that adopts them and clause 93 (2) of Schedule 6 to the Act extends to those provisions.

- (3) For the purposes of subclause (2), an environmental planning instrument is taken to have been initiated if the relevant council (or the Director-General, as the case requires) has resolved to make the instrument.

(4) **Existing development control plans**

Section 74C of the Act does not render invalid any provision of a development control plan that is continued in force by clause 94 (1) of Schedule 6 to the Act until such time as:

- (a) a development control plan is made under section 74C of the Act in respect of the land concerned, or
- (b) the principal local environmental planning instrument applying to the land concerned adopts the provisions of a standard instrument as referred to in section 33A of the Act,

whichever is the sooner.

- (5) Subclause (4) has effect despite clause 94 (2) of Schedule 6 to the Act.

(6) **Existing section 117 (2) directions continue to apply to draft plans**

Despite clause 96 (2) of Schedule 6 to the Act, a direction given under section 117 (2) of the Act before the commencement of Schedule 2 to the 2005 Amending Act continues in force in relation to a draft local environmental plan only if the draft plan:

- (a) is submitted to the Director-General under section 68 (4) of the Act before 31 January 2006, or
- (b) is the subject of a report under section 69 of the Act that is furnished before that date.

(7) **Master plans under epis made before 31 December 2005**

A reference in clause 95 (2) of Schedule 6 to the Act to a provision of an environmental planning instrument that requires, before the grant of development consent, a master plan for the land concerned extends to a provision of that kind in an environmental planning instrument that is made before 31 December 2005.

Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005

Amendments

Schedule 1

290 Savings and transitional provision: references to “comprehensive development applications”

- (1) A reference in an environmental planning instrument to a comprehensive development application (as referred to in clause 92A immediately before the repeal of that clause by the *Environmental Planning and Assessment Amendment (Planning Instruments and Development Consents) Regulation 2005*) is taken to be a reference to a staged development application within the meaning of the Act.
- (2) Section 83C (1) of the Act does not apply to any provision of an environmental planning instrument (as in force as at the commencement of this clause) that requires the making of a comprehensive development application that is taken to be a staged development application.



New South Wales

Legal Profession Amendment (Transitional) Regulation 2005

under the

Legal Profession Act 2004

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Legal Profession Regulation 2005* to ensure that the holder of a local practising certificate is not in breach of the statutory condition imposed by section 41 (4) of the *Legal Profession Act 2004* against holding another practising certificate if the other certificate is an interstate practising certificate granted or issued before 1 October 2005 (which is the date of commencement of the Act).

This Regulation is made under the *Legal Profession Act 2004*, including section 738 and clause 1 of Schedule 9.

Clause 1 Legal Profession Amendment (Transitional) Regulation 2005

Legal Profession Amendment (Transitional) Regulation 2005

under the

Legal Profession Act 2004

1 Name of Regulation

This Regulation is the *Legal Profession Amendment (Transitional) Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Legal Profession Regulation 2005

The *Legal Profession Regulation 2005* is amended by inserting after clause 179:

180 Transitional: statutory condition regarding holding more than one practising certificate—interstate certificates

- (1) Section 41 (4) of the Act does not apply in relation to an interstate practising certificate granted or issued before 1 October 2005.
- (2) Subclause (1) has effect only in relation to the period commencing on 1 October 2005 and ending with 30 June 2006.



New South Wales

Legal Profession Amendment Regulation 2005

under the

Legal Profession Act 2004

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to make the following amendments to the *Legal Profession Regulation 2005*:

- (a) to amend clause 45 to ensure that regulations made with respect to trust money and trust accounts extend to Australian-registered foreign lawyers,
- (b) to amend clauses 63, 77 and 89 to vary the time of commencement of the 7-year period for which trust records are to be kept,
- (c) to insert clause 110A to prescribe the rate of 9% as the rate in excess of which a law practice may not charge interest under section 321 of the *Legal Profession Act 2004* or under a costs agreement (this is the rate applicable under Schedule 5 to the *Uniform Civil Procedure Rules 2005*),
- (d) to amend clause 146 to ensure that the Fidelity Fund is liable for outstanding liabilities relating to the Fidelity Fund under the *Legal Profession Act 1987*,
- (e) to make a number of minor or editorial amendments so as to promote internal consistency and consistency with corresponding regulations of other States and Territories.

This Regulation is made under the *Legal Profession Act 2004*, including sections 300 and 738.

Clause 1 Legal Profession Amendment Regulation 2005

Legal Profession Amendment Regulation 2005

under the

Legal Profession Act 2004

1 Name of Regulation

This Regulation is the *Legal Profession Amendment Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Legal Profession Regulation 2005

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

Legal Profession Amendment Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 6

Omit the clause. Insert instead:

6 Definition of “associate”—Australian-registered foreign lawyer—section 7 of the Act

The relationship of employee of the law practice is prescribed as a class of relationship for the purposes of section 7 (1) (e) of the Act.

[2] Clause 42 Notice of termination of provision of legal services—section 139 of the Act

Omit “section 139 (1)” from clause 42 (1). Insert instead “section 139”.

[3] Clause 42 (1)

Omit “that subsection”. Insert instead “that section”.

[4] Clause 42 (2)

Omit the subclause.

[5] Clause 45 Trust money and trust accounts—section 195 of the Act

Omit “, and so apply”.

[6] Clause 45 (2)

Insert at the end of the clause:

- (2) The provisions of Part 8 of this Regulation accordingly apply to Australian-registered foreign lawyers as if a reference in those provisions to a law practice were a reference to an Australian-registered foreign lawyer.

[7] Clause 56 Copies of trust records to be printed

Omit “cause a paper copy of trust records to be printed” from clause 56 (1).

Insert instead “print a paper copy of trust records”.

[8] Clause 61 Receipting of trust money

Omit “cause a receipt to be made out” from clause 61 (2).

Insert instead “make out a receipt”.

Legal Profession Amendment Regulation 2005

Schedule 1 Amendments

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- [9] Clause 62 Deposit records for trust money**
Omit “but is not paid to” from clause 62 (1).
Insert instead “and the money is not paid into”.
- [10] Clause 62 (3) (d) (i) and (ii)**
Omit “and” wherever occurring at the end of the subparagraphs.
- [11] Clause 63 Direction for non-deposit of trust money in general trust account**
Omit “the direction is received by the law practice”.
Insert instead “finalisation of the matter to which the direction relates”.
- [12] Clause 65 Payment by cheque**
Omit clause 65 (8). Insert instead:
 (7A) Subclause (2) (c) does not apply to an account established in this jurisdiction before 1 October 2005.
 (8) Subclause (2) (c) (ii) does not require the repetition of the words “law practice” if those words form part of the name or business name of the law practice.
- [13] Clause 66 Payment by electronic funds transfer**
Omit “by or under the direction or with the authority of” from clause 66 (2).
Insert instead “by, under the direction of or with the authority of”.
- [14] Clause 72 Reconciliation of trust records**
Omit “cause the trust records relating to the only or each account to be reconciled” from clause 72 (1).
Insert instead “reconcile the trust records relating to the only or each account”.
- [15] Clause 76 Receipt of controlled money**
Omit “cause a receipt to be made out” from clause 76 (3).
Insert instead “make out a receipt”.
- [16] Clause 76 (8)**
Omit “is” where secondly occurring. Insert instead “was”.

Legal Profession Amendment Regulation 2005

Amendments

Schedule 1

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- [17] **Clause 77 Deposit of controlled money—section 256 (5) of the Act**
Omit “the direction is received by the law practice”.
Insert instead “finalisation of the matter to which the direction relates”.
- [18] **Clause 78 Withdrawal of controlled money must be authorised**
Omit clause 78 (2). Insert instead:
(2) A written record of the required particulars must be kept of each withdrawal unless at the time the withdrawal is made those particulars are recorded by computer program.
- [19] **Clause 78 (3)**
Insert “required” before “particulars” where firstly occurring.
- [20] **Clause 78 (4)**
Omit “The following particulars must be recorded in respect of each withdrawal”.
Insert instead “For the purposes of subclauses (2) and (3), the *required particulars* are as follows”.
- [21] **Clause 78 (4) (g)**
Omit the paragraph. Insert instead:
(g) the person or persons effecting, directing or authorising the withdrawal.
- [22] **Clause 80 Register of controlled money**
Omit “(4)” from clause 80 (4) (h). Insert instead “(2)”.
- [23] **Clause 82 Trust account statements**
Omit “and” wherever occurring in clause 82 (6). Insert instead “or”.
- [24] **Clause 84, heading**
Omit “Investment of trust money”.
Insert instead “Register of Investments”.

Legal Profession Amendment Regulation 2005

Schedule 1 Amendments

[25] Clause 89 Keeping of trust records—section 264 of the Act

Omit clause 89 (2). Insert instead:

- (2) The trust records are to be kept for a period of 7 years after:
 - (a) in the case of a trust record referred to in paragraphs (a)–(m) of the definition of *trust records* in section 243 (1) of the Act—the only or the last transaction entry in the record, or
 - (b) in the case of any other trust record—finalisation of the matter to which the record relates.

[26] Clause 110A

Insert after clause 110:

110A Interest on unpaid legal costs—section 321 (4) (b) of the Act

For the purposes of section 321 (4) (b) of the Act, the rate of 9% is prescribed as the rate in excess of which a law practice may not charge interest under section 321 of the Act or under a costs agreement.

[27] Clause 143 Interstate legal practitioner becoming authorised to withdraw from local trust account: notification—section 427 (1) (a) of the Act

Insert “of” after “period” in clause 143 (5).

[28] Clause 146 Transitional provision: liabilities under former Fidelity Fund

Omit clause 146 (1). Insert instead:

- (1) Money may be paid from the Fidelity Fund to cover:
 - (a) any liability of the Fidelity Fund, or of the Law Society or Law Society Council in relation to the Fidelity Fund, for which, before 1 October 2005, money could have been paid out of the Fidelity Fund under the old Act, or
 - (b) without limiting paragraph (a), any other money payable under section 73 of the old Act before 1 October 2005, to the extent that the money was unpaid immediately before that date.



New South Wales

Maritime Services Amendment (Fees) Regulation 2005

under the

Maritime Services Act 1935

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Maritime Services Act 1935*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Ports and Waterways

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Water Traffic Regulations—N.S.W.* to alter certain fees relating to aquatic licences, the registration of vessels and the licensing of drivers of vessels, and
- (b) to amend the *Management of Waters and Waterside Lands Regulations—N.S.W.* to increase certain fees relating to occupation licences.

The fee increases are generally in line with the movements in the Consumer Price Index.

This Regulation is made under the *Maritime Services Act 1935*, including section 38 (the general regulation-making power) and, in particular, section 38 (3) (b) and (c).

Clause 1 Maritime Services Amendment (Fees) Regulation 2005

Maritime Services Amendment (Fees) Regulation 2005

under the

Maritime Services Act 1935

1 Name of Regulation

This Regulation is the *Maritime Services Amendment (Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Water Traffic Regulations—N.S.W.

The *Water Traffic Regulations—N.S.W.* are amended as set out in Schedule 1.

4 Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

The *Management of Waters and Waterside Lands Regulations—N.S.W.* are amended as set out in Schedule 2.

Maritime Services Amendment (Fees) Regulation 2005

Amendment of Water Traffic Regulations—N.S.W.

Schedule 1

Schedule 1 Amendment of Water Traffic Regulations—N.S.W.

(Clause 3)

Each provision specified in Column 1 of the following Table is amended by omitting the matter specified in Column 2 of that Table opposite that provision and by inserting instead the matter specified in Column 3 of that Table opposite that provision.

Table

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 8 (3) (g) (i)	\$70	\$71
Regulation 8 (3) (g) (ii)	\$104	\$107
Regulation 8 (3) (g) (iii)	\$276	\$283
Regulation 8 (3) (g) (iv)	\$553	\$567
Regulation 11 (3A) (a)	\$236	\$242
Regulation 11 (3A) (b)	\$59	\$61
Regulation 11 (3A) (c) (i)	\$41	\$42
Regulation 11 (3A) (c) (ii)	\$41	\$42
Regulation 11 (3A) (c) (ii)	\$7.60	\$7.80
Regulation 11 (3A) (c) (ii)	\$458	\$469.40
Regulation 15H (2) (e) (i)	\$38	\$39
Regulation 15L (a)	\$125	\$128
Regulation 15L (b)	\$61	\$62
Regulation 15L (c)	\$36	\$38
Regulation 15M (2) (a)	\$247	\$253
Regulation 15M (2) (b)	\$89	\$91
Regulation 15NA (1) (a) (i)	\$89	\$90
Regulation 15NA (1) (a) (ii)	\$44.50	\$45
Regulation 15NA (1) (b) (i)	\$158	\$162
Regulation 15NA (1) (b) (ii)	\$79	\$81

Maritime Services Amendment (Fees) Regulation 2005

Schedule 2 Amendment of Management of Waters and Waterside Lands Regulations—
N.S.W.

Schedule 2 Amendment of Management of Waters and Waterside Lands Regulations— N.S.W.

(Clause 4)

Each provision specified in Column 1 of the following Table is amended by omitting the matter specified in Column 2 of that Table opposite that provision and by inserting instead the matter specified in Column 3 of that Table opposite that provision.

Table

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 35A (1) (a)	\$237	\$243
Regulation 35A (1) (b)	\$395	\$405
Regulation 35A (2) (a)	\$159	\$163
Regulation 35A (2) (b)	\$315	\$323
Regulation 36A (1) (a)	\$236	\$241
Regulation 36A (1) (b)	\$236	\$241
Regulation 36A (1) (b)	\$80	\$82
Regulation 36A (1) (c)	\$556	\$569
Regulation 36A (1) (c)	\$158	\$162
Regulation 36A (2) (a)	\$295	\$302
Regulation 36A (2) (b)	\$295	\$302
Regulation 36A (2) (b)	\$99	\$101
Regulation 36A (2) (c)	\$691	\$706
Regulation 36A (2) (c)	\$196	\$201
Regulation 36A (3) (a)	\$158	\$162
Regulation 36A (3) (b)	\$158	\$162
Regulation 36A (3) (b)	\$34	\$35
Regulation 36A (3) (c)	\$328	\$337
Regulation 36A (3) (c)	\$62	\$64
Regulation 37 (3B) (b)	\$89	\$92
Regulation 37 (6)	\$89	\$92

Maritime Services Amendment (Fees) Regulation 2005

Amendment of Management of Waters and Waterside Lands Regulations— Schedule 2
N.S.W.

Column 1—Provision	Column 2—Matter to be omitted	Column 3—Matter to be inserted
Regulation 39 (3)	\$89	\$92
Regulation 46	\$89	\$92
Regulation 49 (4)	\$89	\$92



New South Wales

Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation 2005

under the

Poisons and Therapeutic Goods Act 1966

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Poisons and Therapeutic Goods Act 1966*.

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

Explanatory note

The object of this Regulation is to amend the *Poisons and Therapeutic Goods Regulation 2002*:

- (a) to provide that pharmacists may personally supply certain quantities of adrenaline so that it may be used for the first aid management of anaphylaxis, and
- (b) to remove the prohibition on the supply of certain agents used for the diagnosis of human immunodeficiency virus infection, and
- (c) to provide that pharmacists are to keep records of emergency supplies of medicines to nursing homes, and
- (d) to clarify the requirements for the storage of drugs of addiction by ambulance officers and air ambulance flight nurses, and
- (e) to update a description of methadone syrup to methadone in oral liquid form, and
- (f) to provide that the Director-General of the Department of Health may approve additional entries required to be made in drug registers and ward registers, and may exempt certain persons and drugs of addiction from certain requirements in relation to those registers, and
- (g) to insert a reference to buprenorphine in relation to the grounds for suspension or cancellation of licences and authorities, and
- (h) to provide that optometrists may possess and be supplied by wholesale with certain substances described in the *Optometrists Act 2002*.

This Regulation is made under the *Poisons and Therapeutic Goods Act 1966*, including sections 4, 17, 24 and 45C (the general regulation-making power).

Clause 1 Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation
 2005

Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation 2005

under the

Poisons and Therapeutic Goods Act 1966

1 Name of Regulation

This Regulation is the *Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation 2005*.

2 Amendment of Poisons and Therapeutic Goods Regulation 2002

The *Poisons and Therapeutic Goods Regulation 2002* is amended as set out in Schedule 1.

Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation
2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 17 Schedule 3 substances to be supplied personally by pharmacists

Insert after clause 17 (4):

- (5) This clause does not apply to the supply of adrenaline for anaphylaxis first aid purposes if:
 - (a) the adrenaline is contained in single use automatic injectors that have been filled by the manufacturer with no more than 0.3 milligrams of adrenaline each, and
 - (b) the supply is to a person who holds a current first aid certificate issued after completion of a first aid course approved by the WorkCover Authority as referred to in regulations made under the *Occupational Health and Safety Act 2000*, and the person has received training on the symptoms and first aid management of anaphylaxis from:
 - (i) a first aid training organisation approved by the WorkCover Authority, or
 - (ii) any other organisation approved by the Director-General for the purposes of this paragraph.

[2] Clause 19 Certain Schedule 7 substances to be supplied and used only under an authority

Insert “any or all of” after “from” in clause 19 (6).

[3] Clause 50 Research drugs

Omit clause 50 (1). Insert instead:

- (1) This clause applies to thalidomide other than as registered goods.

[4] Clause 50 (2) and (3) (a) and (b)

Omit “a substance to which this clause applies” wherever occurring.

Insert instead “thalidomide”.

[5] Clause 50 (2) and (3) (a) and (b)

Omit “the substance” wherever occurring. Insert instead “thalidomide”.

Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation
2005

Schedule 1 Amendments

[6] Clause 56 Certain supplies of restricted substances to be separately recorded

Insert “, or a relevant prescribed substance as referred to in clause 46,” after “clause 45” in clause 56 (2).

[7] Clause 72 Storage generally

Omit the clause. Insert instead:

72 Storage generally

- (1) A person who is in possession of any drug of addiction must keep the drug:
 - (a) in his or her possession stored apart from all other goods (other than cash or documents) in a separate room, safe, cupboard or other receptacle securely attached to a part of the premises and kept securely locked when not in immediate use, or
 - (b) stored in any other manner approved by the Director-General for the particular person or class of persons to which the person belongs.
- (2) A person who is a medical practitioner, dentist, veterinary surgeon or a person referred to in clause 101 (1) (g) is taken to comply with subclause (1) (a) if he or she keeps any drug of addiction (for use in an emergency only) in a bag that is in a room, or in a vehicle, kept locked when not occupied by the person.

Maximum penalty: 20 penalty units.

[8] Clause 91 Records to be kept by pharmacists of methadone or buprenorphine prescriptions

Omit “methadone syrup” wherever occurring in clause 91 (1) and (2) (d) and (f).

Insert instead “methadone in oral liquid form”.

[9] Clause 92 Supply by pharmacists of methadone or buprenorphine tablets

Omit “methadone syrup” wherever occurring.

Insert instead “methadone in oral liquid form”.

[10] Clause 112 Entries in drug registers

Insert after clause 112 (1) (i):

- (j) any other details approved by the Director-General.

Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation
2005

Amendments

Schedule 1

[11] Clause 112 (3) and (4)

Insert after clause 112 (2):

- (3) The Director-General may, by order in writing, exempt any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of this clause.
- (4) Such an exemption may be given unconditionally or subject to conditions.

[12] Clause 116 Entries in ward registers

Insert after clause 116 (1) (d):

- (e) any other details approved by the Director-General.

[13] Clause 116 (3) and (4)

Insert after clause 116 (2):

- (3) The Director-General may, by order in writing, exempt any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of this clause.
- (4) Such an exemption may be given unconditionally or subject to conditions.

[14] Clause 168 Grounds for suspension or cancellation

Insert "or buprenorphine" after "supply of methadone" in clause 168 (1) (d).

[15] Appendix C Supply by wholesale

Omit clause 6 (including the Table to the clause). Insert instead:

6 Optometrists

An optometrist is authorised to be in possession of any Schedule 2, 3 or 4 substance prescribed under the *Optometrists Act 2002* for the purposes of section 21 (5) of that Act.

[16] Appendix C, clause 8

Omit clause 8 (2). Insert instead:

- (2) In this clause, *dental therapist* means a registered dental therapist under the *Dental Practice Act 2001*.

Poisons and Therapeutic Goods Amendment (Miscellaneous) Regulation
2005

Schedule 1 Amendments

[17] Appendix C, clause 19

Insert after clause 18:

19 Anaphylaxis first aid

A person is authorised to be in possession of adrenaline in connection with the carrying out of anaphylaxis first aid if:

- (a) the adrenaline is contained in single use automatic injectors that have been filled by the manufacturer with no more than 0.3 milligrams of adrenaline each, and
- (b) the person holds a current first aid certificate issued after completion of a first aid course approved by the WorkCover Authority as referred to in regulations made under the *Occupational Health and Safety Act 2000*, and the person has received training on the symptoms and first aid management of anaphylaxis from:
 - (i) a first aid training organisation approved by the WorkCover Authority, or
 - (ii) any other organisation approved by the Director-General for the purposes of clause 17 (5) (b).



New South Wales

Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Regulation 2005

under the

Poultry Meat Industry Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Poultry Meat Industry Act 1986*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Poultry Meat Industry Regulation 2003* in connection with the commencement of the *Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Act 2005*. The Regulation makes provision with respect to the following matters:

- (a) the nomination of processors for appointment as processor members of the Poultry Meat Industry Advisory Group,
- (b) the election of growers for appointment as grower members of the Poultry Meat Industry Advisory Group,
- (c) the prescription of persons who may certify that a poultry growing agreement has been entered into,
- (d) the functions of the Poultry Meat Industry Committee with respect to the resolution of disputes between processors and growers.

This Regulation is made under the *Poultry Meat Industry Act 1986*, including section 23 (the general power to make regulations) and sections 6A and 19.

Clause 1 Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Regulation 2005

Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Regulation 2005

under the

Poultry Meat Industry Act 1986

1 Name of Regulation

This Regulation is the *Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Regulation 2005*.

2 Commencement

This Regulation commences on 1 October 2005.

3 Amendment of Poultry Meat Industry Regulation 2003

The *Poultry Meat Industry Regulation 2003* is amended as set out in Schedule 1.

Poultry Meat Industry Amendment (Prevention of National Competition
Policy Penalties) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] The whole Regulation

Omit “close of exhibition of the rolls”.

Insert instead “close of exhibition of the roll”.

[2] Clause 3 Definitions

Omit the definitions of *Association grower*, *Association processor*, *independent grower* and *independent processor* from clause 3 (1).

[3] Clause 3 (1), definition of “final roll”

Omit the definition. Insert instead:

final roll for an election means the roll prepared by the returning officer under Division 5 of Part 3.

[4] Clause 3 (1), definition of “grower member”

Omit the definition. Insert instead:

grower member means a member of the Advisory Group referred to in section 6A (3) (c) of the Act.

[5] Clause 3 (1), definition of “preliminary roll”

Omit the definition. Insert instead:

preliminary roll for an election means the roll provided to the returning officer under clause 22.

[6] Clause 3 (1), definition of “processor member”

Omit the definition. Insert instead:

processor member means a member of the Advisory Group referred to in section 6A (3) (b) of the Act.

[7] Clause 5 Independent members and Association members

Omit the clause.

[8] Clause 6 Notice of proposed appointment

Omit “Association processor and independent” from clause 6 (1).

Poultry Meat Industry Amendment (Prevention of National Competition
Policy Penalties) Regulation 2005

Schedule 1 Amendments

[9] Clause 6 (2) (a)

Omit the paragraph. Insert instead:

- (a) must specify the number of members required to be appointed to represent processors, and

[10] Clause 8

Omit the clause. Insert instead:

8 Qualifications for nominating candidates

A person is qualified to nominate a candidate for appointment as a processor member if the person is a processor who has processed designated poultry during the calendar year in which the calling of nominations occurred or during the previous calendar year.

[11] Clause 10 Nomination of candidates

Omit clause 10 (1) (b). Insert instead:

- (b) must be made by at least one processor (other than the candidate) who is qualified to nominate a candidate, and

[12] Clause 10 (3)

Omit the subclause.

[13] Clause 11

Omit the clause. Insert instead:

11 Selection of members

The processor members must be selected from the persons duly nominated to represent processors.

[14] Clause 13 Independent members and Association members

Omit the clause.

[15] Clause 14 Notice of election

Omit clause 14 (3) (b). Insert instead:

- (b) must specify the number of members required to be appointed to represent growers, and

Poultry Meat Industry Amendment (Prevention of National Competition
Policy Penalties) Regulation 2005

Amendments

Schedule 1

[16] Clause 16

Omit the clause. Insert instead:

16 Qualifications for nominating candidates

A person is qualified to nominate a candidate for election as a grower member if the person is a grower who has grown designated poultry, under an agreement with a processor, during the calendar year in which the calling of nominations occurred or during the previous calendar year.

[17] Clause 18 Nomination of candidates

Omit clause 18 (1) (b). Insert instead:

- (b) must be made by at least 5 growers (other than the candidate) who are each qualified to nominate a candidate, and

[18] Clause 18 (5)

Omit the subclause.

[19] Clause 22 Preparation of preliminary rolls

Omit clause 22 (2) (a) and (b). Insert instead:

- (a) a preliminary roll of the growers who, in the opinion of the secretary, are qualified to vote in the election, and

[20] Clause 22 (2) (c)

Omit “that or those rolls”. Insert instead “that roll”.

[21] Clause 23 Notice of ballot

Omit “or rolls” wherever occurring in clause 23 (1) and (3) (e).

[22] Clause 25

Omit the clause. Insert instead:

25 Qualifications for voting

A person is qualified to vote in an election for a grower member if the person is a grower who has grown designated poultry, under an agreement with a processor, during the calendar year in which the calling of nominations occurred or during the previous calendar year.

Poultry Meat Industry Amendment (Prevention of National Competition
Policy Penalties) Regulation 2005

Schedule 1 Amendments

[23] Clauses 26 (1) and (2), 27 (3) (a), 28 (1) and (7) and 34 (2) (a)

Omit “relevant” wherever occurring.

[24] Clause 30 Printing of ballot-papers

Omit “each of the rolls” from clause 30 (1) (b).

Insert instead “the final roll for the election”.

[25] Clause 31 Distribution of ballot-papers

Omit “a final”. Insert instead “the final”.

[26] Clauses 43 and 44

Omit the clauses. Insert instead:

43 Committee’s functions with respect to dispute resolution

(1) The only functions that the Committee may exercise for the purpose of facilitating the resolution of disputes between processors and growers are as follows:

- (a) it may assist in the mediation of disputes, whether by way of providing a mediator or otherwise,
- (b) it may assist in the arbitration of disputes, whether by way of providing an arbitrator or otherwise.

(2) The Committee may only assist in the mediation or arbitration of a dispute pursuant to a written application for assistance signed by each of the parties to the dispute.

(3) The Committee may not assist in the arbitration of disputes unless the parties to the dispute have attempted to resolve the dispute by mediation.

(4) The Committee may not assist in the mediation or arbitration of a dispute as to the amount of any fee payable under a poultry growing agreement in relation to the growing of poultry.

(5) In this clause:

arbitration means arbitration under the *Commercial Arbitration Act 1984*.

mediation means a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute.

Poultry Meat Industry Amendment (Prevention of National Competition
Policy Penalties) Regulation 2005

Amendments

Schedule 1

**44 Certificate as to notification relating to poultry growing
agreement: section 19 of the Act**

For the purposes of section 19 of the Act, the following persons
are prescribed:

Deputy Director-General, Agriculture and Fisheries

Director, Intensive Industries Development

[27] Schedule 1 Forms

Omit "Poultry Meat Industry Committee" wherever occurring in Forms 1 and
2.

Insert instead "Poultry Meat Industry Advisory Group".

[28] Schedule 1, Forms 1, 2 and 5

Omit "as an independent*/Association*" wherever occurring.

Insert instead "as a".

[29] Schedule 1, Forms 1 and 2

Omit "**(strike out whichever does not apply)*" wherever occurring.



New South Wales

Road Transport (General) Regulation 2005

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to repeal and remake, in consolidated form, the *Road Transport (General) Regulation 1999* and the *Road Transport (General) (Penalty Notice Offences) Regulation 2002*, in connection with the commencement of the *Road Transport (General) Act 2005 (the 2005 Act)*. Clause 4 (1) of Schedule 1 to the 2005 Act provides that the two regulations mentioned above are taken to be regulations made under that Act (rather than under the *Road Transport (General) Act 1999*, which is repealed by the 2005 Act).

This Regulation makes provision with respect to the following:

- (a) matters relating to the maintenance by the Roads and Traffic Authority of a database of declarations and orders made under the 2005 Act,
- (b) special service requirements for notices and documents under the *Road Transport (Driver Licensing) Act 1998* and the *Road Transport (Vehicle Registration) Act 1997*,
- (c) appeals to a Local Court (rather than to the Administrative Decisions Tribunal) against certain decisions made under certain road transport legislation,
- (d) information concerning written off and wrecked motor vehicles for the purposes of Division 2 of Part 6.2 of the 2005 Act,
- (e) fees payable in respect of the storage of impounded vehicles,
- (f) matters of a machinery nature (including penalty notice offences and the penalties payable in respect of offences dealt with under such notices).

This Regulation also contains other miscellaneous matters, including matters of a formal nature.

Road Transport (General) Regulation 2005

Explanatory note

This Regulation is made under the *Road Transport (General) Act 2005*, including section 10 (the general regulation-making power) and the sections specifically referred to in the Regulation.

Parts 1, 2 (clause 5 excepted), 4 (clauses 32–34 excepted) and 6 and clauses 45 and 46 of this Regulation comprise or relate to machinery matters. Clauses 51 and 52 comprise a direct repeal and matters of a savings and transitional nature.

Road Transport (General) Regulation 2005

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Clause 1 Road Transport (General) Regulation 2005

Part 1 Preliminary

Road Transport (General) Regulation 2005

under the

Road Transport (General) Act 2005

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Road Transport (General) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Definitions

(1) In this Regulation:

motor registry means a place at which registration of a vehicle can be effected by or on behalf of the Authority.

the Act means the *Road Transport (General) Act 2005*.

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

Road Transport (General) Regulation 2005

Clause 4

Road transport legislation

Part 2

Part 2 Road transport legislation

Division 1 Database of declarations and orders concerning operation of road transport legislation

4 Information to be maintained on database of declarations and orders

For the purposes of the database referred to in section 18 (1) of the Act, the Authority is:

- (a) to include in the database:
 - (i) a copy of the complete text of each declaration or order made under Part 2.2 of the Act as soon as is reasonably practicable after its making, and
 - (ii) information concerning the dates on which any such declaration or order has effect or ceases to have effect, and
- (b) to incorporate any amendment to any such declaration or order as soon as is reasonably practicable after the amendment has effect.

5 Access to database

- (1) For the purposes of section 18 (3) of the Act, the Authority is to give access to information on the database to a member of the public only if the person pays the access fee prescribed by Schedule 1.
- (2) The Authority may waive the fee referred in subclause (1) if it is satisfied that the payment of the fee would result in undue hardship to the person seeking access to information.

Division 2 Special service requirements for road transport legislation

6 Service of notices on persons under Road Transport (Driver Licensing) Act 1998

- (1) For the purposes of sections 239 (3) and 240 (2) of the Act, the provisions of this clause set out the only manner in which a notice under the driver licensing law may be given or served.
- (2) The Authority may give or serve a notice under the driver licensing law on a person by sending the notice by post or by some other means to the person's last known residential address, or the address for service of notices (if any) recorded in the driver licence register.
- (3) The date on which a person is taken to have been given or served with a notice under a regulation made under the *Road Transport (Driver Licensing) Act 1998* is:

Clause 7 Road Transport (General) Regulation 2005

Part 2 Road transport legislation

(a) if the notice is sent by mail—the fourth working day after the notice was posted, or

(b) if the notice was delivered to the person personally—the date when it is so delivered.

(4) If a person's residential address or address for service of notices is in another jurisdiction, the Authority may request the driver licensing authority of another jurisdiction to act on its behalf in giving or serving a notice on the person or in performing any other act that the Authority could lawfully perform in this jurisdiction.

(5) If the Authority receives a request under a provision of the corresponding law of another jurisdiction that corresponds with subclause (4), it may act on behalf of the driver licensing authority of that jurisdiction accordingly.

(6) If it is provided in a regulation made under the *Road Transport (Driver Licensing) Act 1998* that any notification, document or thing must be forwarded, surrendered or delivered to the Authority, it is sufficient compliance with any such provision if the notification, document or thing is forwarded or surrendered to or delivered at a motor registry within the time prescribed by the regulation concerned.

(7) In this clause:

corresponding law has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

driver licence register has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

driver licensing law means:

(a) the *Road Transport (Driver Licensing) Act 1998*, and

(b) any regulation made under that Act.

jurisdiction has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

7 Service of notices on registered operators and delivery of things to Authority under the Road Transport (Vehicle Registration) Act 1997

(1) For the purposes of sections 239 (3) and 240 (2) of the Act, the provisions of this clause set out the only manner in which a notice under the vehicle registration law may be given or served.

(2) The Authority may give or serve any notice under the vehicle registration law on the registered operator of a registrable vehicle by sending the notice by post or by some other means to the registered operator's residential address, or to the address for service of notices recorded in the Register in relation to the vehicle.

Road Transport (General) Regulation 2005

Clause 8

Road transport legislation

Part 2

- (3) The date on which a registered operator is taken to have been given or served with a notice under a regulation made under the *Road Transport (Vehicle Registration) Act 1997* is:
- (a) if the notice is sent by mail—the fourth working day after the notice was posted, or
 - (b) if the notice is delivered to the person personally—the date when it is so delivered.
- (4) If it is provided in a regulation made under the *Road Transport (Vehicle Registration) Act 1997* that any notification, document or thing must be forwarded, surrendered or delivered to the Authority, it is sufficient compliance with any such provision if the notification, document or thing is forwarded or surrendered to or delivered at a motor registry within the time prescribed by the regulation concerned.
- (5) In this clause:
- Register** has the same meaning as it has in the *Road Transport (Vehicle Registration) Act 1997*.
- residential address** has the same meaning as it has in the *Road Transport (Vehicle Registration) Act 1997*.
- Note.** Section 4 of the *Road Transport (Vehicle Registration) Act 1997* defines **residential address**, in relation to a company or other body corporate, to mean its registered office or any place recorded in the Register as its residential address or business address.
- vehicle registration law** means:
- (a) the *Road Transport (Vehicle Registration) Act 1997*, and
 - (b) any regulation made under that Act.

8 Notices to unincorporated associations in connection with mobility parking scheme authorities

The Authority may give a notice to, or serve a notice on, an unincorporated association of persons under the provisions of any regulation made under the road transport legislation that provides for mobility parking scheme authorities by sending the notice by post or by some other means to the address for service of the association that is specified in its application form for a mobility parking scheme authority under the regulation concerned or subsequently notified to the Authority.

Clause 9 Road Transport (General) Regulation 2005

Part 2 Road transport legislation

Division 3 Miscellaneous

9 Inconsistent legislation—Royal Botanic Gardens and Domain Trust Act 1980

For the purposes of section 14 (3) of the Act, any provision of the *Royal Botanic Gardens and Domain Trust Act 1980* (or any regulation made under that Act) in respect of parking on trust lands within the meaning of that Act prevails over any inconsistent provision of the road transport legislation concerning parking.

10 Inconsistent legislation—Local Government Act 1993

For the purposes of section 14 (3) of the Act, any provision of the *Local Government Act 1993* (or any regulation made under that Act) in respect of the use of skating equipment on public land (within the meaning of that Act) prevails over any inconsistent provision of the road transport legislation concerning the use of such equipment.

Road Transport (General) Regulation 2005

Clause 11

Appeals to Local Court

Part 3

Part 3 Appeals to Local Court

Division 1 General

11 Definitions

In this Part:

examiner's authority has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 1998*.

foreign driver licence has the same meaning as it has in the *Road Transport (Driver Licensing) Regulation 1999*.

proprietor's authority has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 1998*.

vehicle registration law means:

- (a) the *Road Transport (Vehicle Registration) Act 1997*, and
- (b) the *Road Transport (Vehicle Registration) Regulation 1998*.

12 Application of Part

This Part, instead of section 241 of the Act, applies to the decisions to which this Part refers. Accordingly, section 241 of the Act does not apply to those decisions.

Note. See section 242 (1) (d) and (2) of the Act.

Division 2 Appeals concerning vehicle registration

13 Appeals concerning examiner's authorities and proprietor's authorities

- (1) Any person aggrieved by a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to refuse to issue an examiner's authority or a proprietor's authority or to suspend or cancel such an authority, being a decision notified to the person under clause 69 of the *Road Transport (Vehicle Registration) Regulation 1998*, may appeal against the decision to a Local Court by lodging a notice of appeal with the registrar of any such Court:
 - (a) except as provided by paragraph (b)—not later than 21 days after being so notified, or
 - (b) in the case of a suspension or cancellation of an authority to which clause 69 (6) of the *Road Transport (Vehicle Registration) Regulation 1998* applies—before the date on which the cancellation or suspension would, but for the appeal, take effect.
- (2) A notice of appeal under this clause is to specify the grounds of the appeal.

Clause 14 Road Transport (General) Regulation 2005

Part 3 Appeals to Local Court

- (3) The registrar of the Local Court must give notice of the time and place of the hearing of any appeal under this clause to the Authority and to the appellant, and in the notice to the Authority is to inform the Authority of the grounds of the appeal.
- (4) The time of the hearing of an appeal under this clause must be not earlier than 21 days after the date on which the notice under subclause (3) is given to the Authority.
- (5) The hearing of an appeal under this clause may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
- (6) A report furnished under clause 68 of the *Road Transport (Vehicle Registration) Regulation 1998* to the Authority, and certified by the Authority to have been so furnished, is to be received in proceedings before a Local Court in respect of an appeal under this clause as evidence of the contents of the report.

14 Determination of appeals concerning examiner's authorities and proprietor's authorities

- (1) A Local Court is to hear and determine an appeal made to it under clause 13 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Vehicle Registration) Regulation 1998* when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 13 is final and is binding on the appellant and on the Authority.

15 Appeals against certain registration decisions

- (1) Any person aggrieved by any of the following decisions of the Authority may appeal against the decision to a Local Court:
 - (a) a decision of the Authority to refuse to grant or renew the registration of a registrable vehicle under the vehicle registration law,
 - (b) a decision of the Authority to vary the conditions of the registration of a registrable vehicle under the vehicle registration law,

Road Transport (General) Regulation 2005

Clause 16

Appeals to Local Court

Part 3

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- (c) a decision of the Authority to suspend the registration of a registrable vehicle under the vehicle registration law,
 - (d) a decision of the Authority to cancel the registration of a registrable vehicle under the vehicle registration law,
 - (e) a decision of the Authority to suspend the operation of clause 9 or 11 of Schedule 1 to the *Road Transport (Vehicle Registration) Regulation 1998* in relation to a registrable vehicle.
- (2) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 21 days after the date on which the appellant was notified by the Authority of the decision appealed against.
 - (3) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Authority and to the appellant, and in the notice to the Authority must inform the Authority of the grounds of the appeal.
 - (4) The hearing of an appeal may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Local Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
 - (5) This clause does not apply to the suspension or cancellation of the registration of a vehicle, or the refusal to exercise a function, under Part 4 of the *Fines Act 1996*.

16 Determination of appeals against certain registration decisions

- (1) A Local Court must hear and determine an appeal made to it under clause 15 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the vehicle registration law when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 15 is final and binding on the appellant and on the Authority.

Clause 17 Road Transport (General) Regulation 2005

Part 3 Appeals to Local Court

Division 3 Appeals against decision of Authority concerning driver licensing

17 Authority to ensure notification of appeal rights

- (1) In this Division, *affected person* means an applicant for a driver licence, the holder of an Australian driver licence or the holder of a foreign driver licence.
- (2) If an affected person is eligible to appeal to a Local Court under clause 18, the Authority must advise the person of the person's right to appeal.

18 Appeals concerning driver licensing

- (1) An affected person may appeal to a Local Court against any of the following decisions of the Authority:
 - (a) a decision not to take into account, under clause 8 (3) of the *Road Transport (Driver Licensing) Regulation 1999*, some or all of the period the person has held a licence to drive a motor vehicle in an external Territory or another country,
 - (b) a decision not to grant an application for the issue, variation or renewal of a driver licence under the *Road Transport (Driver Licensing) Regulation 1999*, not being a decision made under clause 18 (2) (d) of that Regulation,
 - (c) a decision to suspend or cancel the person's driver licence under section 17 or 33 of the *Road Transport (Driver Licensing) Act 1998*,
 - (d) a decision to vary the person's driver licence under clause 19 or 38 of the *Road Transport (Driver Licensing) Regulation 1999*,
 - (e) a decision to suspend or cancel the person's driver licence under clause 15, 15A or 38 of the *Road Transport (Driver Licensing) Regulation 1999*.
- (2) Despite subclause (1) (c)–(e), an affected person may not appeal to a Local Court against a decision of the Authority to cancel the person's interlock driver licence under the *Road Transport (Driver Licensing) Regulation 1999*.
- (3) An affected person may appeal to a Local Court against a decision of the Authority, based on an opinion formed by the Authority under clause 55 (2) (e) or (f) of the *Road Transport (Driver Licensing) Regulation 1999*, that the person has ceased to be exempt from the requirements of the *Road Transport (Driver Licensing) Act 1998* and that Regulation.

Road Transport (General) Regulation 2005

Clause 19

Appeals to Local Court

Part 3

- (4) Despite any other provision of this clause, an appeal under this clause does not permit review of:
- (a) the guilt or innocence of the person concerned, or
 - (b) the imposition of a penalty or the level of a penalty imposed on the person concerned.

Note. The effect of this provision is that, for example, in an appeal against a suspension or cancellation action taken under section 17 of the *Road Transport (Driver Licensing) Act 1998* against the holder of a provisional driver licence because of demerit points, the Local Court cannot revisit the issue of an offence in relation to which the demerit points were incurred or the imposition of a penalty in relation to such an offence. In any such case, the Local Court may exercise only the powers that the Authority could exercise under section 17 of that Act (see clause 20 (4)).

- (5) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 28 days after the date on which the appellant was notified pursuant to clause 17.
- (6) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Authority and to the appellant, and in the notice to the Authority must inform the Authority of the grounds of appeal.
- (7) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (6), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

19 Affected person entitled to be given reasons

- (1) An affected person who is entitled under clause 18 to appeal to a Local Court against a decision of the Authority may apply to the Authority for written reasons for the decision.
- (2) Within 14 days after receiving an application under this clause, the Authority must provide to the applicant:
 - (a) a written statement of the decision and written reasons for the decision, and
 - (b) information as to the identity or position in the Authority of the person who made the decision.
- (3) An application for reasons may be made before or during the period in which an affected person may lodge a notice of appeal under clause 18.
- (4) An affected person cannot make an application under this clause if the Authority has already provided the person with the details referred to in subclause (2).

Clause 20 Road Transport (General) Regulation 2005

Part 3 Appeals to Local Court

20 Determination of appeals concerning driver licensing

- (1) A Local Court must hear and determine an appeal made to it under clause 18 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) A Local Court may allow an appeal against a decision to suspend a person's driver licence under the *Road Transport (Driver Licensing) Regulation 1999* on the grounds referred to in clause 38 (1A) of that Regulation only if the Court is satisfied:
 - (a) that there is nothing in the person's medical condition to suggest that the person is, or will again become, incapable of controlling a motor vehicle, and
 - (b) that the incident that led to the suspension of the licence:
 - (i) was caused by something other than the person's medical condition at the time, or
 - (ii) was caused by the person's medical condition at that time, being a condition to which the person is no longer subject.
- (3) The fact that a person has been acquitted of an offence arising out of the incident that led to the suspension of the person's driver licence, following the person's allegation that the incident was caused by the person's medical condition at that time, is irrelevant to the Local Court's consideration of the matters referred to in subclause (2) (b).
- (4) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Driver Licensing) Act 1998* or the *Road Transport (Driver Licensing) Regulation 1999* when making that decision.
- (5) If in any proceedings concerning a decision of the Authority about a licence it appears to the Court that:
 - (a) the licence is affected by another decision of the Authority as well as the one under review in those proceedings, and
 - (b) the appellant has commenced or intends to commence appeal proceedings under this clause in respect of that other decision,the Court may adjourn the proceedings pending hearing of that other appeal or so that both appeals may be heard together.
- (6) The decision of a Local Court in respect of an appeal made under clause 18 is final and binding on the appellant and the Authority.

Road Transport (General) Regulation 2005

Clause 21

Appeals to Local Court

Part 3

21 Stay of decision pending appeal

- (1) This clause applies to the following decisions:
 - (a) a decision by the Authority to suspend, vary or cancel a driver licence under the *Road Transport (Driver Licensing) Act 1998* on any ground other than medical unfitness or incompetence to drive a motor vehicle,
 - (b) a decision by the Authority that an exemption under the *Road Transport (Driver Licensing) Act 1998* from a requirement to hold a driver licence no longer applies to a person.
- (2) If an affected person appeals against a decision, the decision has effect:
 - (a) only if the Local Court hearing the appeal confirms the decision or the appeal is withdrawn, and
 - (b) subject to any variation of the decision by the Local Court, and
 - (c) on and from the date on which the Local Court confirms the decision or on such later date as the Local Court may order or, if the appeal is withdrawn, on the date on which it is withdrawn.

Division 4 Appeals against decision of police officer concerning licence suspension

22 Appeals concerning police officer suspension notices

- (1) A person may appeal to a Local Court against a decision of a police officer to give the person a suspension notice under section 205 or 206 of the Act.
- (2) Despite any other provision of this clause, an appeal under this clause does not permit review of:
 - (a) the guilt or innocence of the person concerned, or
 - (b) the imposition of a penalty or the level of a penalty imposed on the person concerned.
- (3) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 28 days after the date on which the appellant is given the suspension notice.
- (4) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Commissioner of Police and to the appellant, and in the notice to the Commissioner must notify the Commissioner as to the grounds of appeal.

Clause 23 Road Transport (General) Regulation 2005

Part 3 Appeals to Local Court

- (5) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (4), or the failure to give any such notice, if the Court is satisfied that the appellant and the Commissioner had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

23 Determination of appeals concerning police suspension notices

- (1) A Local Court must hear and determine an appeal made to it under clause 22 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) In determining an appeal made under clause 22, a Local Court is not to vary or set aside a decision to issue a suspension notice unless it is satisfied that there are exceptional circumstances justifying a lifting or variation of the suspension.
- (3) For the purposes of varying a decision under this clause, the Court may exercise only such powers as the police officer could have exercised under section 205 or 206 of the Act when making that decision.
- (4) If in any proceedings concerning a decision of a police officer to issue a suspension notice it appears to the Court that:
- (a) the licence of the appellant is affected by a decision of the Authority as well, and
 - (b) the appellant has commenced or intends to commence appeal proceedings under clause 18 in respect of that other decision,
- the Court may adjourn the proceedings pending hearing of that other appeal or so that both appeals may be heard together.
- (5) The decision of a Local Court in respect of an appeal made under clause 22 is final and binding on the appellant and the Commissioner of Police.

24 Stay of decision

- (1) If a person makes an appeal to a Local Court under clause 22 (1) against a decision of a police officer to give the person a suspension notice, the Local Court may make an order staying the decision, but only in exceptional circumstances.
- (2) In determining exceptional circumstances for the purposes of subclause (1), a Local Court is to take into account each of the following:
- (a) the strength of the prosecution evidence,
 - (b) the affected person's need for a licence,
 - (c) the potential danger to the community if an order is made,
 - (d) any other matter that the Local Court considers to be relevant.

Road Transport (General) Regulation 2005

Clause 25

Appeals to Local Court

Part 3

Division 5 Other appeals and applications

25 Appeals against driver fatigue and revocation of certain approvals

- (1) A person dissatisfied with a decision that has been reconsidered by the Authority under clause 139 of the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999* may appeal against the decision to a Local Court by lodging a notice of appeal with the registrar of any such Court not later than 28 days after being notified of the decision.
- (2) A person dissatisfied with a decision of the Authority to revoke an approval within the meaning of Part 7 (Interlock devices) of the *Road Transport (Driver Licensing) Regulation 1999* may appeal against the decision to a Local Court by lodging a notice of appeal with the registrar of any such Court not later than 28 days after receiving notice of the revocation.
- (3) A notice of appeal under this clause is to specify the grounds of the appeal.
- (4) The registrar of a Local Court must give notice of the time and place of the hearing of any appeal under this clause to the Authority and to the appellant, and in the notice to the Authority is to inform the Authority of the grounds of the appeal.
- (5) The time of the hearing of an appeal under this clause must be not earlier than 21 days after the date on which the notice under subclause (4) is given to the Authority.
- (6) The hearing of an appeal under this clause may proceed despite any omission or error in a notice under subclause (4), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

26 Determination of appeals concerning driver fatigue or revocation of approvals

- (1) A Local Court is to hear and determine an appeal made to it under clause 25 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) The decision of a Local Court in respect of an appeal made under clause 25 is final and is binding on the appellant and on the Authority.

Clause 27 Road Transport (General) Regulation 2005

Part 3 Appeals to Local Court

27 Release of impounded vehicle on application to Local Court

- (1) An application may be made by any person to a Local Court for the release of a vehicle impounded under section 218 or 219 of the Act into the person's custody.
- (2) An application under this clause stays any order or direction for forfeiture or disposal of the vehicle.
- (3) An application under this clause may be made whether or not an application has been made to the Commissioner of Police under section 223 of the Act.
- (4) The Local Court is entitled in any case to have regard not only to the public interest but to any alleged hardship or other circumstances of the case.
- (5) Subclause (4) applies even though the Commissioner of Police may have refused an application under section 223 of the Act, and the Court may affirm, quash or vary the decision of the Commissioner as justice requires.
- (6) An applicant to whom a vehicle is released by order of the Court must in writing acknowledge receipt of the vehicle from the custody of the Commissioner.
- (7) The Court may determine whether or not the prescribed fees for storage of the vehicle by the Commissioner, or some of those fees, are payable by the applicant to the Commissioner.

28 Appeals concerning Accreditation Schemes

- (1) Any person aggrieved by any of the following decisions of the Authority may, after an internal review of the decision is finalised, appeal against the decision to a Local Court:
 - (a) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under a Maintenance Management Accreditation Scheme under Part 6 of Chapter 5 of that Regulation,
 - (b) a decision of the Authority under the *Road Transport (Mass, Loading and Access) Regulation 2005* to vary, suspend or cancel a registered operator's or vehicle's accreditation under the Mass Management Accreditation Scheme under Part 6 of that Regulation,

Road Transport (General) Regulation 2005

Clause 28

Appeals to Local Court

Part 3

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- (c) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme under Part 7 of Chapter 5 of that Regulation.
- (2) Notice of such an appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 21 days after the internal review of the decision being appealed against was finalised.
- (3) The registrar of the Local Court must give notice of the time and place of the hearing of the appeal to the Authority and to the appellant, and in the notice to the Authority is to inform the Authority of the grounds of the appeal.
- (4) The time of the hearing of the appeal must be not earlier than 21 days after the date on which the notice under subclause (3) is given to the Authority.
- (5) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
- (6) In this clause, **internal review** means:
- (a) in relation to a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under a Maintenance Management Accreditation Scheme under Part 6 of Chapter 5 of that Regulation—an internal review under clause 78E of that Regulation, and
- (b) in relation to a decision of the Authority under the *Road Transport (Mass, Loading and Access) Regulation 2005*—an internal review under clause 72 of that Regulation, and
- (c) in relation to a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme under Part 7 of Chapter 5 of that Regulation—an internal review under clause 78K of that Regulation.

Clause 29	Road Transport (General) Regulation 2005
Part 3	Appeals to Local Court

29 Determination of appeals concerning Accreditation Schemes

- (1) A Local Court is to hear and determine an appeal made to it under clause 28 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Vehicle Registration) Regulation 1998* or the *Road Transport (Mass, Loading and Access) Regulation 2005* when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 28 is final and is binding on the appellant and on the Authority.

Road Transport (General) Regulation 2005

Clause 30

Written off and wrecked vehicles

Part 4

Part 4 Written off and wrecked vehicles

30 Definitions

In this Part:

auto-dismantler has the same meaning as it has in Division 2 of Part 6.2 of the Act.

dealer has the same meaning as it has in Division 2 of Part 6.2 of the Act.

insurer has the same meaning as it has in Division 2 of Part 6.2 of the Act.

motor bike has the same meaning as it has in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

motor car means a motor vehicle (except a motor bike) that is constructed principally for the conveyance of persons.

motor lorry has the same meaning as it has in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

registration number of a motor vehicle includes, in the case of a vehicle the registration of which has expired, the registration number of the vehicle immediately before its registration expired.

relevant identification information for any motor vehicle means the following:

- (a) the registration number of the vehicle,
- (b) the vehicle identifier of the vehicle,
- (c) the make of the vehicle,
- (d) whether the vehicle is a:
 - (i) motor car, or
 - (ii) motor lorry, or
 - (iii) motor bike, or
 - (iv) trailer,
- (e) whether the damage to the vehicle was caused by hail, water, impact, fire or professional stripping,
- (f) the location and severity of the damage to the vehicle described by reference to such codes or terms as may be approved by the Authority from time to time,
- (g) the extent to which the damage to the vehicle is repairable described by reference to such codes or terms as may be approved by the Authority from time to time.

vehicle identifier has the same meaning as it has in Division 2 of Part 6.2 of the Act.

Clause 31 Road Transport (General) Regulation 2005

Part 4 Written off and wrecked vehicles

wrecked has the same meaning as it has in Division 2 of Part 6.2 of the Act.

written off has the same meaning as it has in Division 2 of Part 6.2 of the Act.

31 Definition of “wrecked” in section 253 of Act

A motor vehicle in any of the following states or conditions, or damaged in the following manner, is prescribed as *wrecked* for the purposes of section 253 (b) of the Act:

- (a) a motor vehicle (other than a motor bike) that is:
 - (i) immersed in salt water for any period above the doorsill level, or
 - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours,
- (b) a motor bike that is:
 - (i) fully immersed in salt water for any period, or
 - (ii) fully immersed in fresh water for more than 48 hours,
- (c) a motor vehicle that is burnt to such an extent that it is fit only for wrecking or scrap,
- (d) a motor vehicle that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (for example, engine, wheels, bonnet, guards, doors, boot lid),
- (e) a motor vehicle that is damaged by collision, fire, flood, accident, trespass or other event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a road or road related area would be more than the fair market value of the vehicle immediately before the event that caused the damage.

32 Prescribed information to be given to Authority by insurers

- (1) The following information is prescribed as the information that must be given under section 256 (1) of the Act to the Authority in respect of each late model motor vehicle written off (anywhere in Australia) in the course of the business carried on by an insurer:
 - (a) the relevant identification information for the vehicle,
 - (b) the date on which the vehicle is written off by the insurer,
 - (c) the name and address of the insurer,
 - (d) the telephone and facsimile numbers (if any) of the insurer (unless the information is lodged electronically with the Authority),

Road Transport (General) Regulation 2005

Clause 33

Written off and wrecked vehicles

Part 4

- (e) if the insurer has a customer number issued to it by the Authority and the information is lodged with the Authority in paper form—the customer number of the insurer,
 - (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the insurer,
 - (g) the date on which the information referred to in paragraphs (a)–(f) is provided.
- (2) This clause does not apply in respect of a late model motor vehicle that is:
- (a) a motor vehicle that has a tare weight greater than 5 tonnes, or
 - (b) a trailer that has a tare weight greater than 2.5 tonnes.

33 Prescribed information to be given to Authority by auto-dismantlers

- (1) The following information is prescribed as the information that must be given under section 257 (1) of the Act to the Authority in respect of each late model motor vehicle written off (anywhere in Australia) in the course of the business carried on by an auto-dismantler:
- (a) the relevant identification information for the vehicle,
 - (b) the date on which the auto-dismantler commenced work in the course of the auto-dismantler's business for the purpose of demolishing or dismantling the vehicle,
 - (c) the name and address of the auto-dismantler,
 - (d) the telephone and facsimile numbers (if any) of the auto-dismantler (unless the information is lodged electronically with the Authority),
 - (e) if the auto-dismantler has a customer number issued to the auto-dismantler by the Authority and the information is lodged with the Authority in paper form—the customer number of the auto-dismantler,
 - (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the auto-dismantler,
 - (g) the date on which the information referred to in paragraphs (a)–(f) is provided.
- (2) This clause does not apply in respect of a late model motor vehicle that is:
- (a) a motor vehicle that has a tare weight greater than 5 tonnes, or
 - (b) a trailer that has a tare weight greater than 2.5 tonnes.

Clause 34 Road Transport (General) Regulation 2005

Part 4 Written off and wrecked vehicles

34 Prescribed information to be given to Authority by dealers

- (1) The following information is prescribed as the information that must be given under section 258 (1) of the Act to the Authority in respect of each late model motor vehicle that is in the care, custody or control (anywhere in Australia) of a dealer and that has been written off:
- (a) the relevant identification information for the vehicle,
 - (b) the date on which the vehicle came into the care, custody or control of the dealer,
 - (c) the name and address of the dealer,
 - (d) the telephone and facsimile numbers (if any) of the dealer (unless the information is lodged electronically with the Authority),
 - (e) if the dealer has a customer number issued to the dealer by the Authority and the information is lodged with the Authority in paper form—the customer number of the dealer,
 - (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the dealer,
 - (g) the date on which the information referred to in paragraphs (a)–(f) is provided.
- (2) This clause does not apply in respect of a late model motor vehicle that is:
- (a) a motor vehicle that has a tare weight greater than 5 tonnes, or
 - (b) a trailer that has a tare weight greater than 2.5 tonnes.

35 Section 257 of Act not to apply to certain vehicles

Section 257 of the Act does not apply to any motor vehicle that is demolished or dismantled by an auto-dismantler if the auto-dismantler obtained the vehicle from an insurer or dealer who is or was required to provide information to the Authority concerning the vehicle under section 256 or 258 of the Act.

Road Transport (General) Regulation 2005

Clause 36

Impounded vehicles

Part 5

Part 5 Impounded vehicles

36 Impounding fee

For the purposes of section 223 (2) (a) of the Act, the prescribed fee for storage of an impounded vehicle is the fee prescribed by Schedule 1.

37 Towing fee for impounded vehicles

- (1) A fee is payable to the Commissioner of Police by the responsible person for a vehicle that is towed under section 218 of the Act, except as otherwise provided by this clause.
- (2) The fee payable is whichever is the lesser of the following:
 - (a) the actual cost of towing the vehicle,
 - (b) the maximum charge for the time being determined under section 54 of the *Tow Truck Industry Act 1998* (including any surcharge chargeable, in the circumstances of the case, in accordance with a determination under that section) for:
 - (i) in the case of the Sydney metropolitan area—a 50-kilometre tow, or
 - (ii) in any other case—a 100-kilometre tow.
- (3) A fee is not payable under this clause (and if paid, is refundable) unless:
 - (a) a person is convicted of the relevant offence under section 40 or 41 of the *Road Transport (Safety and Traffic Management) Act 1999*, or
 - (b) a penalty notice, issued under Part 5.3 of the Act in relation to the alleged offence, is dealt with by payment of the penalty prescribed under that Part or by a penalty notice enforcement order under the *Fines Act 1996* that is made, or is taken to have been made, against the person and that is not subsequently quashed or set aside.
- (4) A fee is not payable under this clause by the responsible person for the vehicle if the person furnishes the Commissioner of Police with a statutory declaration stating:
 - (a) that the offence concerned was not committed with the responsible person's consent, and
 - (b) that the responsible person did not know, and could not reasonably be expected to have known, that the vehicle would be used for the commission of the offence, and

Clause 38 Road Transport (General) Regulation 2005

Part 5 Impounded vehicles

- (c) that:
- (i) at the time of the offence, the vehicle was being driven by a person whose name and address are supplied in the declaration, or
 - (ii) the responsible person does not know and could not with reasonable diligence have ascertained the name and address of the person who was driving the vehicle at that time.
- (5) A fee that, by virtue of subclause (4), is not payable by the responsible person for the vehicle is payable by the person driving the vehicle at the time of the relevant offence.
- (6) A statutory declaration referred to in subclause (4) that is produced in any proceedings for recovery of a fee under this clause from the driver of a vehicle that alleges that any person was the driver of the vehicle at the time of the offence is evidence of the driver's identity (unless evidence to the contrary is adduced).
- (7) A court:
- (a) before which proceedings for an alleged offence under section 40 or 41 of the *Road Transport (Safety and Traffic Management) Act 1999* are brought, or
 - (b) to which application is made under section 224 of the Act following the impounding of a vehicle for an alleged offence, that finds the offence proven may, for reasons of the avoidance of any undue hardship to any person or other injustice perceived by the court, by order direct that the fee prescribed by subclause (2) in relation to the towing of a vehicle in connection with the alleged offence be reduced by such amount as the court may specify or that, in the circumstances of the case, no fee is payable.
- (8) The Commissioner of Police is to give notice of any fee payable under this clause to the responsible person for the vehicle concerned and, except as otherwise provided by this Regulation, the fee is due and payable 14 days after the notice is given.

38 Disposal of impounded vehicles or vehicles forfeited to the Crown

- (1) If a vehicle that was impounded under section 218 or 219 of the Act has not been released, in accordance with Division 2 of Part 5.5 of the Act, at the end of the period for which it was liable to be impounded, the Commissioner may, by notice served personally or by post on the registered operator of the vehicle and on every person having a

Road Transport (General) Regulation 2005

Clause 38

Impounded vehicles

Part 5

registered interest (as defined in section 217 of the Act), warn the operator and every such person that the vehicle is liable to be offered for sale unless appropriate steps are taken to procure the release of the vehicle.

- (2) For the purposes of section 227 of the Act, a vehicle that has been forfeited to the Crown under section 219 of the Act, or that remains duly impounded for 28 days after service of notices referred to in subclause (1), may be offered for sale, except as provided by subclause (3) or by the order of any court.
- (3) A vehicle may not be offered for sale while any application under section 223 of the Act remains undetermined by the Commissioner or while any application under section 224, or any subsequent proceedings arising out of such an application, are pending.
- (4) At any time within 12 months after a vehicle has been sold in accordance with this Regulation, a person may apply to the Commissioner for payment to the person of the balance of the proceeds of sale of the vehicle, after deduction of any storage fees payable under the Act and the reasonable costs of or incidental to the sale.
- (5) The balance of the proceeds of sale may be paid by the Commissioner to any applicant who satisfies the Commissioner, on such evidence as the Commissioner may reasonably require, that:
 - (a) the applicant was lawfully entitled to the vehicle immediately before its sale, and
 - (b) there was a reasonable excuse for the applicant's failure to obtain the release of the vehicle before it was sold.

Clause 39	Road Transport (General) Regulation 2005
Part 6	Penalty notice offences

Part 6 Penalty notice offences

39 Definitions

(1) In this Part:

area of operations, in relation to a declared organisation, means the area of operations specified in relation to that organisation in Column 2 of Schedule 3 to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Australian Road Rules has the same meaning as it has in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

authorised officer means an officer of a class referred to in Schedule 2, being a person who satisfies the criteria specified in that Schedule in respect of an officer of that class.

class A motor vehicle means:

- (a) a motor vehicle with a GVM not exceeding 4.5 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM not exceeding 4.5 tonnes.

class B motor vehicle means:

- (a) a motor vehicle with a GVM exceeding 4.5 tonnes but not exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 4.5 tonnes but not exceeding 12 tonnes.

class C motor vehicle means:

- (a) a motor vehicle with a GVM exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 12 tonnes.

declared organisation means an organisation specified in Column 1 of Schedule 3 to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

GCM has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

GVM has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

heavy motor vehicle has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

local council means the council of a local government area.

Safe-T-Cam sign means a traffic sign bearing the words "SAFE-T-CAM MANAGING SPEED AND FATIGUE".

Road Transport (General) Regulation 2005

Clause 40

Penalty notice offences

Part 6

Safe-T-Cam zone means a length of road to which a Safe-T-Cam sign applies, being a length of road beginning at a Safe-T-Cam sign and ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

- (2) The persons referred to in Schedule 2 are prescribed as authorised officers for the purposes of paragraph (c) of the definition of **authorised officer** in section 3 (1) of the Act, but only in relation to the functions conferred on authorised officers by section 183 of the Act.
- (3) Words and expressions that are used in Schedule 2 in connection with a provision of an Act or instrument have the same meanings in that Schedule as they have in that provision.

40 Penalty notice offences

- (1) For the purposes of section 183 of the Act:
 - (a) each offence:
 - (i) that is created by a provision specified in Column 1 of Schedule 3, and
 - (ii) for which an amount of penalty is specified in Column 3 of Schedule 3,
 is declared to be a penalty notice offence, and
 - (b) the authorised officers for such an offence are officers of the class or classes specified in relation to the offence in Column 2 of Schedule 3, and
 - (c) the prescribed penalty for such an offence is the amount of penalty specified in relation to the offence in Column 3 of Schedule 3.
- (2) If the reference to a provision in Column 1 of Schedule 3 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a penalty notice offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.
- (3) Despite subclause (1) (b):
 - (a) an authorised officer who is an officer or employee of a local council may exercise the functions of an authorised officer only within the local government area of that council, and
 - (b) an authorised officer who is an officer or employee of a declared organisation may exercise the functions of an authorised officer only within the area of operations of that organisation.

Clause 41	Road Transport (General) Regulation 2005
Part 6	Penalty notice offences

- (4) Subclause (3) does not prevent an authorised officer who is an officer or employee of a local council or declared organisation from exercising the functions of an authorised officer:
- (a) in the local government area of some other council, or
 - (b) in the area of operations of some other declared organisation, under an arrangement entered into between the bodies concerned in relation to the exercise of those functions within those areas.

Note. Subclause (1) (b) prescribes those persons who are to be authorised officers for the purposes of section 183 of the Act (that is, those persons who may issue penalty notices for the penalty notice offences prescribed by subclause (1) (a)). Under section 183 (1), police officers are empowered to issue penalty notices for all such offences.

41 Penalty levels

For the purposes of this Regulation, penalty amounts are expressed in terms of the following levels:

- Level 1* means a penalty of \$50.
- Level 2* means a penalty of \$75.
- Level 3* means a penalty of \$125.
- Level 4* means a penalty of \$175.
- Level 5* means a penalty of \$225.
- Level 6* means a penalty of \$300.
- Level 7* means a penalty of \$375.
- Level 8* means a penalty of \$450.
- Level 9* means a penalty of \$575.
- Level 10* means a penalty of \$725.
- Level 11* means a penalty of \$900.
- Level 12* means a penalty of \$950.
- Level 13* means a penalty of \$1,175.
- Level 14* means a penalty of \$1,550.
- Level 15* means a penalty of \$2,350.

42 Offence: unlawful destruction of penalty notices

A person must not, without lawful excuse, remove or deface, destroy or otherwise damage any penalty notice left on or attached to a motor vehicle or trailer under Part 5.3 of the Act.

Maximum penalty: 20 penalty units.

Road Transport (General) Regulation 2005

Clause 43

Miscellaneous

Part 7

Part 7 Miscellaneous

43 Applicable road laws

The *Road Transport (Mass, Loading and Access) Regulation 2005* is prescribed for the purposes of the definition of **applicable road law in** section 3 (1) of the Act.

44 Prescribed speeding offences

The following offences are prescribed for the purposes of the definition of **prescribed speeding offence** in section 3 (1) of the Act:

- (a) in relation to section 187 (4) (a) of the Act—a speeding offence within the meaning of clause 154 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*, or
- (b) in relation to section 198 (1) (a) (ii) of the Act—a speeding offence within the meaning of clause 154 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* committed in the circumstances referred to in clause 154 (3) of that Regulation.

45 Statutory declarations by registered owners and operators

- (1) For the purposes of the giving of a statutory declaration under section 80 (4) of the Act:
 - (a) the prescribed period is the period of 14 days after the registered operator or owner is formally notified of the commission of the offence (whether by way or service of a penalty notice or a court attendance notice or otherwise), and
 - (b) the prescribed manner of giving the statutory declaration is the following:
 - (i) if the registered operator or owner is a body corporate—the statutory declaration is made and given by a member or officer of the body corporate authorised by the body corporate to give statutory declarations under section 80 of the Act on behalf of the body corporate,
 - (ii) if the registered operator or owner is not a body corporate—the statutory declaration is made and given by the registered operator (or one of the registered operators) or owner (or one of the owners), and
 - (c) the prescribed information is the information required by subclause (2).

Clause 46 Road Transport (General) Regulation 2005

Part 7 Miscellaneous

- (2) The statutory declaration must:
 - (a) state that the declaration is made under section 80 (4) of the Act, and
 - (b) state that the person making the declaration (or the relevant body corporate) is the registered operator or owner of the vehicle or combination concerned, and
 - (c) state that the registered operator or owner of the vehicle or combination was not operating the vehicle or combination at the time of the offence, and
 - (d) state the name and address of the person who was operating the vehicle or combination at the time of the offence.
- (3) A statutory declaration that complies with this clause is admissible in any proceedings as evidence of the matters stated in it.

46 Withdrawal of formal warnings

The class of persons comprising the Enforcement Litigation Inspection Program Services section of the Authority is prescribed as a class of persons who may, under section 106 of the Act, withdraw a formal warning given under section 105 of the Act.

47 Fees for information from records of Authority

- (1) The Authority may issue information from its records (including a certificate under section 230 of the Act) on the payment of the fee prescribed by Schedule 1.
- (2) The Authority may waive the fee referred in subclause (1) if it is satisfied that the payment of the fee would result in undue hardship to the person seeking access to information.

48 Offence: failure to comply with order, notice, direction, requirement or request

- (1) A person who fails, without reasonable excuse, to comply with any order, notice, direction, requirement or request given or made to the person under this Regulation is guilty of an offence.
Maximum penalty: 20 penalty units.
- (2) A person is not liable to be punished for an offence against subclause (1) for a failure to comply with an order, notice, direction, requirement or request given or made to the person under this Regulation if the person is liable to be punished for an offence in respect of the same failure to comply under another provision of this Regulation.

Road Transport (General) Regulation 2005

Clause 49

Miscellaneous

Part 7

49 Offence: false or misleading information

A person must not, in purported compliance with any provision of this Regulation, provide information that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

50 General defence of accident or reasonable effort

A person is not liable to a penalty for any offence under this Regulation if the person proves to the satisfaction of the court dealing with the case that the offence:

- (a) was the result of accident, or
- (b) could not have been avoided by any reasonable efforts on the person's part.

51 Repeals and savings

- (1) The following regulations are repealed:
 - (a) the *Road Transport (General) Regulation 1999*,
 - (b) the *Road Transport (General) (Penalty Notice Offences) Regulation 2002*.
- (2) Any act, matter or thing that, immediately before the repeal of a regulation by subclause (1), had effect under the regulation concerned is taken to have effect under this Regulation.
- (3) Without limiting subclause (2):
 - (a) an appeal made under Part 1 of Schedule 2 to the *Road Transport (General) Regulation 1999* and not finally determined on the repeal of that Regulation is taken to have been made under Part 3 of this Regulation and may be heard and determined accordingly, and
 - (b) a person who was an authorised officer of a particular class for the purposes of the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* immediately before the repeal of that Regulation is taken to be an authorised officer of that class for the purposes of Schedule 2.

52 Transitional provision

A person who, immediately before the commencement of the *Road Transport (General) Act 2005*, was an authorised officer referred to in paragraph (a) or (b) of the definition of that term in the Dictionary to the *Roads Act 1993* is taken, until 30 June 2006, to be an authorised officer for the purposes of the *Road Transport (General) Act 2005*.

Road Transport (General) Regulation 2005

Schedule 1 Fees and other charges

Schedule 1 Fees and other charges

(Clauses 5, 36 and 47)

Fee or charge category	Provision prescribing fee or charge	Amount payable (\$)
1 Access to information contained in database of declarations and orders maintained under section 18 (3) of the Act	clause 5 (1)	17
2 Daily storage fee for motor vehicle or trailer under section 223 (2) (a) of the Act	clause 36	16
3 Information from records of the Authority (including certificates and other documents issued under section 230 of the Act)	clause 47	17

Road Transport (General) Regulation 2005

Authorised officers

Schedule 2

Schedule 2 Authorised officers

(Clause 39)

Class 1 officer means:

- (a) a special constable who, during the normal course of his or her employment, is subject to the control and direction of the Commissioner of Police, or
- (b) a person who is employed in the Office of State Revenue in the Treasury and who is authorised by the Chief Commissioner of State Revenue for the purposes of this definition.

Class 2 officer means a person:

- (a) who is employed by the Roads and Traffic Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the Roads and Traffic Authority as an enforcement officer.

Class 3 officer means a person:

- (a) who is employed by the State Transit Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the State Transit Authority as an enforcement officer.

Class 4 officer means a person:

- (a) who is employed in the Department of Transport as an enforcement officer, or
- (b) who is subject to the control and direction of the head of the Department of Transport as an enforcement officer.

Class 5 officer means a person:

- (a) who is employed by the Tow Truck Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the Tow Truck Authority as an enforcement officer.

Class 6 officer means a person:

- (a) who is an officer or employee of the Forestry Commission, or
- (b) who is subject to the control and direction of the Forestry Commission, and who is an enforcement officer (within the meaning of section 226 of the *Protection of the Environment Operations Act 1997*) in respect of an offence arising under section 145 of that Act.

Class 7 officer means a person:

- (a) who is an officer or employee of the Department of Environment and Conservation (National Parks and Wildlife Service), or

Road Transport (General) Regulation 2005

Schedule 2 Authorised officers

(b) who is subject to the control and direction of the Department of Environment Conservation (National Parks and Wildlife Service),
and who is an enforcement officer (within the meaning of section 226 of the *Protection of the Environment Operations Act 1997*) in respect of an offence arising under section 145 of that Act.

Class 8 officer means a person:

- (a) who is employed by the Sydney Harbour Foreshore Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the Sydney Harbour Foreshore Authority as an enforcement officer.

Class 9 officer means a person:

- (a) who is employed in a Government department as an enforcement officer, or
- (b) who is subject to the control and direction of the head of a Government department as an enforcement officer,

but only if the Government department is authorised in writing by the Commissioner of Police for the purposes of this definition.

Class 10 officer means a person:

- (a) who is employed by a corporation established by or under an Act as an enforcement officer, or
- (b) who is subject to the control and direction of a corporation as an enforcement officer,

but only if the corporation is authorised in writing by the Commissioner of Police for the purposes of this definition.

Class 12 officer means a person:

- (a) who is employed by a local council, or
- (b) who is subject to the control and direction of a local council,

and who is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 of that Act.

Class 14 officer means a person who is appointed as an authorised officer under Part 4.1 of the Act.

Class 15 officer means a person who is employed by a declared organisation as an enforcement officer.

Class 16 officer means a person who is appointed or employed by the Roads and Traffic Authority as a Traffic Commander.

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Schedule 3 Penalty notice offences

(Clause 40)

Australian Road Rules

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 20:		
(a) in the case of a class A motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 2
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 5
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(b) in the case of a class B motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(c) in the case of a class C motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Australian Road Rules

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 11
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
Rule 27 (1); Rule 28 (1); Rule 29; Rule 31; Rule 32 (1); Rule 33 (1) and (2); Rule 33 (1) and (3); Rule 88; Rule 89; Rule 90; Rule 91; Rule 92 (1); Rule 98 (1); Rule 99; Rule 100:		
(a) in relation to the use of a motor vehicle	Class 1	Level 4
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 37; Rule 39; Rule 40; Rule 41; Rule 42; Rule 43; Rule 93 (1); Rule 94; Rule 95 (1); Rule 96 (1); Rule 97 (1); Rule 111; Rule 115 (1); Rule 116; Rule 125 (1); Rule 128; Rule 143; Rule 155 (1); Rule 156 (1); Rule 295 (1) and (2); Rule 295 (1) and (3)	Class 1	Level 4
Rule 38; Rule 62; Rule 63; Rule 64 (a); Rule 64 (c); Rule 65 (2) (a); Rule 65 (2) (b); Rule 67 (1); Rule 68 (1); Rule 69 (1); Rule 70; Rule 71 (1); Rule 72 (1); Rule 73 (1); Rule 74 (1); Rule 75 (1); Rule 76 (1); Rule 76 (2); Rule 77 (1); Rule 84 (1) (a); Rule 84 (1) (b); Rule 85; Rule 86 (1); Rule 87; Rule 101; Rule 108 (1); Rule 114; Rule 136; Rule 140; Rule 142 (1); Rule 144; Rule 145; Rule 148; Rule 149; Rule 154 (1); Rule 157 (1); Rule 159 (1); Rule 224; Rule 264 (1); Rule 265 (1); Rule 266 (1); Rule 268; Rule 269 (1); Rule 269 (3); Rule 269 (4); Rule 270 (1) (a); Rule 270 (2); Rule 271 (1) (a); Rule 271 (2) (a); Rule 271 (2) (a) and (3); Rule 271 (4); Rule 271 (5); Rule 287; Rule 288; Rule 289; Rule 290; Rule 297 (2); Rule 298; Rule 299 (1); Rule 300	Class 1	Level 5
Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53; Rule 102 (1); Rule 105; Rule 107; Rule 112; Rule 113; Rule 117; Rule 118 (1); Rule 118 (2); Rule 141 (1); Rule 153 (1); Rule 162 (1); Rule 163 (1); Rule 164 (1); Rule 222 (2); Rule 295 (1), (4) and (5) (a); Rule 295 (1), (4) and (5) (b); Rule 295 (1), (4) and (5) (c); Rule 296 (1)	Class 1	Level 3

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Australian Road Rules

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 56 (1), otherwise than at toll booth:		
(a) in relation to the use of a motor vehicle	Class 1	Level 6
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 56 (1), at toll booth; Rule 59 (1), at toll booth	Class 1	Level 3
Rule 56 (2); Rule 80; Rule 81; Rule 82; Rule 83:		
(a) in relation to the use of a motor vehicle	Class 1	Level 6
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 57; Rule 60; Rule 61; Rule 64 (b); Rule 65 (2) (c); Rule 66; Rule 78 (1); Rule 78 (2); Rule 79 (1); Rule 121; Rule 122; Rule 123; Rule 124; Rule 126; Rule 152; Rule 274; Rule 275; Rule 277; Rule 279; Rule 281; Rule 282; Rule 284; Rule 286; Rule 294; Rule 297 (1)	Class 1	Level 6
Rule 59 (1), otherwise than at toll booth	Class 1	Level 6
Rule 103	Class 1, 2, 14	Level 4
Rule 104:		
(a) in relation to any length of road other than the length of road referred to in paragraph (b)	Class 1, 2, 14	Level 3
(b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge	Class 1, 2, 14	Level 14
Rule 106	Class 1, 2, 14	Level 3
Rule 119; Rule 141 (2); Rule 151; Rule 223; Rule 228; Rule 229; Rule 230 (1); Rule 231 (1); Rule 232 (1); Rule 232 (3); Rule 232 (4); Rule 233; Rule 234; Rule 235; Rule 236; Rule 237 (1); Rule 238; Rule 239; Rule 240; Rule 241; Rule 242 (1); Rule 243; Rule 244; Rule 245; Rule 246; Rule 247 (1); Rule 248; Rule 249; Rule 250; Rule 251; Rule 252 (1); Rule 253; Rule 254; Rule 255; Rule 256; Rule 257 (1); Rule 258; Rule 259; Rule 260; Rule 261 (1); Rule 262; Rule 301; Rule 302; Rule 303	Class 1	Level 1
Rule 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 6

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Australian Road Rules

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 129 (1); Rule 137 (1); Rule 138 (1):		
(a) in relation to the use of a motor vehicle	Class 1	Level 4
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 130; Rule 131; Rule 132; Rule 135 (1):		
(a) in relation to the use of a motor vehicle	Class 1	Level 5
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 4
Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 4
Rule 160; Rule 161; Rule 212; Rule 213 (2); Rule 215; Rule 216; Rule 217 (1); Rule 218; Rule 219; Rule 221; Rule 271 (1) (b); Rule 271 (1) (c); Rule 271 (2) (b); Rule 271 (2) (b) and (3); Rule 272; Rule 296 (2)	Class 1	Level 2
Rule 167, in relation to a sign bearing the words "no stopping"	Class 1, 12, 16	Level 4
Rule 167, in relation to a sign bearing the words "no standing"	Class 1, 12, 16	Level 2
Rule 168 (1)	Class 1, 12, 16	Level 2
Rule 169; Rule 170; Rule 176 (1); Rule 177 (1); Rule 178; Rule 187	Class 1, 12, 16	Level 4
Rule 171 (1); Rule 172 (1); Rule 173 (1); Rule 174 (2); Rule 175 (1)	Class 1, 12	Level 5
Rule 179; Rule 180 (1); Rule 181 (1); Rule 190 (1); Rule 208 (1) and (2)	Class 1, 12	Level 3
Rule 182 (1); Rule 196 (1)	Class 1, 4, 12	Level 3

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Australian Road Rules

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 183 (1)	Class 1, 3, 4, 12	Level 4
Rule 184 (1), in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 3, 4, 12	Level 3
Rule 184 (1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 3, 4, 12	Level 2
Rule 185 (1); Rule 186 (1)	Class 1, 4, 12	Level 2
Rule 188; Rule 193 (1); Rule 194 (1); Rule 197 (1); Rule 198; Rule 199 (1); Rule 200; Rule 201; Rule 202; Rule 205; Rule 208 (1) and (3); Rule 208 (1) and (4); Rule 208 (1) and (5); Rule 208 (1) and (7); Rule 208 (1) and (8); Rule 209 (2); Rule 210 (1); Rule 211	Class 1, 12	Level 2
Rule 189; Rule 208 (1) and (6)	Class 1, 12	Level 4
Rule 191; Rule 192	Class 1, 12, 16	Level 3
Rule 195 (1)	Class 1, 4, 12	Level 4
Rule 203 (1)	Class 1, 12	Level 7
Rule 220 (1)	Class 1, 2, 12	Level 2
Rule 226; Rule 227	Class 1, 2	Level 2
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 8
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 13
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 5
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 8
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 10

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Australian Road Rules

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 12
Rule 291	Class 1, 2	Level 5
Rule 292 (a); Rule 292 (b)	Class 1, 2, 12	Level 6
Rule 292 (c)	Class 1, 2	Level 6
Rule 293 (2)	Class 1, 2, 16	Level 6
Rule 304 (1)	Class 1, 16	Level 5

Local Government Act 1993

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (a) or (b)); Section 650 (4); Section 650 (5)	Class 1, 6, 7, 12	Level 2
Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (c)—space for the use of persons with disabilities)	Class 1, 6, 7, 12	Level 7

Motor Accidents Compensation Act 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 8	Class 1, 2, 4	Level 8

Motor Vehicles Taxation Act 1988

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 9	Class 1, 2	Level 8

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Driver Licensing) Act 1998

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 23	Class 1	Level 9
Section 25 (1) (a); Section 25 (1) (b):		
(a) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence):		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 9
(b) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 8
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 11
(c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months:		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 9
(d) where the driver held a licence under the Act that had expired less than 2 years before:		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 9

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Road Transport (Driver Licensing) Act 1998

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(e) where the driver held a licence under the Act that had expired 2 years or more before:		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 8
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 11
(f) where the driver had never been licensed within the meaning of section 25 (4) (for the first offence only)	Class 1, 2	Level 9

Road Transport (Driver Licensing) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 12 (1) (a)	Class 1	Level 9
Clause 12 (1) (b); Clause 12 (2) (a); Clause 12 (2) (b); Clause 13; Clause 15 (6) (a); Clause 15 (6) (b)	Class 1	Level 4
Clause 12 (3)	Class 1	Level 7
Clause 12 (4); Clause 12 (5) (a); Clause 12 (5) (b); Clause 15D (6); Clause 15D (8); Clause 30 (1) (a); Clause 30 (1) (b); Clause 55 (5)	Class 1	Level 2
Clause 15D (7)	Class 1	Level 5
Clause 56 (where the licence concerned is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne but otherwise than in relation to a condition relating to a 90 km/h speed limit):		
(a) for the first offence, or the first offence within the last 5 years	Class 1	Level 7
(b) for the second or subsequent offence within the last 5 years	Class 1	Level 9

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Driver Licensing) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 56 (otherwise than where the licence concerned is an interlock driver licence or where the licence is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne and otherwise than in relation to a condition relating to a 90 km/h speed limit):		
(a) in relation to licence conditions generally	Class 1	Level 4
(b) in relation to P plates for holders of P1 licences of class C	Class 1	Level 4
(c) in relation to P plates for holders of P1 licences of class R	Class 1	Level 4
(d) in relation to P plates for holders of P2 licences	Class 1	Level 4
(e) in relation to a condition imposed by clause 15B or 15C	Class 1	Level 7
Clause 56, in relation to a condition relating to a 90 km/h speed limit	Class 1	Level 4
Clause 57; Clause 58	Class 1, 2	Level 2

Road Transport (General) Act 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 26 (2) and clause 47 (1) of the <i>Road Transport (Mass, Loading and Access Regulation 2005)</i>	Class 1, 2, 6, 7, 12, 14	Level 9
Section 26 (2) and clause 61 of the <i>Road Transport (Mass, Loading and Access Regulation 2005)</i>	Class 1, 2, 6, 7, 12, 14	Level 9
Section 56 (in relation to a breach of a mass requirement by an operator of a vehicle or combination); Section 57 (in relation to a breach of a mass requirement by a driver of a vehicle or combination); Section 80 (in relation to a breach of a mass requirement by a registered operator or an owner of a vehicle or combination):		

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Road Transport (General) Act 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(a) minor risk breach	Class 1, 2, 6, 7, 12, 14	Level 6
(b) substantial risk breach	Class 1, 2, 6, 7, 12, 14	Level 10
Section 56 (in relation to a breach of a dimension requirement or a load restraint requirement by an operator of a vehicle or combination); Section 57 (in relation to a breach of a dimension requirement or a load restraint requirement by a driver of a vehicle or combination); Section 80 (in relation to a breach of a dimension requirement or a load restraint requirement by a registered operator or an owner of a vehicle or combination):		
(a) minor risk breach	Class 1, 2, 6, 7, 12, 14	Level 5
(b) substantial risk breach	Class 1, 2, 6, 7, 12, 14	Level 9
Section 66 (3); Section 67 (5); Section 68 (3); Section 150 (4)	Class 1, 2	Level 6
Section 171 (2) (a) or (b)	Class 1, 2	Level 2

Road Transport (Safety and Traffic Management) Act 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 41 (1)	Class 1	Level 8
Section 41 (2)	Class 1	Level 9
Section 42 (1) (c)	Class 1	Level 6
Section 48; Section 49 (3)	Class 1	Level 13
Section 76 (7)	Class 1, 2	Level 5

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 19 (3); Clause 20 (3); Clause 21; Clause 28 (3); Clause 29 (2); Clause 30 (3); Clause 34 (1); Clause 35 (4); Clause 36 (4); Clause 37; Clause 40 (4); Clause 48; Clause 49; Clause 50 (2); Clause 51 (2); Clause 52; Clause 54 (3); Clause 56 (1); Clause 57 (1); Clause 58; Clause 60; Clause 61; Clause 62; Clause 63 (3); Clause 64; Clause 65; Clause 66 (1); Clause 67; Clause 69; Clause 70; Clause 71 (1); Clause 72; Clause 73; Clause 75; Clause 76; Clause 77; Clause 78; Clause 93 (2); Clause 95 (1); Clause 96; Clause 97 (4); Clause 119 (2); Clause 125; Clause 130 (3); Clause 134 (2); Clause 135; Clause 136 (3); Clause 137 (2)	Class 1, 2, 4	Level 4

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 38 (1):		
(a) in the case of a class B motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(b) in the case of a class C motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 11
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
Clause 38 (4); Clause 38 (5); Clause 38 (6):		
(a) in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 2
(b) in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 5
(c) in the case of a vehicle driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(d) in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
Clause 40 (1):		
(a) in the case of a class A motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 2
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 5
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(b) in the case of a class B motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(c) in the case of a class C motor vehicle:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 11
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
Clause 42 (1); Clause 94 (3); Clause 94 (4); Clause 94 (5); Clause 95 (4); Clause 96	Class 1, 2	Level 3
Clause 43	Class 1, 2, 16	Level 3
Clause 44	Class 1	Level 3
Clause 45; Clause 47 (2) (a); Clause 47 (2) (b); Clause 45A (1); Clause 46 (1); Clause 47A (1); Clause 47C (2); Clause 47C (3); Clause 47D; Clause 47E; Clause 96B (1)	Class 1	Level 5
Clause 47 (2) (c); Clause 54 (1); Clause 55 (a); Clause 55 (b); Clause 55 (c); Clause 55 (e); Clause 84; Clause 85 (1); Clause 86; Clause 90 (1)	Class 1	Level 2
Clause 47B (where driver wearing seatbelt drives with one unrestrained passenger only)	Class 1	Level 5

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 47B (where driver wearing seatbelt drives with 2 unrestrained passengers)	Class 1	Level 8
Clause 47B (where driver wearing seatbelt drives with 3 unrestrained passengers)	Class 1	Level 10
Clause 47B (where driver wearing seatbelt drives with 4 or more unrestrained passengers)	Class 1	Level 12
Clause 47B (where driver not wearing seatbelt drives with one unrestrained passenger only)	Class 1	Level 8
Clause 47B (where driver not wearing seatbelt drives with 2 unrestrained passengers)	Class 1	Level 10
Clause 47B (where driver not wearing seatbelt drives with 3 unrestrained passengers)	Class 1	Level 12
Clause 47B (where driver not wearing seatbelt drives with 4 or more unrestrained passengers)	Class 1	Level 13
Clause 48 (1); Clause 49 (1)	Class 1, 2	Level 6
Clause 50 (1); Clause 56 (1); Clause 90 (2)	Class 1, 2	Level 2
Clause 53 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Clause 53 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 2
Clause 59 (2)	Class 1	Level 6
Clause 60 (1)	Class 1, 8, 9, 10, 12, 15, 16	Level 2
Clause 61; Clause 62; Clause 63 (2); Clause 64; Clause 65 (a); Clause 65 (b); Clause 66; Clause 67; Clause 68 (2); Clause 70 (b); Clause 71; Clause 72; Clause 73 (2); Clause 76 (3) (a); Clause 77; Clause 78 (2)	Class 1, 12, 15	Level 2
Clause 69; Clause 70 (a); Clause 74; Clause 76 (3) (b); Clause 76 (3) (c); Clause 76 (4)	Class 1, 12, 15	Level 7
Clause 79 (1)	Class 1, 12, 15, 16	Level 4
Clause 88; Clause 96A	Class 1	Level 1
Clause 93; Clause 94 (2); Clause 95 (3)	Class 1, 2	Level 5

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 96B (2)	Class 1, 12, 16	Level 5
Clause 123A (1)	Class 1, 12	Level 2
Clause 126K; Clause 126L; Clause 126M; Clause 126N (2); Clause 126O (3); Clause 126P (6)	Class 1, 12	Level 7
Clause 132 (1); Clause 132 (2); Clause 132 (3)	Class 1, 2, 12, 16	Level 3

Road Transport (Vehicle Registration) Act 1997

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 18 (1):		
(a) in the case of a class A motor vehicle	Class 1, 2	Level 8
(b) in the case of a class B or class C motor vehicle	Class 1, 2	Level 12
Section 22 (4); Section 22B (2)	Class 1, 2	Level 12

Road Transport (Vehicle Registration) Regulation 1998

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 23 (4); Clause 28 (1); Clause 29; Clause 30 (1); Clause 32 (8); Clause 34 (3); Clause 39 (4); Clause 41 (2) (a); Clause 41 (2) (b); Clause 43 (5); Clause 50 (3); Clause 52; Clause 53; Clause 54; Clause 55; Clause 57 (1); Clause 57 (4); Clause 57 (5); Clause 60 (3); Clause 61 (4); Clause 63 (5); Clause 64 (2); Clause 67 (4); Clause 74; Clause 75; Clause 84 (1); Clause 86	Class 1, 2	Level 2
Clause 57 (1) (a) in respect of the use of a registrable vehicle that does not comply with any of the following provisions of Schedule 4:		

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Road Transport (Vehicle Registration) Regulation 1998

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(a) clause 21 (a), vehicle contravening any Act or other law (otherwise than as referred to in the following paragraphs)	Class 1, 2	Level 2
(b) clause 21 (b), vehicle cause danger or unreasonable annoyance	Class 1, 2	Level 3
(c) clause 22, defective steering	Class 1, 2	Level 5
(d) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002, <i>Motor vehicle frontal protection systems—Road user protection</i> because of: <ul style="list-style-type: none"> (i) incorrect method of mounting vehicle frontal protection system, or (ii) exposed edges, or (iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or (iv) use of non-standard or non-approved vehicle frontal protection system 	Class 1, 2	Level 3
(e) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002, <i>Motor vehicle frontal protection systems—Road user protection</i> because of dangerous protrusions (such as fishing rod holders, aerials, winches and brackets for the mounting of spot lamps) fitted to vehicle frontal protection system	Class 1, 2	Level 5
(f) clause 26, oil and grease leaks	Class 1, 2	Level 3
(g) clause 28, defective seating	Class 1, 2	Level 5
(h) clause 29, seat belt removed or defective	Class 1, 2	Level 5

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Vehicle Registration) Regulation 1998

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(i) clause 29, motor vehicle not fitted or equipped with seat belts or seat belt anchorages	Class 1, 2	Level 5
(j) clause 31, defective door latches, hinges	Class 1, 2	Level 2
(k) clauses 48–56, defective tyres	Class 1, 2	Level 2
(l) clauses 70–77, exceed dimensions	Class 1, 2	Level 2
(m) clause 74, excessive overhang	Class 1, 2	Level 2
(n) clauses 85–91, defective headlights	Class 1, 2	Level 2
(o) clauses 94–97, defective tail lights	Class 1, 2	Level 2
(p) clauses 106 and 107, defective brake lights	Class 1, 2	Level 2
(q) clauses 132–141, defective brakes	Class 1, 2	Level 5
(r) clause 135, defective emergency brake	Class 1, 2	Level 2
(s) clauses 154–159, undue emission, inefficient silencer or excessive noise	Class 1, 2	Level 3
(t) clause 161, defective LPG equipment or labelling	Class 1, 2	Level 3
(u) clauses 166–178, road train equipment offences	Class 1, 2	Level 3
(v) clause 189, defective or missing fire extinguisher (bus)	Class 1, 2	Level 2
Clause 57 (1) (b)	Class 1, 2	Level 3
Clause 63 (6); Clause 64 (2A)	Class 1, 2	Level 4
Clause 78 (5); Clause 84 (2) except in case of major defect notice	Class 1, 2	Level 5
Clause 84 (2) in the case of a major defect notice	Class 1, 2	Level 6
Clause 84 (3)	Class 1, 2	Level 8
Clause 85 (1) (a) or Clause 85 (1) (b) or Clause 85 (1) (c) or Clause 85 (2) (a) or Clause 85 (2) (b) in the case of a class A motor vehicle	Class 1, 2	Level 6
Clause 85 (1) (d) or Clause 85 (1) (e) or Clause 85 (3) in the case of a class A motor vehicle	Class 1, 2	Level 2
Clause 85 in the case of a class B motor vehicle or class C motor vehicle	Class 1, 2	Level 8

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Roads Act 1993

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 115 (4)	Class 1, 2, 14	Level 2

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 13 in respect of driving or operating a Class 1 vehicle in contravention of a condition of a notice or permit, being driving or operating:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4
Clause 19 in respect of driving or operating a Class 2 vehicle otherwise than in accordance with a notice or permit, being driving or operating:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4

Road Transport (General) Regulation 2005

Penalty notice offences

Schedule 3

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 26 in respect of driving or operating a Class 3 vehicle in contravention of a condition of a notice or permit, being driving or operating:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4
(e) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the exemption	Class 1, 2, 6, 7, 12, 14	Level 11
(f) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the exemption	Class 1, 2, 6, 7, 12, 14	Level 11
(g) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	Class 1, 2, 6, 7, 12, 14	Level 11
(h) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4
Clause 39 (3)	Class 1, 2, 6, 7, 12, 14	Level 4
Clause 40; Clause 53; Clause 73	Class 1, 2, 6, 7, 12, 14	Level 3
Clause 41 (a); Clause 41 (b); Clause 41 (c)	Class 1, 2, 6, 7, 12, 14	Level 3
Clause 48 (1)	Class 1, 2, 6, 7, 12, 14	Level 2
Clause 52 (4)	Class 1, 2	Level 4
Clause 59	Class 1, 2	Level 4

Road Transport (General) Regulation 2005

Schedule 3 Penalty notice offences

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 62 (a); Clause 62 (b)	Class 1, 2, 12, 14	Level 4
Clause 62 (c)	Class 1, 2, 12, 14	Level 6
Clause 74 (otherwise than in relation to a breach of a mass limit):		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under a notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under a notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under a notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4



New South Wales

Road Transport (Mass, Loading and Access) Regulation 2005

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to repeal and remake the *Road Transport (Mass, Loading and Access) Regulation 1996* in connection with the commencement of the *Road Transport (General) Act 2005*.

This Regulation makes provision with respect to matters that are intended to be applied generally uniformly within Australia for the regulation of:

- (a) the mass and loading of vehicles and combinations, and
- (b) the conditions for access to roads of vehicles and combinations that are too large or too heavy to be allowed general road access, and
- (c) the conditions under which oversize or overmass vehicles and combinations exempted from normal dimension or mass limits may travel on roads and road related areas.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power), 26 and 28.

This Regulation comprises or relates to matters arising under legislation that is substantially uniform with legislation of the Commonwealth or another State or Territory and matters involving the substantial implementation of Agreed Reforms, within the meaning of the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport* entered into by the Commonwealth and each of the States and Territories (which came into effect on 15 January 2004), being Reforms that have been progressed in accordance with clause 11 of that Agreement.

Road Transport (Mass, Loading and Access) Regulation 2005

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Clause 1 Road Transport (Mass, Loading and Access) Regulation 2005

Part 1 Preliminary

Road Transport (Mass, Loading and Access) Regulation 2005

under the

Road Transport (General) Act 2005

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Road Transport (Mass, Loading and Access) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Definitions

Expressions used in this Regulation that are defined in the dictionary at the end of this Regulation have the meanings set out in that dictionary.

Note. Certain words and terms used in this Regulation are defined in the Act and accordingly have the same meaning as in the Act. These include **freight container**, **GCM**, **GVM**, **load**, **operator** and **owner**.

4 Object

The object of this Regulation is to make provision with respect to matters that are intended to be applied generally uniformly within Australia for the regulation of:

- (a) the mass and loading of vehicles and combinations, and
- (b) the conditions for access to roads of vehicles and combinations that are too large or too heavy to be allowed general road access, and
- (c) the conditions under which oversize or overmass vehicles and combinations exempted from normal dimension or mass limits may travel on roads and road related areas.

5 Application of Regulation

- (1) This Regulation applies to a vehicle or combination if it is on a road or a road related area.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 6

Preliminary

Part 1

- (2) This Regulation does not apply to a vehicle or combination that is used only on a railway or tramway.

6 Notes and diagrams

Except where a contrary intention is indicated, the diagrams and notes in the text of this Regulation do not form part of this Regulation.

Clause 7	Road Transport (Mass, Loading and Access) Regulation 2005
Part 2	Mass, dimension, loading and other requirements for heavy vehicles

Part 2 Mass, dimension, loading and other requirements for heavy vehicles

Division 1 Preliminary

7 Application of Part

This Part applies to the following vehicles and combinations:

- (a) any vehicle having a GVM exceeding 4.5 tonnes,
- (b) any combination having a GCM exceeding 4.5 tonnes,
- (c) any combination that includes a vehicle with a GVM exceeding 4.5 tonnes.

Division 2 Mass, dimension and other requirements

8 Heavy vehicles to comply with Schedule 1

- (1) Schedule 1 applies to a vehicle or combination to which this Part applies and to a load on any such vehicle or combination.
- (2) This clause is subject to any exemption from a requirement of Schedule 1 that is in force under this Regulation.

9 Declaring buses to be complying vehicles

- (1) This clause applies to a bus that:
 - (a) is not fitted with a compliance plate in accordance with the *Motor Vehicle Standards Act 1989* of the Commonwealth, or
 - (b) is fitted with a compliance plate in accordance with that Act, but the compliance plate indicates that the bus was manufactured before 1 July 1994.
- (2) The Authority may declare that a bus to which this clause applies is a complying bus for the purposes of this Regulation if the Authority is satisfied that the bus meets:
 - (a) the emergency exit specifications in ADR 44, and
 - (b) the rollover strength specifications in ADR 59, and
 - (c) the occupation protection specifications in ADR 68, and
 - (d) is equipped with an approved air suspension system.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 10

Mass, dimension, loading and other requirements for heavy vehicles

Part 2

10 Additional mass restrictions

- (1) A roads authority may, by displaying a notice on or near the road to which the notice relates, prohibit the driving of any vehicle:
 - (a) having an axle load exceeding the appropriate axle load specified in the notice for that class of vehicle, or
 - (b) if the sum of the axle loads of a group of axles of the vehicle exceeds the appropriate sum specified in the notice for that class of vehicle,

on the road or part of the road that is newly formed, constructed or repaired, or has been damaged by flood, submergence, subsidence or otherwise, or in any special case, during the period specified in the notice if, in the opinion of that roads authority, damage is likely to be inflicted on that road.

- (2) An axle load or sum of the axle loads of a group of axles that is specified in the notice for any class of vehicle must not exceed the appropriate axle load or sum of axle loads specified in Schedule 1.
- (3) A mass restriction imposed under this clause is taken to be imposed by this Regulation.

Note. Section 26 of the Act makes it an offence to fail to comply with a mass restriction imposed by this Regulation.

Division 3 Class 1 vehicles

11 Application of Division

- (1) This Division and Schedule 2 apply to any of the following vehicles (*Class 1 vehicles*):
 - (a) a special purpose vehicle,
 - (b) an agricultural machine or agricultural implement,
 - (c) a vehicle or combination (including a low loader or load platform combination) that is specially designed for the carriage of a large indivisible item or is carrying a large indivisible item, that, together with any load, exceeds:
 - (d) a mass limit in Schedule 1, or
 - (e) a dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.
- (2) Despite clause 7, this Division and Schedule 2 also apply to a vehicle that is being used as a pilot vehicle or escort vehicle.
- (3) This Division and Schedule 2 do not apply to a vehicle or combination:
 - (a) that is a road train or B-double, or

Clause 12	Road Transport (Mass, Loading and Access) Regulation 2005
Part 2	Mass, dimension, loading and other requirements for heavy vehicles

- (b) that is carrying a loaded or empty freight container designed for multi-modal transport.

12 Exemption by notice in Gazette

- (1) The Authority may, by a Class 1 notice published in the Gazette, exempt Class 1 vehicles from:
- a mass or dimension requirement in Schedule 1, other than a requirement that relates to a GVM, GCM or manufacturer's limit, or
 - a dimension limit in the *Road Transport (Vehicle Registration) Regulation 1998*.
- (2) The Authority may, by a Class 1 notice published in the Gazette, also exempt Class 1 special purpose vehicles from the dimension limits in Table 3 of Schedule 2 while standing and operating.
- (3) For the purposes of subclause (2), a special purpose vehicle is standing and operating if it is being used for the purpose for which it is designed, and that use requires the special purpose vehicle to stand in a stationary position, or to move between closely proximate positions.

13 Notice or permit required

If a Class 1 vehicle is driven in contravention of a condition of a notice issued, or a permit granted in respect of the vehicle, under this Division, the driver of the vehicle is guilty of an offence.

Maximum penalty: 30 penalty units.

14 Class 1 notices

- (1) A Class 1 notice must specify the following:
- in the case of a notice made under clause 12 (1), the Class 1 vehicles to which it applies,
 - in the case of a notice made under clause 12 (2), the special purpose vehicles to which it applies,
 - the areas or routes to which it applies,
 - the provisions of this Regulation and the *Road Transport (Vehicle Registration) Regulation 1998* from which exemption is given,
 - the conditions of the exemption,
 - how long it is to remain in force.
- (2) Without limiting subclause (1), the conditions of a Class 1 notice that is made under clause 12 (1) must include the conditions set out in Schedule 2 that apply to the Class 1 vehicles to which the notice applies.

Road Transport (Mass, Loading and Access) Regulation 2005	Clause 15
Mass, dimension, loading and other requirements for heavy vehicles	Part 2

- (3) The conditions in Schedule 2 may be incorporated in the notice by referring to them rather than by setting them out in full.

15 Exemption by permit

- (1) A person may apply to the Authority for a permit exempting a Class 1 vehicle from a requirement of Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.
- (2) An application for a Class 1 permit must be in writing and in a form approved by the Authority.
- (3) The Authority may grant a Class 1 permit exempting a Class 1 vehicle from:
- a mass or dimension requirement of Schedule 1, other than a requirement that relates to a GVM, GCM or manufacturer's limit, or
 - a mass or dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.
- (4) Despite subclause (3) (a), a Class 1 permit may exempt a combination consisting of more than one prime mover or hauling unit from compliance with the individual GCMs of the prime movers or hauling units on condition that the sum of the individual GCMs is not exceeded.

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of that Regulation if that person or vehicle is exempted from that limit or requirement under this Regulation.

16 Class 1 permits

- (1) A Class 1 permit must specify the following:
- the Class 1 vehicles to which it applies,
 - the areas or routes to which it applies,
 - the provisions of Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998* from which exemption is given,
 - the conditions of the exemption,
 - how long it is to remain in force.
- (2) Without limiting subclause (1), the conditions of a Class 1 permit must include all the conditions set out in Parts 6 and 7 of Schedule 2.
- (3) The conditions in Schedule 2 may be incorporated in the permit by referring to them rather than by setting them out in full.

Clause 17	Road Transport (Mass, Loading and Access) Regulation 2005
Part 2	Mass, dimension, loading and other requirements for heavy vehicles

17 Areas and roads

For the purposes of a Class 1 notice or permit, the Authority may designate categories of areas and roads, and, in particular, it may determine that an area or road or part of a road is in category 1, 2 or 3 in Table 7 of Schedule 2.

Division 4 Class 2 vehicles

18 Application of Division

This Division applies only to a restricted access vehicle that complies with the mass and dimension limits prescribed in the *Road Transport (Vehicle Registration) Regulation 1998* and Schedule 1 (except as provided in paragraph (b) of the definition of *restricted access vehicle*) (a *Class 2 vehicle*) and is:

- (a) a B-double, or
- (b) a road train, or
- (c) a controlled access bus not more than 14.5 m long, or
- (d) a combination carrying vehicles on more than one deck that, together with its load, meets one or both of the following criteria:
 - (i) its height exceeds 4.3 m but does not exceed 4.6 m,
 - (ii) its length exceeds 19 m, or
- (e) a single motor vehicle, or a combination, that exceeds 4.3 m, but does not exceed 4.6 m, in height and is built to carry cattle, sheep, pigs or horses.

Note. The axle load limits specified in Schedule 1 also apply to Class 2 vehicles.

19 Notice or permit required

A person must not drive or operate a Class 2 vehicle except in accordance with a notice issued, or a permit granted, under this Division.

Maximum penalty: 30 penalty units.

20 Class 2 notices

The Authority may, by a Class 2 notice published in the Gazette, specify areas and routes in or on which all Class 2 vehicles, or specified categories of Class 2 vehicle, may operate.

21 Class 2 permits

- (1) A person may apply to the Authority for a Class 2 permit to operate a Class 2 vehicle in an area or on a route that is not included in a Class 2 notice.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 22

Mass, dimension, loading and other requirements for heavy vehicles

Part 2

-
- (2) An application for a permit must be in writing and in a form approved by the Authority.
 - (3) The Authority may grant a Class 2 permit to operate a Class 2 vehicle in an area or on a route that is not included in a Class 2 notice.

22 Conditions of a Class 2 notice or permit

- (1) The Authority may issue a Class 2 notice or grant a Class 2 permit subject to a condition relating to any or all of the following:
 - (a) the areas or routes to which it applies,
 - (b) if the route includes a bridge, culvert, causeway or road-ferry—the speed at which that part of that route may be used or entered, the portion of any part of that route to be used and the absence of other traffic before such use or entry,
 - (c) time of day during which the vehicle is not permitted to operate,
 - (d) in the case of a combination—axle spacings,
 - (e) in the case of a road train—the total mass limit of the road train,
 - (f) the maximum permitted speed applicable to the vehicle in the areas or on the routes to which it applies,
 - (g) the use of intelligent transport systems.
- (2) The routes may be designated by reference to a map published by the Authority from time to time or by notice published in the Gazette by the Authority.

Note. Maps will be made available at RTA offices.
- (3) The routes designated in the maps referred to may also be varied by notice published in the Gazette by the Authority.

23 Form of Class 2 notices and permits

- (1) A Class 2 notice or a Class 2 permit must specify the following:
 - (a) the Class 2 vehicles to which it applies,
 - (b) the conditions of the notice or permit,
 - (c) how long it is to remain in force,
 - (d) in the case of a permit—the registration number (if any) of the vehicle to which the permit relates and the name and address of the person to whom the permit is granted.
- (2) A Class 2 permit may be granted for one or more Class 2 vehicles but must, in any case, specify:
 - (a) the registration number (if any) of each motor vehicle, or

Clause 24	Road Transport (Mass, Loading and Access) Regulation 2005
Part 2	Mass, dimension, loading and other requirements for heavy vehicles

- (b) in the case of a combination—the registration number (if any) of the front primemover,
to which the permit relates.

Division 5 Class 3 vehicles

24 Application of Division

This Division applies only to restricted access vehicles other than Class 1 vehicles or Class 2 vehicles (*Class 3 vehicles*).

25 Exemption by notice in Gazette

- (1) The Authority may, by a Class 3 notice published in the Gazette, exempt specified categories of Class 3 vehicles from:
 - (a) a mass or dimension requirement in Schedule 1, other than a requirement that relates to a GVM, GCM or manufacturer's limit, or
 - (b) a dimension limit in the *Road Transport (Vehicle Registration) Regulation 1998*.
- (2) The Authority may issue a Class 3 notice subject to conditions, including conditions as to the areas or routes to which the notice applies.
- (3) The Authority may, by a Class 3 notice published in the Gazette, specify areas and routes in or on which all Class 3 vehicles, or specified categories of Class 3 vehicle, may operate.

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of that Regulation if that person or vehicle is exempted from that limit or requirement under this Regulation.

26 Notice or permit required

If a Class 3 vehicle is driven in contravention of a condition of a notice issued, or a permit granted in respect of the vehicle, under this Division, the driver of the vehicle is guilty of an offence.

Maximum penalty: 30 penalty units.

27 Exemption by permit

- (1) A person may apply to the Authority for a permit exempting a Class 3 vehicle from a requirement of Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.
- (2) An application for a Class 3 permit must be in writing and in a form approved by the Authority.

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Mass, dimension, loading and other requirements for heavy vehicles	Part 2

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- (3) The Authority may grant a Class 3 permit exempting one or more Class 3 vehicles from:
- (a) a mass or dimension requirement of Schedule 1, other than a requirement that relates to a GVM, GCM or manufacturer's limit, or
 - (b) a dimension limit in the *Road Transport (Vehicle Registration) Regulation 1998*.

28 Form of Class 3 notices or permits

- (1) A Class 3 notice or a Class 3 permit must specify the following:
- (a) the Class 3 vehicles to which it applies,
 - (b) the provisions of Schedule 1 and the *Road Transport (Vehicle Registration) Regulation 1998* from which exemption is given,
 - (c) the conditions of the notice or permit,
 - (d) how long it is to remain in force,
 - (e) in the case of a permit—the registration number (if any) of the vehicle to which the permit relates and the name and address of the person to whom the permit is granted.
- (2) A Class 3 permit may be granted for one or more Class 3 vehicles but must, in any case, specify:
- (a) the registration number (if any) of each motor vehicle, or
 - (b) in the case of a combination—the registration number (if any) of the front primemover,
- to which the permit relates.

29 Issuing a Class 3 notice or permit

- (1) Except as provided by subclauses (2)–(4), the conditions of a Class 3 notice or Class 3 permit must ensure that a single motor vehicle, or a combination, operating under the notice or permit is so configured and loaded that:
- (a) the mass on each single axle and axle group is not more than 10% in excess of the limit specified in Schedule 1 for that single axle or axle group, and
 - (b) a dimension limit in Schedule 1 and the *Road Transport (Vehicle Registration) Regulation 1998* is not exceeded by more than 10%.
- (2) In the case of a combination, if each of the individual vehicles that make up the combination, together with any load, comply in all respects with the mass and dimension limits of Schedule 1 and the *Road Transport (Vehicle Registration) Regulation 1998*, the conditions of a Class 3

Clause 29	Road Transport (Mass, Loading and Access) Regulation 2005
Part 2	Mass, dimension, loading and other requirements for heavy vehicles

notice or Class 3 permit may allow an increase in the total length limit or the total mass limit, or both, prescribed in that Schedule and that Regulation for the combination as a whole.

- (3) Subclause (1) does not apply to a Class 3 notice or a Class 3 permit if:
- (a) the travel under the notice or permit:
 - (i) is connected with the operation of a particular facility such as a mine or port, or
 - (ii) takes place mainly on roads the primary purpose of which is to serve the needs of such a facility, and
 - (b) either:
 - (i) the notice or permit is not likely to affect road transport to, from or within another State or Territory, or
 - (ii) the States and Territories likely to be affected have reached agreement on the terms of the notice or permit.
- (4) Subclause (1) does not apply to a Class 3 notice or a Class 3 permit that relates to the operation of a B-double or road train in the following circumstances:
- (a) a trailer forming part of the B-double or road train is carrying one or more large indivisible items,
 - (b) the carrying of more than one large indivisible item does not cause the vehicle or combination and its load to exceed a dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998* that would not have been exceeded by the carrying of only one of the large indivisible items,
 - (c) but for the large indivisible items, the B-double or road train and any load being carried would comply with the mass and dimension limits in Schedule 1.
- (5) If a Class 3 notice or Class 3 permit is likely to affect road transport to, from or within another State or Territory, the Authority must consult with the corresponding Authority of that other State or Territory and must issue the notice or grant the permit only on conditions that are agreed with that corresponding Authority.
- (6) The Authority must give particulars, in writing, to the corresponding Authority of each other State and Territory and to the National Transport Commission of any scheme under which a Class 3 notice or Class 3 permit is to remain in force for more than 6 months.
- (7) The particulars referred to in subclause (6) must be given within 28 days of the publication of the notice or grant of the permit.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 30

Mass, dimension, loading and other requirements for heavy vehicles

Part 2

Division 6 Towing restrictions for vehicles other than restricted access vehicles

30 Application of Division

This Division applies in respect of a combination consisting of:

- (a) an articulated vehicle drawing any other vehicle, or
- (b) any other motor vehicle drawing more than one other vehicle, being a combination that (alone or together with its load) does not constitute a restricted access vehicle.

31 Definition

In this Division:

tractor has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 1998*.

32 Certain combinations not to be used without permission

- (1) Except as provided by this Division, a combination to which this Division applies must not stand or be driven on a road or road-related area.
- (2) If a combination or vehicle stands or is driven on a road or road related area in contravention of this clause, each of the following persons is guilty of an offence:
 - (a) the owner of any vehicle in the combination concerned,
 - (b) the driver of any vehicle in the combination concerned.

Maximum penalty: 30 penalty units.

33 Exempt combinations

Clause 32 does not apply to or in respect of any of the following combinations if they comply with the mass and dimension requirements specified in Schedule 1:

- (a) a tractor-harvester-cutting-head trailer combination,
- (b) a tractor with multiple implements attached, if those implements are normally used as one unit when performing agricultural operations,
- (c) a tractor and implement combination towing a fuel trailer or a laser tower,
- (d) an articulated low-loader consisting of a prime mover towing a converter dolly and a semi-trailer,

Clause 34	Road Transport (Mass, Loading and Access) Regulation 2005
Part 2	Mass, dimension, loading and other requirements for heavy vehicles

- (e) a B-double or a road train that complies with the applicable vehicle standards for B-doubles or road trains specified in Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

34 Exemption by notice in Gazette

- (1) The Authority may, by notice published in the Gazette, exempt a combination to which this Division applies from the operation of clause 32.
- (2) Any such notice must specify:
 - (a) the conditions (if any) of the exemption, and
 - (b) how long it is to remain in force.
- (3) If a combination or vehicle stands or is driven on a road or road-related area in contravention of the conditions of a notice referred to in subclause (1), each of the following persons is guilty of an offence:
 - (a) the owner of any vehicle in the combination concerned,
 - (b) the driver of any vehicle in the combination concerned.Maximum penalty: 30 penalty units.

35 Exemption by permit

- (1) A person may apply to the Authority for a permit granting a particular combination full or limited exemption from the operation of clause 33.
- (2) The Authority may issue a permit.
- (3) An application for a permit under this Part must be in writing and in a form approved by the Authority.
- (4) A permit issued under this Part must specify the following:
 - (a) the combination to which it applies,
 - (b) the registration number (if any) of the front prime mover of that combination,
 - (c) the conditions (if any) of the permit,
 - (d) how long it is to remain in force.
- (5) If a combination or vehicle stands or is driven on a road or road-related area in contravention of the conditions of a permit issued under this clause, each of the following persons is guilty of an offence:
 - (a) the owner of any vehicle in the combination concerned,
 - (b) the driver of any vehicle in the combination concerned.Maximum penalty: 30 penalty units.

Road Transport (Mass, Loading and Access) Regulation 2005	Clause 36
Mass, dimension, loading and other requirements for heavy vehicles	Part 2

Division 7 General

36 Permits and notices relating to eligible vehicles

- (1) The Authority may issue a permit to allow an eligible vehicle (within the meaning of clause 7 of Schedule 1) to operate on a route specified in the permit, being a route that includes roads other than those specified in the notice referred to in clause 7 (1) (d) of Schedule 1.
- (2) A vehicle that is operated under a permit issued under this clause must meet any other requirements specified by the Authority in that permit.
- (3) A permit is issued subject to any conditions specified in it.
- (4) The Authority may, by a notice published in the Gazette for the purposes of this clause, require eligible vehicles (within the meaning of clause 7 of Schedule 1) to comply with the conditions set out in the notice.

37 Permit application fees

- (1) The fee for the issue of a Class 1, 2 or 3 permit or a permit under Division 6 or this Division is \$61.
- (2) The Authority may, for any reason the Authority considers sufficient, exempt a person from the requirement to pay a fee in relation to a Class 1, 2 or 3 permit, or waive or wholly or partly refund a fee that would otherwise be payable or has been paid in accordance with this clause.

Clause 38 Road Transport (Mass, Loading and Access) Regulation 2005

Part 3 Road trains

Part 3 Road trains

38 Application of Part

This Part applies to vehicles or combinations of any mass.

39 Gross road train mass rating

- (1) Subject to subclause (2), the gross road train mass rating for the hauling unit of any road train is the lesser of:
 - (a) the GCM of the hauling unit, or
 - (b) the gross road train mass, as determined by the Authority, or
 - (c) the strength rating of the tow coupling, or fifth wheel assembly of the hauling unit, determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, or
 - (d) for other road trains—the maximum gross mass of the drawing vehicle specified in the *Australian Design Rules* (Third Edition).
- (2) The gross road train mass rating for the hauling unit of any road train which has a gross road train mass not exceeding 42.5 tonnes is the GCM of the hauling unit.
- (3) A person must not drive any road train on a road or road related area if the gross road train mass of that road train exceeds the gross road train mass rating for the hauling unit of that road train as determined in accordance with this clause.

Maximum penalty: 20 penalty units.

40 Tracking of component vehicles

A person must not drive any road train on a road or road related area, unless every component vehicle (except the hauling unit) comprising the road train, when that road train is driven on a level smooth surface, tracks in the path of the hauling unit of that road train without shifting or swerving in excess of 100 mm on either side of the path of that hauling unit when it is travelling in a straight line.

Maximum penalty: 20 penalty units.

41 Capacity of tow couplings

A person must not drive or cause or permit to be driven on a road or road related area a road train:

- (a) fitted with a tow coupling or towing eye where the total mass of the road train components rearward of that tow coupling or towing eye exceeds the capacity of that tow coupling or towing

Road Transport (Mass, Loading and Access) Regulation 2005	Clause 42
Road trains	Part 3

eye determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, or

- (b) fitted with a fifth wheel assembly and turntable where the total mass of the road train components rearward of that fifth wheel assembly and turntable exceeds the capacity of that fifth wheel assembly and turntable determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, or
- (c) fitted with a fifth wheel king pin where the total mass of the road train components rearward of that fifth wheel king pin exceeds the capacity of that fifth wheel king pin determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

Maximum penalty: 20 penalty units.

42 Length of road trains

- (1) A person must not drive on a road or road related area a road train that has a length greater than:
 - (a) 53.5 m, or
 - (b) if the Authority has made a determination under subclause (2)—the length so determined in relation to the road trains or areas concerned.
- (2) The Authority may determine a maximum length, being a length less than 53.5 m, for:
 - (a) road trains with certain configurations, or
 - (b) road trains when in certain areas.

Clause 43 Road Transport (Mass, Loading and Access) Regulation 2005

Part 4 Mass, dimension and load requirements for light vehicles

Part 4 Mass, dimension and load requirements for light vehicles

Division 1 Preliminary

43 Application of Part

This Part applies to any vehicle or combination having a GVM or GCM not exceeding 4.5 tonnes.

Division 2 Mass limits for certain motor lorries and certain trailers

44 Definitions

In this Division:

existing motor lorry means any motor lorry for which a New South Wales registration was in force on 1 January 1995 (as long as that registration has continued in force from that day without a break, including continuation by renewal or re-issue of the registration).

motor lorry means any motor vehicle (whether or not in combination with any trailer) that is constructed principally for the conveyance of goods or merchandise or for the conveyance of any kind of materials used in any trade, business or industry, or for use in any work other than the conveyance of persons, but does not include a motor bike or a tractor.

visiting motor lorry means a vehicle temporarily in New South Wales that is a motor lorry.

45 Application of Division

This Division applies to motor lorries (including articulated vehicles), but does not apply to any of the following:

- (a) a caravan,
- (b) a station waggon,
- (c) a trailer that weighs not more than 250 kilograms when unladen, is used principally or solely for the carriage of camping equipment, a boat or other materials used in connection with tours for recreational purposes, and is not used in the course of trade or business,
- (d) an excavator, road grader, road roller, bulldozer, or other machinery or apparatus, that cannot carry a load (other than any tools, spare parts, fuel, water, oil, or other accessories, used in connection with the vehicle).

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 46

Mass, dimension and load requirements for light vehicles

Part 4

46 Act provisions also apply

Nothing in this Division authorises a person to drive or use a motor lorry, or cause a motor lorry to be driven or used, in contravention of any provision of the Act or of any regulation in force under the Act.

47 Mass limits not to be exceeded

- (1) A person must not drive a motor lorry on a road or road related area if the combined mass of the motor lorry and its load exceeds the lorry's mass limit.
- (2) A person does not contravene a requirement of this clause if:
 - (a) the motor lorry is driven in accordance with the prior written permission of the Authority and any conditions set out in the same document containing the permission, and
 - (b) a copy of that document is carried by the driver of the motor lorry when driving the lorry otherwise than in accordance with subclause (1).

48 Mass limits to be marked on motor lorries over 2 tonnes (except trailers)

- (1) A person must not drive a motor lorry on a road or road related area unless the lorry is marked in accordance with this clause. However, this clause does not apply to a lorry that has an unladen mass of 2 tonnes or less or that is a trailer.
Maximum penalty: 20 penalty units.
- (2) A motor lorry (except a motor lorry to which subclause (3) or (4) applies) is marked in accordance with this clause if:
 - (a) the word "Tare" or the letter "T", followed by the unladen mass (in kilograms) of the lorry, is displayed on the right hand side (the off-side) of the lorry, and
 - (b) there are displayed immediately under that matter the words "gross vehicle mass" or letters "GVM" (or, in the case of an articulated vehicle, the words "gross combination mass" or letters "GCM") followed by the mass limit in kilograms that applies to the lorry, and
 - (c) the displayed matter is displayed in numerals, and block letters, at least 50 mm high, and clearly legible at a distance of 5 m.
- (3) An existing motor lorry (except one for which a mass limit has been determined under clause 49) is marked in accordance with this clause if:
 - (a) the word "Tare" or the letter "T", followed by the unladen mass (in kilograms) of the lorry, is displayed on the right hand side (the off-side) of the lorry, and

Clause 49 Road Transport (Mass, Loading and Access) Regulation 2005

Part 4 Mass, dimension and load requirements for light vehicles

- (b) the word “Aggregate” or the letter “A” is displayed immediately under that matter, followed by the mass limit in kilograms that applies to the lorry, and
 - (c) the displayed matter is displayed in numerals, and block letters, at least 50 mm high, and clearly legible at a distance of 5 m.
- (4) A visiting motor lorry is marked in accordance with this clause if its tare mass and maximum laden mass are displayed in accordance with the law for the time being in force in the State or Territory where the lorry is registered.

49 Mass limits for motor lorries (except existing motor lorries)

- (1) For the purposes of this Division, the *mass limit* of a motor lorry (except an existing motor lorry) is:
- (a) the GVM of the lorry, except in the case of an articulated vehicle, or
 - (b) in the case of an articulated vehicle, the GCM of the motor lorry.
- (2) For the purposes of subclause (1), the GVM or GCM of a motor lorry that has not been altered since manufacture is the mass recorded for that type of motor lorry by the Authority as the GVM or GCM, respectively.
- (3) However, if the Authority has not recorded a GCM for a type of motor lorry that is an articulated vehicle, but the Authority has recorded a GVM for its type of prime mover as a standard table top motor lorry, for the purposes of subclause (1) the GCM of the articulated vehicle (if unaltered since manufacture) is 1.67 times the GVM recorded for that type of standard table top motor lorry.
- (4) In the case of a motor lorry (except an existing motor lorry) that has been altered since manufacture or (though unaltered since manufacture) is one to which no mass applies as referred to in subclause (2) or (3), the mass limit of the lorry is that determined under clause 52 (or, in the case of a visiting motor lorry, in accordance with the law for the time being in force in the State or Territory where the lorry is registered).

50 Mass limits for existing motor lorries

- (1) For the purposes of this Division, the *mass limit* of an existing motor lorry is its aggregate weight, taken as the aggregate weight that was in force for the lorry immediately before 1 January 1995 under Regulation 120A of the *Motor Traffic Regulations 1935* (as in force immediately before that date).
- (2) However, if since that aggregate weight was determined, the lorry has been altered (whether before, on or after 1 January 1995), the mass limit of the lorry is to be the mass limit determined under clause 51.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 51

Mass, dimension and load requirements for light vehicles

Part 4

51 Determination of different mass limits

- (1) The Authority may determine a mass limit for a motor lorry (except a visiting motor lorry):
 - (a) if the lorry is not an existing motor lorry and no mass limit applies to the lorry under clause 49 (2) or (3), or
 - (b) if the lorry is an existing motor lorry and has been altered as referred to in clause 49 (2), or
 - (c) if the mass limit of the motor lorry applying under an earlier determination under this clause is no longer in accordance with the safe working limits of the motor lorry (for example, if the lorry has been altered since that determination was made), or
 - (d) on application by the owner of the motor lorry if the Authority is satisfied that the motor lorry has been so altered as to alter its safe loading limits.
- (2) A determination under this clause must be based on the construction and componentry of the lorry.
- (3) The Authority must serve on the owner of a motor lorry notice of any determination made under this clause in respect of the lorry or of any refusal by the Authority of an application by the owner under subclause (1) (d).
- (4) A determination under this clause takes effect when notice of it is served by the Authority on the owner of the motor lorry or from such later date as may be specified in the notice.

52 Authority may require information or certificate

- (1) The Authority may, by written notice to the owner of a motor lorry, require the owner to provide the Authority within a period specified in the notice with such information in respect of the motor lorry or its equipment as the Authority requires in the notice.
- (2) If the Authority determines a mass limit for a motor lorry under clause 51, it may require the owner of the lorry to forward to the Authority the certificate of registration of the lorry for endorsement (or cancellation and re-issue) under this clause.
- (3) The Authority may endorse on a certificate of registration of a motor lorry (or cancel and re-issue such a certificate with) a mass limit determined by the Authority under clause 51. The Authority is to forward the certificate to the owner once it has so endorsed or re-issued it.

Clause 53	Road Transport (Mass, Loading and Access) Regulation 2005
Part 4	Mass, dimension and load requirements for light vehicles

- (4) An owner of a motor lorry must not fail to comply with a requirement under this clause without reasonable excuse.
Maximum penalty: 20 penalty units.

Division 3 Dimension requirements

53 Projection of loading or equipment of vehicles

- (1) A person must not drive on a road or road related area:
- (a) any motor vehicle (not being a motor bike or a mobile crane that is 9.5 m or less in length) if the loading or equipment on the vehicle or any trailer drawn by the vehicle:
 - (i) projects more than 1.2 m in front of the headlights of the motor vehicle if the motor vehicle is not a mobile crane, or
 - (ii) projects more than 3.5 m in front of the steering wheel of the motor vehicle if the motor vehicle is a mobile crane, or
 - (iii) in the case of a vehicle not exceeding 9.5 m in length or a trailer, projects more than 1.2 m to the rear of the motor vehicle or trailer, except as provided by subclause (2), or
 - (iv) in the case of a vehicle exceeding 9.5 m in length, projects to the rear of the vehicle beyond a point which is 4 m from the rear overhang line, or
 - (v) projects more than 150 mm beyond the extreme outer portion of either side of the vehicle or trailer, but nothing in this subparagraph applies to any rear vision mirror, signalling device, side mounted lamp or tyre pressure monitoring system permitted by the *Road Transport (Vehicle Registration) Regulation 1998* to be fitted to the vehicle, or
 - (b) any motor bike without a sidecar attached if any loading or equipment on the motor bike projects more than 150 mm in front of the outer extremity of the front wheel or more than 300 mm behind the outer extremity of the rear wheel or the loading projects beyond the extreme outer portion of the cycle on either side, or
 - (c) any motor bike with a sidecar attached if:
 - (i) any part of the vehicle or its loading or equipment projects more than 600 mm in front of the outer extremity of the front wheel or more than 900 mm behind the outer extremity of the rear wheel of the motor bike, or
 - (ii) the loading projects beyond the extreme outer portion of the vehicle on either side, or

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Clause 53

Mass, dimension and load requirements for light vehicles

Part 4

- (d) any articulated vehicle first registered on or after 1 January 1960, not being a vehicle to which a pole type trailer is attached, if any part of the semi-trailer or its loading or equipment projects more than 1.9 m radially forward of the axis of the pivot pin, or
 - (e) any articulated vehicle that exceeds 19 m in length, or
 - (f) any motor vehicle and trailer combination that exceeds:
 - (i) 25 m in length—in the case of a combination (other than a B-double or road train) that is designed to carry vehicles on more than one deck, or
 - (ii) 19 m in length—in any other case.
- (2) It is not a contravention of subclause (1) (a) (iii) for any loading or equipment to project more than 1.2 m to the rear of a motor vehicle or any trailer drawn by the vehicle if:
- (a) the overall length of the vehicle or of the combination of vehicle and trailer, together with the loading or equipment on it, is within the relevant limit fixed by Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, and
 - (b) there is carried at the extreme rear of the loading or equipment a red flag or other suitable object, in either case not less than 300 mm square, and the flag or object is kept clearly visible as a warning to persons on the roadway in the near vicinity of the vehicle or trailer, and
 - (c) between the hours of sunset and sunrise or when there is insufficient daylight to render a person dressed in dark clothing clearly discernible at a distance of 100 m, there is affixed at the extreme rear of the loading or equipment:
 - (i) a lighted lamp showing a clear red light to the rear, visible under normal atmospheric conditions at a distance of 200 m, or
 - (ii) not less than two reflectors capable of projecting a red reflection of light from the light of any following vehicle.
- (3) For the purpose of subclauses (1) (a) (iii) and (2), **equipment** includes the pole of a pole type trailer.
- (4) If any portion of the loading or equipment of a motor vehicle or of any trailer drawn by the vehicle projects in a manner so that it would not be readily visible to any person following immediately behind the vehicle, the driver of the vehicle must:
- (a) by means of a red flag or other suitable object, in either case not less than 300 mm square, mark the end of the loading or equipment so that it may be clearly visible to persons in its vicinity, and

Clause 54	Road Transport (Mass, Loading and Access) Regulation 2005
Part 4	Mass, dimension and load requirements for light vehicles

- (b) between the hours of sunset and sunrise or when there is insufficient daylight to render a person dressed in dark clothing discernible at a distance of 100 m, cause to be attached to the extreme rear of the loading or equipment a lighted lamp or reflectors as prescribed by subclause (2) (c).

Maximum penalty: 20 penalty units.

54 Exemption by notice in Gazette

- (1) The Authority may, by notice published in the Gazette, exempt a person or class of persons from the operation of any of the provisions of clause 53 (1).
- (2) Any such notice must specify:
 - (a) the conditions (if any) of the exemption, and
 - (b) how long it is to remain in force.

55 Exemption by permit

- (1) A person may apply to the Authority for a permit exempting the person from the operation of any of the provisions of clause 53 (1).
- (2) The Authority may issue the permit.
- (3) An application for a permit must be in writing and in a form approved by the Authority.
- (4) The permit must set out the conditions (if any) of the exemption.
- (5) The fee for the issue of a permit under this clause is \$61.
- (6) The Authority may, for any reason the Authority considers sufficient, exempt a person from the requirement to pay the fee specified in subclause (5), or waive or wholly or partly refund a fee that would otherwise be payable or has been paid in accordance with this clause.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 56

Mass, dimension, load and other requirements applicable to all vehicles

Part 5

Part 5 Mass, dimension, load and other requirements applicable to all vehicles

Division 1 Preliminary

56 Application

This Part applies to vehicles or combinations of any mass.

Division 2 Mass requirements

57 Loads on light traffic thoroughfares, bridges and roads

- (1) For the purposes of section 28 of the Act, any notice that is required to be conspicuously displayed, must either:
 - (a) display the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT”, or
 - (b) be in or similar to the following form (a *limit notice*):



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AND OVER**

- (2) A notice that displays the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT” prohibits the passage, from a direction facing the notice, of a vehicle or combination if:
 - (a) the total mass of the vehicle or combination exceeds the gross mass indicated by the sign, or

Clause 58	Road Transport (Mass, Loading and Access) Regulation 2005
Part 5	Mass, dimension, load and other requirements applicable to all vehicles

- (b) the mass carried by an axle or axle group of the vehicle or combination exceeds the mass indicated by the sign for that kind of axle or axle group.
- (3) A limit notice prohibits the passage, from a direction facing the notice, of a vehicle or combination exceeding the total mass indicated by the notice.
- (4) A limit notice or a notice in a similar form (whether erected before or after the commencement of this Regulation) does not prohibit any person from driving a vehicle along or over a public road (or any bridge or causeway forming part of a public road) if the destination of the vehicle lies in or on the road (or bridge or causeway) and there is no alternative route by which to reach that destination.

58 Special mass limits

- (1) In any special case, or where the provisions of this Regulation do not apply to a vehicle, a roads authority may fix a maximum axle load, maximum loaded mass or other load limit for the vehicle.
- (2) Any such load or limit must be:
 - (a) notified in writing to the owner of the vehicle to which it applies, or
 - (b) published in the Gazette or in a local newspaper circulated in the locality to which the limit applies.
- (3) A limitation referred to in subclause (2) is taken to be imposed by this Regulation.
- (4) A person must not fail to comply with the terms of any notification issued for the purposes of this clause.

59 Mass limits for three-wheeled vehicles and cycles

A person must not drive on a road or road related area any three-wheeled motor vehicle if the mass of the load of the vehicle exceeds the mass that the vehicle is capable of carrying as stated in the certificate of registration for the vehicle.

Maximum penalty: 20 penalty units.

60 Lower limit to apply if multiple mass requirements

If more than one mass limit applies to a vehicle or combination, or part of a vehicle or combination, the lower mass limit must be complied with.

Road Transport (Mass, Loading and Access) Regulation 2005	Clause 61
Mass, dimension, load and other requirements applicable to all vehicles	Part 5

Division 3 Other requirements

61 Load requirements

- (1) A load on a vehicle or a trailer must not be placed in a way that makes the vehicle unstable or unsafe.
- (2) A load on a vehicle or a trailer must be secured so that it is unlikely to fall or be dislodged from the vehicle.
- (3) An appropriate method must be used to restrain the load on a vehicle.
- (4) In proceedings for a contravention of a requirement under this clause, it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the *Load Restraint Guide: Guidelines and performance standards for the safe carriage of loads on road vehicles, Second Edition*, as published by the National Transport Commission in April 2004.
Note. Copies of the *Load Restraint Guide: Guidelines and performance standards for the safe carriage of loads on road vehicles, Second Edition*, are available from the RTA offices.
- (5) In proceedings for a failure to comply with this clause, a document purporting to be the Load Restraint Guide referred to subclause (4) is taken to be the Load Restraint Guide, unless the document is proved by the defendant not to be the Load Restraint Guide.
- (6) If the prosecution in proceedings for a contravention of a requirement under subclause (2) proves that the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.

62 Driver to have sufficient control

A person must not drive on a road or road related area any motor vehicle:

- (a) if the vehicle is so constructed, equipped or loaded or if anything is attached to the vehicle in such a manner as to prevent the driver from having a sufficient view of traffic on either side of the vehicle and in all directions in front of the vehicle to enable the driver to drive the vehicle with safety, or
- (b) that is a motor bike if the motor bike is so constructed, equipped or loaded or if anything is attached to the motor bike in such a manner as to prevent the driver from having a view of the approach of any overtaking vehicle, or
- (c) if the person is prevented from safely driving or controlling the vehicle or any trailer or other vehicle attached to the motor vehicle by reason of the weight or dimensions of the loading or

Clause 63	Road Transport (Mass, Loading and Access) Regulation 2005
Part 5	Mass, dimension, load and other requirements applicable to all vehicles

equipment of the towing vehicle or trailer or other towed vehicle or the manner in which the loading or equipment is placed on or attached to the towing vehicle or trailer or other towed vehicle.

Maximum penalty: 20 penalty units.

Division 4 Checking and measuring procedures

63 Exercise of direction powers by authorised officers

- (1) An authorised officer exercising a function under Division 2 of Part 4.2 of the Act must, if the officer has been authorised to exercise his or her powers by a roads authority, wear a badge or other distinguishing mark given to the officer by a roads authority for the purpose of indicating his or her authority.
- (2) Without limiting section 140 of the Act, for the purposes of exercising a power to direct a vehicle to stop under Part 4.2 of the Act, an authorised officer may direct the driver of a vehicle to stop:
 - (a) by displaying a notice (whether or not it is illuminated) containing at least the word “STOP” and, if the officer has been authorised to exercise his or her powers by a roads authority, the name of that authority, and
 - (b) at a place on a road on or near if there is checking station indicated by a notice clearly displayed up on or near the roadway.
- (3) The notice may be held by hand, erected on or near a road, or displayed (whether electronically or otherwise) on a vehicle and, if it is an illuminated notice, may be switched on by an officer whether or not the officer is in the immediate vicinity of the sign at the time.
- (4) An authorised officer may also direct the driver of a vehicle to stop by clearly displaying a notice displaying the words “DIVERT TO HEAVY VEHICLE CHECKING STATION”, “DIVERT TO CHECKING STATION” or similar words.
- (5) However, a direction referred to in subclause (4) is to be taken not to have been given if there is displayed in or in the vicinity of the notice referred to in subclause (2) the word “CLOSED”.
- (6) If only vehicles of a particular class are required to stop, the notice referred to in subclause (2) must indicate the GVM mass limit of the vehicles to which the notice applies.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 64

Mass, dimension, load and other requirements applicable to all vehicles

Part 5

64 Method of determining wheel loads

- (1) For the purpose of determining the wheel load of a wheel of a motor vehicle or a trailer, the wheel is to be weighed (alone or together with any other wheel or wheels forming an axle group of which the wheel the weight of which is being determined forms part) in such a way that the wheel or wheels are weighed together with the portion of the vehicle and load supported by the wheel or wheels.
- (2) If the wheel load of a wheel is determined under subclause (1) by weighing the wheel with other wheels, the load of the wheel the load of which is being determined is the mass of all the wheels so weighed divided by the number of wheels so weighed.

65 Method of determining axle loads

For the purpose of determining the axle load of an axle or axle group of a motor vehicle or trailer, either of the following methods may be used:

- (a) the wheel loads of all wheels on the axle or in the axle group may be added together,
- (b) if the mass of the vehicle together with any load that it supports is known—the axle loads of all single axles and all the axle groups other than the axle or group the load of which is being determined are to be subtracted from that mass.

66 Method of determining total mass

For the purpose of determining the total mass of a vehicle or combination, either of the following methods may be used:

- (a) the axle loads of all the single axles and all the axle groups of a vehicle or combination may be added together,
- (b) all the wheels of the vehicle or combination, together with the vehicle and any added load supported by the wheels, may be weighed simultaneously on a weighing device or weighing devices.

67 Weighing devices

If a weighing device being used for the purpose of determining a wheel load, an axle load or a total mass in accordance with this Regulation shows a mass in excess of the weight for which the weighing device has been verified under the *Trade Measurement Act 1989*, the load on the weighing device when so used is, for the purposes of this Regulation, taken to be the weight for which the weighing device has been so verified.

Clause 68	Road Transport (Mass, Loading and Access) Regulation 2005
Part 6	Mass Management Accreditation Scheme

Part 6 Mass Management Accreditation Scheme

68 Application for accreditation

- (1) A registered operator of a heavy vehicle may apply to the Authority to be accredited under a Mass Management Accreditation Scheme.
- (2) An application for accreditation must be in a form approved by the Authority and be accompanied by an application fee of:
 - (a) \$74, and
 - (b) \$24 for each nominated vehicle that will be the subject of the accreditation.
- (3) The Authority may, for any reason the Authority considers sufficient, exempt a person from the application fee referred to in subclause (2), or waive or wholly or partly refund a fee that would be otherwise payable or has been paid in accordance with this clause.

69 Accreditation under Scheme

- (1) The Authority may accredit a registered operator under a Mass Management Accreditation Scheme in relation to one or more nominated heavy vehicles, if the Authority is satisfied that:
 - (a) the operator is of suitable character and is competent to carry out the operator's responsibilities under the Scheme, and
 - (b) the nominated vehicles comply with the requirements of the Scheme.
- (2) An accreditation may be issued conditionally or unconditionally, as the Authority considers appropriate, in relation to the Scheme.
- (3) The Authority may refuse to accredit a registered operator if the Authority is not satisfied that the registered operator, or the relevant nominated vehicle or vehicles, meet the requirements of the Scheme.
- (4) An accreditation has a duration of either 2 or 3 years, as may be specified in the instrument of accreditation.

70 Accreditation label

If the Authority accredits a registered operator under a Mass Management Accreditation Scheme, every nominated vehicle under that accreditation must be affixed with an accreditation label in the form and manner specified by the Authority.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 71

Mass Management Accreditation Scheme

Part 6

71 Variation, suspension and cancellation of accreditation

- (1) Subject to this clause, the Authority may vary, suspend or cancel a registered operator's accreditation under a Mass Management Accreditation Scheme, if:
 - (a) the Authority is, for any reason, of the opinion that the operator is not a fit and proper person to continue to be accredited, or
 - (b) the registered operator has failed to comply with a condition of the accreditation, or
 - (c) a nominated vehicle of the registered operator does not comply with the requirements of the Scheme, or
 - (d) a review of the operator's activities reveals non-compliance with requirements of the Scheme.
- (2) Before varying, suspending or cancelling a registered operator's accreditation under a Mass Management Accreditation Scheme on the ground referred to in subclause (1) (a), the Authority must give the operator notice in writing that advises the registered operator of:
 - (a) the proposed decision and the reasons for it, and
 - (b) the date that the proposed decision will take effect, and
 - (c) the registered operator's right to a review of the decision by one or more officers of the Authority appointed for the purpose (*an internal review*), and
 - (d) the registered operator's right, after an internal review is finalised, to appeal against the decision to a Local Court.
- (3) Before varying, suspending or cancelling a registered operator's accreditation under a Mass Management Accreditation Scheme on a ground referred to in subclause (1) (b), (c) or (d), the Authority must give the operator notice in writing that advises the registered operator of:
 - (a) the proposed decision and the reasons for it, and
 - (b) the action to be taken by the operator to avoid the variation, suspension or cancellation and the date by which such action must be taken, and
 - (c) the matters referred to in subclause (2) (c) and (d).
- (4) The notice referred to in subclause (3) must also advise the registered operator that if the action referred to in subclause (3) (b) is not taken within 28 days after the date specified in the notice for that purpose, the variation, suspension or cancellation will then take effect.

Clause 72	Road Transport (Mass, Loading and Access) Regulation 2005
Part 6	Mass Management Accreditation Scheme

- (5) A variation, suspension or cancellation takes effect:
- (a) in the case of a variation, suspension or cancellation on the ground referred to in subclause (1) (a)—on the date specified in the notice referred to in subclause (2), and
 - (b) in the case of a variation, suspension or cancellation on a ground referred to in subclause (1) (b), (c) or (d)—if the action required to be taken to avoid the variation, suspension or cancellation has not been taken within the period specified in the notice referred to in subclause (3), at the end of that period.
- (6) However:
- (a) an application for an internal review of a decision to vary, suspend or cancel an accreditation that is duly lodged in accordance with clause 72 operates as a stay of the decision pending the determination of the review, and
 - (b) a notice of appeal against a decision to cancel an accreditation that is duly lodged in accordance with clause 28 of the *Road Transport (General) Regulation 2005* operates as a stay of the decision pending the determination of the appeal.

72 Internal review of variation, suspension or cancellation of accreditation

- (1) Any registered operator aggrieved by a decision of the Authority to vary, suspend or cancel the registered operator's accreditation under the Mass Management Accreditation Scheme may apply for an internal review of the decision under this clause (*an internal review*).
- (2) An application for an internal review is:
 - (a) to be in writing in the form approved by the Authority, and
 - (b) to specify an address in Australia to which a notice under subclause (7) may be sent, and
 - (c) to be lodged with the Authority within 28 days after the registered operator was given the notice under clause 71 of the decision to vary, suspend or cancel the operator's accreditation, and
 - (d) to comply with such other requirements as may be set out in the approved form in respect of the making of applications for internal reviews.
- (3) An application for an internal review is to be dealt with by an officer or a panel of two or more officers of the Authority (other than the officer who made the original decision) who is directed to do so by the Authority (*the internal review officer or panel*).
- (4) In reviewing a decision, the internal review officer or panel is to consider any relevant material submitted by the registered operator.

Road Transport (Mass, Loading and Access) Regulation 2005

Clause 72

Mass Management Accreditation Scheme

Part 6

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- (5) Following the internal review of the decision, the internal review officer or panel may:
- (a) confirm the decision, or
 - (b) vary the decision, or
 - (c) set aside the decision and make an alternative decision.
- (6) In exercising a function under this clause, an internal review officer or panel is taken to have the functions of the officer who made the decision being reviewed.
- (7) As soon as practicable (and in any event within 28 days) after the completion of an internal review of a decision, the Authority must notify the registered operator in writing of:
- (a) the outcome of the internal review, and
 - (b) the reasons for the decision in the internal review, and
 - (c) the right of the registered operator to appeal against the decision to the Local Court.
- (8) If the Authority does not notify the registered operator of the outcome of the review within 28 days after the application for the internal review has been lodged (or such other period as the Authority and registered operator have agreed on), the decision being reviewed is taken to be confirmed.
- (9) An internal review is taken to be finalised if:
- (a) the registered operator is notified of the outcome of the review under subclause (7), or
 - (b) the decision being reviewed is taken to be confirmed under subclause (8).
- (10) A person is not entitled to a review under this clause of any decision previously reviewed under this clause.

Clause 73	Road Transport (Mass, Loading and Access) Regulation 2005
Part 7	Miscellaneous

Part 7 Miscellaneous

73 Keeping documents

- (1) The driver of a vehicle or a combination must carry in the driving compartment:
 - (a) a copy of any notice or permit given under this Regulation under which the vehicle or the combination is operating, or
 - (b) an information sheet issued by the Authority setting out the obligations imposed under the notice.Maximum penalty: 30 penalty units.
- (2) Subclause (1) does not apply if the notice or permit states that the subclause does not apply.

74 Failure of a pilot or escort vehicle to comply with a requirement

- (1) If a pilot vehicle:
 - (a) accompanies an oversize vehicle or combination that is contravening a condition of a Class 1 notice or permit, a Class 2 notice or permit or a Class 3 notice or permit, or
 - (b) does not comply with a requirement of Part 5 of Schedule 2, its driver, and the operator of the oversize vehicle or combination it is accompanying, are each guilty of an offence.
- (2) If an escort vehicle does not comply with a requirement of Part 5 of Schedule 2, its driver, and the operator of the oversize vehicle or combination it is accompanying, are each guilty of an offence.
Maximum penalty: 30 penalty units.

75 Exemptions in emergencies

- (1) In an emergency such as a fire, explosion or natural disaster, the Authority may exempt a vehicle or combination, or its driver or owner, from a requirement of this Regulation if:
 - (a) the vehicle or combination is being used, or is intended to be used, to protect life or property, or to restore communication or the supply of energy or water or services such as sewage disposal, and
 - (b) the exemption does not present an unreasonable danger to other road users.

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Miscellaneous	Part 7

- (2) In an emergency such as a fire, explosion or natural disaster (including a drought), the Authority may exempt a single motor vehicle or a combination, or its driver or owner, from a requirement of this Regulation if the Authority is satisfied that:
 - (a) the exemption will not result in an unreasonable danger to other road users, and
 - (b) the single motor vehicle or the combination is being used, or is intended to be used, to protect life or property, or to restore communication or the supply of energy or water or services such as sewage disposal, or to provide drought relief.
- (3) An exemption may be subject to conditions imposed by the Authority.
- (4) The Authority must make a written record of the exemption, and any conditions of the exemption, but may cause it to be communicated orally to the owner or driver.

76 Repeal and savings provisions

- (1) The *Road Transport (Mass, Loading and Access) Regulation 1996* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Road Transport (Mass, Loading and Access) Regulation 1996*, had effect under that Regulation is taken to have effect under this Regulation.
- (3) Without limiting subclause (2), a notice or permit issued under the *Road Transport (Mass, Loading and Access) Regulation 1996* is taken to have been issued under this Regulation.

Road Transport (Mass, Loading and Access) Regulation 2005

Schedule 1 Mass and loading requirements for heavy vehicles

Schedule 1 Mass and loading requirements for heavy vehicles

(Clause 8)

Part 1 Mass limits

1 Mass limit for a single vehicle

The total mass of a vehicle and any load must not exceed the vehicle's GVM.

2 Mass limits for tyres, wheels and axles

- (1) The wheel load or axle load must not exceed the limit set by its manufacturer.
- (2) The mass on a tyre must not exceed the greatest load capacity determined for the tyre by the manufacturer at a cold inflation pressure that does not exceed:
 - (a) 825 kilopascals for a radial ply tyre, or
 - (b) 700 kilopascals for any other tyre.
- (3) The mass on an axle group or single axle must not exceed the limit provided for it in Table 1.
- (4) The mass limit in Table 1 that applies to an axle group that includes a retractable axle must be determined as if the axle did not exist, unless subclause (5) applies.
- (5) A retractable axle is part of an axle group for the purposes of Table 1 if, when the mass on the group exceeds:
 - (a) 6 tonnes, in the case of a tandem axle group, or
 - (b) 11 tonnes, in the case of a tri-axle group,the tyres on the axle are in contact with the ground and the load-sharing suspension system is operating on each axle (including the retractable axle) and tyre in the group.
- (6) The sum of the mass on the axle groups and single axles on a vehicle or combination must not exceed:
 - (a) in the case of a complying bus:
 - (i) if the complying bus has two axles—16.0 tonnes, and
 - (ii) if the complying bus has a rear tandem axle group fitted with single tyres on one axle and dual tyres on the other axle—20.0 tonnes, and

Road Transport (Mass, Loading and Access) Regulation 2005

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Schedule 1

-
- (iii) if the complying bus has a rear tandem axle group fitted with dual tyres upon both axles—22.5 tonnes, and
 - (b) in the case of an ultra-low floor bus that has no axle groups and only two single axles—16.0 tonnes, and
 - (c) in the case of an articulated ultra-low floor bus that has no axle groups and only three single axles—26.0 tonnes, and
 - (d) in any other case—the sum of the mass limits of the axle groups and single axles, as provided in Table 1.
- (7) For the purposes of Table 1, the tyre width of a radial ply tyre is the number of millimetres marked on the tyre in the position labelled “Section width in mm” on the diagram below clause 1 (3) of Schedule 2.
- (8) For the purposes of Table 1, the tyre width of a bias-type tyre is the number of millimetres equal to 25.4 times the number marked on the tyre in the position labelled “Width code in inches” on the diagram below clause 1 (4) of Schedule 2.
- (9) If no section width or width code is marked on a tyre, the tyre width for the purposes of Table 1 may be determined by measuring the width of the part of the tyre that normally comes into contact with the road surface.
- (10) In this clause and Table 1, *ultra-low floor bus* means a bus, including an articulated bus, that:
- (a) is equipped with a stairless entry, and
 - (b) is designed to be accessible by wheelchairs, and
 - (c) is licensed to carry standing passengers.

Table 1**Mass limits for single axles and axle groups**

Description of single axle or axle group	Mass limit (tonnes)
Single axles and single axle groups	
Single steer axle on:	
(a) a complying bus	6.5
(b) any other motor vehicle	6.0
Single axle or single axle group fitted with single tyres with section width of:	
(a) less than 375 mm	6.0

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Schedule 1 Mass and loading requirements for heavy vehicles

Mass limits for single axles and axle groups

Description of single axle or axle group	Mass limit (tonnes)
(b) at least 375 mm but less than 450 mm	6.7
(c) at least 450 mm	7.0
Single axle or single axle group fitted with dual tyres on:	
(a) a pig trailer	8.5
(b) a complying bus or a bus licensed to carry standing passengers	10.0
(c) an ultra-low floor bus that has no axle groups and only two single axles	11.0
(d) an articulated ultra-low floor bus that has no axle groups and only three single axles	11.0 (but this limit applies to only one single axle fitted with dual tyres per bus)
(e) any other vehicle	9.0
Twinsteer axle groups	
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
Tandem axle groups	
Tandem axle group fitted with single tyres with section width of:	
(a) less than 375 mm	11.0
(b) 375 mm or more but less than 450 mm	13.3
(c) 450 mm or more	14.0
Tandem axle group fitted with single tyres on one axle and dual tyres on the other axle on:	
(a) a complying bus	14.0
(b) any other vehicle	13.0
Tandem axle group fitted with dual tyres on:	
(a) a pig trailer	15.0

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Mass limits for single axles and axle groups

Description of single axle or axle group	Mass limit (tonnes)
(b) any other vehicle	16.5
Tri-axle groups	
Tri-axle group on a vehicle fitted with single tyres with section width of less than 375 mm on all axles, or single tyres on 1 or 2 axles and dual tyres on the other axle or axles	15.0
Tri-axle group on a pig trailer with either single tyres with section width of at least 375 mm, dual tyres on all axles, or a combination of those tyres	18.0
Tri-axle group, on a vehicle other than a pig trailer, with either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres	20.0
Quad-axle groups	
Quad-axle group fitted with single tyres with section width of less than 375 mm	15.0
Quad-axle group fitted with single tyres with section width of at least 375 mm or dual tyres	20.0

3 Mass limits relating to axle spacing

- (1) If the total mass of a vehicle or a combination cannot lawfully exceed 42.5 tonnes, the mass limits in Part 1 of Table 2 must not be exceeded in relation to the distances set out in that Part that apply to the vehicle or combination.
- (2) If the total mass of a vehicle or a combination cannot lawfully exceed 42.5 tonnes, the mass limits in Part 1 of Table 2 apply to the sum of the masses on each axle group or single axle in the distance referred to in that Part, including the axles between which the distance is measured.
- (3) For any B-double, the mass limits in Part 2 of Table 2 must not be exceeded in relation to the distances set out in that Part that apply to the B-double or any vehicle forming part of it.
- (4) For any B-double, the mass limits in Part 2 of Table 2 apply to the sum of the masses of each axle group or single axle in the distance referred to in that Part, including the axles between which the distance is measured.
- (5) For any road train, the mass limit must not exceed that determined or specified by the Authority.

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- (6) For any road train that complies with the limits determined or specified in accordance with subclause (5), the mass limits in Part 3 of Table 2 apply to the sum of the masses of each axle group or single axle in the distance referred to in that Part, including the axles between which the distance is measured.

4 Spacing rules

- (1) A B-double with two tri-axle groups must conform to the formulae:

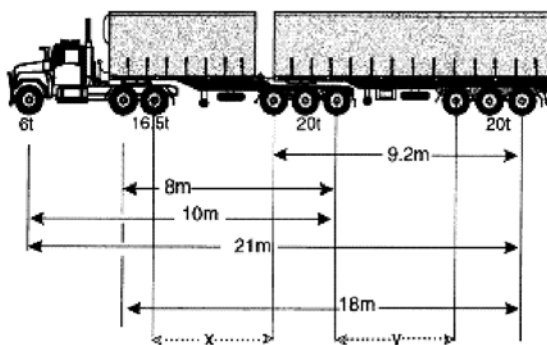
$$x - y \leq 1 \text{ and } y - x \leq 1.3$$

where:

x is the distance in metres between the centres of the closest axles of the second and third axle groups, treating the steer axles as the first axle group and assigning to the next rearmost axle group the description **second axle group** and to each successive axle group a higher ordinal number.

y is the distance in metres between the centres in the closest axles of the third and fourth axle groups, treating the steer axles as the first axle group and assigning to the next rearmost axle group the description **second axle group** and to each successive axle group a higher ordinal number.

- (2) The distance between the axles closest to each other in any adjacent multi-axle groups in a B-double must not differ from the distance between the axles closest to each other in any other adjacent multi-axle groups by more than 1 m.



- (3) The total mass of a vehicle, and any load, must not exceed 15 tonnes if the distance between any 2 axles that are not part of the same axle group is less than 2.5 m.

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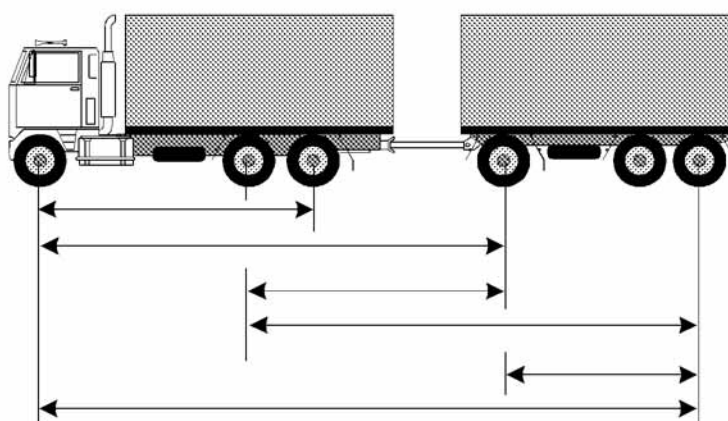
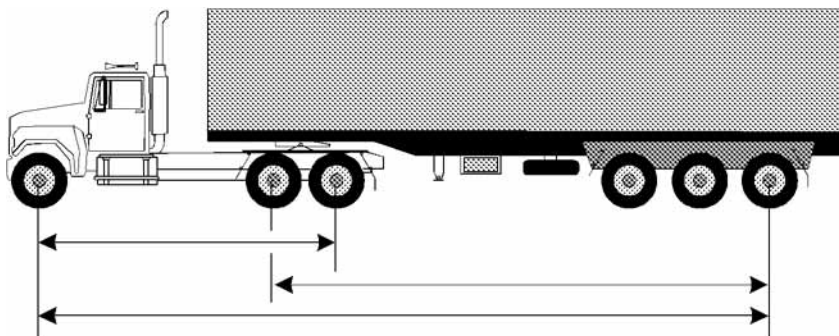
Schedule 1

- (4) The total mass of any vehicle that is being towed, and any load, must not exceed 15 tonnes if the distance between the rearmost axle of the preceding vehicle and foremost axle of the succeeding vehicle is less than 2.5 m.

5 Measurement of distances for Table 2

Each distance in Table 2 refers to:

- (a) the distance from the centre of any single axle to the centre of any other single axle, or
- (b) the distance from the centre of any single axle to the centre of the furthest axle in any axle group, or
- (c) the greatest distance between the centres of axles in any 2 axle groups.



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Table 2**Part 1—Mass limits relating to axle spacing**

Distance (metres) between extreme		Mass limit (tonnes)
Exceeding	Not exceeding	
0	3.7	23.0
3.7	3.8	23.5
3.8	4.0	24.0
4.0	4.2	24.5
4.2	4.3	25.0
4.3	4.5	25.5
4.5	4.7	26.0
4.7	4.8	26.5
4.8	5.0	27.0
5.0	5.2	27.5
5.2	5.3	28.0
5.3	5.5	28.5
5.5	5.7	29.0
5.7	5.8	29.5
5.8	6.0	30.0
6.0	6.2	30.5
6.2	6.3	31.0
6.3	6.5	31.5
6.5	6.7	32.0
6.7	6.8	32.5
6.8	7.0	33.0
7.0	7.2	33.5
7.2	7.3	34.0
7.3	7.5	34.5
7.5	7.7	35.0
7.7	7.8	35.5
7.8	8.0	36.0

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Schedule 1

Part 1—Mass limits relating to axle spacing

Distance (metres) between extreme		Mass limit (tonnes)
Exceeding	Not exceeding	
8.0	8.2	36.5
8.2	8.3	37.0
8.3	8.5	37.5
8.5	8.7	38.0
8.7	8.8	38.5
8.8	9.0	39.0
9.0	9.2	39.5
9.2	9.3	40.0
9.3	9.5	40.5
9.5	9.7	41.0
9.7	9.8	41.5
9.8	10.0	42.0
10.0	—	42.5

Part 2—Mass limits relating to axle spacing—B-doubles

For any B-double, the loaded mass of which can lawfully exceed 42.5 tonnes where the distance between the extreme axles is less than 21 m, the mass limit must not exceed that calculated in accordance with the formula opposite.

$$M = 1.5L + 29.5$$

where:

M is the mass limit in tonnes.

L is the distance in metres.

For any B-double, the loaded mass of which can lawfully exceed 42.5 tonnes where the distance between the extreme axles is not less than 21 m, the mass limit must not exceed that specified opposite.

62.5 tonnes

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Part 2—Mass limits relating to axle spacing—B-doubles

For all B-doubles, the sum of the axle loads in any two or more adjacent axle groups (or of any single axle and the axles in one or more adjacent axle groups) must not exceed that calculated in accordance with the formulae opposite.

For L less than or equal to 11.33 metres:

$$M = 3L + 12.5$$

where:

M is the mass limit in tonnes.

L is the distance in metres.

For L greater than 11.33 metres:

$$M = 1.5L + 29.5$$

where:

M is the mass limit in tonnes.

L is the distance in metres.

Part 3—Mass limits relating to axle spacing—Road trains

For any road train the sum of the axle loads of the axles in any two adjacent axle groups (or of any single axle and the axles in an adjacent axle group) must not exceed that calculated in accordance with the formula opposite.

$$M = 3L + 12.5$$

where:

M is the mass limit in tonnes.

L is the distance in metres.

6 Mass limits for combinations

- (1) The total mass of a combination other than a road train or B-Double, and any load, must not exceed 42.5 tonnes.
- (2) The loaded mass of a dog trailer or pig trailer must not exceed the loaded mass of the towing vehicle.
- (3) The total mass of a combination, and any load, must not exceed the towing vehicle's GCM.

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- (4) If the manufacturer of a motor vehicle forming part of a road train or B-Double has not determined the GCM of the vehicle, the total mass of the combination and any load must not exceed the number of kilograms worked out using the following formula:

$$\text{Mass in kg} = \frac{K \times M \times R \times T}{16}$$

where:

K means:

- (a) 0.055 if a single drive axle is fitted to the motor vehicle, or
- (b) 0.053 if a single drive tandem axle group is fitted to the motor vehicle, or
- (c) 0.051 if a dual drive tandem axle group is fitted to the motor vehicle.

M means the number of tyre revolutions per kilometre as specified by the tyre manufacturer for the tyres fitted to the driving axle or axles.

R means the overall gear reduction between engine and drive wheels.

T means the maximum engine net torque in newton-m.

7 Higher mass limits

- (1) Despite the other provisions of this Schedule, the axle loads specified in Table 3 apply in respect of an eligible vehicle if all of the following apply:
- (a) the vehicle has road friendly suspension certified in accordance with *Vehicle Standards Bulletin No 11* issued by the Department of Transport and Regional Services of the Commonwealth,
 - (b) if the axle group on the vehicle is a tri-axle group:
 - (i) the operator of the vehicle is an accredited operator, and the vehicle is accredited, under a Mass Management Accreditation Scheme, and
 - (ii) a label or some other device (approved by the Authority) that indicates that the vehicle is operating under a Mass Management Accreditation Scheme is prominently displayed in the position required by the scheme,
 - (c) the vehicle meets the requirements of an intelligent transport system approved by the Authority,

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- (d) the vehicle is operated on roads approved by the Authority and specified in a notice published in the Gazette.

Table 3

Single axle or axle group	Mass limit (tonnes)
Single axle with dual tyres (buses only)	10.0
Tandem axle group fitted with single tyres on one axle and dual tyres on the other axle	14.0
Tandem axle group fitted with dual tyres	17.0
Tri-axle group fitted with dual tyres	22.5

- (2) The total mass of an eligible vehicle must not exceed the lowest of the following:
- (a) the sum of:
 - (i) the single axle and single axle group, the twinsteer axle group and the quad-axle group mass limits in Table 1, and
 - (ii) the axle and axle group mass limits in Table 3,
 - (b) in the case of a bus or rigid truck—the vehicle's GVM,
 - (c) the GCM for the prime mover,
 - (d) the sum of the vehicle's GVM for the prime mover and the semi-trailer,
 - (e) in the case of a rigid truck fitted with a tandem drive axle group that is not towing another vehicle—28 tonnes,
 - (f) in the case of a combination—45.5 tonnes,
 - (g) in the case of a rigid truck fitted with a tandem drive axle group towing a trailer that is fitted with a single, tandem or tri-axle group towards the rear of the trailer, where both the truck and trailer are designed to carry vehicles on 2 or more partly or completely overlapping decks—50.5 tonnes,
 - (h) in the case of a B-double—68.0 tonnes,
 - (i) in the case of a road train—85.0 tonnes.

- (3) In this clause:

eligible vehicle means any of the following:

- (a) a rigid truck fitted with a tandem drive axle group that is not towing another vehicle,

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Schedule 1

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- (b) a rigid truck fitted with a tandem drive axle group towing a trailer that is fitted with a single, tandem or tri-axle group towards the rear of the trailer, where both the truck and trailer are designed to carry vehicles on 2 or more partly or completely overlapping decks,
 - (c) a combination where the prime mover is fitted with a single axle or tandem drive axle group and the semi-trailer is fitted with a single axle, tandem axle or tri-axle group,
 - (d) a bus fitted with a single drive or tandem axle group,
 - (e) a truck or bus with a six-tyred tandem axle group at the rear,
 - (f) a B-double where the prime mover is fitted with a tandem drive axle group and the trailer is, or the trailers are, fitted with either a tandem or tri-axle group,
 - (g) a road train not more than 36.5 m in length if:
 - (i) the prime mover is fitted with a tandem drive axle group, and
 - (ii) the semi-trailer is fitted with either a tandem or tri-axle group, and
 - (iii) the converter dolly is fitted with a tandem axle group.

Part 2 Size and projection of loads

8 Size limits

- (1) A vehicle or a combination, and its load, must not exceed a size limit set for the vehicle or combination in the *Road Transport (Vehicle Registration) Regulation 1998*.
- (2) The distance measured at right angles between the rear overhang line of a vehicle and the rear of any load it is carrying must not exceed the rear overhang that the vehicle is allowed under the *Road Transport (Vehicle Registration) Regulation 1998*.

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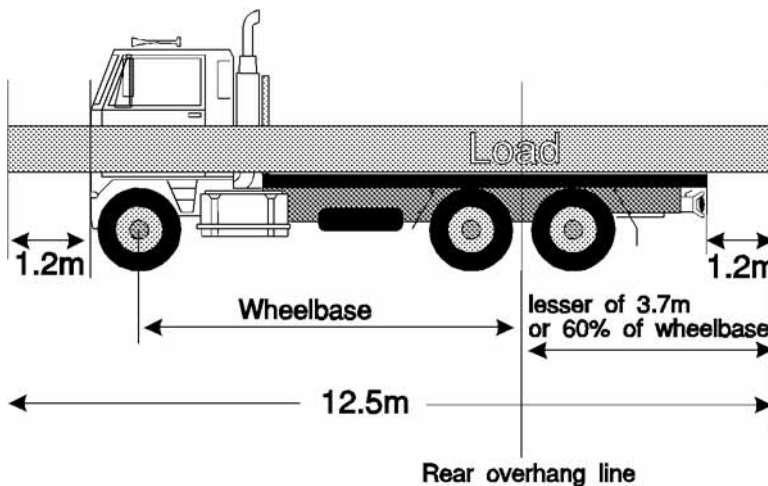
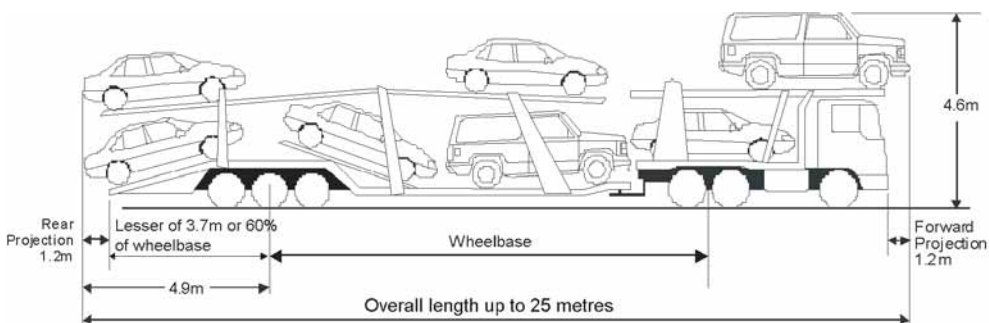


Illustration of the rear overhang limit permitted by the Road Transport (Vehicle Registration) Regulation 1998 and the front projection limit and the maximum rear projection of a load allowed without a warning signal

- (3) Despite subclauses (1) and (2):
 - (a) the height of a vehicle that is carrying vehicles on more than one deck, and its load, must not exceed 4.6 m, and
 - (b) the distance measured at right angles between the rear overhang line of a trailer carrying vehicles on more than one deck and the rear of the rearmost vehicle on the trailer must not exceed 4.9 m.



Maximum allowable dimensions of a loaded car carrier

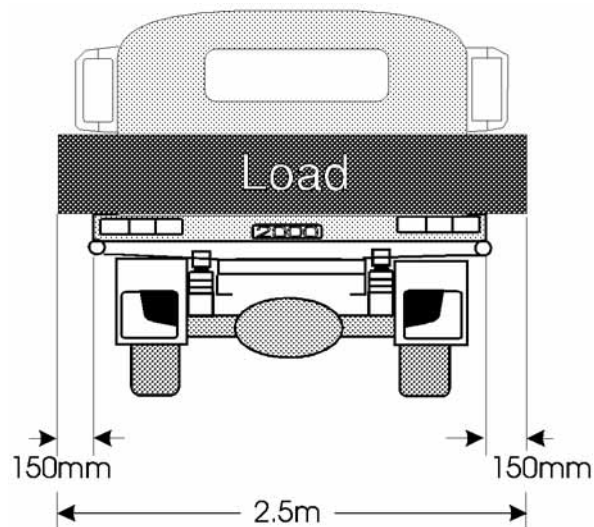
Road Transport (Mass, Loading and Access) Regulation 2005

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9 Front and side projections

A load on a vehicle must not project more than 1.2 m in front of the vehicle, or more than 150 mm from the outermost part of either side of it.



Vehicle loaded to width limits referred to in clause 8 (1), with a maximum side projection of load allowed under clause 9

Note. The combined dimensions of a vehicle and its load must still meet the requirements of clause 8 of this Schedule even if the load projects from the vehicle in any direction.

10 Rear projections

- (1) The rear of a load on a vehicle must carry a warning signal if the load:
 - (a) projects more than 1.2 m behind the vehicle, or
 - (b) projects to the rear of the vehicle so that the end of the load cannot be seen easily from behind, or
 - (c) is on a pole-type trailer.
- (2) In daytime, the warning signal must be a brightly coloured flag or piece of material, with each side at least 300 mm long.
- (3) At night, the warning signal must be a red light which can be seen for 200 m.

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11 Dangerous projections

A load on a vehicle must not project in a way that is dangerous to a person or to property, even if all dimension and warning requirements are met.

Part 3 Couplings

12 Trailers

- (1) A trailer in a combination must be securely coupled to the vehicle in front of it.
- (2) The components of a coupling used between vehicles must be compatible and properly connected to each other.

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Oversize and overmass vehicles

Schedule 2

Schedule 2 Oversize and overmass vehicles

(Clause 11)

Part 1 All vehicles travelling under notices

1 Mass limits relating to tyre width

- (1) The mass on an axle fitted with tyres of a number and width described in Table 1 must not exceed the mass limit specified in the Table for that axle in relation to the narrowest tyre on the axle.

Table 1

Tyre width of the narrowest tyre on the axle (mm)		Mass limit if the axle has 2 tyres (tonnes)	Mass limit if the axle has 4 tyres (tonnes)
at least	but less than		
190	228	4.5	9.0
228	254	5.0	9.5
254	279	6.0	10.0
279	305	6.5	11.0
305	330	7.0	12.0
330	356	7.5	13.0
356	381	8.0	14.0
381	406	9.0	14.0
406	458	10.0	14.0
458	508	11.0	14.0
508		12.0	14.0

- (2) The mass on an axle group fitted with tyres of a number and width described in Table 2 must not exceed the mass limit specified in the Table for that axle group in relation to the narrowest tyre in the group.

Table 2

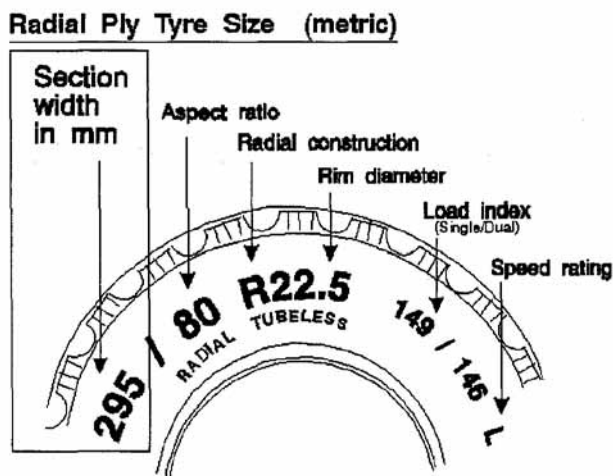
Tyre width of the narrowest tyre in the group (mm)		Mass limit for a tandem axle group with 4 tyres (tonnes)	Mass limit for a tri-axle group with 6 tyres (tonnes)
at least	but less than		
381	406	16.5	22.0
406	431	17.0	23.0

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Schedule 2 Oversize and overmass vehicles

Tyre width of the narrowest tyre in the group (mm)		Mass limit for a tandem axle group with 4 tyres (tonnes)	Mass limit for a tri-axle group with 6 tyres (tonnes)
at least	but less than		
431	458	17.5	24.0
458	482	18.0	25.0
482	508	18.5	26.0
508		19.0	27.0

- (3) For the purposes of Tables 1 and 2, the tyre width of a radial ply tyre is the number of millimetres marked on the tyre in the position labelled "Section width in mm." on the diagram below.



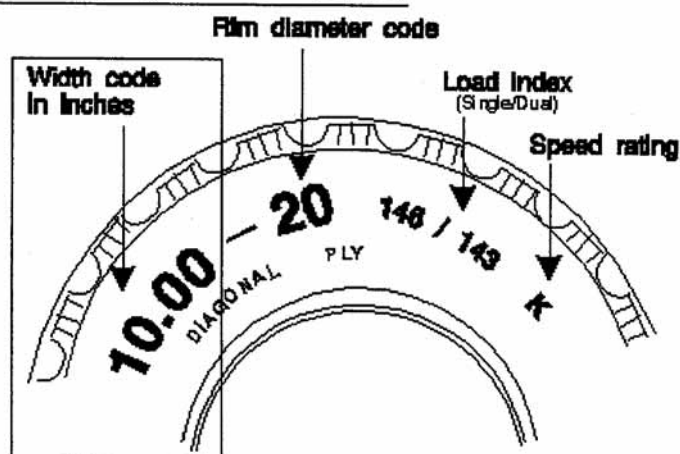
Position of section width marking on radial ply tyre

- (4) For the purposes of Tables 1 and 2, the tyre width of a bias-type tyre is the number of millimetres equal to 25.4 times the number marked on the tyre in the position labelled "Width code in inches" on the diagram below.

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Oversize and overmass vehicles

Schedule 2

Bias Ply Tyre Size (code)**Position of width code marking on diagonal or bias type tyre**

- (5) If no section width or width code is marked on a tyre, the tyre width for the purposes of Tables 1 and 2 may be determined by measuring the width of the part of the tyre that normally comes into contact with the road surface.

2 Dimension limits

- (1) A vehicle or combination described in Table 3 must not, together with any load, exceed a dimension limit specified in the Table for that vehicle or combination, or the corresponding limit in the *Road Transport (Vehicle Registration) Regulation 1998* or Schedule 1, whichever is the greater.

Table 3

Type of vehicle or combination	Dimension	Limit (m)
Any except agricultural	Width	3.5
Any except agricultural	Height	A height specified in the notice, being a height not less than 4.3 and not greater than 4.6
Any combination except agricultural	Length	25.0

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Schedule 2 Oversize and overmass vehicles

Type of vehicle or combination	Dimension	Limit (m)
Special purpose vehicle	Length	14.5
Other rigid vehicle	Length	12.5
Special purpose vehicle	Distance from the rear overhang line to rear of the vehicle	Lesser of 4 m and 90% of the wheelbase
Semi-trailer	Distance from the rear overhang line to the rear of the vehicle (or load)	Lesser of 5.5 m and 25% of the semi-trailer's length
Special purpose vehicle	Projection in front of the centre of the steering wheel	3.5

Note 1. Dimension limits for agricultural vehicles are set out in clause 24 of this Schedule.

The combined dimensions of a vehicle and its load must still comply with the requirements of Table 3 even if the load projects from the vehicle in any direction.

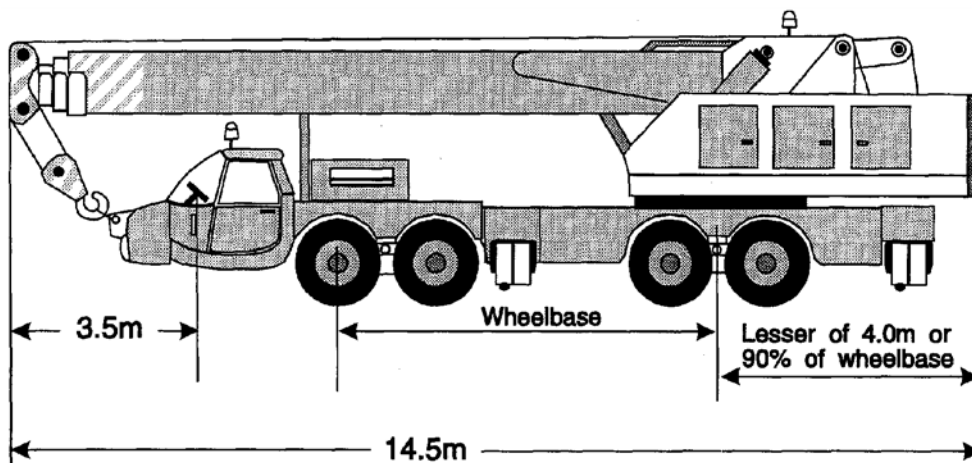
Note 2. A notice may specify routes for particular classes of vehicles under clause 14 of this Regulation. For example vehicles under 4.5 m in height may be allowed to travel on a greater number of routes than vehicles 4.6 m high.

- (2) Any flags, lights or mirrors required on a vehicle, combination or load must be disregarded when measuring the dimensions of a vehicle or combination for the purposes of this Regulation.
- (3) The centre lines of adjacent axles in an axle group on an overmass vehicle or combination must be at least 1.2 m apart.

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Oversize and overmass vehicles

Schedule 2



Rigid mobile crane, showing dimension limits

3 Making an unloaded vehicle smaller

An oversize vehicle without a load must be reduced to the smallest practicable dimensions, with any booms fully retracted.

4 Warning devices for oversize vehicles

- (1) An oversize vehicle or combination, together with any load, that is wider than 2.5 m, or longer than 25 m, must have:
 - (a) one warning sign at its front, and
 - (b) one warning sign at its rear or, if it is carrying a rear-projecting load, at the rear of the load, and
 - (c) 4 brightly coloured red, yellow, or red and yellow, flags, each at least 450 mm long and at least 450 mm wide.
- (2) One of the flags must be positioned:
 - (a) at each side of the front and rear of any projecting load, or
 - (b) if there is no projecting load, at each side of the front and rear of the vehicle or combination.
- (3) An oversize vehicle or combination that, together with any load, is not wider than 2.5 m, and whose length is more than 22 m but not more than 25 m, must have one warning sign at its rear or, if it is carrying a rear-projecting load, at the rear of the load.

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Schedule 2 Oversize and overmass vehicles

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- (4) Subclauses (1), (2) and (3) do not apply to:
- (a) a road construction vehicle or combination travelling within 1 km of a construction site, if the vehicle has a warning light, or
 - (b) a tractor, or
 - (c) a rigid mobile crane less than 3 m wide.
- (5) If a load projects more than 150 mm beyond one side of an oversize vehicle or combination, and the projection is less than 500 mm thick from top to bottom, there must be:
- (a) a warning light attached to the vehicle or combination, and
 - (b) at least two yellow, rigid pieces of material (in this clause called *delineators*), one attached to the front and the other attached to the rear of the projection.
- Note.** If the load projects more than 150 mm beyond both sides of the vehicle there must be at least 4 delineators—at least one on each side at the front and at least one on each side at the rear.
- (6) A delineator must:
- (a) be at least 300 mm long and at least 300 mm wide, and
 - (b) comply with Class 1 or 2 of Australian/New Zealand Standard AS/NZS 1906.1:1993, *Retroflective materials and devices for road control purposes*, as amended and in force at the commencement of this Regulation, and
 - (c) if at the front of the projection, be attached so that its reflective surface is facing forward of the vehicle, and
 - (d) if at the rear of the projection, be attached so that its reflective surface is facing rearward from the vehicle.
- (7) In the daytime, an oversize vehicle or combination must display a warning light if the vehicle, together with any load, is wider than 3 m.

Note. Other warning requirements

As well as complying with subclauses (5), (6) and (7) and clause 6 of this Schedule:

- (a) tractors (and other agricultural vehicles) must comply with the warning requirements in clause 26 of this Schedule, and
- (b) rigid mobile cranes (and other special purpose vehicles) must comply with the warning requirements in clauses 20 and 21 of this Schedule.

Parts 6 and 7 set out requirements for warning lights and signs.

In addition to the requirements in this clause, any load projecting more than 1.2 m behind the vehicle must display warning flags in the daytime, in accordance with Schedule 1.

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Oversize and overmass vehicles

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5 Additional warning devices at night

At night, an oversize vehicle or combination must display:

- (a) lights showing yellow to the front and red to the rear (known as *side markers*) no more than 2 m apart along both sides of the vehicle and along any front or rear projection, and
- (b) two red lights (known as *rear markers*) fixed to the rear of any rear-projecting load, within 400 mm of each side of the load, and at least 1 m but not more than 2.1 m above the ground, and
- (c) a warning light if the vehicle or combination, together with any load, is wider than 2.5 m or longer than 22 m.

Note. Clause 20 of this Schedule sets out additional lighting requirements for special purpose vehicles travelling at night.

6 Headlights

An oversize vehicle, or the front vehicle in an oversize combination, must have its low-beam headlights on while travelling in the daytime, unless it is not required under the *Road Transport (Vehicle Registration) Regulation 1998* to have headlights.

7 Travel restrictions at night

At night, a vehicle or combination that, together with any load, is wider than 3.1 m or longer than 22 m, must not:

- (a) travel outside an urban area, or
- (b) travel in an urban area without being accompanied by a pilot vehicle.

Note. Urban areas are designated by the Authority—see clause 14 of this Regulation. Permits for night travel outside the conditions set out in the clause above are uncommon.

8 No travelling if low visibility

- (1) A vehicle or combination must not begin to travel if, due to circumstances such as fog, heavy rain, smoke, dust or insect plague:
 - (a) visibility is less than 250 m in the daytime, or
 - (b) the headlights of a vehicle approaching within 250 m could not be seen at night.
- (2) If a vehicle or combination is already travelling when visibility is reduced to the level described in subclause (1), the driver must drive it into the nearest safe parking area, and wait until visibility improves beyond that level before continuing to travel.

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Schedule 2 Oversize and overmass vehicles

9 Minimum following distance

A person driving an oversize vehicle or combination must maintain a distance of at least 200 m from an oversize vehicle or combination travelling in front of it, unless:

- (a) it is overtaking the front one, or the front one is stopping, or
- (b) there is a separate lane available for the use of overtaking traffic, or
- (c) it is in an urban area and it is not reasonably practicable to maintain a distance of 200 m.

10 Assessing routes

- (1) Before a vehicle or combination is driven along any route, its driver and owner must be satisfied that the route has been assessed and that the vehicle or combination can be driven along it without contravening subclause (2).
- (2) A vehicle or combination must not be driven along a route if to do so would be likely to cause:
 - (a) disruption to telecommunication, electricity, rail, gas, water or sewage services, or
 - (b) damage to a road (including a bridge), structure, rail crossing or tree.
- (3) Subclause (2) does not apply if the authority responsible for the services or property has given permission for the vehicle or combination to travel along the route, and the vehicle or combination is driven in accordance with the permission.

Part 2 Load-carrying vehicles travelling under notices**11 Application of Part**

This Part applies only to load-carrying vehicles and combinations.

12 Mass limits for axles and axle groups

- (1) The mass on a single axle or axle group described in Table 4 must not exceed the mass limit specified opposite its description in the Table if it is in a combination consisting of a tandem drive prime mover towing:
 - (a) a low loader, or
 - (b) a low loader dolly and a low loader, or

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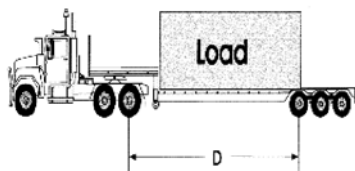
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- (c) a jinker, or
- (d) a low loader dolly and a jinker.

Table 4

Single axle or axle group	Mass limit (tonnes)
Steer axle with 2 tyres	6.0
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
Single axle with 8 tyres	12.0
Tandem axle group with 8 or more tyres, not on a trailer	18.5
Tandem axle group with 8 or more tyres, on a trailer	18.5
Tandem axle group with 16 or more tyres, on a trailer	21.0
Tri-axle group with 12 or more tyres	25.0
Oversize tri-axle group with 12 or more tyres or quad axle group with 16 or more tyres	27.0

- (2) The sum of the mass on each of the combination's single axles and axle groups must not exceed the sum of the mass limits specified for each of them in Table 4.
- (3) In addition, the total mass of the combination and any load must not exceed:
 - (a) 49.5 tonnes if the distance between the centre-line of the rearmost axle of the towing vehicle and the centre-line of the foremost axle of the combination's rear axle group is 6 m or more, or
 - (b) 49.5 tonnes decreased by 1 tonne for every 0.3 m by which the distance referred to in paragraph (a) is less than 6 m.



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Schedule 2 Oversize and overmass vehicles

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- (4) The mass on an axle group or single axle must not exceed the relevant limit set by this Regulation if it is:
- (a) not described in Table 4, or
 - (b) on a load-carrying vehicle or combination except one described in subclause (1).

13 Minimising width

- (1) If a load can be safely loaded in more than one way, it must be loaded in a way that minimises the width of the vehicle or combination and its load.
- (2) An unladen low loader, low loader dolly or jinker, with 4 tyres on each axle, must not be wider than 2.5 m.
- (3) An unladen low loader, low loader dolly or jinker, with 8 tyres on each axle, must not be wider than 2.7 m.

14 Carrying goods in addition to a large indivisible item

- (1) A vehicle or combination must not carry more than one large indivisible item unless:
 - (a) the vehicle or combination and its load complies with the mass limits in Schedule 1, and
 - (b) the carrying of additional large indivisible items does not cause the vehicle or combination and its load to exceed a dimension limit in Schedule 1 that would not have been exceeded by the carrying of one of the large indivisible items.
- (2) A vehicle or combination carrying one or more large indivisible items must not carry any other goods unless:
 - (a) the vehicle or combination and its load complies with the mass limits in Schedule 1, and
 - (b) the other goods are contained within the dimension limits in Schedule 1.
- (3) Despite subclause (2), a vehicle or combination carrying a special purpose vehicle or agricultural vehicle may also carry any equipment, tools, substances or detached parts to be used in conjunction with the vehicle being carried.

15 Towing a low loader dolly with an unladen low loader

An unladen low loader must not be towed in a combination with a low loader dolly unless:

- (a) the combination is 2.5 m wide or less, and

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- (b) it would be unreasonable to require the dolly to be loaded onto the low loader because of the short distance to be travelled, or special difficulties in loading or unloading the dolly due to the nature of the site.

Part 3 Special purpose vehicles travelling under notices

16 Application of Part

This Part applies only to special purpose vehicles.

17 Mass limits for axles and axle groups

- (1) The mass on a single axle or axle group described in Table 5 must not exceed the mass limit specified opposite its description in the Table.

Table 5

Type of axle or axle group	Mass limit (tonnes)
Single axle or single axle group fitted with:	
(a) single tyres	7.0
(b) dual tyres	10.0
Twinsteer axle group:	
(a) without a load-sharing suspension system	10.0
(b) with a load-sharing suspension system	14.0
Tandem axle group fitted with single tyres	14.0
Tri-axle group fitted with single tyres	18.0

- (2) The mass on a tandem axle group fitted with dual tyres, where the centre lines of the axles are less than 1.35 m apart, must not exceed 20 tonnes:
- (a) decreased by 1 tonne for each 100 mm by which the axle group's ground contact width is less than 2.4 m, or
- (b) increased by 1 tonne for each 100 mm by which the axle group's ground contact width exceeds 2.5 m, but not increased to more than 27 tonnes.
- (3) The mass on a tandem axle group fitted with dual tyres, where the centre lines of the axles are at least 1.35 m apart, must not exceed 23 tonnes:
- (a) decreased by 1 tonne for each 100 mm by which the axle group's ground contact width is less than 2.4 m, or

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- (b) increased by 1 tonne for each 100 mm by which the axle group's ground contact width exceeds 2.5 m, but not increased to more than 27 tonnes.
- (4) The mass on a tri-axle group fitted with dual tyres, where the centre lines of the axles are less than 1.35 m apart, must not exceed 25 tonnes, decreased by 1 tonne for each 100 mm by which the axle group's ground contact width is less than 2.4 m.
Note. Under clause 2 (3) of this Schedule the centre lines of the axles must be at least 1.2 m apart.
- (5) The mass on a tri-axle group fitted with dual tyres, where the centre lines of the axles are at least 1.35 m apart, must not exceed 27 tonnes, decreased by 1 tonne for each 100 mm by which the axle group's ground contact width is less than 2.4 m.

18 Total mass limits for special purpose vehicles

The total mass of a special purpose vehicle must not exceed the least of:

- (a) the sum of the mass allowed for each single axle and axle group on the vehicle, and
- (b) 40 tonnes, and
- (c) the mass worked out using the following formula:

$$\text{Mass in tonnes} = 3L + 15 \pm G$$

where:

L is the distance in metres between the centre lines of the vehicle's foremost and rearmost axles.

$\pm G$ is a number of tonnes:

- (a) to be added at the rate of 1 tonne for each 100 mm by which the ground contact width of the rearmost axle exceeds 2.5 m, or
- (b) to be subtracted at the rate of 1 tonne for each 100 mm by which the ground contact width of the rearmost axle is less than 2.4 m.

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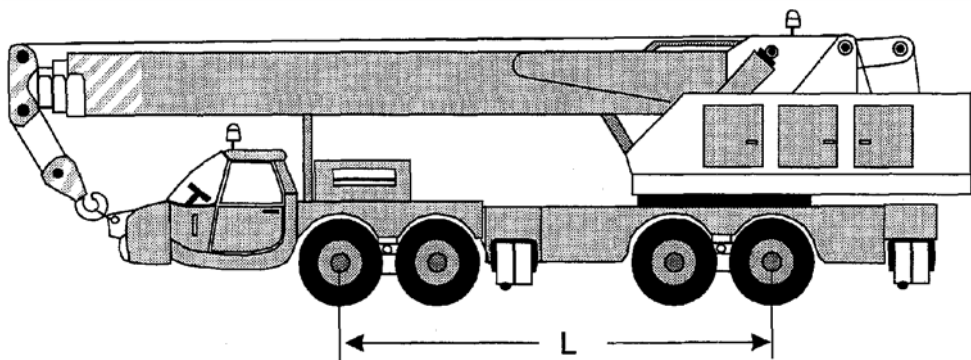


Illustration of distance “L”

19 Side lights for travel at night

- (1) When travelling at night, a special purpose vehicle with a projection extending more than 1.2 m in front of the vehicle body must have a yellow light fixed on each side of the projection, mounted as far forward as possible, and shielded from the driver's view.
- (2) Both lights must be visible to any traffic approaching the vehicle from its front, and at least one of the lights must be visible to any traffic approaching the vehicle from either side.

20 Markings for special purpose vehicles

- (1) Rear marker plates complying with ADR 13/00, must be displayed at the rearmost part of the body of a special purpose vehicle.
- (2) A pattern covering an area one of at least 0.16 square metres and consisting of diagonal stripes at least 150 mm wide and alternately coloured:
 - (a) red and white, or
 - (b) black and white,
 must be displayed on the left and right sides of any rigid projection extending more than 1.2 m in front of the body of a special purpose vehicle, if it is practicable to do so.

21 Prohibition on towing other vehicles

A special purpose vehicle must not tow a vehicle.

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Schedule 2 Oversize and overmass vehicles

Part 4 Agricultural vehicles travelling under notices**22 Application of Part**

This Part applies only to agricultural vehicles and agricultural combinations.

23 Mass limits

The mass on an axle described in Table 6, on an agricultural machine or implement with 2 axles, must not exceed the mass limit specified opposite its description in the Table.

Table 6

Number of tyres on an axle	Mass limit (tonnes)
Axle fitted with 2 tyres	9.0
Axle fitted with 4 tyres and a ground contact width less than 2.51 m	9.0
Axle fitted with 4 tyres and a ground contact width at least 2.51 m but not more than 3.5 m	10.5
Axle fitted with 4 tyres and a ground contact width more than 3.5 m	12.0

24 Dimension limits

- (1) The height of an agricultural vehicle must not exceed 4.6 m.
- (2) On an agricultural machine or implement, the distance from the rear overhang line to the rear of the vehicle must not exceed 4.5 m (except for augers or conveyors, on which the distance must not exceed 5.5 m).
- (3) The length of an agricultural machine must not exceed 12.5 m.
- (4) The length of an agricultural combination must not exceed 25 m.
- (5) The width of an agricultural machine or combination described in Table 7, in an area determined by the Authority to be in a category specified in Table 7, must not exceed the limit specified opposite that category in the Table.

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Table 7

Category of area	Width limit for an agricultural machine alone or an agricultural machine or rigid vehicle towing an agricultural implement (m)
Category 1	3.5
Category 2	5.0
Category 3	6.0

- (6) An agricultural vehicle or combination of a type or in an area not covered by Table 7 must not be wider than 2.5 m.

Note. An agricultural vehicle or combination not covered by Table 7 must get a permit in order to travel at a greater width than 2.5 m.

25 Warning devices for agricultural vehicles

- (1) An agricultural vehicle or combination that is wider than 2.5 m, or an agricultural combination that is longer than 22 m, must have a warning light fixed to its highest practicable point when it is on a major road.
- (2) A warning sign must be displayed at the rear of an agricultural implement being towed by a tractor.

Note. Under clause 4 of this Schedule, single tractors do not have to be fitted with warning signs.

- (3) A pattern covering an area of at least 0.16 square metres and consisting of diagonal stripes at least 150 mm wide and alternately coloured:
- red and white, or
 - black and white,
- must be displayed at the sides of the rear of any auger, conveyor, or harvester comb carried on a comb trailer.
- (4) Any part of an axle extending more than 150 mm from the outside wall of a tractor's tyre must be painted fluorescent yellow or have yellow fluorescent or other high-visibility material wrapped around it.

Note. See clauses 4 and 5 of this Schedule for additional warning requirements for agricultural vehicles.

26 Pilot vehicle requirements for agricultural vehicles

- (1) Agricultural vehicles and combinations of a width described in Table 8 must be accompanied by pilot vehicles in accordance with that Table.

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Schedule 2 Oversize and overmass vehicles

Table 8

Area of operation	Wider than 3.7 m but not wider than 4.5 m	Wider than 4.5 m but not wider than 6 m
If the terrain limits a clear view of approaching traffic to less than 500 m	1 pilot vehicle	2 pilot vehicles
A major road	1 pilot vehicle	2 pilot vehicles
If there is a clear view of approaching traffic for at least 500 m, but not on a major road	nil	1 pilot vehicle

- (2) Despite subclause (1), an agricultural vehicle or combination does not have to be accompanied by a pilot vehicle if it is travelling less than 500 m.

27 Agricultural vehicles not to use freeways

An oversize agricultural vehicle or combination must not be driven on a freeway.

28 Agricultural implements not to carry loads

An agricultural implement must not carry a load.

29 Speed limits for agricultural implements without brakes

An agricultural implement without brakes must not be towed at a speed greater than the lesser of:

- (a) 20 km an hour less than the speed limit applying to the section of road on which the implement is travelling, and
- (b) 50 km an hour.

30 Exemption from requirement for rear vision mirrors

A vehicle towing an agricultural implement wider than 3.5 m, which obscures the view to the rear of the vehicle, is exempt from any requirement under the *Road Transport (Vehicle Registration) Regulation 1998* to have a rear vision mirror fitted.

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of that Regulation if that person or vehicle is exempted from that limit or requirement under this Regulation.

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Part 5 Pilot and escort vehicles

31 Application of Part

This Part applies to the operation of a vehicle as a pilot vehicle or escort vehicle that is required by a notice or permit under this Regulation.

32 Requirements for a pilot vehicle

- (1) A pilot vehicle must have 4 or more wheels and a GVM of:
 - (a) 6.5 tonnes or less in the case of a rear pilot vehicle if two pilot vehicles are required, or
 - (b) 4.5 tonnes or less in any other case.
- (2) A pilot vehicle must have a warning sign on its roof.
- (3) A pilot vehicle must only have a warning light attached:
 - (a) above or below the sign, or
 - (b) at each side of the sign.

Note. Parts 6 and 7 of this Schedule set out requirements for warning lights and signs.

33 Requirements for an escort vehicle

- (1) An escort vehicle other than a police motor cycle must have:
 - (a) 4 or more wheels, and
 - (b) a GVM of 4.5 tonnes or less, and
 - (c) on its roof a light that flashes or 2 lights that flash when switched on.
- (2) A light referred to in subclause (1) must flash yellow unless the vehicle is a police vehicle or a vehicle belonging to an Authority and the light is of a colour approved under Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

34 Headlights on a pilot or escort vehicle

The low-beam headlights on a pilot vehicle or escort vehicle must be switched on when it is accompanying an oversize vehicle or combination during the daytime.

35 What may a pilot or escort vehicle carry?

A pilot or escort vehicle must not tow a trailer or carry a load, but it may carry tools, equipment or substances for use in connection with the oversize vehicle or combination that it is accompanying or for restraining the load on that vehicle or combination.

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36 Where must a pilot vehicle be driven?

- (1) When 1 pilot vehicle accompanies an oversize vehicle or combination, the pilot vehicle must travel:
 - (a) behind the oversize vehicle or combination if they are on a divided road, or
 - (b) in front of the oversize vehicle or combination if they are on a road that is not divided.
- (2) When 2 pilot vehicles accompany an oversize vehicle or combination, one pilot vehicle must travel in front of the oversize vehicle or combination, and the other behind it.
- (3) A pilot vehicle must travel far enough away from the oversize vehicle or combination it is accompanying to give adequate warning to other road users of the presence of the oversize vehicle or combination, taking into account traffic speed, weather, visibility and other driving conditions.

37 Communication between drivers

- (1) An oversize vehicle or combination and any accompanying pilot or escort vehicle must have an electronic device that allows the drivers to communicate effectively with each other.
- (2) Subclause (1) does not apply to:
 - (a) an oversize agricultural machine, or
 - (b) an oversize combination that includes an agricultural machine, or
 - (c) an escort vehicle that is a police vehicle.

Part 6 Warning lights**38 Characteristics of warning lights**

When switched on, a warning light on an oversize vehicle or combination or pilot vehicle must:

- (a) emit a rotating, flashing, yellow coloured light, and
- (b) flash between 120 and 200 times a minute, and
- (c) have a power of at least 55 watts, and
- (d) not be a strobe light.

39 Visibility of warning lights

- (1) A warning light on an oversize vehicle or combination or a pilot or escort vehicle must be:
 - (a) clearly visible at a distance of 500 m in all directions, or

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- (b) supplemented by one or more additional warning lights so that the light emanating from at least one of them is clearly visible at a distance of 500 m in any direction.
 - (2) Despite subclause (1), in the case of a pilot vehicle travelling in front of an oversize vehicle or combination, a filter may be placed behind the warning light on the pilot vehicle, to reduce the intensity of the light directed to the driver of the oversize vehicle or combination.

40 Warning lights to be on if required, and off if not

- (1) Any warning light which an oversize vehicle or combination is required to have must only be switched on when the vehicle or combination is travelling or is stationary in a position that is likely to cause danger to other road users.
- (2) Any warning light which a pilot or escort vehicle is required to have must be switched on when the vehicle is travelling and accompanying an oversize vehicle or combination.
- (3) If a vehicle or combination is not required under this Regulation to have a warning light, it must not have one that is switched on.

Part 7 Warning signs

Division 1 When this Part applies

41 What specifications must a warning sign comply with?

A warning sign must comply with the specifications in this Part:

- (a) if it is on an oversize agricultural vehicle or combination, or
- (b) if it is on another type of oversize vehicle or combination, or a pilot vehicle.

Division 2 Oversize vehicles and pilot vehicles

42 Face of a warning sign

- (1) The face of a warning sign must have a yellow surface that complies with Class 1 or 2 of Australian/New Zealand Standard AS/NZS 1906.1:1993, *Retroflective materials and devices for road control purposes*, as amended and in force at the commencement of this Regulation, Parts 1–4 (inclusive).
- (2) The face of the warning sign must have a black border at least 20 mm wide.

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- (3) The outermost edge of the border must be set at least 10 mm in from the edge of the sign unless the sign has been made with a box edge.
 - (4) The warning sign must display the sign manufacturer's name or logo, and the brand and class of retro-reflective material used, in block letters not more than 10 mm high.
 - (5) The marking may appear in any visible location on the sign, except in a bottom corner of a sign used on a pilot vehicle.

43 Material for a warning sign

- (1) A warning sign must be made of stiff, flat, weatherproof material.
Note. Zincalume at least 0.8 mm thick, and aluminium at least 1.6 mm thick are examples of material that would comply with subclause (1).
- (2) Despite subclause (1), a warning sign may be made of a flexible material if the sign is mounted in such a way that it is held taut and unlikely to furl, become dislodged from its position or otherwise become difficult to read by other road users.
- (3) A flexible warning sign must comply with all other requirements of this Part as if it were a stiff sign.
- (4) A warning sign must be kept in such a condition that its message can be easily read by other road users.

44 Keeping signs clean

A warning sign on a vehicle must be kept clean enough so that it can be easily read by other road users.

45 Warning sign must not be displayed if not required

A warning sign must not be displayed on a vehicle or combination that is not operating oversize or as a pilot vehicle.

Division 3 Oversize vehicles only**46 Size of a warning sign**

- (1) A warning sign on an oversize vehicle or combination must be at least 1200 mm long and at least 450 mm high.
- (2) The sign may be split into two parts, in which case the combined length of its parts must be at least 1,200 mm.

47 Face of a warning sign

- (1) A warning sign on an oversize vehicle or combination must show the word "OVERSIZE", in black upper-case lettering, conforming with Australian Standard AS 1744—1975, *Forms of letters and numerals for*

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road signs, in typeface Series C(N) as amended and in force at the commencement of this Regulation.

- (2) The lettering must be at least 200 mm high.
- (3) The top and the bottom of the lettering must be at least 125 mm from the top and bottom of the sign, respectively.
- (4) If the sign is split into two parts:
 - (a) the part mounted on the left must show the letters “OVER” and the part mounted on the right must show the letters “SIZE”, and
 - (b) there must be no border between the two parts, despite subclauses (2) and (3).



Illustration of a warning sign for an oversize vehicle or combination

48 Mounting a warning sign

- (1) A warning sign on an oversize vehicle or combination must be mounted vertically.
- (2) The lower edge of the sign must be:
 - (a) above the bottom of the bumper bar, or
 - (b) if there is no bumper bar—at least 500 mm from the ground level.
- (3) If the sign is split into two parts, each part must be fitted at the same height as the other.

Division 4 Pilot vehicles only

49 Size and shape of a warning sign

- (1) A warning sign on a pilot vehicle must be at least 1,200 mm long and at least 600 mm high.
- (2) The sign may have bottom corner cut-outs not more than 150 mm wide and not more than 100 mm high if they are needed for mounting the warning lights.

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Schedule 2 Oversize and overmass vehicles

50 Faces of a warning sign

- (1) Both faces of a warning sign on a pilot vehicle must show:
 - (a) the word “OVERSIZE”, in black upper-case lettering at least 200 mm high, conforming with Australian Standard AS 1744—1975, *Forms of letters and numerals for road signs*, in typeface Series C(N) as amended and in force at the commencement of this Regulation, and
 - (b) the words “LOAD AHEAD”, in black upper-case lettering at least 100 mm high, conforming with Australian Standard AS 1744—1975, *Forms of letters and numerals for road signs*, in typeface Series D(N) as amended and in force at the commencement of this Regulation.
- (2) The bottom of the lettering of the word “OVERSIZE” must be at least 300 mm from the bottom of the sign.
- (3) The bottom of the lettering of the words “LOAD AHEAD” must be at least 100 mm from the bottom of the sign.



Illustration of a warning sign for a pilot vehicle

51 Mounting a warning sign

A warning sign on a pilot vehicle must not lean back so that there is more than 200 mm measured horizontally from the top of the sign to a vertical line running through the bottom of the sign.

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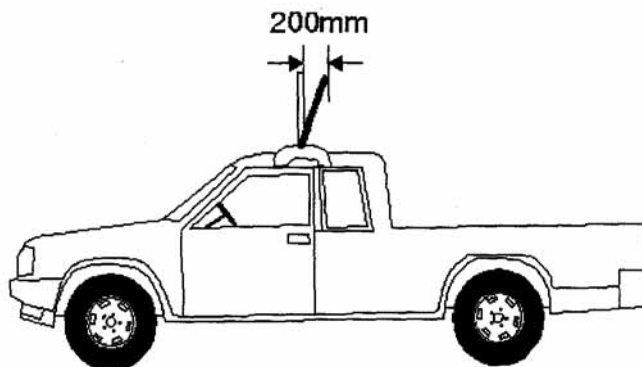


Illustration of maximum slant of warning sign

Part 8 Interpretation

52 References to vehicles and combinations

In this Schedule:

- (a) a reference to a vehicle or combination is a reference to a vehicle or combination that is oversize or overmass or both, and
- (b) a reference to an oversize vehicle or combination is a reference to a vehicle or combination that is oversize or oversize and overmass, and
- (c) a reference to an overmass vehicle or combination is a reference to a vehicle or combination that is overmass, or overmass and oversize.

53 Measuring distances between parallel lines

In this Schedule, a reference to a distance between 2 lines that are parallel means the distance measured at right angles between the lines.

54 Application to retractable axles

For the purposes of this Schedule, a retractable axle must be taken to be an axle when it is in the lowered position and must be taken not to be an axle when it is in the raised position.

Road Transport (Mass, Loading and Access) Regulation 2005

Schedule 2 Oversize and overmass vehicles

55 Application of mass limits where more than one applies

If 2 or more mass limits apply to the same axle or axle group as a result of the application of provisions in Table 1, 2, 4, 5 or 6, or in any 2 or more of those tables, the axle or axle group must comply with the lower or lowest of those limits.

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

Dictionary

(Clause 3)

added load means the moveable load carried by any vehicle.

ADR (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

agricultural combination means a combination that includes at least one agricultural vehicle.

agricultural implement means a vehicle without its own motive power, built to perform agricultural tasks.

agricultural machine means a machine with its own motive power, built to perform agricultural tasks.

Note. Examples of agricultural implements are irrigating equipment, augers, conveyors, empty field bins, harvester fronts, and machinery fully carried on the three-point linkage of a tractor. Examples of agricultural machines are tractors and harvesters.

agricultural vehicle means an agricultural implement or agricultural machine.

approved air suspension system, in relation to a vehicle, means a suspension system in which:

- (a) vertical movement between each axle and the body of the vehicle is controlled by variations in the pressure of air in an airspring, and
- (b) the proportion of the vehicle's mass that is borne by the spring remains substantially constant despite variations in the pressure of air in the airspring.

articulated vehicle has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

at night means during the period between sunset and sunrise.

Australian/New Zealand Standard means a joint standard, issued or approved for publication on behalf of Standards Australia and Standards New Zealand under a mutual recognition agreement called "Active Cooperation between Australia and New Zealand for the Preparation and Marketing of Joint Standards", as is in force at the commencement of the provision in this Regulation in which the expression appears.

Australian Standard means a standard, approved for publication on behalf of the Council of the Standards Association of Australia, as in force at the commencement of the provision in this Regulation in which the expression appears.

Authority means:

- (a) the Minister, or
- (b) a person to whom the powers of the Minister are delegated for the purposes of the provision in which the term is used.

Road Transport (Mass, Loading and Access) Regulation 2005

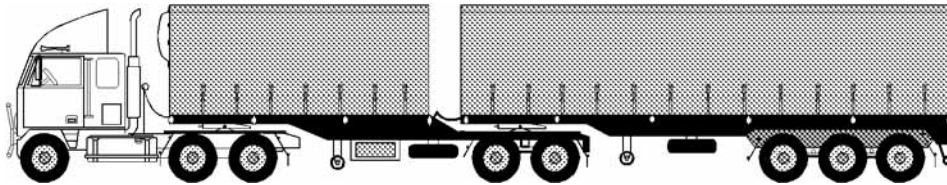
Dictionary

axle means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn.

axle group means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group.

axle load means the total load, determined in accordance with this Regulation, transmitted to the road by all wheels of a vehicle which are mounted on any axle.

B-double means a combination consisting of a prime mover towing 2 semi-trailers.



Typical B-double

bridge includes any gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.

bus means a motor vehicle currently principally fitted or equipped to carry more than 9 seated adults persons (including the driver).

centre-line, in relation to an axle, means:

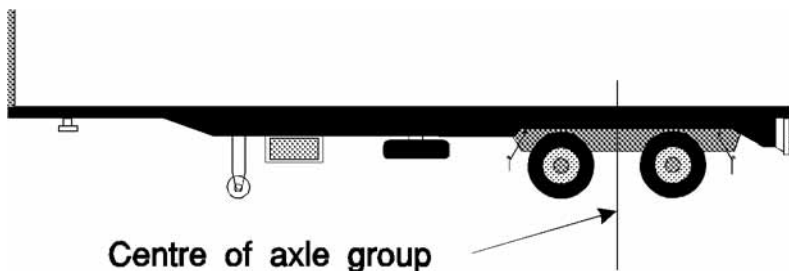
- (a) in the case of an axle consisting of one shaft—a line parallel to the length of the axle and passing through its centre, and
- (b) in the case of an axle consisting of 2 shafts—a line that is in the vertical plane passing through the centre of both shafts and that passes through the centres of the wheels on the shafts.

centre of an axle group means:

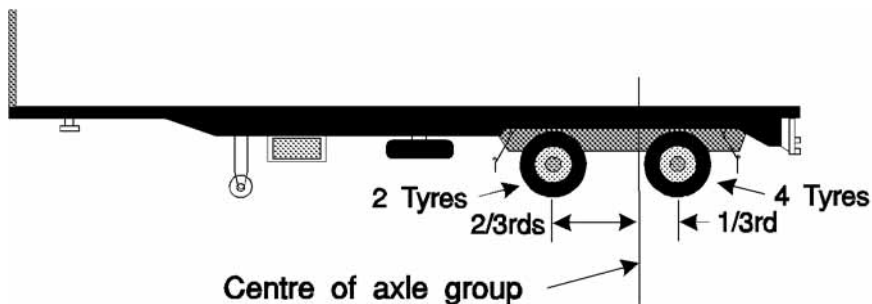
- (a) a line located midway between the centre-lines of the outermost axles of the group, or
- (b) if the group consists of 2 axles, one of which is fitted with twice the number of tyres as the other axle—a line located one third of the way from the centre-line of the axle with more tyres towards the centre-line of the axle with fewer tyres.

Road Transport (Mass, Loading and Access) Regulation 2005

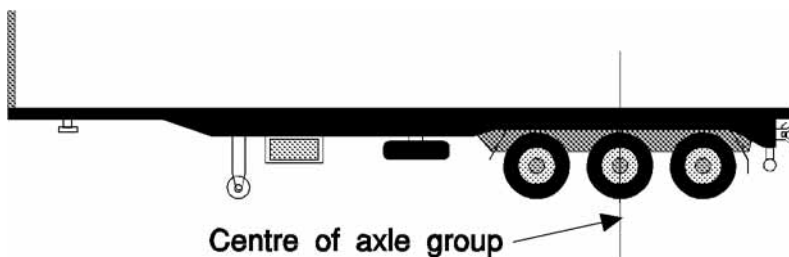
Dictionary



Centre of a typical tandem axle group fitted with an equal number of tyres on each axle



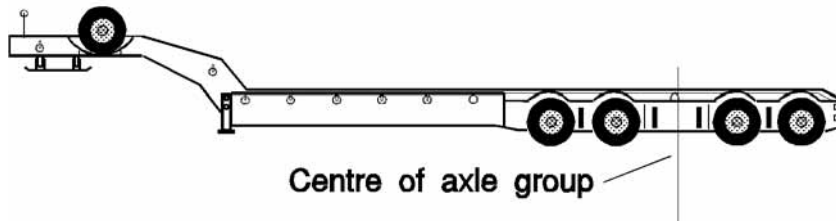
Centre of a typical tandem axle group fitted with a different number of tyres on each axle



Centre of a typical tri-axle group

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

**Centre of a typical quad axle group**

checking station means an area indicated by a notice referred to in clause 63 or by an authorised officer exercising functions under that clause.

Class 1 notice means a notice published under clause 14 in respect of a Class 1 vehicle.

Class 1 permit means a permit issued under clause 16 in respect of a Class 1 vehicle.

Class 1 vehicle means a restricted access vehicle that is:

- (a) a special purpose vehicle, or
- (b) an agricultural machine or agricultural implement, or
- (c) a vehicle or combination, including a low loader or load platform combination, that is specially designed for the carriage of a large indivisible item or is carrying a large indivisible item,

that, together with any load, exceeds:

- (d) a mass limit in Schedule 1, or
- (e) a dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.

Class 2 notice means a notice published under clause 20 in respect of a Class 2 vehicle.

Class 2 permit means a permit issued under clause 21 in respect of a Class 2 vehicle.

Class 2 vehicle means a restricted access vehicle that complies with the mass and dimension limits prescribed in the *Road Transport (Vehicle Registration) Regulation 1998* and, except as provided in paragraph (b) of the definition of **restricted access vehicle**, Schedule 1 and is:

- (a) a B-double, or
- (b) a road train, or
- (c) a controlled access bus not more than 14.5 m long, or
- (d) a combination carrying vehicles on more than one deck that, together with its load, meets one or both of the following criteria:
 - (i) its height exceeds 4.3 m but does not exceed 4.6 m,

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

- (ii) its length exceeds 19 m, or
- (e) a single motor vehicle, or a combination, that exceeds 4.3 m, but does not exceed 4.6 m, in height and is built to carry cattle, sheep, pigs or horses.

Class 3 notice means a notice published under clause 25 in respect of a Class 3 vehicle.

Class 3 permit means a permit issued under clause 27 in respect of a Class 3 vehicle.

Class 3 vehicle means a restricted access vehicle other than a Class 1 vehicle or a Class 2 vehicle.

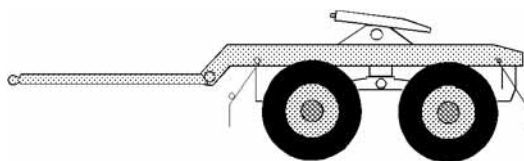
complying bus means:

- (a) a bus that:
 - (i) is fitted with a compliance plate in accordance with the *Motor Vehicle Standards Act 1989* of the Commonwealth, indicating that the bus was manufactured on or after 1 July 1994, and
 - (ii) meets the emergency exit specifications in ADR 44, and
 - (iii) meets the rollover strength specifications in ADR 59, and
 - (iv) meets the occupation protection specifications in ADR 68, and
 - (v) is equipped with an approved air suspension system, or
- (b) a bus that is the subject of a declaration under clause 9 or under a corresponding law of another State or Territory.

controlled access bus means a bus that is more than 12.5 m long except a bus that is:

- (a) an articulated vehicle with the meaning of the *Road Transport (Vehicle Registration) Regulation 1998*, or
- (b) an articulated bus within the meaning of the *Road Transport (Vehicle Registration) Regulation 1998*.

converter dolly means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer.



Typical converter dolly

corresponding Authority in relation to a particular Authority, means an Authority in another jurisdiction whose functions most nearly correspond to those of the particular Authority.

daytime means the period beginning at sunrise and ending at sunset.

dimension limit includes any limit under this Regulation that applies to a load or projection of any vehicle or combination.

Road Transport (Mass, Loading and Access) Regulation 2005

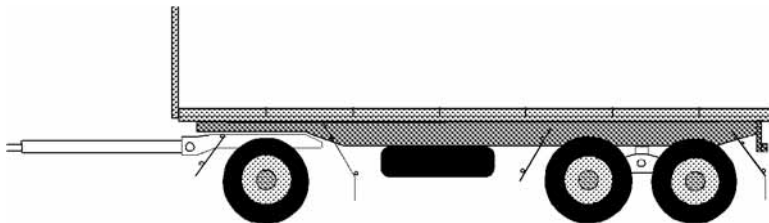
Dictionary

divisible load means a load that is:

- (a) made up of more than one indivisible item, or
- (b) a substance or commodity the amount of which can be reduced in size or mass without extreme effort, expense or risk of damage.

dog trailer means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with:

- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar, and
- (b) one axle group or single axle at the rear.



Typical dog trailer

drawbar means a part of a trailer (other than a semi-trailer) that connects the trailer body to a coupling for towing purposes.

drive includes to stand or allow or cause to stand.

driver means the person driving or in control of a motor vehicle.

escort vehicle means a vehicle that is being used:

- (a) to transport a police officer, or other person directing traffic, and
- (b) to warn other road users of the presence of an oversize vehicle or combination.

extreme axles means the two axles, one of which is nearest to the front of the vehicle or combination, as the case may be, and the other of which is nearest to the rear of the vehicle or combination.

fifth wheel assembly has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

fifth wheel coupling means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation.

gross road train mass has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

ground contact width:

- (a) in relation to an axle, means the distance between the outermost point of ground contact of the outside tyres on each end of the axle, and

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

- (b) in relation to an axle group, means the greatest ground contact width of all the axles in the group.

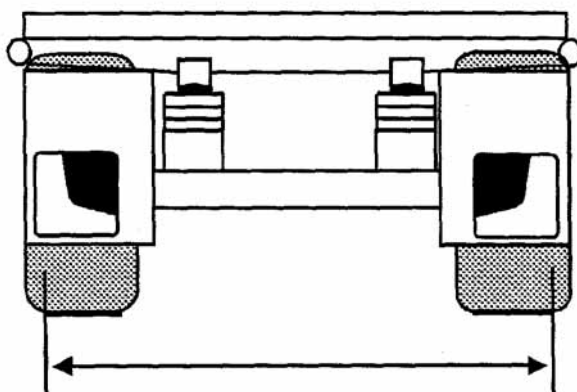


Illustration of ground contact width of an axle

hauling unit means a motor vehicle which forms part of a combination.

indivisible item means an item that cannot be divided without extreme effort, expense or risk of damage to it.

information sheet means advice published or adopted by the Authority (and available on request from the Authority).

jinker means an axle or axle group which is built to support part of a load, and is connected to the vehicle in front of it by a pole or cable or the load itself, if any.

large indivisible item means an item that:

- (a) cannot be divided without extreme effort, expense or risk of damage to it, and
- (b) cannot be carried on any vehicle or combination without exceeding a mass or dimension limit in Schedule 1.

load-carrying, in relation to a vehicle or combination, means a vehicle or combination that is carrying, or is built to carry, a load.

load-sharing suspension system means an axle group suspension system that:

- (a) is built to divide the load between the tyres on the group so that no tyre carries a mass more than 10% greater than the mass it would carry if the load were divided equally, and
- (b) has effective damping characteristics on all axles of the group.

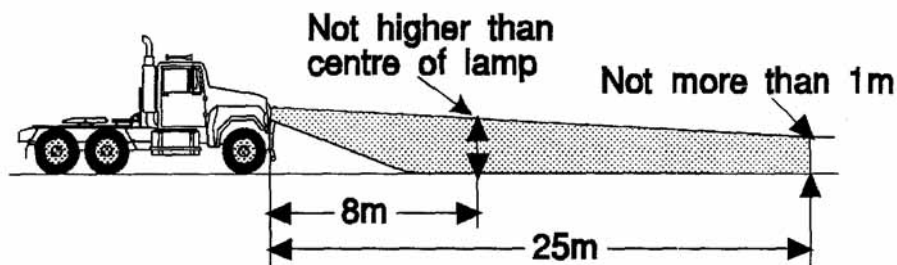
loaded mass means the mass, determined in accordance with clause 48, of any vehicle and its added load.

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

low beam in relation to a headlight or front fog light fitted to a vehicle, means built or adjusted so that, when the vehicle is standing on level ground, the top of the main beam of light projected is:

- (a) not higher than the centre of the headlight or fog light, when measured at a point 8 m in front of the vehicle, and
- (b) not more than 1 m higher than the level on which the motor vehicle is standing, when measured at a point 25 m in front of the vehicle.



low loader means a gooseneck semi-trailer with a loading deck no more than 1 m above the ground.

low loader dolly means a mass-distributing device that:

- (a) is usually coupled between a prime mover and a low loader, and
- (b) consists of a gooseneck rigid frame, and
- (c) does not directly carry any goods on itself, and
- (d) is equipped with one or more axles, a king pin and a fifth wheel coupling.

mass includes weight.

Mass Management Accreditation Scheme means:

- (a) a scheme under the Mass Management Module of the National Heavy Vehicle Accreditation Scheme that is approved by the Authority, or
- (b) any other scheme (that is not a national scheme) in relation to mass management developed by a body or organisation other than the National Transport Commission that is approved by the Authority.

motor bike has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

multi-modal transport means the carriage of goods by road and at least one other of the modes sea, rail or air.

National Transport Commission means the National Transport Commission established under the *National Transport Commission Act 2003* of the Commonwealth.

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

nominated vehicle, in relation to a Mass Management Accreditation Scheme, means a vehicle identified in a registered operator's accreditation under such a scheme as a nominated vehicle for the purposes of that accreditation.

notice means a notice issued under this Regulation.

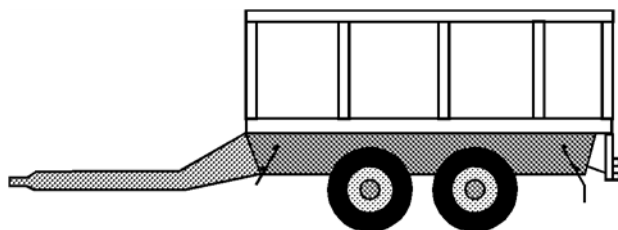
overmass means having a mass that, including the mass of any load, exceeds a relevant mass limit in Schedule 1.

oversize means having a dimension that, including the dimension of any load, exceeds a relevant dimension limit in this Regulation or the *Road Transport (Vehicle Registration) Regulation 1998*.

oversize tri-axle group means a group of 3 axles in which the horizontal distance between the centre lines of the outermost axles is more than 3.2 m.

permit means a permit granted under this Regulation.

pig trailer means a trailer with one axle group or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar.

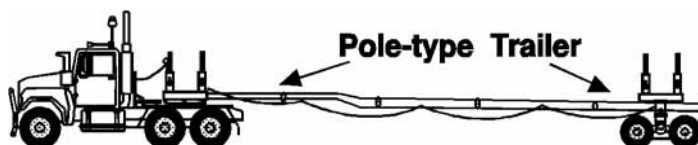


Typical pig trailer

pilot vehicle means a vehicle being used to warn other road users of the presence of an oversize vehicle or combination.

pole-type trailer means a trailer that:

- (a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole, and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports.



Typical pole-type trailer

prime mover means a motor vehicle built to tow a semi-trailer.

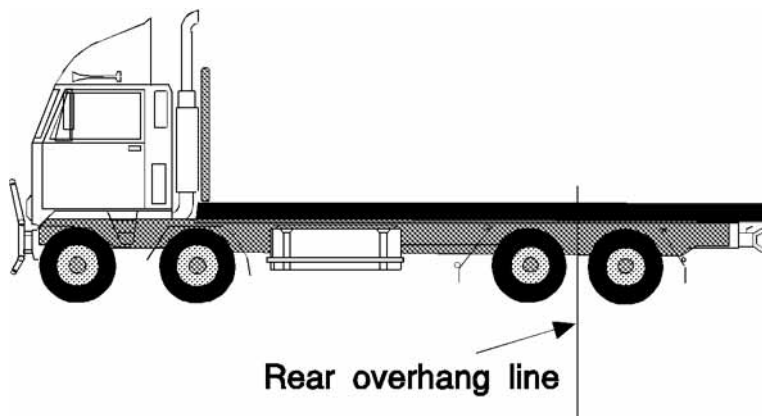
Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

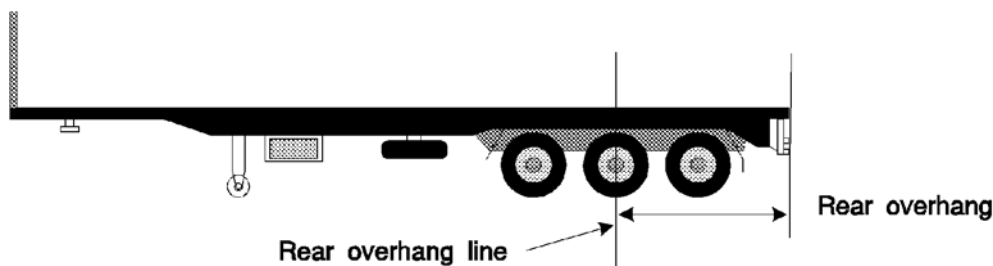
quad-axle group means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 m but not more than 4.9 m.

rear overhang line means:

- (a) if there is a single axle at the rear of the vehicle—the centre-line of the axle, or
- (b) if there is an axle group at the rear of the vehicle—the centre of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable.



Rear overhang line on a typical motor vehicle that has an axle group



Rear overhang line on a typical semi-trailer

restricted access vehicle means a single motor vehicle or a combination which alone, or together with any load, exceeds one or more of the following limits:

- (a) a mass limit prescribed in this Regulation,
- (b) one or more of the following dimension limits:
 - (i) a width of 2.5 m,
 - (ii) a height of 4.3 m,

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

- (iii) a length of 12.5 m in the case of a single motor vehicle or 19 m in the case of a combination,
- (iv) any other dimension limit prescribed in this Regulation or the *Road Transport (Vehicle Registration) Regulation 1998*.

retractable axle means an axle that can be raised so that the tyres on the axle do not touch the ground.

road train means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as one trailer a converter dolly supporting a semi-trailer).



Typical triple road train

section width of tyre means the tyre width determined in accordance with clause 1 (3), (4) or (5) of Schedule 2.

semi-trailer means a trailer that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

single axle means an axle not forming part of an axle group.

single axle group means a group of 2 or more axles, in which the horizontal distance between the centre lines of the outermost axles is less than 1 m.

single motor vehicle means a motor vehicle that is not part of a combination.

special purpose vehicle means a motor vehicle, other than a tow truck or an agricultural vehicle, built for a purpose other than carrying a load, except for water in the case of concrete pumps and fire trucks.

station waggon has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

tandem axle group means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 m, but not more than 2 m.

total mass in relation to a load-carrying vehicle or combination means the loaded mass of the vehicle or combination and, in relation to a non load-carrying vehicle or combination, means the mass of that vehicle or combination together with:

- (a) all the goods, passengers and drivers in or on the vehicle or combination, and
- (b) all fuel, water, lubricants and readily removable equipment carried in or on the vehicle or combination and required for its normal operation, and
- (c) personal items used by a driver of the vehicle or combination, and
- (d) anything that is normally removed from the vehicle or combination when not in use.

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

tow coupling has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

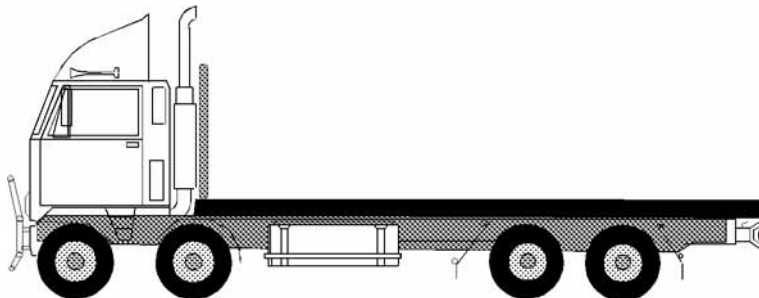
towing eye means that portion of a drawbar that when connected to a towing attachment forms a tow coupling.

tri-axle group means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 m, but not more than 3.2 m.

turntable has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

twinsteer axle group means a group of 2 axles:

- (a) with single tyres, and
- (b) fitted to a motor vehicle, and
- (c) connected to the same steering mechanism, and
- (d) the horizontal distance between whose centre-lines is at least 1 m, but not more than 2 m.



Typical twinsteer axle group on a motor vehicle

vehicle includes the vehicle's equipment and any substances that the vehicle is carrying that are essential for its operation.

vehicle registration authority in relation to a vehicle, means:

- (a) the authority that last registered the vehicle, or
- (b) if the vehicle has never been registered—the authority responsible for registering vehicles in the State or Territory in which the vehicle is used or is intended to be used.

warning light means a light that complies with the specifications in Part 6 of Schedule 2.

warning sign means a sign that complies with Part 7 of Schedule 2.

wheel includes any group of wheels which are mounted on an axle and are on one side of the longitudinal centre-line of the vehicle.

Road Transport (Mass, Loading and Access) Regulation 2005

Dictionary

wheelbase in relation to a vehicle, means the distance from the centre-line of the vehicle's foremost axle to the rear overhang line.

wheel load means the mass transmitted to the road by any wheel.



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to make minor amendments to update references to an Act and regulations in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*, in consequence of the repeal of the *Road Transport (General) Act 1999*, *Road Transport (General) Regulation 1999* and *Road Transport (Mass, Loading and Access) Regulation 1996* and their replacement by the *Road Transport (General) Act 2005*, *Road Transport (General) Regulation 2005* and *Road Transport (Mass, Loading and Access) Regulation 2005*, respectively.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power).

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
 Amendment (Miscellaneous) Regulation 2005

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Miscellaneous) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clauses 4, 12 (2), 13 and 56 (2) (b) and Dictionary

Omit “*Road Transport (Mass, Loading and Access) Regulation 1996*” wherever occurring.

Insert instead “*Road Transport (Mass, Loading and Access) Regulation 2005*”.

[2] Clause 90 Inspection and carrying of driver licences

Omit “Section 19 of the *Road Transport (General) Act 1999*” from the note to the clause.

Insert instead “Section 171 of the *Road Transport (General) Act 2005*”.

[3] Clause 126O Expiry of scheme authorities

Omit “Section 44 of the *Road Transport (General) Act 1999*” from the note to clause 126O (2).

Insert instead “Section 239 of the *Road Transport (General) Act 2005*”.

[4] Clause 126O (2), note

Omit “Clause 12A of the *Road Transport (General) Regulation 1999*”.

Insert instead “Clause 8 of the *Road Transport (General) Regulation 2005*”.

[5] Clause 126P Revocation of scheme authorities

Omit “Section 44 of the *Road Transport (General) Act 1999*” from the note to clause 126P (2).

Insert instead “Section 239 of the *Road Transport (General) Act 2005*”.

[6] Clause 126P (2), note

Omit “Clause 12A of the *Road Transport (General) Regulation 1999*”.

Insert instead “Clause 8 of the *Road Transport (General) Regulation 2005*”.

[7] Clause 142 Modifications

Omit “section 15 of the *Road Transport (General) Act 1999*” from clause 142 (2) (b).

Insert instead “section 183 of the *Road Transport (General) Act 2005*”.

Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Miscellaneous) Regulation 2005

Schedule 1 Amendments

[8] Clause 154 Penalties and disqualifications for speeding offences

Omit “section 34 or 35 of the *Road Transport (General) Act 1999*” from clause 154 (3A) (b) (i).

Insert instead “section 205 or 206 of the *Road Transport (General) Act 2005*”.

[9] Dictionary

Omit “*Road Transport (General) Act 1999*” from the definition of ***road transport legislation*** in Part 1.

Insert instead “*Road Transport (General) Act 2005*”.



New South Wales

Roads (General) Amendment (Miscellaneous) Regulation 2005

under the

Roads Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Roads Act 1993*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to make a minor amendment to update references to an Act in the *Roads (General) Regulation 2000*, in consequence of the repeal of the *Road Transport (General) Act 1999* and its replacement by the *Road Transport (General) Act 2005*.

This Regulation is made under the *Roads Act 1993*, including section 264 (the general regulation-making power).

Clause 1 Roads (General) Amendment (Miscellaneous) Regulation 2005

Roads (General) Amendment (Miscellaneous) Regulation 2005

under the

Roads Act 1993

1 Name of Regulation

This Regulation is the *Roads (General) Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Roads (General) Regulation 2000

The *Roads (General) Regulation 2000* is amended by omitting “*Road Transport (General) Act 1999*” wherever occurring from the definitions of **motor vehicle** and **vehicle** in clause 3 (1) and by inserting instead “*Road Transport (General) Act 2005*”.



New South Wales

Road Transport (Driver Licensing) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to make minor amendments to update references to an Act and regulations in the *Road Transport (Driver Licensing) Regulation 1999*, in consequence of the repeal of the *Road Transport (General) Act 1999*, *Road Transport (General) Regulation 1999* and *Road Transport (Mass, Loading and Access) Regulation 1996* and their replacement by the *Road Transport (General) Act 2005*, *Road Transport (General) Regulation 2005* and *Road Transport (Mass, Loading and Access) Regulation 2005*, respectively.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 19 (the general regulation-making power).

Clause 1 Road Transport (Driver Licensing) Amendment (Miscellaneous) Regulation
2005

Road Transport (Driver Licensing) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Miscellaneous) Regulation
2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

- [1] **Clauses 12 (5) (b), 15C (4), 15D (6), 40 (1) (a) and 53 (2)**
Omit “*Road Transport (General) Act 1999*” wherever occurring.
Insert instead “*Road Transport (General) Act 2005*”.
- [2] **Clauses 12A (b), 15 (5) (b) and 15A (6) (b)**
Omit “section 15 of the *Road Transport (General) Act 1999*” wherever occurring.
Insert instead “section 183 of the *Road Transport (General) Act 2005*”.
- [3] **Clauses 15 (8) and 15A (8)**
Omit “section 26 of the *Road Transport (General) Act 1999*” wherever occurring.
Insert instead “section 189 of the *Road Transport (General) Act 2005*”.
- [4] **Clause 16 Procedure to obtain or vary driver licences**
Omit “section 25E (1) of the *Road Transport (General) Act 1999*” from clause 16 (6).
Insert instead “section 194 (1) of the *Road Transport (General) Act 2005*”.
- [5] **Clause 19A Interlock driver licences**
Omit “Section 25E of the *Road Transport (General) Act 1999*” from the note to clause 19A (1).
Insert instead “Section 194 of the *Road Transport (General) Act 2005*”.
- [6] **Clause 19B Conversion of interlock driver licences**
Omit “section 25C of the *Road Transport (General) Act 1999*” wherever occurring from clause 19B (1) and the note to that subclause.
Insert instead “section 192 of the *Road Transport (General) Act 2005*”.
- [7] **Clause 19B (1), note**
Omit “section 25G (2)”. Insert instead “section 196 (2)”.

Road Transport (Driver Licensing) Amendment (Miscellaneous) Regulation
2005

Schedule 1 Amendments

[8] Clause 26 Licence classes

Omit “*Road Transport (Mass, Loading and Access) Regulation 1996*” wherever occurring from clause 26 (10) and (11).

Insert instead “*Road Transport (Mass, Loading and Access) Regulation 2005*”.

[9] Clause 37 Surrender of driver licence

Omit “section 33 or 34 of the *Road Transport (General) Act 1999*” from clause 37 (3) (c).

Insert instead “section 204 or 205 of the *Road Transport (General) Act 2005*”.

[10] Clause 39 Procedures for variation, suspension or cancellation of driver licence

Omit “clause 6 of the *Road Transport (General) Regulation 1999*” from clause 39 (4A).

Insert instead “Division 3 of Part 3 of the *Road Transport (General) Regulation 2005*”.

[11] Dictionary

Omit “Part 3 of the *Road Transport (General) Act 1999*” from the definition of *alcohol interlock program*.

Insert instead “Chapter 5 of the *Road Transport (General) Act 2005*”.



New South Wales

Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to make a minor amendment to update a reference to an Act in the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999*, in consequence of the repeal of the *Road Transport (General) Act 1999* and its replacement by the *Road Transport (General) Act 2005*.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power).

Clause 1 Road Transport (Safety and Traffic Management) (Driver Fatigue)
 Amendment (Miscellaneous) Regulation 2005

Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999* is amended by omitting “*Road Transport (General) Act 1999*” from clause 5 (3) (f) and by inserting instead “*Road Transport (General) Act 2005*”.



New South Wales

Road Transport (Vehicle Registration) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to make minor amendments to update references to an Act and regulations in the *Road Transport (Vehicle Registration) Regulation 1998*, in consequence of the repeal of the *Road Transport (General) Act 1999*, *Road Transport (General) Regulation 1999* and *Road Transport (Mass, Loading and Access) Regulation 1996* and their replacement by the *Road Transport (General) Act 2005*, *Road Transport (General) Regulation 2005* and *Road Transport (Mass, Loading and Access) Regulation 2005*, respectively.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including section 14 (the general regulation-making power).

Clause 1 Road Transport (Vehicle Registration) Amendment (Miscellaneous)
 Regulation 2005

Road Transport (Vehicle Registration) Amendment (Miscellaneous) Regulation 2005

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Miscellaneous) Regulation 2005*.

2 Commencement

This Regulation commences on 30 September 2005.

3 Amendment of Road Transport (Vehicle Registration) Regulation 1998

The *Road Transport (Vehicle Registration) Regulation 1998* is amended as set out in Schedule 1.

Road Transport (Vehicle Registration) Amendment (Miscellaneous)
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clauses 42 (5) (b) and 43 (2) (b) (iv)

Omit “*Road Transport (General) Act 1999*” wherever occurring.

Insert instead “*Road Transport (General) Act 2005*”.

[2] Clause 69 Notification of decisions by Authority

Omit “Division 2 of Part 1 of Schedule 2 to the *Road Transport (General) Regulation 1999*” from clause 69 (6).

Insert instead “Division 2 of Part 3 of the *Road Transport (General) Regulation 2005*”.

[3] Clause 75 Change or replacement of vehicle part

Omit “Section 50 of the *Road Transport (General) Act 1999*” from the note to the clause.

Insert instead “Section 266 of the *Road Transport (General) Act 2005*”.

[4] Clauses 78D (6) (b) and 78J (6) (b)

Omit “clause 10A of Schedule 2 to the *Road Transport (General) Regulation 1999*” wherever occurring.

Insert instead “clause 28 of the *Road Transport (General) Regulation 2005*”.

[5] Clause 90 Application of Road Transport (Mass, Loading and Access) Regulation 2005

Omit “*Road Transport (Mass, Loading and Access) Regulation 1996*” wherever occurring from clause 90 (1) and (2).

Insert instead “*Road Transport (Mass, Loading and Access) Regulation 2005*”.

[6] Schedule 4 Vehicle standards

Omit “*Road Transport (Mass, Loading and Access) Regulation 1996*” from clause 123 (8).

Insert instead “*Road Transport (Mass, Loading and Access) Regulation 2005*”.

Road Transport (Vehicle Registration) Amendment (Miscellaneous)
Regulation 2005

Schedule 1 Amendments

[7] Dictionary

Omit “Division 1 of Part 3 of the *Road Transport (General) Act 1999*” from the definition of *penalty notice* in clause 1.

Insert instead “Part 5.3 of the *Road Transport (General) Act 2005*”.



New South Wales

Roads (General) Amendment (Bethanga Bridge Declaration) Regulation 2005

under the

Roads Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Roads Act 1993*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to declare the Roads and Traffic Authority to be the roads authority for part of Bethanga Bridge, Lake Hume Village.

This Regulation is made under the *Roads Act 1993*, including sections 7 and 264 (the general regulation-making power).

Clause 1 Roads (General) Amendment (Bethanga Bridge Declaration) Regulation
 2005

Roads (General) Amendment (Bethanga Bridge Declaration) Regulation 2005

under the

Roads Act 1993

1 Name of Regulation

This Regulation is the *Roads (General) Amendment (Bethanga Bridge Declaration) Regulation 2005*.

2 Amendment of Roads (General) Regulation 2000

The *Roads (General) Regulation 2000* is amended by inserting after clause 79D:

79E Roads authority for public roads (Bethanga Bridge)

The RTA is declared to be the roads authority for the public road shown as Lots 2 and 3 in DP 1066273 (that public road being part of Bethanga Bridge, Lake Hume Village).

Orders



New South Wales

Children (Detention Centres) Order 2005

under the

Children (Detention Centres) Act 1987

I, the Minister for Juvenile Justice, in pursuance of section 5 of the *Children (Detention Centres) Act 1987*, make the following Order.

Dated, this 20th day of September 2005.

ANTHONY KELLY, M.L.C.,
Minister for Juvenile Justice

Explanatory note

The Minister for Juvenile Justice may, by order published in the Gazette, declare any premises specified or described in the order to be a detention centre for the purposes of the *Children (Detention Centres) Act 1987*. The Minister may also give a name to the detention centre by the order.

The object of this Order is to repeal the *Children (Detention Centres) Order 2001* and replace it with this Order.

This Order is made under section 5 of the *Children (Detention Centres) Act 1987*.

Clause 1 Children (Detention Centres) Order 2005

Children (Detention Centres) Order 2005

under the

Children (Detention Centres) Act 1987

1 Name of Order

This Order is the *Children (Detention Centres) Order 2005*.

2 Declaration and naming of premises to be detention centres

Each of the premises specified in Schedule 1 is declared to be a detention centre for the purposes of the *Children (Detention Centres) Act 1987*, and each such detention centre is given the name specified in the Schedule in respect of those premises.

3 Repeal

The *Children (Detention Centres) Order 2001* is repealed.

Children (Detention Centres) Order 2005

Detention centres

Schedule 1

Schedule 1 Detention centres

(Clause 2)

Address of premises	Name of detention centre
Briar Road, Campbelltown	Reiby Juvenile Justice Centre
Corner of Water Street and Great Western Highway, Werrington	Cobham Juvenile Justice Centre
Staff Road, Unanderra	Keelong Juvenile Justice Centre
Fernleigh Road, Wagga Wagga	Riverina Juvenile Justice Centre
146 Chloride Street, Broken Hill	Broken Hill Juvenile Justice Centre
Swallows Road, Grafton	Acmena Juvenile Justice Centre
Mitchell Highway (Narromine Road), Dubbo	Orana Juvenile Justice Centre
Pacific Highway, Kariong	Frank Baxter Juvenile Justice Centre
169 Joseph Street, Lidcombe	Juniperina Juvenile Justice Centre



New South Wales

Motor Accidents (Determination of Non-Economic Loss) Order No 16

under the

Motor Accidents Act 1988

I, John Della Bosca, the Minister for Commerce, in pursuance of section 80 of the *Motor Accidents Act 1988*, make the following Order.

Dated, this 26th day of September 2005.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Order is to adjust the amounts that may be awarded for damages for non-economic loss to persons who have been injured as a consequence of a motor accident. Section 80 of the *Motor Accidents Act 1988* requires the Minister to declare the amounts on or before 1 October in each year. The amounts are indexed by reference to movements in average weekly earnings.

An amount specified in this Order applies to the exclusion of the corresponding amount specified in section 79 or 79A of the *Motor Accidents Act 1988*.

Clause 1 Motor Accidents (Determination of Non-Economic Loss) Order No 16

Motor Accidents (Determination of Non-Economic Loss) Order No 16

under the

Motor Accidents Act 1988

1 Name of Order

This Order is the *Motor Accidents (Determination of Non-Economic Loss) Order No 16*.

2 Commencement

This Order commences on 1 October 2005.

3 Section 79: Determination of non-economic loss—accidents occurring before midnight on 26.9.95

(1) Section 79 (3)

It is declared that the maximum amount that may be awarded for the non-economic loss of an injured person as a consequence of a motor accident that occurred before midnight on 26 September 1995 is \$359,000.

(2) Section 79 (4)

It is declared that if the amount of non-economic loss of any such injured person is assessed to be \$29,000 or less, no damages for non-economic loss shall be awarded.

(3) Section 79 (5)

It is declared that if the amount of damages that may be awarded for non-economic loss in accordance with section 79 of the *Motor Accidents Act 1988* is more than \$29,000 but less than \$109,500, the following deductions shall be made from that amount:

- (a) if the amount of damages is less than \$79,000—the amount to be deducted is \$29,000,
- (b) if the amount of damages is not less than \$79,000—the amount to be deducted is \$29,000 or \$29,000 reduced by \$1,000 for every \$1,000 by which the amount of damages exceeds \$79,000.

Motor Accidents (Determination of Non-Economic Loss) Order No 16

Clause 4

4 Section 79A (5): Determination of non-economic loss—accidents occurring after midnight on 26.9.95

It is declared that the maximum amount that may be awarded for non-economic loss of an injured person as a consequence of a motor accident that occurred after midnight on 26 September 1995 is \$359,000.



New South Wales

Motor Accidents Compensation (Determination of Loss) Order No 6

under the

Motor Accidents Compensation Act 1999

I, John Della Bosca, the Minister for Commerce, in pursuance of section 146 of the *Motor Accidents Compensation Act 1999*, make the following Order.

Dated, this 26th day of September 2005.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Order is to adjust the amount that may be awarded for damages:

- (a) for past or future economic loss in relation to persons who have been injured or killed as a consequence of a motor accident, and
- (b) for non-economic loss to persons who have been injured as a consequence of a motor accident.

Section 146 of the *Motor Accidents Compensation Act 1999* requires the Minister to declare the amounts on or before 1 October in each year. The amounts are indexed by reference to movements in average weekly earnings.

An amount specified in this Order applies to the exclusion of the corresponding amount specified in section 125 or 134 of the *Motor Accidents Compensation Act 1999*.

Clause 1 Motor Accidents Compensation (Determination of Loss) Order No 6

Motor Accidents Compensation (Determination of Loss) Order No 6

under the

Motor Accidents Compensation Act 1999

1 Name of Order

This Order is the *Motor Accidents Compensation (Determination of Loss) Order No 6*.

2 Commencement

This Order commences on 1 October 2005.

3 Section 125: Damages for past or future economic loss—maximum for loss of earnings etc

It is declared that, in the case of an award under section 125 (1) of the *Motor Accidents Compensation Act 1999*, the court is to disregard the amount (if any) by which an injured or deceased person's net weekly earnings would (but for the injury or death) have exceeded \$3,296.

4 Section 134: Maximum amount of damages for non-economic loss

It is declared that the maximum amount that may be awarded for non-economic loss of an injured person as a consequence of a motor accident is \$359,000.

Rules



New South Wales

Victims Compensation Amendment (Costs) Rule 2005

under the

Victims Support and Rehabilitation Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rule under the *Victims Support and Rehabilitation Act 1996*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Under section 21 of the *Victims Support and Rehabilitation Act 1996 (the Act)*, a victim who applies for compensation as a consequence of an act of violence is entitled to payment for approved counselling services. The amounts payable are set by a scale prescribed by the *Victims Compensation Rule 1997 (the 1997 Rule)*.

Under section 35 of the Act, a victim who applies for compensation is entitled to payment for the costs in line with the scale of costs prescribed by the 1997 Rule. The amount payable relates to the professional costs (including disbursements) for the work carried out by a legal practitioner in relation to the application concerned.

The object of this Rule is to amend the 1997 Rule as follows:

- (a) to increase the hourly rate of payment to be made or reimbursed for approved counselling services under section 21 of the Act by the following persons:
 - (i) social workers—from \$70 to \$77,
 - (ii) psychologists (including clinical psychologists)—from \$90 to \$99,
 - (iii) psychiatrists—from \$110 to \$121,
- (b) to provide for the payment, in addition to the amounts referred to in paragraph (a), of any GST that is payable in respect of the provision of any such approved counselling services,
- (c) to increase from \$750 to \$825 the amount payable for work carried out by a solicitor or barrister in relation to the lodgment of an application for compensation, preparation of material required to enable the application to be determined and for work after determination,

Victims Compensation Amendment (Costs) Rule 2005

Explanatory note

- (d) to increase from \$1,000 to \$1,100 the maximum limit that can be claimed in respect of disbursements relating to an application for compensation,
- (e) to effect law revision by renaming the Rule as a consequence of the renaming of the Act under which the Rule is made and by correcting a cross-reference.

This Rule is made under the *Victims Support and Rehabilitation Act 1996*, including sections 21, 35 and 87 (the general rule-making power).

Victims Compensation Amendment (Costs) Rule 2005

Clause 1

Victims Compensation Amendment (Costs) Rule 2005

under the

Victims Support and Rehabilitation Act 1996

1 Name of Rule

This Rule is the *Victims Compensation Amendment (Costs) Rule 2005*.

2 Commencement

This Rule commences on 1 October 2005.

3 Amendment of Victims Compensation Rule 1997

The *Victims Compensation Rule 1997* is amended as set out in Schedule 1.

Victims Compensation Amendment (Costs) Rule 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of RuleOmit “*Victims Compensation Rule 1997*”.Insert instead “*Victims Support and Rehabilitation Rule 1997*”.**[2] Clause 10**

Omit the clause. Insert instead:

10 Amount of payments

- (1) The amount of the payment to be made or reimbursed for each hour of approved counselling services under section 21 of the Act is the amount calculated in accordance with the scale set out in the Table to this clause in respect of the relevant class of counsellor providing the service.
- (2) In addition to the amount awarded in accordance with the scale set out in the Table to this clause, the amount so awarded is to include the amount of any GST that is payable in respect of the provision of any such approved counselling services.
- (3) Subclause (2) does not permit the awarding of an amount that is greater than:
 - (a) 10% of the amount of the costs awarded (apart from that subclause), or
 - (b) the amount permitted under the New Tax System Price Exploitation law,
 whichever is the lesser.
- (4) In subclauses (2) and (3):

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

New Tax System Price Exploitation law means:

 - (a) the New Tax System Price Exploitation Code, as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, or
 - (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

Victims Compensation Amendment (Costs) Rule 2005

Amendments

Schedule 1

Table

(1)	Social workers	\$77 per hour
(2)	Psychologists (including clinical psychologists)	\$99 per hour
(3)	Psychiatrists	\$121 per hour

[3] Clause 12 Professional costs—applications for compensation and proceedings before Tribunal

Omit “Subclause (4)” from clause 12 (4). Insert instead “Subclause (3)”.

[4] Clause 12, Table, General

Omit “\$750”. Insert instead “\$825”.

[5] Clause 12, Table, Disbursements

Omit “\$1,000”. Insert instead “\$1,100”.

By-laws



New South Wales

University of Wollongong By-law 2005

under the

University of Wollongong Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Council of the University of Wollongong under the *University of Wollongong Act 1989*.

CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training

Explanatory note

The object of this By-law is to provide for certain matters under the *University of Wollongong Act 1989*, including the following:

- (a) the appointment and functions of the Chancellor and Deputy Chancellor,
- (b) the qualification and method of election of members of the Council,
- (c) the procedures for nomination of appointed members of the Council,
- (d) the custody and use of the seal of the University,
- (e) the functions of the Vice-Chancellor of the University,
- (f) the constitution and functions of the Academic Senate,
- (g) the diplomas to be awarded by the University, the entrance standards and conditions of admission for students and the management, generally, of the University.

This By-law repeals the *University of Wollongong By-law 1991*.

This By-law is made under the *University of Wollongong Act 1989*, including section 28 (the general power to make by-laws).

University of Wollongong By-law 2005

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University of Wollongong By-law 2005

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Clause 1	University of Wollongong By-law 2005
Part 1	Preliminary

University of Wollongong By-law 2005

under the

University of Wollongong Act 1989

Part 1 Preliminary

1 Name of By-law

This By-law is the *University of Wollongong By-law 2005*.

2 Interpretation

(1) In this By-law:

Academic Senate means the Academic Senate of the University.

academic staff member means a member of the Council elected under section 9 (1) (d) of the Act.

external persons has the same meaning as it has in section 9 (10) of the Act.

full-time staff of the University (whether academic or non-academic staff) includes persons employed by the University for the equivalent of at least 2 days a week:

- (a) on a continuing basis, or
- (b) for a minimum fixed period of 2 years.

graduate member means a member of the Council elected under section 9 (1) (g) of the Act.

non-academic staff member means a member of the Council elected under section 9 (1) (e) of the Act.

Returning Officer means the Returning Officer for an election, as referred to in clause 1 of Schedule 1.

student member means a member of the Council elected under section 9 (1) (f) or (f1) of the Act.

the Act means the *University of Wollongong Act 1989*.

(2) In this By-law, a reference to an authority, officer or office is a reference to that authority, officer or office in and of the University.

University of Wollongong By-law 2005

Clause 2

Preliminary

Part 1

- (3) For the purposes of section 3 (2) of the Act (which provides for references to a graduate of the University), honorary awards are prescribed.

Clause 3	University of Wollongong By-law 2005
Part 2	Chancellor and Deputy Chancellor

Part 2 Chancellor and Deputy Chancellor

3 Term of office of Chancellor

For the purposes of section 10 (2) of the Act, the prescribed period for which the Chancellor is to hold office is 4 years from a starting date determined by the Council.

4 Election of Chancellor or Deputy Chancellor

An election to fill a vacancy in the office of Chancellor or Deputy Chancellor is to be held at an ordinary meeting of the Council.

5 Nomination of Chancellor or Deputy Chancellor

A nomination for election to the office of Chancellor or Deputy Chancellor:

- (a) must be signed by 2 persons who are members of the Council, and
- (b) must be submitted in writing to the Vice-Principal (Administration) before the commencement of the item of business of the meeting of the Council during which that election is to be held.

University of Wollongong By-law 2005

Clause 6

Vice-Chancellor

Part 3

Part 3 Vice-Chancellor

6 Authority

Nothing in this Part affects the precedence or authority of the Chancellor or Deputy Chancellor.

7 Functions of Vice-Chancellor

The Vice-Chancellor is:

- (a) to promote and further the development and interests of the University including, but without limiting the generality of this clause, the welfare of staff and students, and
- (b) to be responsible to the Council for the general academic, administrative, financial and other business of the University, and
- (c) to exercise a general supervision over all staff and students of the University, and
- (d) to do all things ancillary to those functions referred to in paragraphs (a), (b) and (c).

8 Functions and authority delegated by Council

Without prejudice to the generality of clause 7, the Vice-Chancellor is to exercise such functions and authority as may from time to time be delegated by the Council.

9 Powers of Vice-Chancellor in relation to University bodies

The Vice-Chancellor is, by virtue of holding that office, a member of any board, committee or faculty within the University and, unless the Council determines otherwise, may preside at a meeting of any such board, committee or faculty.

Clause 10 University of Wollongong By-law 2005

Part 4 Council membership

Part 4 Council membership

10 Council appointed members

For the purposes of section 9 (1) (c) of the Act, the Council is to appoint 3 external persons as members of the Council.

11 Academic staff members

- (1) For the purposes of section 9 (1) (d) of the Act, the academic staff members are to comprise 2 persons who are qualified and elected in accordance with this clause.
- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Academic Staff) containing the names and last known addresses of:
 - (a) professors within the University, and
 - (b) persons employed as full-time staff of the University in the position of associate professor, senior lecturer or lecturer within the University, or such other position within the University as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph, and
 - (c) officers holding the positions of Deputy Vice-Chancellor and Pro Vice-Chancellor within the University and such other positions within the University as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.
- (3) The persons qualified to be elected as academic staff members are those persons whose names appear on the Roll of Academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the academic staff members are those persons whose names appear on the Roll of Academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

12 Non-academic staff member

- (1) For the purposes of section 9 (1) (e) of the Act, the non-academic staff member is to be qualified and elected in accordance with this clause.

University of Wollongong By-law 2005

Clause 13

Council membership

Part 4

-
- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Non-academic Staff) containing the names and last known addresses of the full-time staff of the University who are not staff to whom clause 11 (2) applies.
 - (3) The persons qualified to be elected as the non-academic staff member are those persons whose names appear on the Roll of Non-academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
 - (4) The persons entitled to vote for the non-academic staff member are those persons whose names appear on the Roll of Non-academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
 - (5) The provisions of Schedule 1 apply to an election conducted under this clause.

13 Undergraduate student member

- (1) For the purposes of section 9 (1) (f) of the Act, the undergraduate student member is to be qualified and elected in accordance with this clause.
- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Undergraduate Students) containing the names and last known addresses of:
 - (a) persons who are enrolled as candidates proceeding to an undergraduate degree or diploma in the University (other than persons so enrolled who are members of the staff of the University), and
 - (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.
- (3) The persons qualified to be elected as the undergraduate student member are those persons whose names appear on the Roll of Undergraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the undergraduate student member are those persons whose names appear on the Roll of Undergraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

Clause 14	University of Wollongong By-law 2005
Part 4	Council membership

14 Postgraduate student member

- (1) For the purposes of section 9 (1) (f1) of the Act, the postgraduate student member is to be qualified and elected in accordance with this clause.
- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Postgraduate Students) containing the names and last known addresses of:
 - (a) persons who are enrolled as candidates proceeding to a postgraduate degree, diploma or certificate in the University (other than persons so enrolled who are members of the staff of the University), and
 - (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.
- (3) The persons qualified to be elected as the postgraduate student member are those persons whose names appear on the Roll of Postgraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the postgraduate student member are those persons whose names appear on the Roll of Postgraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

15 Graduate members

- (1) For the purposes of section 9 (1) (g) of the Act, the graduate members are to comprise 2 external persons who are qualified and elected in accordance with this clause.
- (2) The Returning Officer is to keep:
 - (a) a roll (in this By-law referred to as the Roll of Graduates) containing the names and last known addresses of the graduates of the University, and
 - (b) a register in relation to each election of graduate members (in this By-law referred to as the Graduate Election Register) containing the names and last known addresses of graduates of the University who have duly applied to be listed on the register in relation to the election concerned.

University of Wollongong By-law 2005

Clause 16

Council membership

Part 4

-
- (3) At least 30 days before an election of graduate members, the Returning Officer is to invite graduates of the University to apply to be listed on the Graduate Election Register relating to that election in the manner and within the time specified in the invitation.
 - (4) The Returning Officer is to make such an invitation by placing a notice to that effect:
 - (a) in a newspaper circulating throughout Australia, and
 - (b) on the Internet by means of the website of the University, and
 - (c) by any other means that the Returning Officer considers appropriate.
 - (5) The persons qualified to be elected as graduate members are persons whose names appear on the Roll of Graduates, other than members of the staff and students of the University, at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
 - (6) The persons entitled to vote for the graduate members are those persons whose names appear on the Graduate Election Register for the election concerned, other than members of the staff and students of the University, at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
 - (7) The provisions of Schedule 1 apply to an election conducted under this clause.

16 Nomination procedures relating to appointed members

- (1) The Council is to establish a Council Nominations Committee consisting of the following persons:
 - (a) the Chancellor,
 - (b) the Deputy Chancellor,
 - (c) the Vice-Chancellor,
 - (d) 2 members of the Council who are external persons.
- (2) At least 60 days before the term of office of a member of the Council appointed under section 9 (1) (b) or (c) of the Act expires, the Council Nominations Committee is to identify persons who may be suitable for appointment as such a member.
- (3) The Committee is:
 - (a) to determine which of those persons are to be recommended to the Council:
 - (i) for nomination for consideration for appointment by the Minister, or

Clause 17 University of Wollongong By-law 2005

Part 4 Council membership

- (ii) for appointment by the Council, as the case may be, and
 - (b) to recommend the length of appointment for each such person, and
 - (c) to forward those recommendations to the Council.
- (4) The Council is:
 - (a) to consider the recommendations forwarded by the Committee, and
 - (b) to determine which of the recommended persons are to be:
 - (i) nominated for consideration for appointment by the Minister, or
 - (ii) appointed by the Council, as the case may be, and
 - (c) to determine:
 - (i) in the case of the persons referred to in paragraph (b) (i), the recommended length of appointment for each such person, or
 - (ii) in the case of the persons referred to in paragraph (b) (ii), the length of appointment for each such person.
- (5) The Chancellor is to forward the determinations referred to in subclause (4) (b) (i) and (c) (i) to the Minister.

17 Casual vacancies

- (1) For the purposes of clause 3 of Schedule 1 to the Act, the prescribed manner for filling a casual vacancy is, subject to subclause (2), the same manner as that in which the person whose seat is vacant was appointed or elected.
- (2) In the event of a casual vacancy in the office of any elected member of the Council occurring within less than one year of the date on which the member's term of office would have expired, such vacancy is to be filled by some person, whose name appears on the appropriate roll kept under this Part, appointed by the Council in the place of that member in the manner described in clause 18.

18 Elections to fill certain casual vacancies for elected members

- (1) An election to fill a casual vacancy in the office of an elected member of the Council in the circumstances referred to in clause 17 (2) is to be held by the Returning Officer at a scheduled meeting of the Council.

University of Wollongong By-law 2005

Clause 19

Council membership

Part 4

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- (2) The Returning Officer is to advise the members of the Council of the election to be held by including a notice of the election with the papers circulated with the agenda for the meeting.
 - (3) The election is to be effected in such manner as may be determined at the meeting.

19 Rolls

A person who is entitled to be enrolled or listed on a roll or register kept under this Part may inspect that roll or register during the time that the office of the Vice-Principal (Administration) is open.

20 Term of office

- (1) For the purposes of clause 1 (1) (c) and (d) of Schedule 1 to the Act:
 - (a) the term of office of an academic staff member is 3 years, and
 - (b) the term of office of a non-academic staff member is 3 years, and
 - (c) the term of office of a student member is 2 years, and
 - (d) the term of office of a graduate member is 4 years.
- (2) The term of office of some of the elected members of any class:
 - (a) who are elected at the first election of members of that class, and
 - (b) who receive fewer votes than the other elected members of that class,is, if a resolution made by the Council so provides, to be reduced from the period specified in subclause (1) to such shorter period as may be specified in the resolution in order to provide for the retirement in rotation of the elected members of that class.

Clause 21 University of Wollongong By-law 2005

Part 5 Management of the University

Part 5 Management of the University

21 Rules relating to management of University

The Council may make rules for or with respect to all matters with respect to which the Council is empowered to make by-laws under section 28 (1) (other than paragraphs (b) and (k)) of the Act.

University of Wollongong By-law 2005

Clause 22

The common seal

Part 6

Part 6 The common seal

22 Custody of common seal

The common seal of the University is to be kept in the custody of the Vice-Principal (Administration).

23 Use of common seal

The common seal of the University is to be affixed to any instrument or document in the presence of, and the affixing of the seal is to be attested by:

- (a) the Chancellor, the Deputy Chancellor, the Vice-Chancellor or any other member of the Council, and
- (b) the Vice-Principal (Administration).

24 Register of use of common seal

- (1) The Vice-Principal (Administration) is to maintain a register of the use of the common seal.
- (2) The register of the use of the common seal is to record:
 - (a) the nature of, and parties to, an instrument or document to which the common seal was affixed, and
 - (b) the date on which the common seal was affixed to an instrument or document, and
 - (c) the names of the persons who attested the affixing of the common seal.

Clause 25 University of Wollongong By-law 2005

Part 7 Courses and degrees

Part 7 Courses and degrees

25 Degrees and diplomas

The degrees and diplomas to be conferred and awarded by the University are to be specified in rules made by the Council for the purposes of this clause.

26 Award of degrees and diplomas

- (1) The requirements to be satisfied for the award of degrees and diplomas, including the conditions governing the admission of students of other universities and institutions of higher education to any status within the University, are to be specified in rules made by the Council for the purposes of this clause.
- (2) The Council may revoke a conferral or award of a degree or diploma if the Council determines that the degree or diploma has been erroneously or inappropriately conferred or awarded.

27 Entrance standards and conditions of admission

The entrance standards for students and the conditions to be satisfied for admission to the University are to be specified in rules made by the Council for the purposes of this clause.

University of Wollongong By-law 2005

Clause 28

Honorary degrees

Part 8

Part 8 Honorary degrees

28 Conferring of honorary degrees

The Council may confer, *honoris causa*, any degree of the University.

29 Ceremonial and Honorary Awards Committee

- (1) The Council is to establish a Ceremonial and Honorary Awards Committee which is to consist of the Chancellor, the Vice-Chancellor and such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this clause.
- (2) The Ceremonial and Honorary Awards Committee may recommend to the Council the persons on whom honorary degrees may be conferred and the criteria for selection of any such persons.

Clause 30 University of Wollongong By-law 2005

Part 9 Academic costume

Part 9 Academic costume

30 Academic costume

- (1) The academic costume for the Chancellor consists of a gown of black damask lined with blue and trimmed with gold and a trencher cap of black with a gold tassel.
- (2) The form of academic costume for the Deputy Chancellor, the Vice-Chancellor, members of the Council, the officers of the University, the graduates and the students of the University is to be as specified from time to time in resolutions made by the Council for the purposes of this subclause.

31 Usages of academic costume

The usages of the academic costumes are to be determined by resolution of the Council.

University of Wollongong By-law 2005

Clause 32

University membership

Part 10

Part 10 University membership

32 Members of the University

For the purposes of section 4 (c) of the Act, the other members of staff of the University are the officers holding the positions of Deputy Vice-Chancellor, Vice-Principal, Pro Vice-Chancellor and University Librarian and such other positions as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.

Clause 33 University of Wollongong By-law 2005

Part 11 Convocation

Part 11 Convocation

33 Members of Convocation

- (1) For the purposes of section 14 (1) (c) of the Act, the following classes of members of the staff of the University (in addition to the members of staff specified in clause 32) are prescribed as members of Convocation:
 - (a) the full-time non-academic staff of the University who are graduates of other universities,
 - (b) the part-time academic staff of the University.
- (2) For the purposes of section 14 (1) (e) of the Act:
 - (a) graduates of other universities who are resident within such local government areas as the Council may from time to time by resolution determine, and
 - (b) such other persons as the Council may from time to time by resolution determine,may, upon application made in writing to the Council, be admitted as members of Convocation by resolution of the Council.
- (3) A person who becomes a member of Convocation pursuant to subclause (2) may resign from membership of Convocation by giving written notice to the Vice-Principal (Administration).

University of Wollongong By-law 2005

Clause 34

The Academic Senate

Part 12

Part 12 The Academic Senate

34 Members of the Academic Senate

The Academic Senate is to consist of:

- (a) the Vice-Chancellor, and
- (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.

35 Functions of the Academic Senate

The Academic Senate is the principal academic body of the University and has responsibility for advising the Council and the Vice-Chancellor on matters relating to teaching, scholarship, research and related activities in accordance with terms of reference specified from time to time in resolutions made by the Council for the purposes of this clause.

Clause 36 University of Wollongong By-law 2005

Part 13 Miscellaneous

Part 13 Miscellaneous

36 Repeal and savings

- (1) The *University of Wollongong By-law 1991* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *University of Wollongong By-law 1991*, had effect under that By-law continues to have effect under this By-law (but only to the extent that it relates to this By-law and is not inconsistent with this By-law and the acts, matters or things done under this By-law).
- (3) In particular, any rule made pursuant to a provision of the repealed By-law is taken to have been made pursuant to the corresponding provision of this By-law.

University of Wollongong By-law 2005

Schedule 1

Schedule 1

(Clauses 11, 12, 13, 14 and 15)

1 Returning Officer

- (1) The election is to be conducted by the Returning Officer.
- (2) The Returning Officer is to be the Vice-Principal (Administration), or a deputy appointed by that Vice-Principal.
- (3) In the performance of any of the Returning Officer's functions under this By-law, the Returning Officer may be assisted by such persons as the Returning Officer appoints.
- (4) Subject to this By-law, the election is to be effected in such manner as the Returning Officer determines.

2 Timing

In the conduct of the election, the following intervals are to be allowed:

- (a) between the date of publication (or other display) of the notice of election and the date and time for close of nominations—not less than 14 and not more than 28 days,
- (b) between the close of nominations and the posting of voting forms—not more than 14 days,
- (c) between the posting of voting forms and the date and time by which completed voting forms must be submitted to the Returning Officer—not less than 14 and not more than 28 days.

3 Notice of election

- (1) The Returning Officer is to give notice of the election:
 - (a) by publishing the notice on the Internet by means of the website of the University, and
 - (b) by any other means that the Returning Officer considers appropriate.
- (2) The notice of election is:
 - (a) to state the number of persons to be elected and the qualifications for candidature, and
 - (b) to specify the form of the nomination and the means by which it is to be submitted to the Returning Officer, and
 - (c) to prescribe a date and time by which nominations must reach the Returning Officer (referred to as the *close of nominations*).

University of Wollongong By-law 2005

Schedule 1

4 Acceptance of nomination

- (1) The Returning Officer is not to accept a nomination unless:
 - (a) it is in writing in the form specified in the notice of election, and
 - (b) it is signed by 2 persons whose names appear on the appropriate roll kept under Part 4, and
 - (c) the person nominated has consented to stand for election by a notice in writing given to the Returning Officer before the time prescribed for the close of nominations or by a notation to that effect on the nomination form, and
 - (d) it is received by the Returning Officer before the time prescribed for the close of nominations.
- (2) If, following the close of nominations, the number of accepted nominations is less than the number of persons to be elected, the Returning Officer is to make a further call for nominations.
- (3) If, following the close of nominations, the number of accepted nominations is equal to the number of persons to be elected, the Returning Officer is to declare the persons nominated to be elected.
- (4) If, following the close of nominations, the number of accepted nominations exceeds the number of persons to be elected, the Returning Officer is to send by post or by other (including electronic) means a voting form to those persons entitled to vote at the address shown in respect of those persons on the Roll of Academic Staff, the Roll of Non-academic Staff, the Roll of Undergraduate Students, the Roll of Postgraduate Students or the Graduate Election Register, as the case may be.

5 Voting form

- (1) Each voting form is to contain the names of the candidates in alphabetical order.
- (2) Each voting form is to be accompanied by a form of declaration or other means of verification that the person so voting is qualified to vote at the election.
- (3) If a voting form has been lost or destroyed, a duplicate may be issued by the Returning Officer upon receipt of a written declaration that the voting form has been lost or destroyed.
- (4) Each voting form sent in accordance with clause 4 (4) is to be accompanied by a notice which:
 - (a) specifies the date and the time by which the completed voting form must reach the Returning Officer, and

University of Wollongong By-law 2005

Schedule 1

-
- (b) contains instructions for the transmission (whether electronically or otherwise) of the completed voting form to the Returning Officer, and
 - (c) states the date and time when the votes will be counted.

6 Voting

The voter is to mark a cross on the voting form opposite the name of each candidate for whom the voter votes, but the number of candidates for whom a vote is cast is not to exceed the number of persons to be elected.

7 Counting of votes

At the date and time appointed for the counting of votes, the Returning Officer or the Returning Officer's deputy is:

- (a) to count votes in accordance with the procedures for counting votes approved by the Returning Officer and published on the Internet by means of the website of the University, and
- (b) to ensure that the secrecy and integrity of the ballot is maintained.

8 Declaration of the election

- (1) Where an election is held to elect one member, the Returning Officer is to declare as elected the candidate who receives the highest number of votes.
- (2) Where an election is held to elect more than one member, the Returning Officer is to declare as elected the persons who received the highest number of votes.

9 Equality of votes

- (1) Where there is an equality of votes, the person to be elected is to be determined by lot by the Returning Officer.
- (2) For the purpose of subclause (1), *determined by lot* means determination in the following manner:

The name of each candidate who receives the same number of votes is to be written on separate and similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is first drawn is to be the elected candidate.

10 Scrutineer

Each candidate is entitled to nominate a scrutineer to monitor the process for the counting of votes and any determination by lot.

University of Wollongong By-law 2005

Schedule 1

11 Election not invalidated because of certain errors

An election conducted under Part 4 is not invalid only because:

- (a) the name of a person who is entitled to be enrolled on a roll or listed on a register kept under Part 4 is omitted from the roll or register concerned, or
- (b) an eligible voter did not receive a voting form or did not see or (where applicable) receive a notice of election, or
- (c) some other kind of procedural irregularity occurs that, in the opinion of the Returning Officer, is minor and does not prejudice the fairness of the election process.

12 Custody of voting forms

The voting forms and records for an election are to be kept in safe custody by the Returning Officer for a period of at least 4 months after the election and may be destroyed at any time after that period, except that if any objection has been received within that period about an election the voting forms and records for the election may only be destroyed with the approval of the Council.

OFFICIAL NOTICES**Appointments****PHARMACY (ELECTIONS) REGULATION 1998**

Pharmacy Board of New South Wales

Election of Five (5) Members to the Board

FOLLOWING the close of poll at Noon, Thursday, 22 September 2005 and pursuant to Clause 22(b) of the Pharmacy (Elections) Regulation 1998, I hereby declare the following candidates elected:

Elizabeth FROST,
Geoff PRITCHARD,
Greg HODGSON,
Gerry McINERNEY, and
Alison AYLOTT

COLIN BARRY,
Electoral Commissioner for NSW
and Returning Officer for the
2005 Pharmacy Board of NSW Election

**STATE EMERGENCY AND RESCUE
MANAGEMENT ACT 1989**

Appointment of State Emergency Operations Controller

HER Excellency the Governor with the advice of the Executive Council, in pursuance of section 18(1) of the State Emergency and Management Rescue Act 1989, has appointed Deputy Commissioner Andrew SCIPIONE, NSW Police, as State Emergency Operations Controller, from the date of the Governor's approval, for the purpose of administering the requirements of the State Emergency and Rescue Management Act 1989. Dated 29 September 2005.

TONY KELLY, M.L.C.,
Minister for Emergency Services

**STATE EMERGENCY AND RESCUE
MANAGEMENT ACT 1989**

Appointment of Deputy State Emergency Operations
Controller

HER Excellency the Governor with the advice of the Executive Council, in pursuance of section 18(1) of the State Emergency and Management Rescue Act 1989, has appointed Assistant Commissioner Mark GOODWIN, NSW Police, as Deputy State Emergency Operations Controller for the purpose of administering the requirements of the State Emergency and Rescue Management Act 1989. Appointment to take effect from 29th September 2005.

TONY KELLY, M.L.C.,
Minister for Emergency Services

Department of Lands

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6841 5200 Fax: (02) 6841 5231

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

The Crown public road east of Lot 5 in DP 752261, Parish of Pearse, County of Denham.

SCHEDULE 2

Road Authority: Walgett Shire Council.

File No.: DB05 H 401.

Council's Reference: AN:AN: SR5.

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

GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

The Conditions and Reservations annexed to the leases are those published in the *Government Gazette* of 18 February 2005, Folios 434 and 435.

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

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

SCHEDULE

*Administrative District – Walgett North; L.G.A. – Walgett;
Parish – Wallangulla; County – Finch.*

WLL No.	Name of Lessee	Lot	Deposited Plan	Folio Identifier	Area (m2)	Term of Lease	
						From	To
WLL 14544	Graeme Joseph WATT	78	1057617	78/1057617	2555	21/9/2005	20/9/2025
WLL 14502	Douglas John O'DWYER	29	1066289	29/1066289	2296	21/9/2005	20/9/2025
WLL 14514	Susan Clarissa HARRIS	26	1073508	26/1073508	2455	21/9/2005	20/9/2025
WLL 14427	Peter DRACKETT	62	1057617	62/1057617	2657	21/9/2005	20/9/2025
WLL 14543	Peter John HUCKEL	111	1073508	111/1073508	3748	21/9/2005	20/9/2025
WLL 14541	Paul MORRIS	116	1073508	116/1073508	2471	21/9/2005	20/9/2025
WLL 14529	Neville James DARRAGH and Gayle DARRAGH	177	1073508	177/1073508	2489	21/9/2005	20/9/2025
WLL 14559	Raymond Geoffrey BROWN and John Arthur CARR	170	1073508	170/1073508	1572	21/9/2005	20/9/2025
WLL 14548	William James MILLS and John Patrick HEALY	80	1057617	80/1057617	2223	21/9/2005	20/9/2025
WLL 14480	John Francis O'DONOGHUE	39	1066289	39/1066289	2521	21/9/2005	20/9/2025
WLL 14507	Trevor Phillip KING	130	1073508	103/1073508	2498	21/9/2005	20/9/2025
WLL 14442	David Andrew Graham MARSH	101	1066289	101/1066289	2056	21/9/2005	20/9/2025
WLL 14489	Elena Adoracidn SCHWEBEL and Gordon George SCHWEBEL	12	1057617	12/1057617	2681	21/9/2005	20/9/2025
WLL 14550	James Joseph JONES	141	1073508	141/1073508	1751	21/9/2005	20/9/2025
WLL 14533	Ross Arthur James DAVIS and Janice June DAVIS	74	1073508	74/1073508	2471	21/9/2005	20/9/2025
WLL 14558	Jeff AINSWORTH Snr	96	1073508	96/1073508	2531	21/9/2005	20/9/2025

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6993 1306 Fax: (02) 6993 1135

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Ruth Elaine EVANS (re-appointment), Reginald Cecil RANDALL (re-appointment), Margaret Fenn RANDALL (re-appointment), Robert Bruce WATSON (re-appointment), Margaret Ellen WATSON (re-appointment), Dorothy CAMPBELL (new member).	Lalaly Hall Trust.	Reserve No.: 86704. Public Purpose: Public hall. Notified: 26 April 1968. File No.: HY81 R 91.

Term of Office

For a term commencing the date of this notice and expiring 29 September 2010.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Trevor George MUIRHEAD (re-appointment), Lyndsay Ann LEWIS (new member), Robert Claude LITTLE (re-appointment), Gloria Ann FOWLER (re-appointment).	Merriwagga Racecourse and Recreation Reserve Trust.	Reserve No.: 88922. Public Purpose: Public recreation. Notified: 18 May 1973. Reserve No.: 57488. Public Purpose: Public recreation. Notified: 3 October 1924. File No.: HY81 R 118.

Term of Office

For a term commencing the date of this notice and expiring 29 September 2010.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Margaret Vevers HATTY (re-appointment), Elizabeth Anne McLAURIN (re-appointment), Robert A. ADAMS (re-appointment), Will DALGLIESH (new member).	Tocumwal Blowhole Trust.	Reserve No.: 89393. Public Purpose: Public recreation. Notified: 7 March 1975. File No.: HY81 R 33.

Term of Office

For a term commencing the date of this notice and expiring 29 September 2010.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Deniliquin. Local Government Area: Jerilderie Shire Council. Locality: Jerilderie. Reserve No.: 62159. Public Purpose: Police purposes. Notified: 3 October 1930. Lot 7012, DP No. 1002227, Parish Jerilderie South, County Urana; Lot 196, DP No. 756426, Parish Jerilderie South, County Urana; Lot 7037, DP No. 1087007, Parish Jerilderie North, County Urana; Lot 7036, DP No. 1087007, Parish Jerilderie North, County Urana; Lot 7035, DP No. 1087007, Parish Jerilderie North, County Urana. File No.: HY98 H 162.	The part being Lot 7012, DP No. 1002227, Parish Jerilderie South, County Urana; Lot 7036, DP No. 1087007, Parish Jerilderie North, County Urana; Lot 7035, DP No. 1087007, Parish Jerilderie North, County Urana, of an area of 3.09 hectares.

Note: It is intended to add Lot 7036, DP 1087007 to Reserve 88451 for public recreation.

ORANGE OFFICE
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Land District – Lithgow; L.G.A. – Oberon.

Road Closed: Lot 121, DP 1083307 at Tuglow, Parish Drogheda, County Westmoreland.

File No.: OE04 H 224.

Note: On closing, the land remains vested in the Crown as Crown Land.

ERRATUM

IN the notice appearing in the *Government Gazette* of the 15 January 1993, Folio 89 under the heading “Assignment of a corporate name to a Common Trust”, in Column 1 after “Reserve 35959 for temporary common, notified 27th June 1903” the following is to be included: “and Reserve 37080 for temporary common, notified 23rd December 1903”. Also after “Reserve 27260 for temporary common notified 19th February 1898” the following should also be included: “and Reserve 60911 for commonage notified 25th January 1929”.

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

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

**DRAFT ASSESSMENT OF CROWN LAND UNDER
PART 3 OF THE CROWN LANDS ACT 1989 AND
THE CROWN LANDS REGULATION 2000**

THE Minister for Lands has prepared a draft assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the following locations: Sydney Metropolitan Office of the NSW Department of Lands, at Level 12, 10 Valentine Avenue Parramatta; Wollondilly Shire Council, 62–64 Menangle Street Picton; Picton Library, 42 Menangle Street, Picton and the Planning and Environment counter of Campbelltown City Council, Level 1, Civic Centre, Queens Street, Campbelltown, during normal business hours. Alternatively the assessment can be viewed on the Department's website at www.lands.nsw.gov.au under "land management".

Representations are invited from the public on the draft assessment. These may be made in writing from 28 September 2005, for a period of four weeks until 25 October 2005 and should be sent to the Land Management Officer, NSW Department of Lands, Sydney Metropolitan Office, PO Box 3935, Parramatta NSW 2124.

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

Description

Crown Land located adjacent to the end of Lysaghts Road on the southern side of Wedderburn of about 34 hectares known as Wedderburn Airfield. Comprised of Lot 65, DP 257529 and Lot 7017, DP 1035120, in the Parish of Wedderburn, County of Cumberland and Local Government Area of Wollondilly.

Contact: Martin Sewell (02) 8836 5354.

File No.: MN02 H 232.

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

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

Lot 7089, DP 752015# at Matraville, Parish Botany (Sheet 7), County Cumberland.

File No.: MN05 H 108.

Note: On closing, title for the land in Lot 7089 remains vested in the Crown as Crown Land.

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

Description

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

Lot 1, DP 1087407 at Rose Bay, parish Alexandria (Sheet 5), County Cumberland.

File No.: MN04 H 26.

Note: On closing, title for the land in Lot 1 remains vested in Woollahra Municipal Council as operational land.

Description

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

Lot 50, DP 1087959 at Casula, Parish St Luke (Sheet 5), County Cumberland.

File No.: MN04 H 237.

Note: On closing, title for the land in Lot 50 remains vested in Liverpool City Council as operational land.

Description

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

Lots 1 and 2, DP 1086205 at Horsley Park, Parish Melville, County Cumberland.

File No.: MN02 H 313.

Notes: (1) On closing, title for the land in lots 1 and 2 remain vested in Fairfield City Council as operational land.

(2) The road is closed subject to the easement for overhead power lines 30.48 wide as shown in DP 1086205.

TAREE OFFICE**102-112 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6552 2788 Fax: (02) 6552 2816****NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

*Land District – Port Macquarie;
Local Government Area – Port Macquarie Hastings Council.*

Road Closed: Lot 21, DP 1084536; Lot 4, DP 1067035 and Lot 100, DP 1077657 at Herons Creek, Parish of Camden Haven and Ralfe, County of Macquarie.

File No.: TE01 H 72.

Note: On closing, the land within Lots 21, 4 and 100 will vest in Port Macquarie Hastings Council as operational land for the purpose of the Local Government Act 1993.

Council Reference: 39434.

ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

COLUMN 1

Land District: Kempsey.
Local Government Area:
Kempsey.
Parish: Arakoon.
County: Macquarie.
Locality: South West Rocks.
Lot 138, DP 754396.
Area: 8094 square metres.
File No.: TE05 R 41.

COLUMN 2

Reserve No.: 69040.
Public Purpose: Future
public requirements.
Notified: 23 February 1940.

Department of Natural Resources

WATER ACT 1912

APPLICATIONS for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

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

Lachlan River Valley

Gregory Michael McLENAHAN and Jennifer Lorraine McLENAHAN for a pump on Booberoi Creek on Lot 115, DP 750663, Parish of Euabalong, County of Blaxland, water supply for stock and domestic purposes for Lot 1117, DP 762299, Parish Euabalong, County Blaxland (existing work and entitlement) (Reference: 70SL091052) (GA2:466389).

YOUNG SHIRE COUNCIL for a cutting on Burrangong Creek on Lot 701, DP 1021354 (part of Reserve 59221), Parish of Young, County of Monteagle, for changing the course of a river (Burrangong Creek) (new licence) (Reference: 70SL091051) (GA2:466390).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected, must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

VIV RUSSELL,
Resource Access Manager,
Central West Region

Department of Natural Resources,
PO Box 136, Forbes NSW 2871.

WATER ACT 1912

AN application under Part 2 within a proclaimed (declared) local area under section 5(4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Murrumbidgee Valley

Amelia LOPILATO, Felix LOPILATO, Umberto LOPILATO and Remo LOPILATO for two pumps on the Bredbo River, Lot 5, DP 46688, Parish of Abercrombie, County of Beresford, for water supply for irrigation and industrial purposes (sand and gravel extraction) (replacement application – no increase in allocation) (additional purpose only with existing development approval) (Reference: 40SL71069).

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region

Department of Natural Resources,
PO Box 156, Leeton NSW 2705

WATER ACT 1912

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

Victor AZZOPARDI, Jane AZZOPARDI, Michael AZZOPARDI and Kim AZZOPARDI for a pump on an unnamed watercourse (registered easement DP 1053655 within Pt Lot 21//1024046), Parish of Narara, County of Northumberland, for the irrigation of 5.5 hectares (vegetables) (part replacement licence – part replacing existing licence 10SL035659 due to a permanent transfer of 13.0 megalitres and fully replacing 10SL056460) (no increase in authorised area – no increase in annual water entitlement) (not subject to the 1995 Hawkesbury/Nepean Embargo) (Reference: 10SL056678) (GA2:493327).

Any inquiries regarding the above should be directed to the undersigned (telephone: 9895 7194).

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,
Natural Resource Project Officer,
South Coast Region

Department of Natural Resources,
PO Box 3720, Parramatta NSW 2124.

Department of Planning



New South Wales

State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2005

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S03/02434)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2005

State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2005

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Building Sustainability Index: BASIX) Amendment Policy 2005*.

2 Commencement

This Policy commences on 1 October 2005.

3 Aims of Policy

- (1) Regulations under the *Environmental Planning and Assessment Act 1979* have extended the BASIX scheme under those regulations to new forms of residential development, including development for both residential and non-residential purposes (*mixed-use development*).
- (2) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* displaces certain provisions of other environmental planning instruments and development control plans in relation to buildings to which the BASIX scheme applies.
- (3) The aim of this Policy is to amend *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* so as to provide that such provisions are not displaced in relation to the non-residential component of mixed-use development.

4 Land to which Policy applies

This Policy applies to the whole of the State, including Lord Howe Island.

5 Amendment of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 is amended as set out in Schedule 1.

State Environmental Planning Policy (Building Sustainability Index: BASIX)
Amendment Policy 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 5)

[1] Clause 5

Omit the clause. Insert instead:

5 Land to which Policy applies

This Policy applies to the whole of the State, including Lord Howe Island.

[2] Clause 8 Other environmental planning instruments do not apply to BASIX commitments

Insert at the end of clause 8 (after the note):

- (2) If the development concerned involves the erection of a building for both residential and non-residential purposes, or the change of use of a building to both residential and non-residential purposes, subclause (1) does not displace the competing provisions to the extent to which they apply to the part of the development that is intended to be used for non-residential purposes.

[3] Clause 9 Development control plans do not apply to BASIX commitments

Insert at the end of clause 9:

- (2) If the development concerned involves the erection of a building for both residential and non-residential purposes, or the change of use of a building to both residential and non-residential purposes, subclause (1) does not displace the competing provisions to the extent to which they apply to the part of the development that is intended to be used for non-residential purposes.

[4] Clause 10 SEPP 1 does not allow departures from BASIX commitments

Insert “or for the land on which such a building is situated” after “applies”.



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 3)

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 3)*.

2 Aims of Policy

The aim of this Policy is to provide that certain temporary development of minimal environmental impact carried out on the land to which this Policy applies is exempt development.

3 Land to which Policy applies

This Policy applies to the land, known as the Redfern-Waterloo Authority Sites, identified on Map 16 to Schedule 2 to the *State Environmental Planning Policy (Major Projects) 2005*.

4 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended by inserting at the end of clause 9A (Development for which Minister consent authority under Part 4) the following subclause:

- (2) However, the following development is exempt development if it is carried out on land identified on Map 16 to Schedule 2 (Redfern-Waterloo Authority Sites), is of minimal environmental impact and complies with the criteria set out in the guidelines prepared by the Redfern-Waterloo Authority (and approved by the Minister for Redfern Waterloo and made publicly available) for the purposes of this subclause:
 - (a) the temporary use of the land for community events that are open to the general public, including public gatherings, ceremonies, sporting events or outdoor exhibitions,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 3)

Clause 4

-
- (b) the erection and use of temporary structures, having minimal visual impact, for the purposes of, or in connection with, any such community event.



New South Wales

Hastings Local Environmental Plan 2001 (Amendment No 34)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G04/00016/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 34)

Hastings Local Environmental Plan 2001 (Amendment No 34)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 34)*.

2 Aims of plan

The aims of this plan are:

- (a) to amend certain provisions of *Hastings Local Environmental Plan 2001* relating to dwellings permitted to be erected, with development consent, on land that is either an undersized existing parcel or an approved lot and that does not have an approved dwelling located on it, and
- (b) to ensure that residential development is appropriately managed so that it does not adversely impact on land that has agricultural potential, or land that is environmentally sensitive or visually significant, and
- (c) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services.

3 Land to which plan applies

This plan applies to all land in the Hastings local government area that is within Zone 1 (a1), 1 (a3), 1 (a4), 1 (i), 7 (a), 7 (d) or 7 (f1) under *Hastings Local Environmental Plan 2001*.

4 Amendment of Hastings Local Environmental Plan 2001

Hastings Local Environmental Plan 2001 is amended as set out in Schedule 1.

Hastings Local Environmental Plan 2001 (Amendment No 34)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

- [1] **Clause 18 Single dwellings within Zone 1 (a1), 1 (a3), 1 (a4), 1 (i), 7 (a), 7 (d) or 7 (f1)**
Omit “is vacant” from clause 18 (2) (a).
Insert instead “does not contain a dwelling for which Council’s consent or approval has been granted”.
- [2] **Clause 18 (4)**
Omit the subclause.
- [3] **Dictionary**
Omit the definition of *approved lot*. Insert instead:
approved lot means a lot created by a subdivision for which consent or approval was granted by the Council (or its predecessor council) after 26 May 1967 and prior to the appointed day.
- [4] **Dictionary, definition of “existing parcel”**
Omit the definition. Insert instead:
existing parcel means the total area of all adjoining or adjacent land held in the one ownership at 26 May 1967 as shown in the document entitled *Existing Parcels Register* prepared by the Council in 1987 and on the series of Parish Maps marked “Existing Parcels of Land Prior to 26th May 1967 A-12-1 to A-12-39”, both of which are kept at the office of the Council.



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 92)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00184/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 92)

Kempsey Local Environmental Plan 1987 (Amendment No 92)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 92)*.

2 Aims of plan

This plan aims to allow, with the consent of Kempsey Shire Council, the carrying out of development on the land to which this plan applies for the purpose of a storage shed ancillary to a hardware store.

3 Land to which plan applies

This plan applies to part Lot 17, DP 1076438, Smith Street, Kempsey, as shown edged heavy black on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 92)" deposited in the office of Kempsey Shire Council.

4 Amendment of Kempsey Local Environmental Plan 1987

Kempsey Local Environmental Plan 1987 is amended by inserting at the end of the end of the Table to clause 37 in Columns 1 and 2, respectively, the following words:

Part Lot 17, DP 1076438, Smith Street, Kempsey, as shown edged heavy black on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 92)".	Storage shed ancillary to a hardware store.
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New South Wales

Lockhart Local Environmental Plan 2004

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q00/00012/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Lockhart Local Environmental Plan 2004

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Lockhart Local Environmental Plan 2004

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Clause 1 Lockhart Local Environmental Plan 2004

Part 1 Preliminary

Lockhart Local Environmental Plan 2004

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of plan

This plan is *Lockhart Local Environmental Plan 2004*.

2 Aims and objectives of plan

- (1) The aims of this plan are:
- (a) to encourage the proper management, development and conservation of natural and artificial resources within the local government area of Lockhart by protecting, enhancing or conserving:
 - (i) prime crop and pasture land, and
 - (ii) functioning agriculture, and
 - (iii) timber, mineral, soil, water and other natural resources, and
 - (iv) areas of significance for nature conservation, and
 - (v) areas of high scenic or recreational value, and
 - (vi) places and buildings of archaeological or heritage significance, including aboriginal relics and places, and
 - (b) to replace the existing planning controls with a single local environmental plan to help facilitate growth and development of the local government area of Lockhart in a manner which is consistent with the objectives specified in paragraph (a) and which:
 - (i) minimises the cost to the community of fragmented and isolated development of rural land, and
 - (ii) facilitates the efficient and effective delivery of amenities and services, and
 - (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
 - (iv) facilitates farm adjustments, and

Lockhart Local Environmental Plan 2004

Clause 3

Preliminary

Part 1

-
- (v) ensures the efficiency of arterial roads is not adversely affected by development on adjacent lands, and
 - (c) to provide for a range of development opportunities which contribute to the social, economic and environmental resources of the area in a manner that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development, and
 - (d) to provide for exempt and complying development within the local government area of Lockhart, and
 - (e) to maintain the opportunity for public involvement and participation in the environmental planning and assessment process, and
 - (f) to reduce the incidence of damage to areas subject to flooding by restricting development in the flood plain and in the floodways, and
 - (g) to ensure new development is sympathetic to and does not detract from the distinctive character of the local government area of Lockhart, its streetscapes and landscapes.
- (2) The objectives of this plan in relation to heritage are:
- (a) to conserve the environmental heritage of the local government area of Lockhart, and
 - (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
 - (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
 - (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
 - (e) to ensure that the heritage conservation areas throughout the area of Lockhart retain their heritage significance.

3 Land to which plan applies

This plan applies to all land within the local government area of Lockhart as shown on the map, with the boundaries as indicated on the map.

Clause 4 Lockhart Local Environmental Plan 2004

Part 1 Preliminary

4 Relationship to other environmental planning instruments

- (1) This plan repeals *Lockhart Local Environmental Plan 1995* and such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies.
- (2) This plan does not affect the provisions of *Riverina Regional Environmental Plan Number 1* as they apply to the local government area of Lockhart.

5 Definitions

- (1) In this plan:

alter, in relation to a heritage item or to a building or work within a heritage conservation area, means to:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make a non-structural changes to the details, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes involved in the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

appointed day means the day on which this plan takes effect.

animal boarding or training establishment means a building or place used for the commercial boarding, breeding, keeping or training of animals, and includes riding schools and veterinary clinics.

archaeological site means the site of one or more relics.

arterial road means an existing road indicated on the map by heavy broken black lines.

artificial waterbody means a constructed waterway, including a constructed channel, dam or lake, but does not include dry retention basins or evaporation ponds.

caravan park means land used as sites for movable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation, and includes any kiosk or other similar facility situated on the land.

conservation management plan means:

- (a) a plan prepared by the owner of a building, work or relic that makes recommendations for how the building, work or relic may be conserved, or
- (b) a plan approved by the Heritage Council that makes recommendations for how a building, work or relic may be conserved.

Lockhart Local Environmental Plan 2004

Clause 5

Preliminary

Part 1

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Council means the Lockhart Shire Council.

dam means all works associated with creating an artificial waterbody (including a stormwater retention basin), and includes filling and an excavation involved in the permanent or temporary storage of water on land which alters the shape, natural form or drainage of land.

demolition, in relation to a building or work, includes the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

dwelling means a room or a number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

ecologically sustainable development has the same meaning as in section 6 (2) of the *Protection of the Environment Administration Act 1991*.

existing holding means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was at 30 June 1990, or
- (b) where, as at 30 June 1990, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at 30 June 1990.

flood liable land means land shown as Flood Prone Area on the map.

floor space ratio means the ratio of the total gross floor area of buildings on a site to the site area.

hazardous industry has the same meaning as in *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.

heritage conservation area means land identified as a Heritage Conservation Area on the map.

heritage item means a building, work, relic or place:

- (a) situated on land shown in a distinctive manner on the map to indicate it is or is the site of a heritage item, and
- (b) described in Schedule 1.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

Clause 5	Lockhart Local Environmental Plan 2004
Part 1	Preliminary

housing for older people or people with disabilities means residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with a disability, and which may consist of a residential care facility, a hostel or a grouping of two or more self-contained dwellings, or a combination of these, but does not include a hospital.

integrated development has the meaning given by section 91 of the *Environmental Planning and Assessment Act 1979*.

integrated housing means development that consists of:

- (a) the subdivision of land into five or more lots, and
- (b) the erection of a single dwelling-house on each of the lots created by that subdivision.

intensive agriculture means:

- (a) the use of a site predominantly for the cultivation by irrigation of fruit, vegetable crops, flower crops, or like crops which rely on irrigation, or
- (b) the commercial keeping or breeding (or both) of livestock which are substantially dependent upon feed being imported to the property.

intensive livestock keeping means a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purposes of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and
- (d) fish farms (including sites used for farming crustaceans and oysters), and
- (e) worm farms,

but does not include an animal boarding or training establishment or a building or place used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

land capability means the ability of land to accept a type and intensity of use permanently or for specified periods under specific management without permanent damage, such as loss of productive capacity or degradation. For example, land may be capable of crop production, grazing or supporting woodland.

Lockhart Local Environmental Plan 2004

Clause 5

Preliminary

Part 1

land degradation means any decline in the quality of natural land resources caused through improper use of the land by humans and includes a decline in soil fertility, organic matter or structure, adverse changes in salinity, acidity or alkalinity and being affected by toxic chemicals or excessive flooding, the adverse effects of erosion, sedimentation, overgrazing, excess cultivation, overclearing of vegetation, non-rehabilitated extractive industries or increases in noxious plants or animals.

landholder rights has the same meaning given by the *Water Management Act 2000*.

maintenance means the continuous protective care of the fabric of a heritage item and its setting.

offensive industry has the same meaning as in *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.

plantation forest means private forestry involving the establishment of plantations of more than five hectares in area in respect of any one property.

prime crop and pasture land means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Primary Industries, copies of which are deposited in an office of that Department and the original in the office of the Council, as Class 1, Class 2 or Class 3 or as land of merit for special uses, but does not include land which that Director-General has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

property development plan means a written plan that has been prepared by an appropriately qualified consultant, or has been certified to the satisfaction of the Council, and that provides details of such of the following as are relevant to the development proposed by the development application concerned:

(a) **Infrastructure**

- (i) specialised machinery to be used in the proposed agricultural use,
- (ii) specialised handling, processing and storage facilities for the proposed agricultural use,
- (iii) specialised internal fencing suitable for the proposed agricultural use,
- (iv) the adequacy of road access within the lot for the proposed agricultural use,
- (v) the adequacy of the supply of electricity to the site area and the arrangements for its distribution for the proposed agricultural use and for its connection to any proposed dwelling-house,

Clause 5 Lockhart Local Environmental Plan 2004
Part 1 Preliminary

- (vi) the location intended for any proposed dwelling-house,
- (b) **Economic function**
 - (i) the current and proposed agricultural use of the lot,
 - (ii) budgets relating to the profit and loss of the proposed agricultural use,
 - (iii) the impact on and from adjoining land uses,
- (c) **Water**
 - (i) the water allocation that has been obtained and how it is appropriate for the proposed agricultural use,
 - (ii) the irrigation system and its likely impact on waterways and aquifers,
 - (iii) drainage works to contain run-off of effluent or chemical residues, or any other substance or material stored or generated on site that is likely to result in the contamination of surface or groundwater,
 - (iv) the impact localised flooding has on the land,
- (d) **Aquifer**
 - (i) the location of any aquifer, dam, river, creek or other water source situated under or on, or passing through, the site area,
 - (ii) the potential impact of the proposed agricultural use on any aquifer, including its impact on ground water levels and water quality,
- (e) **Soils**
 - (i) a soil survey identifying the soil capability of the lot, likely contamination, affected salinity (both on and off-site), and the soil management practices appropriate for the proposed agricultural use, including soil erosion control measures,
 - (ii) the risk of soil erosion and its likely impact upon ground water and surface water quality,
- (f) **Vegetation**
 - (i) the impact vegetation clearance may have on the existing habitat of native fauna,
 - (ii) the risk of bushfire and proposed mitigation measures,
 - (iii) whether the removal of native vegetation will result in irreparable damage to the vegetation system in the locality.

recreation area means:

- (a) a children's playground, or

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- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
 - (i) a public authority, or
 - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the local government area of Lockhart which is 50 or more years old.

the map means the 3 sheets of the map marked “Lockhart Local Environmental Plan 2004”, as amended by the maps (or specified sheets of maps) marked as follows:

tree includes a sapling or a shrub.

- (2) In this plan:
 - (a) a reference to the destruction of a tree is a reference to the ringbarking, cutting down, felling, poisoning, topping, lopping, removing or otherwise destroying or injuring of a tree.
 - (b) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (c) a reference to a building or place used for a purpose includes a reference to a building or a place intended to be used for the purpose, and
 - (d) a reference to land within a zone is a reference to land shown on the map as being within the zone in the manner indicated by clause 11.

6 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for:

- (a) the definition of *map* (and of any other terms defined in this plan) in clause 4 (1), and
- (b) clauses 7, 8, 15, 16, 19–23.

7 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

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8 Designated development

Despite any other provision of this plan (except clause 10, which allows certain government development without consent) development that is listed as designated development in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000* may be carried out only with development consent.

9 Exempt development and complying development

- (1) Development of minimal environmental impact listed in Schedule 1 to *Development Control Plan No 1* as adopted by the Council on 15 November 1999 is **exempt development**.
- (2) Development listed in Schedule 2 to *Development Control Plan No 1* adopted by the Council on 15 November 1999 is **complying development** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 1* as adopted by the Council on 15 November 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 1* as adopted by the Council as in force when the certificate is issued.

10 Government development

Nothing in this plan restricts or prohibits, or enables the consent authority to restrict or prohibit, the following:

- (a) the carrying out of development of any description specified in Schedule 2,
- (b) the use of existing buildings of the Crown by the Crown.

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11 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map in the manner specified below in relation to that zone:

Zone No 1 (a) (the Agriculture Zone)—edged heavy black and lettered “1 (a)”

Zone No 1 (c) (the Rural Small Holdings Zone)—edged heavy black and lettered “1 (c)”

Zone No 1 (f) (the Forestry Zone)—edged heavy black and lettered “1 (f)”

Zone No 2 (t) (the Township Zone)—edged heavy black and lettered “t”

Zone No 8 (the National Parks and Nature Reserves Zone)—edged heavy black and lettered “8”

12 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “**Objectives of zone**” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development (if any) that:
 - (a) may be carried out without development consent, and
 - (b) may be carried out only with development consent, and
 - (c) is prohibited,
 is specified under the headings “**Without development consent**”, “**Only with development consent**” and “**Prohibited**”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is of the opinion that the carrying out of the development is consistent with giving effect to the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) (Agriculture Zone)

1 Objectives of zone

The objectives of the Agriculture Zone are as follows:

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- (a) to ensure the primary role of land within the zone is for carefully managed agricultural pursuits (including agroforestry) and that land within the zone is protected and is not used as an alternative location for residential accommodation,
- (b) to enhance the economic value of land within the zone for agriculture by promoting consolidation and enlargement of holdings,
- (c) to protect that land from inefficiencies posed by excessive and non-productive improvements, reduction in holding size, and conflict between land uses,
- (d) to ensure the use of sustainable natural resource management principles and promote the protection, enhancement and conservation of areas of significance for nature conservation, habitat of threatened species populations and communities and areas of native vegetation,
- (e) to permit agriculturally-based land uses and other rural uses that complement the primary role of the zone,
- (f) to permit rural industries which do not have a significant adverse impact on existing or potential agricultural production on adjoining land,
- (g) to ensure mineral resources are not sterilised by competing land uses,
- (h) to encourage the development of intensive commercial agriculture enterprises which meet sustainable natural resource management principles,
- (i) to protect intensive agriculture enterprises from operational restraints caused by land use conflicts, especially those arising from pressure to maintain a level of amenity more appropriate in a residential or hobby farming area,
- (j) to ensure the use of the following catchment management principles to promote and protect ecological integrity and productivity of agricultural landscapes:
 - (i) use of the natural environment should be ecologically sustainable in the longer term,
 - (ii) the likely anticipated effect on communities, immediately adjacent to the proposed activity and potentially affected by the proposed activity must be considered, when evaluating proposals for land use,

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- (iii) use of the natural environment must recognise and attempt to discharge two duties:
 - (A) duty of care—to ensure that the actions one takes or proposes to take do not diminish, without their agreement, the rights of others to enjoy to an equal extent the environment and its potential, and
 - (B) duty of stewardship—to use the environment so that future generations have the opportunity to use and enjoy the environment and its benefits to at least the same extent as the present,
 - (iv) use of the natural environment should protect biodiversity,
 - (v) any use of the natural environment should involve the implementation of strategies that stabilise current problems and aim to repair degradation,
 - (vi) any use of the natural environment should ensure that the expected economic and social benefit of using a natural resource clearly exceeds the grossed up cost of using that resource,
 - (vii) any use of the natural environment should ensure that the proposed use does not utilise natural systems in ways that exceed the capacity of those systems to sustain that use without degradation occurring.

2 Without development consent

Development for the purpose of:

agriculture (other than dwellings and intensive livestock keeping); forestry (other than ancillary dwellings).

Exempt development.

3 Only with development consent

Any development not included in Item 2 or 4.

4 Prohibited

Development for the purpose of:

integrated housing; motor showrooms; residential flat buildings; shops (other than general stores, wineries or craft shops).

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Part 2 Zones

Zone No 1 (c) (Rural Small Holdings Zone)

1 Objectives of zone

The objectives of the Rural Small Holdings Zone are as follows:

- (a) to promote development of land identified as suitable for rural residential or hobby farm development in close proximity to urban areas,
- (b) to protect the rural amenity and character of the area and water quality (ground and surface),
- (c) to minimise conflict with agricultural use,
- (d) to protect the ecological integrity of rural landscapes.

2 Without development consent

Development for the purpose of:

agriculture (other than dwellings and intensive livestock keeping).

Exempt development.

3 Only with development consent

Any development not included in Item 2 or 4.

4 Prohibited

Development for the purpose of:

caravan parks; hotels; industries (other than rural, light or home industries); integrated housing; motels; motor showrooms; residential flat buildings; shops (other than general stores).

Zone No 1 (f) (Forestry Zone)

1 Objectives of zone

The objectives of the Forestry Zone are as follows:

- (a) to recognise and define the boundaries of existing State forests, and
- (b) to permit the continued use of State forests for forestry purposes and other uses authorised by the *Forestry Act 1916*.

2 Without development consent

Any development authorised by or under the *Forestry Act 1916*, and any development ordinarily incidental or ancillary to such

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development (including roads constructed by or on behalf of the Forestry Commission).

3 Only with development consent

Development for the purpose of:

agriculture (other than use of intensive livestock keeping establishments); bio-solid waste application; drainage; extractive industries; mines; open space; roads (other than roads constructed by or on behalf of the Forestry Commission).

4 Prohibited

Any development not included in Item 2 or 3.

Zone No 2 (t) (Township Zone)

1 Objectives of zone

The objectives of the Township zone are as follows:

- (a) to promote development in existing towns and villages in a manner which is compatible with their urban function,
- (b) to enable a range of housing forms and complementary and business uses taking into account the distinct character of each urban area.

2 Without development consent

Exempt development.

3 Only with development consent

Any development not included in Item 2 or 4.

4 Prohibited

Development for the purpose of:

extractive industries; hazardous industries; intensive livestock keeping; mines; offensive industries.

Zone No 8 (National Parks and Nature Reserves Zone)

1 Objectives of zone

The objectives of the National Parks and Nature Reserves Zone are as follows:

- (a) to identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*,

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Part 2 Zones

- (b) to allow for the management and appropriate use of that land as provided for by or under the *National Parks and Wildlife Act 1974*.

2 Without development consent

Any development authorised by or under the *National Parks and Wildlife Act 1974* and any land use incidental or ancillary to such development.

3 Only with development consent

Nil.

4 Prohibited

Any development not included in Item 2.

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13 General considerations for development within rural zones

- (1) Consent must not be granted to development on land within Zones Nos 1 (a) and 1 (c) unless the consent authority has made an assessment of the effect of the carrying out of that development on such of the following as are relevant:
 - (a) the present and potential use of the land for the purposes of agriculture,
 - (b) vegetation, timber production, land capability (including soil resources and soil stability), water resources (including the quality and stability of water courses and ground water storage and basic landholder rights),
 - (c) the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
 - (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including aboriginal relics and places,
 - (e) the cost of providing, extending and maintaining public amenities and services to the site of the development, and
 - (f) future expansion of settlements in the vicinity,and the Council is satisfied that the development will not have an adverse effect on the long-term use for sustained agricultural production of any prime crop and pasture land, and the long-term sustainable use of the land.
- (2) In assessing the effect referred to in subclause (1), the Council must have regard not only to the land the subject of the application but also to other land in the vicinity.

14 Subdivision of land generally

- (1) A person must not subdivide land to which this plan applies except with development consent.
- (2) Consent must not be granted to a subdivision of land within Zone No 1 (a) or 1 (c) unless the consent authority has obtained all relevant information in relation to, and made an assessment of:
 - (a) the primary purpose for which each lot to be created by the subdivision is intended to be used, and
 - (b) whether any lot to be created by the subdivision is intended to be used primarily for the purpose of agriculture, and

Clause 15 Lockhart Local Environmental Plan 2004

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- (c) whether a dwelling-house is intended to be erected on any lot to be created by the subdivision and the approximate location of any such dwelling-house, and
- (d) whether any proposed lot contains an existing dwelling-house and the location of any such dwelling-house.

15 Subdivision for the purposes of agriculture in Zone No 1 (a)

Consent may be granted to the creation of a lot of any area in Zone No 1 (a) if the consent authority is satisfied that the lot will be used for the purposes of agriculture.

16 Subdivision for the purpose of intensive agriculture or intensive livestock keeping

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent must not be granted to a subdivision of land if any lot to be created is to be used primarily for the purpose of intensive agriculture or intensive livestock agriculture unless:
 - (a) each lot to be created has an area of 20 hectares or more, and
 - (b) the consent authority is satisfied by written evidence that:
 - (i) each lot to be created is capable of sustaining a range of intensive agricultural pursuits and that it will be used for that, and
 - (ii) an adequate water supply is available to service a range of pursuits which will be carried out on each lot.

17 Dwellings on land used for intensive agriculture

- (1) A dwelling may be erected on land used or intended to be used primarily for intensive agriculture but only with consent and only if it is a dwelling-house.
- (2) Such a consent must not be granted to the erection of a dwelling-house on a lot of land unless the consent authority is satisfied that:
 - (a) the lot is being, or is intended to be, used for the purpose of sustainable intensive agriculture consistent with a property development plan, and
 - (b) use of the dwelling-house will be ancillary to the use of the lot for that purpose, and
 - (c) the dwelling-house will be occupied by persons employed or engaged in that intensive agriculture on the lot, and
 - (d) the dwelling-house will be the only dwelling on the lot, and

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- (e) the dwelling-house will be erected within a building envelope approved by the Council and in a location that:
 - (i) has been approved by the Council for the disposal of household effluent and has appropriate capability for soil conservation and vegetation conservation, and
 - (ii) has a reasonable access to a road and to a power supply, and
 - (iii) will minimise adverse effects on the efficient use of the lot and adjoining lots, and
 - (iv) has a setback to a public road of a least 20 metres, and
 - (f) an irrigation system is in place for use in the intensive agriculture proposed to be carried out on the land, or
 - (g) such of the following as are appropriate for the proposed development have already been or will be provided in conformity with a property development plan for the lot:
 - (i) specialised machinery suitable for the proposed agricultural use,
 - (ii) specialised handling, processing and storage facilities available for the proposed agricultural use,
 - (iii) specialised internal fencing on the lot suitable for the proposed agricultural use,
 - (iv) adequate road access to and within the lot, taking into account its use for intensive agriculture and for the proposed dwelling-house,
 - (v) an adequate electrical distribution system providing electricity for the proposed agricultural use.

18 Subdivision for other purposes in Zone No 1 (a)

- (1) Consent must not be granted to a subdivision of land within Zone No 1 (a) if the consent authority is satisfied that any lot to be created by the subdivision is to be used primarily otherwise than for the purpose of agriculture or a dwelling-house, unless in the opinion of the consent authority:
 - (a) the lot will not comprise prime crop and pasture land, and
 - (b) the area of each lot to be created by the subdivision is appropriate, having regard to the purpose for which it is being created.
- (2) Nothing in subclause (1) prevents consent being granted to a subdivision of land to create a lot the consent authority is satisfied will be used primarily otherwise than for the purpose of agriculture or a dwelling-house if the consent authority is satisfied that:

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- (a) the purpose for which the lot is to be used involves the supply of goods or services for which there is a demand in the locality, and
- (b) no other land in the locality could reasonable be used for that purpose, and
- (c) the level of demand for the goods or services that are to be supplied from the lot and the extent to which that lot is proposed to be used to meet that demand justify the creation of the lot despite its agricultural value.

19 Subdivision for the purposes of dwellings in Zone No 1 (c)

Consent may be granted to a subdivision of land within Zone No 1 (c) if the consent authority is satisfied that each proposed lot to be used for the purpose of a dwelling will be:

- (a) connected to the sewer or suitable for on-site disposal of effluent arising from the use of that land, and
- (b) provided with a permanent water supply adequate for domestic and fire fighting purposes, and
- (c) provided with adequate drainage, and
- (d) accessed by a sealed road from the nearest town, and
- (e) capable of providing at least a 150 metre buffer to land used for agriculture, and
- (f) provide a variety of lot sizes generally unavailable within Zone No 2 (t), and
- (g) at least 2 hectares but not more than 10 hectares in area, and
- (h) a suitable shape for the construction of a dwelling, and the average of the areas of all such lots is 2 hectares or more.

20 Dwelling-houses within Zone No 1 (c)

All dwellings within Zone No 1 (c) must be provided with a permanent water supply for household, fire fighting and garden purposes and be either connected to the town sewer system or be provided with a tertiary treatment system approved by the Council.

21 Subdivision of land in Zone No 2 (t)

- (1) Consent is not to be granted to a subdivision of land within Zone No 2 (t) to create a lot that the consent authority is satisfied will be used for the purpose of a dwelling-house unless the lot has an area of 450 square metres or more (in the case of parts of the local government area of Lockhart serviced by sewer) and 2,000 square metres or more (in the case of parts of the local government area of Lockhart not serviced by the sewer).

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- (2) The shape and frontage of the lot is to be to the satisfaction of consent authority, having regard to its use as a dwelling site.
 - (3) Before granting consent to a subdivision for dwelling purposes in Zone No 2 (t) the consent authority must have regard to:
 - (a) the nature and topography of the land to be subdivided in relation to the density of the lots proposed to be created,
 - (b) the desirability of providing a range and mixture of lot sizes,
 - (c) whether the design of each lot to be created by the subdivision is satisfactory for the economic provision of services, and
 - (d) the impact of the subdivision on the future development of the township.

22 Dwelling-houses in Zones Nos 1 (a) and 1 (c)

- (1) Consent is not to be granted to a dwelling-house on vacant land within Zone No 1 (a) or 1 (c) unless:
 - (a) the land has an area of 650 hectares or more, in the case of land within Zone No 1 (a), or 2 hectares or more, in the case of land within Zone No 1 (c), or
 - (b) the land comprises:
 - (i) a lot created in accordance with this plan otherwise than for the purpose of agriculture, or
 - (ii) a lot created for the purpose of a dwelling-house in accordance with a consent granted before the appointed day.
- (2) Consent may be granted to the erection of a dwelling-house on land within Zone No 1 (a) where the consent authority is satisfied that:
 - (a) use of the dwelling-house will be ancillary to the primary use of the land which is otherwise than for the purpose of agriculture, and
 - (b) the primary use of the land could not reasonably be carried out on the land without the erection of that dwelling-house.

23 Development along arterial roads

- (1) Consent must not be granted to development on land which has frontage to an arterial road unless, in the opinion of the consent authority:
 - (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
 - (b) the safety and efficiency of the arterial road will not be adversely affected by:
 - (i) the design of the access to the proposed development, or

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- (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) Consent must not be granted to any development listed in Schedule 3 on land within Zone No 1 (a) or 1 (c) if the development will have direct vehicular access to:
- (a) an arterial road, or
 - (b) a road connecting an arterial road if access to the land is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

24 Flood liable land

- (1) A person must not erect a building or carry out a work for any purpose on flood liable land except with development consent.
- (2) Consent must not be granted to the erection of a building or the carrying out of a work on flood liable land if, in the opinion of the consent authority, the carrying out of the development is likely:
- (a) to impede the flow of flood waters on that land or adjacent land, or
 - (b) to imperil the safety of persons on that land or adjacent land in the event of the land being inundated with flood water, or
 - (c) to aggravate the consequences of flood waters flowing on that land or adjacent land with regard to erosion, siltation or the destruction of vegetation, or
 - (d) to have an adverse effect on the water table of that land or adjacent land.

25 Land forming

- (1) A person must not carry out land forming which affects the flow of water across property boundaries or risks land degradation, without development consent.
- (2) Consent must not be granted for land forming, unless the consent authority has made an assessment of:
- (a) the flood liability of the land, and
 - (b) the likely effect of flooding, on adjoining land and other land in the locality, as a result of the proposed land forming or use of the land, and
 - (c) the risk of soil erosion or other degradation, and

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- (d) any likely loss of significant vegetation systems or native wildlife habitats, and
 - (e) any need to allow for suitable water distribution to and from flood dependent environments.

26 Storm water drainage

- (1) A person must not carry out a work that will result in the disposal of stormwater into any stream except with development consent.
- (2) Consent may be granted to a work that will result in the disposal of stormwater into a river or stream only if the water will be subjected to measures, satisfactory to the consent authority, designed to reduce litter, suspended solids, nutrients and other substances that might adversely affect the river or stream.

27 Bushfire hazard

Nothing in this plan affects any requirement made by or under the *Rural Fires Act 1997*.

28 Access

A person (other than the Council) must not construct a road which has access to an existing public road except with development consent.

29 Applications that must be advertised

Development specified in Schedule 4 is advertised development for the purposes of the Act.

30 Consultation with Department of Environment and Conservation

- (1) Consent must not be granted to the development of land that adjoins land in Zone No 8 unless a copy of the development application has been referred to the Director-General of the Department of Environment and Conservation.
- (2) Where a copy of an application for consent has been forwarded to the Director-General of the Department of Environment and Conservation pursuant to subclause (1), the consent must not be granted until:
 - (a) the consent authority has received and considered advice with respect to the application from that Director-General, or
 - (b) the consent authority has been notified that that Director-General does not wish to submit any advice with respect to the application, or
 - (c) 28 working days have elapsed after the date on which the application was referred to that Director-General.

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31 Heritage items

- (1) A person must not, in respect of a building, work, relic or place that is a heritage item:
 - (a) demolish or alter that building or work, or
 - (b) damage or despoil that relic or place, or any part of that relic or place, or
 - (c) excavate any land for the purpose of exposing or removing that relic, or
 - (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place, or
 - (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place, or
 - (f) damage any tree on land which forms part of the curtilage of the building, work or relic or is situated on land which comprises that place,except with development consent.
- (2) A consent required by subclause (1) must not be granted unless the consent authority has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any of its stylistic or horticultural features and its setting.

32 Development in the vicinity of heritage items

Consent must not be granted to development in the vicinity of a heritage item unless the consent authority has made an assessment of the affect which the carrying out of that development will have on the heritage significance of the item and its setting.

33 Heritage conservation area

- (1) A person must not, in respect of a heritage conservation area:
 - (a) demolish, extend or change the outside of a building or work within that area, including make any change to the outside of the building or work that involve the repair of the painting, plastering or other decoration to the outside of the building or work, or
 - (b) damage or despoil a relic or part of a relic within that area, or
 - (c) excavate any land for the purpose of exposing or removing a relic within that area, or
 - (d) erect a building within that area, or
 - (e) subdivide any land within that area,except with development consent.

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- (2) A consent required by subclause (1) must not be granted unless the consent authority has made an assessment of:
- (a) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the heritage conservation area, and
 - (b) whether a refusal to grant consent would result in a danger to the users or occupiers of land or the public.
- (3) A consent required by subclause (1), being consent to the erection of a new building or to the alteration of the exterior of an existing building, must not be granted unless the consent authority has made an assessment of:
- (a) the pitch and form of the roof, and
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area, and
 - (d) any other architectural feature characteristic of other existing buildings in the heritage conservation area.

34 Advertising of heritage applications

- (1) The following development is advertised development for the purposes of the Act:
- (a) the demolition of a building or work that is a heritage item,
 - (b) the demolition of a building or work within a heritage conservation area,
 - (c) development allowed to be carried out by clause 35 (Conservation incentives relating to heritage items).
- (2) Consent to the demolition of a heritage item that is shown in Schedule 1 to be of State significance must not be granted unless the consent authority:
- (a) has notified the Heritage Council of its intention to grant the consent, and
 - (b) has taken into account any written response received by it from the Heritage Council within 28 days of the date of notification.
- (3) Subclause (1) does not apply to the partial demolition of a building or work where, in the opinion of the Council, the partial demolition is of a minor nature and does not adversely affect the heritage significance of

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the building or work as part of the environmental heritage of the local government area of Lockhart.

35 Conservation incentives relating to heritage items

- (1) Nothing in this plan prevents the Council from granting consent to:
 - (a) the use for any purpose of a building that is a heritage item or of the land on which any such building is erected, or
 - (b) the use for any purpose of a building of heritage significance within a heritage conservation area or of the land on which any such building is erected,if the consent authority is satisfied that:
 - (c) the use would have little or no adverse effect on the amenity of the locality, and
 - (d) conservation of the building depends on consent being granted in pursuance of this subclause.
- (2) Before granting consent to the erection of a building on land on which there is a building which is a heritage item, the consent authority may exclude from its calculation of the floor space of the buildings erected on the land the floor space of the heritage item:
 - (a) for the purpose of determining the floor space ratio, and
 - (b) for the purpose of determining the number of parking spaces to be provided on the site,but only if it is satisfied that the conservation of the building depends upon the exclusion.

36 Dual occupancy

Consent may be granted to the erection of one, but only one, additional dwelling-house on land within Zone No 1 (c) or 2 (t) (or to the alteration of an existing dwelling-house to create two dwellings on any such land) where:

- (a) no additional access to a public road will be required from the land because of the additional dwelling, and
- (b) separate ownership of the land on which the additional dwelling is located would require consent for a subdivision, and
- (c) in the opinion of the consent authority, the dwelling to be erected or created on the land will not interfere with the primary purpose for which the land is being lawfully used, and
- (d) the consent authority has considered an assessment of the additional demand on surface or ground water non-potable water supply.

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37 Integrated housing development within Zone No 2 (t)

- (1) Integrated housing may, with development consent, be carried out on a lot of land within Zone No 2 (t).
- (2) Consent must not be granted consent for integrated housing on a lot of land within Zone No 2 (t) unless the consent authority is satisfied that:
 - (a) each lot on which it is proposed to carry out that development has an area of 232 square metres or more, and
 - (b) the development makes adequate provision with respect to the privacy of each proposed dwelling-house and any existing dwellings in the vicinity, and
 - (c) the development makes adequate provision with respect to access to natural light for each proposed dwelling-house, and
 - (d) the floor space ratio of the buildings will not exceed 0.5 to 1, and
 - (e) adequate arrangements will be made for the provision of water and sewerage and drainage services, for each proposed dwelling-house, and
 - (f) the design of the dwelling-houses facilitates solar access to the proposed dwellings, and
 - (g) the accumulated residential density in the immediate vicinity of the proposed development is acceptable.

38 Development on travelling stock routes

- (1) The consent authority must, before granting consent to carry out development on land that is part of a travelling stock reserve, within the meaning of the *Rural Lands Protection Act 1989*, refer a copy of the application to the Rural Lands Protection Board established under that Act for the district in which the land is located.
- (2) The consent authority must not grant a consent referred to in subclause (1) unless:
 - (a) it has received a written representation in respect of the application from the Rural Lands Protection Board and has taken that representation into consideration, or
 - (b) the Board has notified the consent authority in writing that the Board does not wish to make a representation in respect of the application, or
 - (c) 21 days have elapsed after the day on which the copy of the application was referred to the Board.

Clause 39 Lockhart Local Environmental Plan 2004

Part 3 Special provisions

39 Forestry

- (1) This clause applies to land within a State forest, timber reserve or other Crown-timber lands within the meaning of the *Forestry Act 1916*.
- (2) Development may be carried out on land to which this clause applies without development consent:
 - (a) by the Forestry Commission, if the development is authorised by or under the *Forestry Act 1916*, or
 - (b) by any person, if the development is authorised by a licence or any other authority granted or issued under that Act by the Forestry Commission.

40 Classification and reclassification of public land as operational land

- (1) This clause aims to identify land vested in or under the control of the Council that should be kept for use by the general public (community land) and other land which need not be retained for use by the general public (operational land).
- (2) The land specified in Part 1 of Schedule 5 was classified or reclassified as community land for the purposes of the *Local Government Act 1993* before the commencement of this plan.
- (3) The land specified in Part 2 of Schedule 5 was classified or reclassified as operational land for the purposes of the *Local Government Act 1993* before the commencement of this plan.

Lockhart Local Environmental Plan 2004

Heritage items

Schedule 1

Schedule 1 Heritage items

(Clause 5 (1))

Galore Hill Nature Reserve, Lockhart, Reserve No 86660 for Public Recreation

The Rock Nature Reserve, Nature Reserve No 24

Brookong Cemetery, Part Portion 5, Parish of Brookong

Ashcroft Cemetery, Plan within the Dealing No A687550

Lutheran Church and Cemetery, Milbrulong, Part Portion 70, Parish of Lockhart

Old Urangeline Woolshed, Portion 198, Parish of Urangeline, DP 528687

Grandstand and Public Bar, Lockhart Showground

Lutheran Church and Cemetery, Pleasant Hills

Mittagong Church, Portion 109, Parish of Mundawaddery

Catholic Church, Yerong Creek

The Rock Railway Station Building and Yard Group, as recorded under the *Heritage Act 1977* in the State Heritage Register (item of State significance)

Chinese Crossing, Noske Lane, Yerong Creek

The Pleasant Hills Community Hotel

St Marys Catholic Church, Lockhart

Lockhart Local Environmental Plan 2004

Schedule 2 Development that does not require consent

Schedule 2 Development that does not require consent

(Clause 10 (a))

Development by public authorities

- 1** The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

 - (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

- 2** The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say:

 - (a) development of any description at or below the surface of the ground,
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
 - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of

Lockhart Local Environmental Plan 2004

Development that does not require consent

Schedule 2

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- substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
 - (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the council,
 - (f) any other development except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings, or
 - (ii) the formation or alteration of any means of access to a road.
- 3** The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
 - (b) the formation or alteration of any means of access to a road.
- 4** The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof, or
 - (b) the formation or alteration of any means of access to a road.

Lockhart Local Environmental Plan 2004

Schedule 2 Development that does not require consent

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- 5** The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
 - (b) the formation or alteration of any means of access to a road.
- 6** The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
 - (b) the formation or alteration of any means of access to a road.
- 7** The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect the design or external appearance thereof, or
 - (b) the formation or alteration of any means of access to a road.
- 8** The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- 9** The carrying out of any forestry work by the Forestry Commission or school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

Lockhart Local Environmental Plan 2004

Development that does not require consent

Schedule 2

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- 10** The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or purposes thereof,
 - (b) any development designed to change the use or purpose of any such reserve.
- 11** The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Soil Conservation Act 1938*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:
- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof,
 - (b) the formation or alteration of any means of access to a road.

Lockhart Local Environmental Plan 2004

Schedule 3 Restricted development fronting arterial roads

Schedule 3 Restricted development fronting arterial roads

(Clause 23 (2))

Development for the purpose of:

bulk stores
car repair stations
caravan parks
clubs
commercial premises
education establishments
hospitals
hotels
industries (other than home or rural industries)
institutions
junk yards
liquid fuel depots
mines
motels
places of public assembly
places of public worship
recreation establishments
recreation facilities
refreshment rooms
retail plant nurseries
roadside stalls
saw mills
service stations
stock and sales yards
transport terminals
warehouses

Lockhart Local Environmental Plan 2004

Development which must be advertised

Schedule 4

Schedule 4 Development which must be advertised

(Clause 29)

Development for the purpose of:

boarding houses

bulk stores

car repair stations

caravan parks

commercial premises

drive in take-away food shops

generating works

industries

light industries

liquid fuel depots

motels

motor showrooms

residential flat buildings

road transport terminals

sawmills

service stations

subdivisions of rural/residential land

tourist facilities

transport terminals

units for aged persons

utility installations

warehouses

Demolition of a heritage item or a building, work, tree or place in a conservation area

Lockhart Local Environmental Plan 2004

Schedule 5 Public land

Schedule 5 Public land

(Clause 40 (2) and (3))

Part 1 Community land

Name of land	Location	Title reference	Size
Yerong Creek Cemetery	Osborne—Yerong Creek Road	Lot 1–8 and unnumbered lots in Parish Grubben	4.04 ha
The Rock Racecourse and Showground	The Rock/Lockhart Road west of the township, The Rock	Lot 12 DP 754554 (Reserve 48476)	40.47 ha
Burkes Creek Park	Old Trunk Rd, The Rock	Lot 104, 105 and 106 DP 754555	3036.00m ²
Burkes Creek Park	Old Trunk Rd, The Rock	Lot 107/111 DP 754555	5059.00m ²
Burkes Creek Park	Old Trunk Rd, The Rock	Lot 112 and 113 DP 754555	2024.00m ²
Lockhart Showground and Racecourse	Treasure St, Lockhart	Lots 7006/7 DP 756429 Lot AA (includes Portions 72, 121 and 122) (Reserve R81453)	41.58 ha
Hospital Triangle	Galore St/Reid St/Wagga Rd, Lockhart	Lot 158 DP 314165	6425.00m ²
Lockhart Lawn Cemetery	Off Wagga Rd East of Lockhart	Lot 141 DP 627043	1.53 ha
Wal Alexander Park (Trust)	Cnr Green and Day Sts, Lockhart	Lot 157 DP 728322 (Reserve R220023)	961.50m ²
The Pleasant Hills Public Hall	Manson St, Pleasant Hills	Lot 5 Section 11 (Reserve R220024)	0.20 ha
The Rock Stock Pound	Adjacent To Railway, Yerong St, The Rock	Stock Pound (Reserve 52957)	390.20m ²
Yerong Creek Recreation Ground	Cole St, Yerong Creek	Reserve R620064 Lot 1 DP 325208	6.64 ha
Lockhart Recreation Ground	Hebden St, Lockhart	Lot 701 DP 758621 being Sec 12 (Reserve R28847)	4.88 ha
Lockhart Cemetery	Lockhart Cemetery Rd	Reserve 25313	6.40 ha

Lockhart Local Environmental Plan 2004

Public land

Schedule 5

Name of land	Location	Title reference	Size
The Rock Recreation Ground (Football and Netball area)	Wilson St, The Rock	Part Reserve R85412	4.30 ha
The Rock Recreation Ground Westernmost Portion used by The Pony Club	Off Wilson St, The Rock	Reserve 65412	2.60 ha
The Rock Swimming Pool	Wilson St, The Rock	Part Reserve R85412	2024.00m ²
The Rock Cemetery and Lawn Cemetery	Lodge Rd, The Rock	Reserve 26386 and 26387	4.00 ha
Burkes Creek Park	Between Queen and Ford Sts, The Rock	Crown Land	1.32 ha
The Rock Nightsoil and Garbage Depot	Off The Rock/Lockhart Rd, The Rock	Reserve R83543	4.16 ha
Yerong Creek Nightsoil and Garbage Depot	Osborne/Yerong Creek Road	Lot 105 DP 2844 (Reserve 48786)	4.05 ha
Pleasant Hills Bush Fire Shed	Forcks Lane (South-west of P/Hills on southern side of road at entrance to "Allambee")	Road Reserve—Forcks Lane	
Milbrulong Recreation Ground	Roberts/Hope St, Milbrulong	Lot 701 DP 758678 Sec 11 (Reserve R34051)	4.88 ha
Milbrulong Nightsoil and Garbage Depot	Lynch St, Milbrulong	Reserve 64063 Lot 7002 DP 754536	4.87 ha
Osborne Recreation Ground	Osborne/Yerong Creek Roads	DP 756403 (Reserve R85934)	4.68 ha
Bidgeemia Hall and Recreation Ground	Junction of Urana Bidgeemia P/Hills Rd and Soldier Settlement Rd, Bidgeemia	Lot 137 DP 756445 (Reserve R45034)	3.24 ha
Woodend Recreation Ground and Tennis Courts	Woodend—Five Ways Road	Lot 157 DP 754560 Reserve 81318	2024.00m ²
Tootool Recreation Ground	South off The Rock/Lockhart Road	Lot 701 DP 758987 (Reserve R52256)	4.05 ha
Mundawaddera Tennis Courts and Recreation Ground	Munyapla Boundary Road	Lot 117 DP 726222	0.40 ha

Lockhart Local Environmental Plan 2004

Schedule 5 Public land

Name of land	Location	Title reference	Size
Brookong Reserve	Lockhart/Urana Road	Lot 95 (Reserve 60434)	2.00 ha
The Birdcage Reserve	Olympic Highway south of Yerong Creek	Reserve 85312 DP 754574	
The Rock P.W.P.	Nicholas Street, The Rock	Reserve 15045	9.00 ha

Part 2 Operational land

Name of land	Location	Title reference	Size
Milbrulong—Bush Fire Shed	Station Street, Milbrulong	Lot 1 DP 758678 Section 1	2023.00m ²
Land Stock—Non Residential	21 Davidson Street, The Rock	Lot 18 DP 9082	1612m ²
Sewer Pump Station No 2	Day Street, The Rock	Lot 1 DP 628834	60.86m ²
Developed Land Stock	Emily Street, The Rock	Lots 1/6 DP 1003720	6828.2m ²
Land Stock—Non Residential	Mangoplah Rd, The Rock	Lot 4 DP 668421	7.896 ha
Sewerage Pump Station	Green Street, Lockhart	Lot 2 DP 1038370	7.83m ²
Vacant Land (ex Blakemore)	Nicholas Street, The Rock	Lot 2 DP 758971 Section 14	2023.00m ²
The Rock Public Hall	140 Urana Street, The Rock	Lot 5 and Part Lot 6 DP 9082	872.60m ²
SES and Rescue Group HQ	Urana Street, The Rock	Lot 11 and Lot 12 DP 9082	1498.00m ²
Bush Fire Brigade Station	Urana Street, The Rock	Lot 13 and Lot 14 DP 9082	1295.80m ²
Agency Office	Urana Street, The Rock	Lot 15 DP 301242	531.10m ²
Coronation Park	105/107 Urana Street, The Rock	Lot 1 DP 819602 Section 12	1371.00m ²
Land Stock—Residential	Urana Street, The Rock	Lot 12 DP 832666	1012m ²
Sewer Pump Station No 3	Wilson Street, The Rock	Lot 1 DP 628835	67.4m ²

Lockhart Local Environmental Plan 2004

Public land

Schedule 5

Name of land	Location	Title reference	Size
Quarry Reserve (Singes)	Ryan Stock Route	Lot 1 DP 877332 (QR49284) Parish Edgehill	4.05 ha
Quarry (Yerong Creek)	Osborne-Yerong Creek Road	Lot 1 DP 91991 (PWP298)	11.69 ha
The Rock Works Depot	Hanging Rock Parish	Lot 1 DP 45496	2928.00m ²
The Rock Sewerage Treatments Work	Hanging Rock Parish	Lots 1 and 2 DP 628836	2.063 ha
Benders Dam and Access	Near Lockhart Sewerage Works	Part Lot 112 DP 756422	5.64 ha
Sewerage Treatment Works	Lockhart Parish—Urana Rd, Lockhart	Lot 2 DP 560200	9.16 ha
Young Persons Flats	Drummond Street, Lockhart	Lot 2 DP 595106 Section 49	1840.00m ²
Land ex Housing Corporation	Drummond Street, Lockhart	Lots 3 and 4 DP 758621 Sec 49 and Lots 1 and 4 DP 846994	8096.00m ²
Land ex Warr—Vacant for Housing	Drummond Street, Lockhart	Lot 1 DP 593723 Section 48	1012.00m ²
Land ex McPherson—Vacant for House	Drummond Street, Lockhart	Lot 2 DP 593723 Section 48	1012.00m ²
Vacant Land ex Smith	6 Drummond Street, Lockhart	Lot 3 DP 758621	
Staff Cottage	1 Ferrier Street, Lockhart	Lot 43 DP 609021 Section 52	1012.00m ²
Staff Cottage	68 Ferrier Street, Lockhart	Lot 13 DP 758621 Section 2	1012.00m ²
Staff Cottage	10 Galore Street, Lockhart	Lot 22 DP 609023 Section 52	1012.00m ²
Staff Cottage	51 Galore Street, Lockhart	Lot 4 DP 758621 Section 55	853.60m ²
Vacant Housing land	Galore Street, Lockhart	Lot 12 DP 709134	5992.00m ²
Dental Surgery	79 Green Street, Lockhart	Lot 2 DP 598332 Section 1	192.00m ²
Memorial Hall	71 Green Street, Lockhart	Lot 11 DP 758621	1012.00m ²

Lockhart Local Environmental Plan 2004

Schedule 5 Public land

Name of land	Location	Title reference	Size
Shire Office	69 Green Street, Lockhart	Lot 9 DP 758621 Section 2	1012.00m ²
Vacant Land—BMX Track/Old Saleyard	Green St West, Lockhart (Adj Aviary)	Lot 2 DP 592771	1.00 ha
Caravan Park and Hodgson Park (Aviary)	Green St West, Lockhart	Lot 13 DP 4749 and Lot 1 DP 592771	1.86 ha
Lockhart Bushfire Shed	Laneway off Green St West, Lockhart	Lot 13 DP 4749 Section 1	
Historical Society Museum and Craft	Cnr Green St West and Urana St, Lockhart	Lots 1–5 DP 4749 Section 1	2276.00m ²
Land Stock—Future Housing Projects	Green St West, Lockhart	Lot 90 DP 756417	1.012 ha
Magnolia Lodge—Self Care Aged and Disabled Home Units Stage II	Green St West, Lockhart	Lot 2 DP 812924	1376.00m ²
Magnolia Lodge—Self Care Aged and Disabled Home Units Stage I	186 Green St West, Lockhart	Lot 1 DP 812924	1.89 ha
Vacant Land for Future Residential Development—ex Davis	194 Green Street West, Lockhart	Lot 6 DP 233325	1.63 ha
Sewer Pump Station	Green St West, Lockhart	Lot 1 DP 546679	360.40m ²
House	59 Hebden Street, Lockhart	Lot 2 DP 230301	682.90m ²
Woodhaven Aged Care Hostel	57 Hebden Street, Lockhart	Lot 1 DP 230301 Section 8	1,334.00m ²
Woodhaven Aged Care Hostel	Hebden St, Lockhart	Lot 1 DP 726186 Section 9	1,266.00m ²
Doctors Residence and Surgery	47 Hebden St, Lockhart	Lot 1 DP 983838 (Part Lot 8 Section 9)	1,012.00m ²
Vacant Land for Future Residential Development (ex Scott Smith)	Hebden St, Lockhart	Lots 5–8 DP 758621 Section 50	8,094.00m ²

Lockhart Local Environmental Plan 2004

Public land

Schedule 5

Name of land	Location	Title reference	Size
Land Stock— Residential	Hebden St, Lockhart	Lots 5–8 DP 758621 Section 50	4,047.00m ²
Medical Centre	9 Matthews St, Lockhart	Lot B DP 329968	1,005.30m ²
Vacant Land	Cnr East and Reid Sts, Lockhart	Lot 5 DP 758621 Section 23	2,023.00m ²
Works Depot	Reid St, Lockhart	Lots 1–8 DP 758621 Section 24 and Lot 1 DP 45413	1.62 ha
Walter Day Park and Cowin Gardens and Swimming Pool	Urana and Halliday Streets, Lockhart	Section 54 (Reserve R60312)	1.62 ha
Old Milbrulong School Site	Milbrulong Parish—Cnr Benders Lane	Lot 89 DP 754558	8,094.00m ²
Pleasant Hills Garbage Depot	Munyabla Parish	Lot 81 DP 756434	4.15 ha
Lockhart Garbage Depot	Off Spanish Ave S/W of Town, Lockhart	Lot 1 DP 226165 Parish Osborne	5.37 ha
Old UFWA Hall Site At Urangeline East	Ross Parish	Lot 47 DP 17939	1,012.00m ²
Quarry (Bidgeemia)	Urana-Bidgeemia-P/Hills Road	Lot 163 DP 756445	3.97 ha
French Park Recreation Ground	Off The Rock/Lockhart Rd, French Park	Portions 149, 150, 161 and 173 DP 754566 (Reserve R82289)	4.38 ha
Hunters Gravel Pit	Yerong Parish	Lot 1 DP 834366	1.99 ha
Drainage Reserve Yerong Creek	Cox Street, Yerong Creek	Lot 15 DP 857823	204.70m ²
Vacant Land (Ex Hagen)	Cole Street, Yerong Creek	Lot 3 DP 580665 Section 9	3,035.00m ²
Yerong Creek Recreation Ground Part	Hay St, Yerong Creek	Lot 4, 5, 6 DP 5972 Section 8 and Lot 2,3,4 DP 216250 Section 9	7,322.00m ²
Shop (ex-Taylor)	Plunkett St, Yerong Creek	Lot 1 Section A DP 6047	1,107.00m ²
Vacant Land (ex Taylor)	Plunkett St, Yerong Creek	Lot 2 Section A DP 6047	2,593.00m ²
Galvin Park	Plunkett St, Yerong Creek	Lot 2 DP 325740	3,611.00m ²

Lockhart Local Environmental Plan 2004

Schedule 5 Public land

Name of land	Location	Title reference	Size
Yerong Creek Works Depot	Plunkett St, Yerong Creek	Lot 1 DP 562265	2,276.00m ²
Land Stock—Non Residential	Plunkett St, Yerong Creek	Lot 8 DP 6047	1,088.00m ²
Yerong Creek Bushfire Brigade Station	Plunkett St, Yerong Creek	Lot 11 Section A DP 6047	1,214.00m ²
Yerong Creek Public Hall	Plunkett St, Yerong Creek	Lot 1 DP 970990, Lot 1 DP 441153, Part 28 and Lot 25 Section 1 DP 6346	1,473.00m ²
Galore Hill Reserve	Off Lockhart/Narrandera Rd nth of Lockhart	Plan DP 756417 (Reserve R88530)	7.89 ha
Community Forest	Lockhart Golf Course	Reserve R620047	5.64 ha
Part of Old Pound Paddock (being residue after road resumption)	Intersection Narrandera Rd and Green St West, Lockhart	Part Portion 65	0.80 ha
Pleasant Hills Recreation Ground	Crawford St, Pleasant Hills	Lot 7001 DP 756434 (Reserve R88530)	5.26 ha
Pleasant Hills Tank	Crawford St, Pleasant Hills	PWP 763	
Osborne Recreation Ground Water Supply Dams	Adjoins Recreation Reserve, Osborne	Lot 12 DP 719930	5.47 ha
Bidgeemia Bushfire Brigade Station	South side of Urana-Bidgeemia-P/Hills Rd at Village	Portion 143 (Reserve R83230)	1.28 ha
Munyaplah Tennis Courts and Recreation Ground	Parish Wallendoon	Reserve R69046	



New South Wales

Nambucca Local Environmental Plan 1995 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00108/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Nambucca Local Environmental Plan 1995 (Amendment No 52)

Nambucca Local Environmental Plan 1995 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Nambucca Local Environmental Plan 1995 (Amendment No 52)*.

2 Aims of plan

This plan aims to rezone part of the land to which this plan applies from Zone 1 (a2) Rural (Prime/Flooding) to Zone 2 (a) Residential (Low-Medium Density) and the remaining land from Zone 2 (a) Residential (Low-Medium Density) to Zone 1 (a2) Rural (Prime/Flooding) under *Nambucca Local Environmental Plan 1995* so that the boundary between the 2 zones follows the correctly defined 1% Annual Event Probability flood level.

3 Land to which plan applies

This plan applies to part of Lot 11, DP 808007 and part of Lot 21, DP 1064874, Upper Warrell Creek Road, South Macksville, as shown coloured pink and lettered “2 (a)” or coloured light brown, edged red and lettered “1 (a2)” on the map marked “Nambucca Local Environmental Plan 1995 (Amendment No 52)” deposited in the office of the Nambucca Shire Council.

4 Amendment of Nambucca Local Environmental Plan 1995

Nambucca Local Environmental Plan 1995 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Nambucca Local Environmental Plan 1995 (Amendment No 52)



New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W01/00048/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 223)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide that *State Environmental Planning Policy No 15—Rural Landsharing Communities* no longer applies to the City of Shoalhaven local government area, and
- (b) to allow certain dwelling-houses for which development consent was granted pursuant to *State Environmental Planning Policy No 15—Rural Landsharing Communities* or under the repealed *State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land* to be located on individual lots created by subdivisions under the provisions of the *Community Land Development Act 1989*, and
- (c) to allow consent to be granted by Shoalhaven City Council pursuant to *State Environmental Planning Policy No 15—Rural Landsharing Communities* for certain dwellings if the consent is granted to a pending development application within 2 years after the commencement of this plan.

3 Land to which plan applies

This plan applies to all land within the City of Shoalhaven local government area.

4 Amendment of Shoalhaven Local Environmental Plan 1985

Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Clause 5

5 Amendment of State Environmental Planning Policy No 15—Rural Landsharing Communities

State Environmental Planning Policy No 15—Rural Landsharing Communities is amended as set out in Schedule 2.

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 1985

Schedule 1 Amendment of Shoalhaven Local Environmental Plan 1985

(Clause 4)

Clauses 13D and 13E

Insert after clause 13C:

13D Subdivision of dwelling-houses—multiple occupancy

- (1) Despite other provisions of this plan and any State environmental planning policy dealing with multiple occupancy development, the Council may consent to a subdivision of land on which multiple occupancy development has been carried out so that dwelling-houses lawfully erected on the land are each located on a separate lot if:
 - (a) consent for the multiple occupancy development was granted on or before 27 March 2001, and
 - (b) erection of each of the dwelling-houses was lawfully physically commenced before 31 December 2002, and
 - (c) each separate lot is a neighbourhood lot under the *Community Land Development Act 1989*.
- (2) For the purposes of this clause, **multiple occupancy development** means development for which consent was granted pursuant to either *State Environmental Planning Policy No 15—Multiple Occupancy of Rural Land*, repealed by *State Environmental Planning Policy No 42—Multiple Occupancy of Rural Land (Repeal)*, or *State Environmental Planning Policy No 15—Rural Landsharing Communities*.

13E Transitional arrangements for certain multiple occupancy development

- (1) A development application made pursuant to *State Environmental Planning Policy No 15—Rural Landsharing Communities* before the commencement of *Shoalhaven Local Environmental Plan 1985 (Amendment No 223)* that had not been finally determined when that plan commenced is to be determined as if that Policy applies to the City of Shoalhaven.
- (2) However, the Council must not consent to any such development application after the expiration of 2 years from the date of publication in the Gazette of *Shoalhaven Local Environmental Plan 1985 (Amendment No 223)*.

Shoalhaven Local Environmental Plan 1985 (Amendment No 223)

Amendment of State Environmental Planning Policy No 15—Rural
Landsharing Communities

Schedule 2

**Schedule 2 Amendment of State Environmental
Planning Policy No 15—Rural
Landsharing Communities**

(Clause 5)

[1] Schedule 1 Land to which this Policy applies

Omit “City of Shoalhaven”.

[2] Schedule 2 Specified land to which this Policy does not apply

Insert at the end of the Schedule:

Land within the City of Shoalhaven.



New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 224)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W94/00077/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 224)

Shoalhaven Local Environmental Plan 1985 (Amendment No 224)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 224)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 5 (a) (the Special Uses “A” Zone) to partly Zone No 3 (a) (the Business “A” (Retail) Zone), partly Zone No 3 (f) (the Business “F” (Village) Zone) and partly Zone No 3 (g) (the Business “G” (Development Area) Zone) under *Shoalhaven Local Environmental Plan 1985*, and
- (b) to ensure the adequate provision of car parking and service vehicle access to that land and the adjoining land, and
- (c) to prohibit the carrying out of development on the land for the purposes of dwellings, dwelling-houses and motels.

3 Land to which plan applies

This plan applies to certain land situated in the City of Shoalhaven, in the Sussex Inlet commercial centre on the northern and southern side of Jacobs Drive, Sussex Inlet, as shown edged heavy black and lettered “3 (a)”, “3 (f)” or “3 (g)” on the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 224)” deposited in the office of Shoalhaven City Council.

4 Amendment of Shoalhaven Local Environmental Plan 1985

Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

Shoalhaven Local Environmental Plan 1985 (Amendment No 224)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Shoalhaven Local Environmental Plan 1985 (Amendment No 224)

[2] Clause 40L

Insert in appropriate order:

40L Development of land in the Sussex Inlet commercial centre, Jacobs Drive, Sussex Inlet

- (1) This clause applies to land in the Sussex Inlet commercial centre on the northern and southern side of Jacobs Drive, Sussex Inlet, as shown edged heavy black and lettered “3 (a)”, “3 (f)” or “3 (g)” on the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 224)”.
- (2) Despite any other provision of this plan, the Council must not consent to:
 - (a) the carrying out of development on the land to which this clause applies for the purpose of dwellings, dwelling-houses or motels, or
 - (b) the carrying out of any other development on that land, unless the Council is satisfied that the proposed development adequately addresses car parking and service vehicle access to that land and the adjoining land.

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Section 177(c) – Notice of Aquaculture Lease Cancellation

OL68/339 within the estuary of Wagonga Inlet, having an area of 0.778 hectares formerly leased by Ronald MASON.

OL69/077 within the estuary of Wagonga Inlet, having an area of 0.716 hectares formerly leased by Ronald MASON.

OL90/023 within the estuary of Wagonga Inlet, having an area of 0.2647 hectares formerly leased by Ronald MASON.

BILL TALBOT,
A/Director,
Fisheries Management,
Agriculture and Fisheries Division,
Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

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

THE Minister has granted the following Class 1 Aquaculture Lease:

AL04/020 within the estuary of the Manning River, having an area of 0.2923 hectares to John STONE and Doris STONE of Mitchells Island NSW, for a term of 15 years expiring on 15 July 2020.

AL03/036 within the estuary of the Crookhaven River, having an area of 1.0168 hectares to Edward ALLEN, Shirley ALLEN, Brian ALLEN, Barry ALLEN and Harry WOOD of Greenwell Point NSW, for a term of 15 years expiring on 6 July 2020.

AL04/017 within the estuary of the Hastings River, having an area of 3.5360 hectares to BAYSALT PTY LTD of Port Macquarie NSW, for a term of 15 years expiring on 15 July 2020.

BILL TALBOT,
A/Director,
Fisheries Management,
Agriculture and Fisheries Division,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 39(4) – Notice of Aquaculture Lease Renewal

The Minister has renewed the following Class 1 Aquaculture Leases:

OL88/043 within the estuary of Wallis Lake, having an area of 0.3435 hectares to Bruce PARSONS of Forster NSW, for a term of 15 years expiring on 17 February 2018.

OL88/066 within the estuary of Wallis Lake, having an area of 0.9020 hectares to Bruce PARSONS of Forster NSW, for a term of 15 years expiring on 6 May 2018.

AL02/027 within the estuary of Merimbula Lake, having an area of 1.6310 hectares to Raymond TYNAN and Christine TYNAN of Eden NSW, for a term of 15 years expiring on 23 January 2020.

OL73/160 within the estuary of the Wonboyn River, having an area of 0.7351 hectares to ARMITAGE HOLDINGS (VIC) PTY LTD of Wonboyn NSW, for a term of 15 years expiring on 21 October 2019.

OL59/207 within the estuary of the Hawkesbury River, having an area of 0.7247 hectares to C E & Y MOXHAM PTY LTD of Brooklyn NSW, for a term of 15 years expiring on 28 January 2019.

OL72/322 within the estuary of the Hawkesbury River, having an area of 0.2122 hectares to Robert Charles MOXHAM of Brooklyn NSW, for a term of 15 years expiring on 28 August 2019.

OL75/040 within the estuary of the Hawkesbury River, having an area of 2.1254 hectares to Robert Charles MOXHAM of Brooklyn NSW, for a term of 15 years expiring on 7 February 2020.

OL75/041 within the estuary of the Hawkesbury River, having an area of 2.0156 hectares to Robert Charles MOXHAM of Brooklyn NSW, for a term of 15 years expiring on 7 February 2020.

OL89/008 within the estuary of the Hawkesbury River, having an area of 0.5739 hectares to C E & Y MOXHAM PTY LTD of Brooklyn NSW, for a term of 15 years expiring on 27 March 2019.

OL58/181 within the estuary of the Clyde River, having an area of 0.1225 hectares to BAY ROCK OYSTERS PTY LTD of Nelligen NSW, for a term of 15 years expiring on 21 June 2019.

OL59/179 within the estuary of the Clyde River, having an area of 0.6943 hectares to BAY ROCK OYSTERS PTY LTD of Nelligen NSW, for a term of 15 years expiring on 4 June 2019.

OL59/273 within the estuary of Wallis Lake, having an area of 0.2244 hectares to Timothy BRAMBLE of Nabilan NSW, for a term of 15 years expiring on 28 June 2020.

OL74/225 within the estuary of the Pambula River, having an area of 4.5969 hectares to Raymond TYNAN and Christine TYNAN of Eden NSW, for a term of 15 years expiring on 19 March 2020.

OL74/151 within the estuary of the Wallis Lake, having an area of 0.3116 hectares to Bertram Leonard KENNEY of Tuncurry NSW, for a term of 15 years expiring on 13 January 2020.

OL90/014 within the estuary of the Pambula River, having an area of 0.7557 hectares to Bruce WHATMAN and Mary WHATMAN of Pambula NSW, for a term of 15 years expiring on 1 March 2020.

OL74/191 within the estuary of Hastings River, having an area of 0.8129 hectares to Graham BUTCHER of Crescent Head NSW, for a term of 15 years expiring on 2 February 2020.

OL60/112 within the estuary of Port Stephens, having an area of 0.3297 hectares to Richard FARLEY of Karuah NSW, for a term of 15 years expiring on 30 June 2021.

OL60/135 within the estuary of Port Stephens, having an area of 2.2579 hectares to Bruce LYALL of Karuah NSW, for a term of 15 years expiring on 11 April 2021.

AL03/006 within the estuary of the Wagonga Inlet, having an area of 0.5800 hectares to Brian COXON and Heather COXON of Narooma NSW, for a term of 15 years expiring on 21 June 2020.

OL60/109 within the estuary of the Crookhaven River, having an area of 0.3238 hectares to Barry ALLEN, Brian ALLEN and Harry WOOD of Greenwell Point NSW, for a term of 15 years expiring on 30 July 2020.

OL60/013 within the estuary of the Pambula River, having an area of 0.1655 hectares to Robert BURTON and Irene EWART of Ainslie ACT, for a term of 15 years expiring on 13 January 2020.

OL75/100 within the estuary of the Clarence River, having an area of 0.3689 hectares to EURUNDERIE INVESTMENTS PTY LTD of Yamba Bay NSW, for a term of 15 years expiring on 26 June 2020.

OL88/091 within the estuary of the Hastings River, having an area of 0.3865 hectares to Robert HERBERT, Susan HERBERT, Gary EDMONDS and Graham BUTCHER of Port Macquarie NSW, for a term of 15 years expiring on 18 February 2020.

OL90/012 within the estuary of the Clyde River, having an area of 0.3060 hectares to C & J SINGLE SEED OYSTERS PTY LTD of Batemans Bay NSW, for a term of 15 years expiring on 10 April 2021.

OL74/083 within the estuary of Wallis Lake, having an area of 0.9182 hectares to Bertram Leonard KENNEY of Tuncurry NSW, for a term of 15 years expiring on 14 October 2019.

OL75/062 within the estuary of the Pambula River, having an area of 0.9695 hectares to John Hackett McKAY of Pambula NSW, for a term of 15 years expiring on 10 March 2020.

OL58/193 within the estuary of the Clyde River, having an area of 0.4892 hectares to BENTICK OYSTERS PTY LTD of Batemans Bay NSW, for a term of 15 years expiring on 12 July 2020.

OL98/014 within the estuary of Brisbane Waters, having an area of 0.5350 hectares to Tyron WHITTEN of West Gosford NSW, for a term of 15 years expiring on 21 April 2020.

BILL TALBOT,
A/Director,
Fisheries Management,
Agriculture and Fisheries Division,
NSW Department of Primary Industries

MINING ACT 1992

ORDER

Marie Bashir, Governor

I, Professor MARIE BASHIR, A.C., Governor of New South Wales, with the advice of the Executive Council and pursuant to the provisions of section 367 of the Mining Act 1992, do by this my Order:

Revoke Narran/Warrambool Reserve No. 3209E, notified in *Government Gazette* on 6 July 2001; and

Constitute the lands described in the Schedule below as Narran/Warrambool Reserve No. 3209F.

I further direct that no exploration licence is to be granted over land in the Reserve

Dated this 17th day of August 2005.

By Her Excellency's Command,

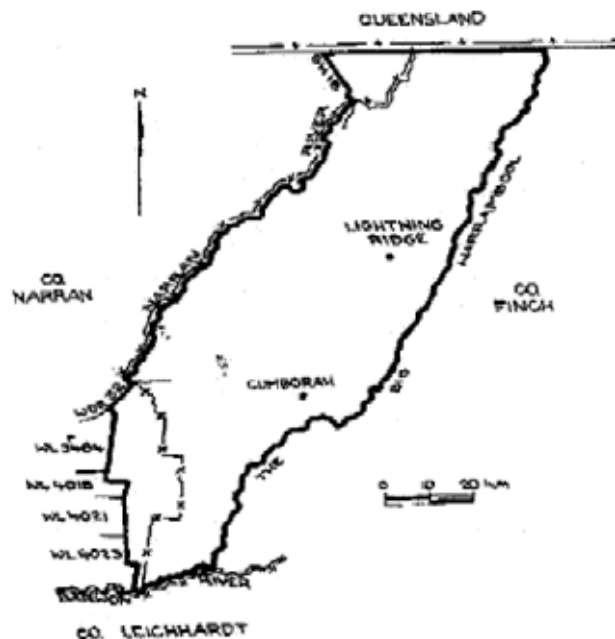
IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

SCHEDULE

*Administrative Districts – Walgett North and Brewarrina;
Shires – Walgett and Brewarrina;
Counties – Finch and Narran.*

All that piece or parcel of land shown by thick black edging on the diagram hereunder.

NARRAN-WARRAMBOOL RESERVE



MINING ACT 1992

Order Under Section 220

I, IAN MACDONALD, Minister for Mineral Resources, pursuant to the provisions of Section 220 of the Mining Act 1992, do by this my Order, constitute the lands described in the schedule hereunder as Opal Prospecting Area No. 4.

Dated at Sydney this 7th day of September 2005.

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

SCHEDULE

*Administrative District – Walgett North and Brewarrina;
Shires – Walgett and Brewarrina;
Counties – Finch and Narran.*

All that piece or parcel of land in the counties of Finch and Narran shown by heavy black edge on plan catalogued M27048 in the Department of Primary Industries – Minerals Division, Maitland.

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(05-258)

No. 2578, MINEX (AUST) PTY LTD (ACN 091 546 708), area of 30 units, for Group 1, dated 9 September 2005. (Broken Hill Mining Division).

(05-259)

No. 2579, CLUFF MINERALS (AUST) PTY LTD (ACN 002 091 330), area of 22 units, for Group 5, dated 12 September 2005. (Armidale Mining Division).

(05-260)

No. 2580, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 6 units, for Group 2, dated 13 September 2005. (Sydney Mining Division).

(05-261)

No. 2581, Leslie Herbert SAVAGE, area of 6 units, for Group 1, dated 13 September 2005. (Orange Mining Division).

(05-263)

No. 2582, SNOWMIST PTY LTD (ACN 011 041 384), area of 89 units, for Group 1, dated 16 September 2005. (Orange Mining Division).

(05-264)

No. 2583, PM PROSPECTING PTY LTD (ACN 116 293 184), area of 154 units, for Group 1, dated 19 September 2005. (Cobar Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATION

(05-206)

No. 2524, now Exploration Licence No. 6461, ROCKWELL RESOURCES PTY LIMITED (ACN 107 798 998), County of Young, Map Sheet (7434), area of 91 units, for Group 1 and Group 6, dated 25 August 2005, for a term until 24 August 2007.

MINING LEASE APPLICATION

(04-3744)

No. 255, now Mining Lease No. 1566 (Act 1992), DENDROBIUM COAL PTY LTD (ACN 098 744 088), Map Sheet (9029-2-S), area of 5.262 hectares, for the purpose of

any building or mining plant, any cable, conveyor, pipeline, telephone line or signal, any reservoir, dam, drain or water race, borehole, generation and transmission of electricity, road and shaft, dated 7 September 2005, for a term until 6 September 2026. As a result of the grant of this title, Authorisation No. 143 has partly ceased to have effect.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(05-188)

No. 2507, YANGA PTY LTD (ACN 004 079 903), County of Wakool, Map Sheet (7628). Withdrawal took effect on 23 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

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

(T01-0118)

Exploration Licence No. 5900, REGIONAL EXPLORATION MANAGEMENT PTY LTD (ACN 093 739 336), area of 22 units. Application for renewal received 20 September 2005.

(T03-0001)

Exploration Licence No. 6144, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 50 units. Application for renewal received 22 September 2005.

(T03-0105)

Exploration Licence No. 6146, POLYMETALS MINING SERVICES PTY LTD (ACN 075 664 961), area of 14 units. Application for renewal received 12 September 2005.

(T83-1374)

Exploration (Prospecting) Licence No. 1050, Kenneth Garry KEMLO, area of 4 units. Application for renewal received 14 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T92-0066)

Exploration Licence No. 4284, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), County of Bland, Map Sheet (8329), area of 1 units, for a further term until 29 June 2005. Renewal effective on and from 19 September 2005.

(T00-0169)

Exploration Licence No. 5818, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), County of Yancowinna, Map Sheet (7134, 7234), area of 10 units, for a further term until 7 March 2007. Renewal effective on and from 16 September 2005.

(T01-0028)

Exploration Licence No. 5851, ALKANE EXPLORATION LTD (ACN 000 689 216), County of Ashburnham, Map Sheet (8631), area of 23 units, for a further term until 3 May 2007. Renewal effective on and from 21 September 2005.

(T01-0097)

Exploration Licence No. 5874, ENDEAVOUR MINERALS PTY LTD (ACN 063 725 708), Counties of Bligh and Wellington, Map Sheet (8732), area of 3 units, for a further term until 2 July 2007. Renewal effective on and from 21 September 2005.

(T02-0012)

Exploration Licence No. 5959, RED METAL LIMITED (ACN 103 367 684), County of Yancowinna, Map Sheet (7134, 7234), area of 25 units, for a further term until 23 June 2006. Renewal effective on and from 14 September 2005.

(T02-0080)

Exploration Licence No. 6059, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), County of Yancowinna, Map Sheet (7134), area of 11 units, for a further term until 23 February 2007. Renewal effective on and from 16 September 2005.

(T02-0447)

Exploration Licence No. 6071, MUDGEE DOLOMITE & LIME PTY LIMITED (ACN 076 313 034), Counties of Phillip and Roxburgh, Map Sheet (8832), area of 6 units, for a further term until 27 April 2007. Renewal effective on and from 15 September 2005.

(T02-0379)

Exploration Licence No. 6073, CLUFF MINERALS (AUST) PTY LTD (ACN 002 091 330), Counties of Hardinge and Murchison, Map Sheet (9038, 9138), area of 14 units, for a further term until 1 May 2007. Renewal effective on and from 19 September 2005.

(T03-0008)

Exploration Licence No. 6091, LFB RESOURCES NL (ACN 073 478 574), Counties of Ashburnham and Wellington, Map Sheet (8631), area of 15 units, for a further term until 23 June 2007. Renewal effective on and from 21 September 2005.

(T02-0791)

Exploration Licence No. 6095, JERVOIS MINING LIMITED (ACN 007 626 575), County of Flinders, Map Sheet (8234), area of 15 units, for a further term until 8 July 2007. Renewal effective on and from 15 September 2005.

(T02-0445)

Exploration Licence No. 6096, JERVOIS MINING LIMITED (ACN 007 626 575), County of Flinders, Map Sheets (8234 and 8334), area of 5 units, for a further term until 8 July 2007. Renewal effective on and from 15 September 2005.

(T87-1008)

Exploration (Prospecting) Licence No. 1117, BORAL MONTORO PTY LIMITED (ACN 002 944 694), County of Northumberland, Map Sheet (9131), area of 2 units, for a further term until 21 May 2007. Renewal effective on and from 6 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

REFUSAL OF APPLICATION FOR RENEWAL

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

(T00-0005)

Exploration Licence No. 5797, TEMPLAR RESOURCES LIMITED (ACN 085 644 944), County of Bland, Map Sheet (8329, 8429), area of 42 units. The authority ceased to have effect on 14 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(04-546)

Exploration Licence No. 6300, ROBERTS CONSULTING PTY LTD (ACN 105 435 050), County of Buccleuch, Map Sheet (8527), area of 16 units. Cancellation took effect on 16 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

COAL MINES REGULATION ACT 1982

Approval No.: MDA EXP 055134.

File No.: 05/5134.

Dated: 23 September 2005.

Notice of Type Approval (Explosives)

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements and is hereby APPROVED in accordance with the requirements of the Coal Mines Regulation Act 1982. This approval is issued pursuant to the provisions of Clause 70, Part 8 of Approval of Items of the Coal Mines (General) Regulation 1999.

- This APPROVAL is issued to: Orica Australia Pty Ltd , ACN 004 117 828
Orica Technical Centre, George Booth Drive, Kurri Kurri NSW 2327.
- Description of Item: **Powergel Permitted 3000 Explosive** manufactured by Orica Australia Pty Ltd in their Kalgoorlie PE Plant Western Australia.
Emulsion explosive, glass micro balloon sensitised, in 32mm diameter cartridges of nominal weight 400 grams.
- CMRA Approval Clause: 158 of the Coal Mines (Underground) Regulation 1999.
- Specific Approval Category: EXP (Explosives)
Group P1 – HSE Testing Memorandum TM 2.

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000 and Explosives Act 2003.

The Authority issuing the Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions that are applicable to this approved item to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000.

All containers are to be labelled appropriately and in accordance with the relevant National Code. The batch number and the date and place of manufacture shall appear in a conspicuous place and in a legible manner on each box of explosive supplied to a mine.

A copy of the approval documentation shall be supplied to each user of the Approved Item and shall comprise the number of pages listed in the footer block.

R. W. REGAN,
Chief Inspector of Coal Mines

TYPE APPROVAL SCHEDULE

1.0 Detailed Description of Approved Item (s) and Variation (s):

Type approval for Powergel Permitted 3000 Explosive manufactured by Orica Australia Pty Ltd in their Kalgoorlie PE Plant Western Australia as per the documents listed.

1.1 Test Protocol

- HSE Testing Memorandum TM 2 (Revised April 1995)

1.2 Assessment Criteria

- Only explosive meeting all requirements and passing all tests for TM 2 Group P1 'permitted explosive' shall be assessed for approval.
- Gallery testing shall be performed by or under the direct supervision of a TestSafe Testing Officer at the Londonderry TestSafe Gallery, or as agreed otherwise in writing by the Chief Inspector of Coal Mines.

2.0 Documents Submitted for Approval

2.1 Documents Submitted for Reference

These documents are listed for reference only and need not be supplied with each consignment of explosive.

Document No.	Issue	Date	Title
Report No. TR 26846	Original	September 2005	TestSafe Australia Testing of Orica Powergel Permitted 3000 to TM2

3.0 Conditions for Supply and Use

3.1 General Conditions

1. The user of the Approved Item shall conduct a site specific Operational Risk Assessment and implement all barriers to risk identified in the Risk Assessment prior to the introduction of the system into a Coal Mine in New South Wales. This Operational Risk Assessment shall be reviewed when operating conditions vary, for each new application type and at periods not exceeding five (5) years.
2. The Chief Inspector of Coal Mines has the right to vary or revoke this approval at any time.
3. The Chief Inspector is to be informed if the manufacturer wishes to make the explosive in a different factory, mix it in a different type of machine, use materials from a different source or prepared in a different way, or to cartridge it in a different wrapping. Any such change will require the written sanction of the Chief Inspector and retesting may be required.
4. The composition and characteristics of the explosive must at all times conform, within the limits allowed, to those of the sample officially tested.
5. The Manager of the mine shall ensure the recommendations of the Approval Holder are complied with as far as they relate to the approved item, unless an appropriate documented risk assessment process is used to identify alternative means of providing at least equivalent levels of safety and these alternatives are implemented.
6. A safety audit shall be carried out at intervals not exceeding five (5) years. This safety audit shall be documented and shall include:
 - (a) an assessment for compliance against these approval conditions, and
 - (b) an assessment for compliance against the current community standards, applicable to the Approved System at the time of the audit, and implementation of interim control measures to reduce risk to an acceptable level, and
 - (c) an assessment of the safety defects identified since the previous audit and a review of the improvements required to minimise these defects.

3.2 Specific Conditions

1. The characteristics of the explosive shall be similar in all respects to the sample submitted to TestSafe, Londonderry and found, through testing, to be satisfactory and the subject of Test Report No. TR 26846.
2. The explosive shall be used only when contained in a cartridge of polyethylene film crimped with steel end clips. Containment shall be such that leakage shall not take place during subsequent transport, storage and use.
3. The explosive shall be initiated only with electric detonators in which the ingredients are contained in a copper capsule and of a strength not less than that known as number 8.
4. The quantity of explosive to be used in any single shot hole shall not exceed 800grams. Provided, however, that the quantity used in a single shot hole may be increased to a maximum of 1,200 grams provided that the shot hole is more than 1.8 metres in length with a minimum burden on such hole of 0.5 metres with at least 0.6 metres of approved stemming in each hole.
5. Where the explosive is used for multiple shotfiring, the charge limit per shot hole may be increased to not more than 1,600 grams.
6. Each cartridge shall be marked indelibly as shown below:



7. The explosive shall be used in accordance with the Coal Mines Regulation Act, 1982 and any notices or guidelines made pursuant thereto.

R. W. REGAN,
Chief Inspector of Coal Mines

COAL MINES REGULATION ACT 1982

Approval No.: MDA TBS 054121.

File No.: 05/4121.

Dated: 26 August 2005.

Notice of Type Approval (Transport Braking System)

IT is hereby notified that the Approved System listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements and is hereby APPROVED in accordance with the requirements of the Coal Mines Regulation Act 1982. This approval is issued pursuant to the provisions of Clause 70, Part 8 of Approval of Items of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Trenchco Pty Ltd, ABN 95 095 333 510.
 Address of Approval Holder: 99 Wheeler Drive, Glenella Qld 4740.
 PO Box 1811, Mackay Qld 4740.
 Description of Item: Type approval for the Transport Braking System (TBS) on a Trenchco Pty Ltd, Trenchco Trencher (MDA TBS 054121), as per the listed documents.
 CMRA Approval Clause: 61(1)(b) of the Coal Mines (Underground) Regulation 1999.
 Specific Approval Category: TBS (Transport Braking System).

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing the Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.), that are applicable to this approved system, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved System, and any deviation from the list of conditions, in reference to that system is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the Approved System.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved system, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the Approved System and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, ALL drawings as listed in the Schedule and those drawings specifically nominated for the purposes of repair and maintenance.

Any maintenance, repair or overhaul of approved systems shall be carried out in accordance with the requirements of the Coal Mines Regulations Act 1982.

G. D. JERVIS,
 Senior Inspector of Mechanical Engineering
 (under the delegated authority of the Chief Inspector of Coal Mines)

TYPE APPROVAL SCHEDULE

1.0 Detailed Description of Approved Item (s) and Variation (s):

Type approval for the Transport Braking System (TBS) on a Trenchco Pty Ltd, Trenchco Trencher (MDA TBS 054121), as per the listed documents

1.1 Assessment Criteria

This braking system was assessed against the following documents:

- (a) Handbook for approval assessment of Transport braking systems on free-steered vehicles in underground coal mines, MDG39.

2.0 Documents Submitted for Approval**2.1 Approval Drawings**

The drawings listed must be supplied and kept with each Transport Braking System approval package.

Drawing No.	Issue	Date	Title
T-624-1002	A	20/8/05	Trenchco Trencher, Brake Circuit, Pneumatic and Hydraulic Schematic

2.2 Drawings Submitted for Reference

These drawings are listed for reference only and need not be supplied with each Transport Braking System approval package.

Drawing No.	Issue	Date	Title
T-0801-10011	A	26/07/05	Trenchco Trencher, Transport Braking System Compliance Plate

2.3 Approval Documents:

The document listed must be supplied and kept with each Transport Braking System approval package.

Drawing No.	Issue	Date	Title
S56031-VERIFY	B	26/8/05	Verification Statement by SR Plain of Colliery Diesel & Electric Pty Ltd

2.4 Documents Submitted for Reference

These documents are listed for reference only and need not be supplied with each Transport Braking System approval package.

Drawing No.	Issue	Date	Title
S56031-FMEA	A	04/08/05	Failure Modes and Effects Analysis by Colliery Diesel & Electric Pty Ltd
S56031-AUDIT	A	04/08/05	Brake System Assessment and Test Report by Colliery Diesel & Electric Pty Ltd
S56031-4	A	26/8/2005	Test report, Trenchco Trencher brake system by Colliery Diesel & Electric Pty Ltd

3.0 Conditions for Supply and Use

3.1 General Conditions

1. The user of the Approved System shall conduct a site specific Operational Risk Assessment and implement all barriers to risk identified in the Risk Assessment prior to the introduction of the system into a Coal Mine in New South Wales. This Operational Risk Assessment shall be reviewed when operating conditions vary and at periods not exceeding five (5) years.
2. The Chief Inspector of Coal Mines has the right to vary or revoke this approval at any time.
3. The manufacture is to certify in writing that the particular system supplied is in accordance with the requirements of this approval insofar as those matters assessed for the approval are concerned.
4. There shall be no variation in the materials, design or construction of the equipment associated with this approval without prior consent of the Chief Inspector. Unauthorised alteration or substitution of approved equipment shall render this approval void.
5. The Owner of this System shall ensure that adequate information is retained at the mine to enable the system to be operated, tested and maintained in the approved condition. This information shall also be made available wherever the system is overhauled or repaired.
6. This approval ceases to be valid if the system is not designed, modified, examined, tested, maintained, overhauled and repaired in accordance with the approval conditions, Occupational Health and Safety Act 2000, Coal Mines Regulation Act 1982 and Associated Regulations.
7. The Mine Managers Defect Management System required by Clause 42, Part 2, Division of the Coal Mines (General) Regulation 1999, should include providing details of any defects to the approval holder.
8. The Manager of the mine shall ensure the recommendations of the Approval Holder are complied with as far as they relate to the system, unless an appropriate documented risk assessment process is used to identify alternative means of providing at least equivalent levels of safety and these alternatives are implemented.
9. In accordance with the Occupational Health and Safety Act 2000, it is a requirement that the Mine Management, Equipment Manufacturers, Equipment Owners, Hire / Lease Organisations, Approval Holders and the Designer of the equipment all take considerable responsibility for the safety related aspects of the system. Compliance with safety related recommendations of the Approval Holder should be viewed as an integral part of the responsibility of all concerned.
10. A safety audit of the Approved System shall be carried out at intervals not exceeding five (5) years. This safety audit shall be documented and shall include:
 - (a) an assessment for compliance against these approval conditions, and

- (b) an assessment for compliance against the current community standards, applicable to the Approved System at the time of the audit, and implementation of interim control measures to reduce risk to an acceptable level, and
- (c) an assessment of the safety defects identified since the previous audit and a review of the improvements required to minimise these defects.

3.1 Specific Conditions

1. The Type Approval system identification number, MDA TBS 054121 and the Supplier's name or mark, the brake performance limits, the maximum operating grades, speed and masses shall be inscribed on a durable plate fixed in a prominent position on the equipment.
2. The Mine Manager shall ensure that appropriate systems are in place to reduce the parameters in condition (4) to suit local conditions in accordance with Clause 60, Transport Rules, Division 4, Underground Transport, Coal Mines (Underground) Regulation 1999.
3. Handbook MDG 39 as issued by the Department of Mineral Resources or any relevant Australian Standard should be considered in the development of the mine's standards of engineering practice for the maintenance of the brake system.
4. The operating parameters for idea conditions shall not exceed:

(a) Maximum gross vehicle mass	8,300 kg
(b) Tare mass	8,300 kg
(c) Maximum load	N/A kg
(d) Maximum operating speed	8 km/h
(e) Maximum grade	25% (1:4)

G. D. JERVIS,
Senior Inspector of Mechanical Engineering
(under the delegated authority of the Chief Inspector of Coal Mines)

Roads and Traffic Authority

ROADS ACT 1993

Notice Under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation 1996

PARRAMATTA CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ROD COOK,
 Manager,
 Technical Services,
 Parramatta City Council
 (by delegation from the Minister for Roads)
 22 September 2005

SCHEDULE

1. Citation

This Notice may be cited as the Parramatta City Council B-Double Notice No. 2/ 2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 July 2006, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Parramatta City Council area.

Type	Road	Starting point	Finishing point
25	Grand Avenue, Rosehill	Entire length east of Durham Street intersection	
25	Thackeray Street	Grand Avenue	Entire length
25	Shirley Street, Rosehill	Unwin Street	Entire length

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

AUBURN COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996 ("the Regulation"), by this Notice, specify the routes and areas on or in which B-Doubles (as defined in the Dictionary of the Regulation) which do not exceed 4.3 metres in height may be used subject to any requirements or conditions set out in the Schedule.

PAUL DONOVAN,
Acting Director,
Works and Services,
Auburn Council
(by delegation from the Minister for Roads)
9 September 2005

SCHEDULE
1. Citation

This Notice may be cited as the Auburn Council B-Doubles Notice No. 3/2005.

2. Commencement

This Notice takes effect on the date of the gazettal.

3. Effect

This Notice remains in force until 31 December 2008, unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Auburn Council Area.

Type	Road Name	Starting Point	Finishing Point	Conditions
25	Frances Street, Auburn	Parramatta Road	Phil Gilbert Toyota - Car Receiving Dock No.1	All vehicles to be unloaded within Phil Gilbert Toyota's Car Receiving Dock No.1
25	Grace Avenue	Frances Street	John Street	
25	John Street	Grace Avenue	Parramatta Road	

ROADS ACT 1993

Notice Under Clause 17 of the Roads Transport (Mass, Loading and Access) Regulation 1996

BLACKTOWN CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

IAN REYNOLDS,
General Manager,
Blacktown City Council
(by delegation from the Minister for Roads)
23 September 2005

SCHEDULE**1. Citation**

This Notice may be cited as the Blacktown City Council B-Double Notice No. 2/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 July 2007, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

25m B-Double routes within the Blacktown City Council.

Type	Road	Starting point	Finishing point
25	Power Street, Glendenning	Glendenning Road	Rooty Hill Road North

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

BOMBALA COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

DAVID L. RAWLINGS,
General Manager,
Bombala Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Bombala Council B-Doubles Notice No. 2/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Bombala Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	091	Mt Darragh Road, Cathcart State Forest	Tantawangalo Mountain Road	Rayners Road	Extension of existing route

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

QUEANBEYAN CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

GRAHAM TAYLOR,
General Manager,
Queanbeyan City Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Queanbeyan City Council 19 Metre B-Double Notice No. 1/2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

19 Metre B-Double routes within the Queanbeyan City Council where gross weight exceeds 50 tonnes.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Tomsitt Drive, Queanbeyan	Lanyon Drive (MR52)	Limestone Drive	
25	000	Limestone Drive, Queanbeyan	Tomsitt Drive	10 Limestone Drive	The only place of access on this route is 10 Limestone Drive

ROADS ACT 1993

Order – Section 257

ERRATUM

THE Roads and Traffic Authority of New South Wales by this order under Section 257 of the Roads Act 1993, corrects an error published in Government Gazette No 118 of 23 September 2005 on page 7588, under the heading “Notice of Dedication of Land as Public Road at Jenninigs, Bolivia, Sunnyside, Tenterfield, Bungulla and Bluff Rock in the Tenterfield Shire Council area” by making the following alterations

to the heading:

deleting –

“Notice of Dedication of Land as Public Road at Jenninigs, Bolivia, Sunnyside, Tenterfield, Bungulla and Bluff Rock and in the Tenterfield Shire Council area”;

and substituting -

“Notice of Dedication of Land as Public Road at Jennings, Bolivia, Sunnyside, Tenterfield, Bungulla and Bluff Rock and in the Tenterfield Shire Council area”.

to the schedule:

deleting -

“Lot 7 Deposited Plan 758277”;

and substituting -

“Lot 7 Deposited Plan 785277”.

K J Durie

Manager, Compulsory Acquisition and Road Dedication
Roads and Traffic Authority of New South Wales

(RTA Papers 9/430.1229)

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

Notice of Compulsory Acquisition of Land at Albury
in the Albury City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig

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

SCHEDULE

ALL that piece or parcel of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as Lot 7 Deposited Plan 1004319, being part of the land remaining in Deed of Conveyance No 714 Book 929.

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

(RTA Papers FPP 5M2496; RO 2/4.1055)

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

Notice of Compulsory Acquisition of Land and Dedication
as Public Road of Land at Lake Hume Village in the Albury
City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in Schedule 1 below and the interest in land described in Schedule 2 below are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land described in Schedule 1 as public road under Section 10 of the Roads Act 1993.

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

SCHEDULE 1

ALL those pieces or parcels of land situated in the Albury City Council area, Parish of Thurgoona and County of Goulburn, shown as:

Lot 2 Deposited Plan 1066273, being part of the land in Travelling Stock and Camping Reserve No 62879, notified in Government Gazette No 105 of 14 August 1931 on page 2940; and

Lot 3 Deposited Plan 1066273, being Crown land.

SCHEDULE 2

AN easement in gross for repairs as provided in Schedule 4A to the Conveyancing Act 1919, over the site shown as "proposed easement for repairs" and designated by the letter [R] on sheet 2 in Deposited Plan 1066273, affecting parts of the land in Travelling Stock and Camping Reserve No 62879, notified in Government Gazette No 105 of 14 August 1931 on page 2940 and Crown land.

The land is said to be in the possession of the Crown, Hume Rural Lands Protection Board, Water Administration Ministerial Corporation and Murray-Darling Basin Commission.

(RTA Papers FPP 4M5461; RO 20/202.1163)

ROADS ACT 1993

Order - Section 46

Albury City Council area

Declaration as a Main Road of part of the Bethanga Bridge at Lake Hume Village.

I, the Minister for Roads, pursuant to Section 46 of the Roads Act, 1993, by this Order declare to be a main road the said public road described in the Schedule under.

Joe Tripodi
Minister for Roads

SCHEDULE

All those pieces or parcels of public road situated in the Albury City Council area, Parish of Thurgoona and County of Goulburn shown as Lots 2 and 3 Deposited Plan 1066273.

(RTA Papers FPP 4M5461; RO 20/202.1163)

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 55A

TAKE notice that the incorporation of the following Associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Sydney Vaulting Group Incorporated Y1956105
 N.S.W. Vaulting Council Incorporated Y1956203
 Greek Community of Lugarno District Inc. Y0968640
 BAC Ballina Inc. Y0975204
 Celebrating Humanity Incorporated Inc9879021
 FAO Rebound Incorporated Inc9882207
 FAO Beach Soccer Incorporated Inc9882208
 FAO New South Wales Incorporated Inc9882208
 Tweed Community Vision Incorporated Inc9880719
 Gallery 188 Inc Y0534243
 Ovine Johne's Disease Affected Producers Action Group Incorporated Y2692943
 Upper Room Power Ministry Incorporated Inc9880334
 Australasian Refractory Ceramic Fibre Industry Association Incorporated Y2600103
 Forbes Funhouse Incorporated Inc9875118
 Narara Landcare Group Incorporated Y2990934
 Bankstown District Indoor Soccer Association (Bdisa) Incorporated Inc9878748
 Community First Incorporated Inc9880167
 Take The Wellness Challenge Incorporated Inc9881625
 Wellness Challenge Incorporated Inc9881624
 Public Weighbridge Owners Association of Australia Inc Y0288520
 Illawarra Football Supporters' Organisation Incorporated Inc9880619
 Inner Wheel Club of Narooma Incorporated Inc9874186
 Manly Diggers Club Incorporated Y2888233

Dated: 22 September 2005.

COLIN CROSSLAND,
 General Manager,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A and 55B

TAKE notice that the incorporation of the following Associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Cassie's Place Incorporated Y0626334
 National Seniors Association Central Tablelands (N.s.w.) Branch Incorporated Inc9878056
 Jimberoo Landcare Group Incorporated Y2509718
 Mudgee Urban Landcare Group Incorporated Inc9875685

International Conflict Resolution Alliance Incorporated Inc9876009
 Great Lakes Multicultural & Ethnic Community Association Incorporated Y2763408
 Christian City Church Winston Hills Incorporated Y2629509
 Bankstown ATO Sports and Recreation Association Inc Y1865501
 Moonby House Association Incorporated Y2983047
 Balranald Barrell Boys Incorporated Inc7987901
 Cessnock Rugby League Supporters Social Golf Club Incorporated Inc9877260
 Bosch Automotive Service Dealers Network Association Incorporated Inc9874619
 Port Panthers Inline Hockey Association Incorporated Inc9876039
 The Broken Hill Silver City Probus Club Inc Y1162643
 Probus Club of Avalon Incorporated Y1786544
 Human Life International – Australia Incorporated Y1968144
 New South Wales Hockey Association Inc Y0452638
 Tumut Bowlie Anglers Club Incorporated Inc9878630
 Guyra Shooting Sports Complex Incorporated Inc9879423
 The Inner Wheel Club of Kiama Inc Y0535828
 The Mountain Road Association Inc Y0317203
 National Seniors Association – Ballina Branch Incorporated Y2773943
 Country Music Heritage Hall Incorporated Y2141109
 Life Education Program Far South Coast and Monaro Region Inc. Y0357432
 Apex Club of Wallsend Inc Y0550933
 National Communication Educators Incorporated Y2319136
 Mudgee Region Business Enterprise Centre Incorporated Y1123313
 Central Coast Ceramic Show Association Incorporated Y2898033
 Lower Taylors Arm & Macksville Landcare Group Incorporated Y2646314
 Lions Club of Ettalong-umina Inc Y1415345
 Coonamble Poultry Club Incorporated Y2303648
 Killara High School Parents & Citizens Association Inc Y1242107
 Sunshine Day Club Inc Inc9876058
 Corrimal Caring Centre Inc Y0531203
 Australian Cook-chill Council Inc Y1594801
 Darlington Point Advancement & Historical Association Inc Y0419633
 Central Coast Division of General Practice Incorporated Y1922227
 Illawarra Business & Economics Teachers Association Incorporated Y2416238
 Rooty Hill Senior Citizens Club Incorporated Inc9875824
 North Turrumurra Children's Creative Leisure Centre Incorporated Y2377020
 Metford Community Baptist Church Pre-school Kindergarten Incorporated Y0193732

Hawkesbury District Senior Citizens Centre Inc
Y0366627

Bega Valley Performing Arts Network – Teaching Skills
Incorporated Y2779435

Dated: 22 September 2005.

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A
and 55B

TAKE notice that the incorporation of the following
associations is cancelled by this notice pursuant to sections
55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

The Bay and Basin Seniors Computer Club Incorporated
Inc9876562

Friends of Our Radio Station (F.O.U.R.S.) Incorporated
Inc9875557

Greater Menai Business Association Incorporated
Inc9876045

Cabonne Orange Blayney Life Education Committee
Inc Y1001234

Lane Cove Airport Action Incorporated Y2257425

Hawkesbury Leisure Centres Inc Y2368707

The Woods Flat Creek Landcare Group Incorporated
Y1823817

Line For Line Social Club – Tweed Valley-gold Coast
Incorporated Y2520835

Lifeline Riverina Incorporated Y0723632

Newcastle Fly Rodders Club Incorporated Inc9877195

The Blue Mountainairs Barbershop Chorus Incorporated
Y2307734

Alcheringa Environment and Training Centre
Inc9877659

Mullum Town Landcare Incorporated Inc9877741

Liverpool Patchers & Quilters Guild Incorporated
Y2165040

South West Region Veterans & Families Support Group
Incorporated Y3026934

Lithgow District Historical Society Inc Y1157142

Suitcase Stories Incorporated Inc9879073

Blue Mountains P.I.W.H.A. Centre Inc Y1639217

Australian Community Encouragement Incorporated
Y1688935

The Play Station Incorporated Y0193242

South Coast United Ladies Soccer Club Incorporated
Y2485017

Construction And Mining Equipment Association of
Australia Inc Y1175042

Woy Woy Football Club Incorporated Inc9874733

Walli Limestone Landcare Group Incorporated
Y1946648

Barrier and Darling Environment Group Incorporated
Inc9874942

Jervis Bay Connect Incorporated Inc9883080

Northern Line District Bowling Association Incorporated
Y2019837

Eugowra Self-care Units Committee Incorporated
Inc9882430

Life Education NSW Greater Sydney Region Incorporated
Inc9875849

Southern Beaches Outrigging Canoe Club Incorporated
Inc9874679

Arts Shoalhaven Inc Y1561430

Holroyd Community Transport Group Inc Y0203812

Greenwell Point Chamber of Commerce and Tourism
Incorporated Y2214401

Citizen Advocacy City West Association Incorporated
Y1790411

Piallaway Campdraft Association Incorporated
Y2433729

Grace Theological College Inc Y0118945

Dudauman Frampton Landcare Group Inc Y1605633

Sou-West Life Education Incorporated Y0056401

Karingal Club for the Elderly Inc Y0964603

New Energy and Industrial Technology Development
Organisation (NED0) Incorporated Inc9879909

New England Highway 15 Tourism Incorporated
Y1888239

Dated: 26 September 2005.

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A
and 55B

TAKE notice that the incorporation of the following
associations is cancelled by this notice pursuant to sections
55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Lions Blind Appeal Incorporated Y2736313

Marrickville Community History Group Incorporated
Y2898621

Wanaaring Pony Club Incorporated Inc9879801

International Training Foundation Incorporated
Inc9878811

Parkes Basketball Association Inc Y0347338

Brunswick Catchment – Forest Landcare Group
Incorporated Inc3475986

Aladdins Cave Toy Library Incorporated Y2195322

International Pastors Conference Australia Incorporated
Y2253339

Dated: 27 September 2005.

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

CRIMINAL PROCEDURE REGULATION 2005**ORDER**

I, ROBERT JOHN DEBUS, M.P., Attorney General, in pursuance of Clause 1 of Schedule 4 of the Criminal Procedure Regulation 2005, do, by this my Order, declare Nowra Local Court, Brewarrina Local Court, Dubbo Local Court, Walgett Local Court, Bourke Local Court, Armidale Local Court, Kempsey Local Court and Lismore Local Court to be a participating court for the circles sentencing intervention program referred to in Clause 18 of that Regulation.

Dated this 20th day of September 2005.

BOB DEBUS, M.P.,
Attorney General

Explanatory Note

The object of this Order is to declare Nowra Local Court, Brewarrina Local Court, Dubbo Local Court, Walgett Local Court, Bourke Local Court, Armidale Local Court, Kempsey Local Court and Lismore Local Court to be a participating courts for the circle sentencing intervention program established under Part 4 of Chapter 7 of the Criminal Procedure Act 1986.

This Order is made under the definition of participating court in Clause 1 of Schedule 4 to the Criminal Procedure Regulation 2005.

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Grafton, 10:00 a.m., 14 November 2005 (1 week), in lieu of 31 October 2005 (3 weeks).

Dated this 21st day of September 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT CRIMINAL PRACTICE NOTE 3**Provision of Psychiatric Reports to Correctional Facilities**

1. In many cases coming before the Court, psychiatric reports are tendered during the proceedings. Often it would be of assistance to the Department of Corrective Services and prisoners if these reports were transported back to the prison with the prisoner. The Department of Corrective Services has agreed to facilitate this.
2. Accordingly, in cases where it is requested that the report accompany the prisoner, a separate copy of the report should be placed in a sealed envelope and addressed to the Nursing Unit Manager of the correctional centre or a nominated person within Justice Health. This will enable the judge to request that the report accompany the prisoner.

The Hon. Justice R. O. BLANCH,
Chief Judge.

HEALTH ADMINISTRATION ACT 1982**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991****Notice of Compulsory Acquisition of Land at Lidcombe for Health Purposes**

PURSUANT to section 10 of the Health Administration Act 1982 and section 19 (1) of the Land Acquisition (Just Terms Compensation) Act 1991, the Health Administration Corporation by its delegate declares, with the approval of Her Excellency the Governor, that all lands and interests therein described in the Schedule below are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Health Administration Act 1982.

Signed at Sydney, this 29th day of September 2005.

DAVID GATES,
Director,
Asset and Contract Services,
Department of Health
a duly authorised delegate of
the Health Administration Corporation

SCHEDULE

All that piece or parcel of Crown land situated in the Auburn Local Government Area, Parish of Liberty Plains, County of Cumberland, being Lot 1 in Deposited Plan 850697 (Reserved for Laboratory – Reserve No. 100208 – *Government Gazette* No. 49, 12 April 1990, Folio 3119).

HEALTH CARE LIABILITY ACT 2001**Notified Insurers**

IT is hereby advised, that on and from 1 October 2005, the following are notified insurers for the purposes of the Insurance Approval Order made under the Health Care Liability Act 2001:

United Medical Protection Limited
Australasian Medical Insurance Limited
Medical Defence Association of South Australia Limited
Medical Insurance Australia Pty Limited
The Medical Defence Association of Victoria Limited
Professional Indemnity Insurance Company Australia Pty. Limited
MDA National Insurance Pty Ltd
Health Professionals Insurance Australia Pty. Ltd.
QBE Insurance (Australia) Limited

Dated: 22 September 2005.

K. J. CRAWSHAW,
Director,
Employee Relations,
Legal and Legislation and General Counsel,
NSW Department of Health

NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

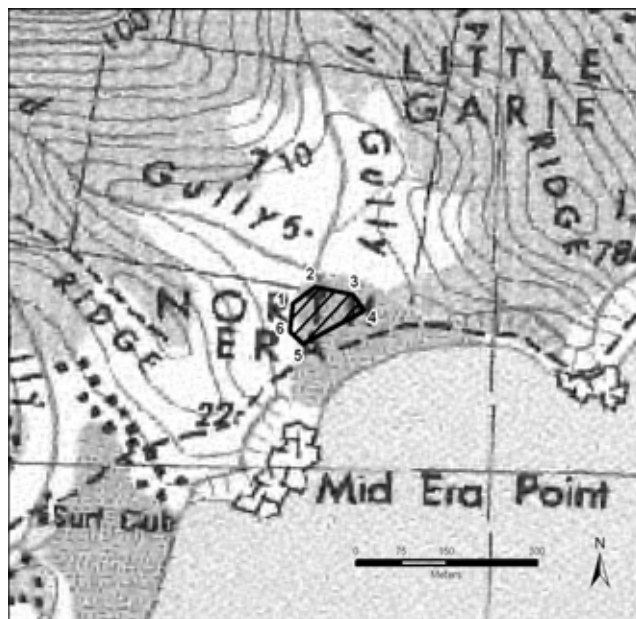
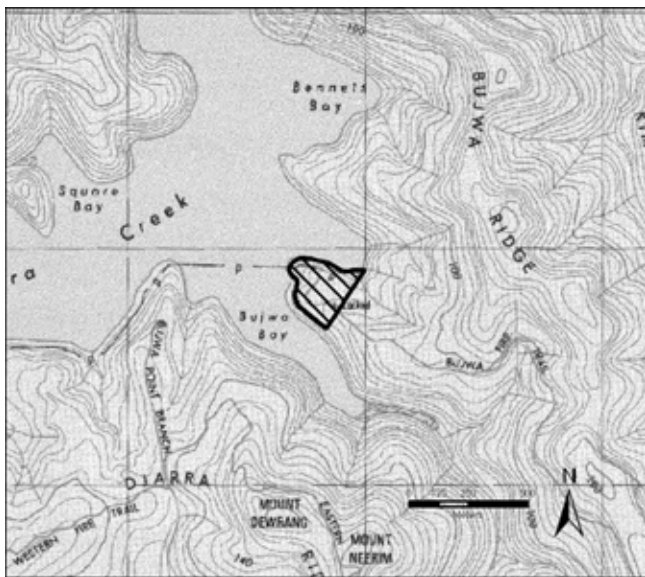
IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Hornsby

County Cumberland, Parish Cowan, about 4.6 hectares, being the area shown by hatching in the diagram hereunder. DEC 05/13268.



- MGA_Z56
- 1,320823.9,6216449.5
 - 2,320854.4,6216476.0
 - 3,320906.1,6216465.2
 - 4,320923.0,6216440.6
 - 5,320839.2,6216387.6
 - 6,320820.5,6216406.5

NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

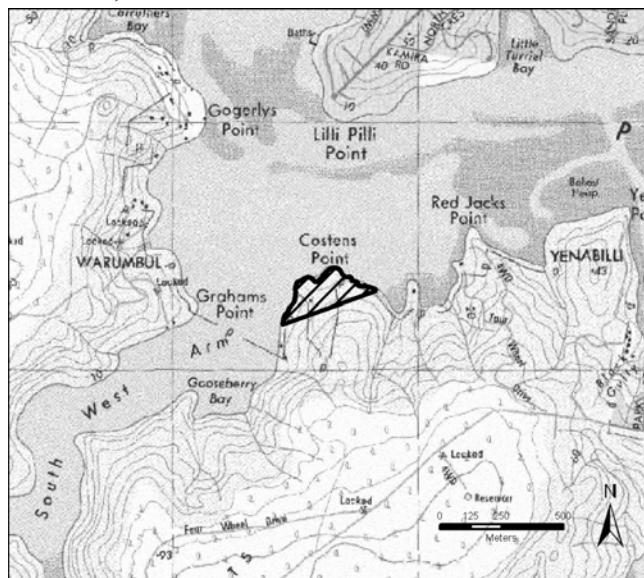
IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Sutherland

County Cumberland, Parish Wattamolla, about 3.8 hectares, being the area shown by hatching in the diagram hereunder; DEC: 05/13265.



NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

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

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Wollongong

County Cumberland, Parish Bulgo, about 0.5 hectare, being the area shown by hatching in the diagram hereunder; DEC: 05/13274.

NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

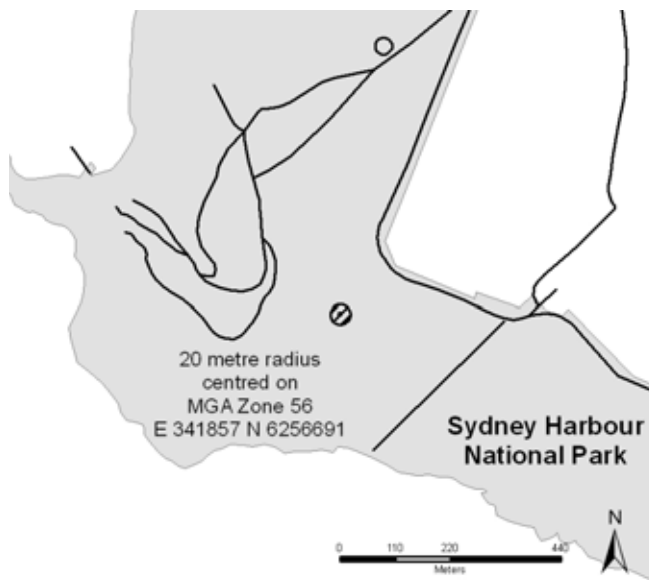
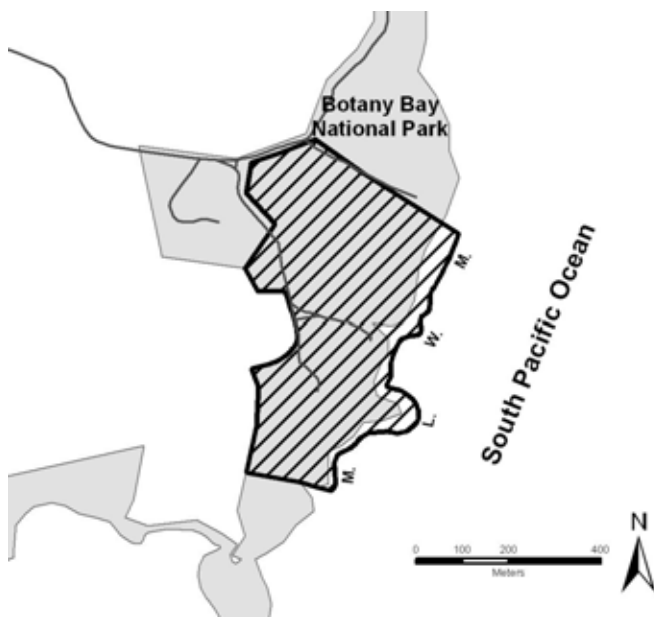
IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Randwick

County Cumberland, Parish Botany, about 18 hectares, being the area shown by hatching in the diagram hereunder; DEC: 03/12950.



NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

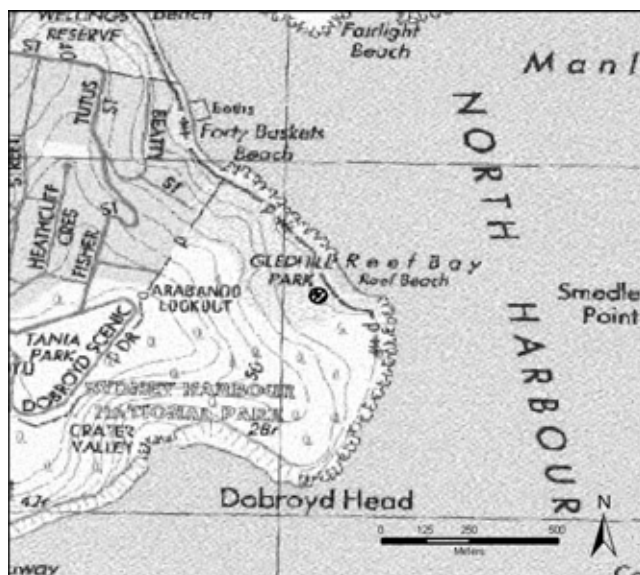
IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Manly

County Cumberland, Parish Manly Cove, about 0.125 hectare, being the area shown by hatching in the diagram hereunder; DEC: 05/13271.



NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

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

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Manly

County Cumberland, Parish Manly Cove, about 0.125 hectare, being the area shown by hatching in the diagram hereunder; DEC: 05/13267.

NATIONAL PARKS AND WILDLIFE ACT 1974

Aboriginal Place

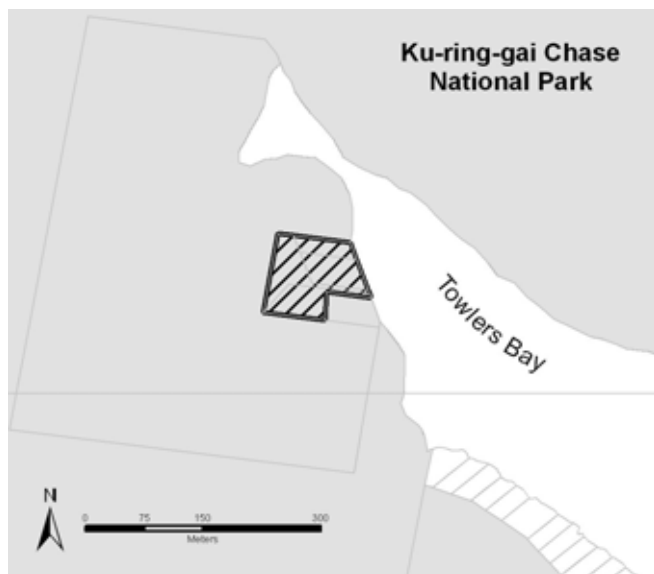
IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment, do by this my Order, declare such of the lands described hereunder as an Aboriginal Place.

BOB DEBUS, M.P.,
Minister for the Environment

Description

Land District – Metropolitan; LGA – Pittwater

County Cumberland, Parish Broken Bay, about 0.9 hectare, being the area shown by hatching in the diagram hereunder; DEC: 05/13272.

**PUBLIC WORKS ACT 1912**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991Compulsory Acquisition
Batlow Water Supply Augmentation 1

THE Minister for Energy and Utilities, with the approval of Her Excellency the Governor, declares that the land and interests in land described in the Schedule hereto, are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work.

On publication of this notice in the *Government Gazette* the land and interests in land are vested in the Minister for Energy and Utilities as Constructing Authority under section 4 of the Public Works Act 1912.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Land

Lot 1 in Deposited Plan 1053497.

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1052372 (SB55370) as ‘D’ PROPOSED EASEMENT FOR WATER PIPELINE 6 WIDE’.

Deposited Plan 1053497 (SB55371) as ‘C’ PROPOSED EASEMENT FOR WATER PIPELINE 5 WIDE’.

‘D’ PROPOSED EASEMENT FOR PIPELINE AND ACCESS 6.035 WIDE’.

Easement rights as described under the heading Access in Memorandum E780099 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1053497 (SB55371) as ‘A’ PROPOSED EASEMENT FOR ACCESS 5 WIDE & VARIABLE’.

‘D’ PROPOSED EASEMENT FOR PIPELINE AND ACCESS 6.035 WIDE’.

Easement rights as described in Part A of Memorandum AA26009 filed in the Office of Land and Property Information NSW, where the definition of “Country Energy” is also taken to mean “the Minister his successors and assigns (being a public or local authority)”, over the site shown in:

Deposited Plan 1053497 (SB55371) as ‘B’ PROPOSED EASEMENT FOR OVERHEAD ELECTRICITY CABLES 5 WIDE’.

Easement rights as described under the heading Batter and Support in the terms set out hereunder over the site shown in:

Deposited Plan 1052372 (SB55370) as ‘C’ PROPOSED EASEMENT FOR SUPPORT 6 WIDE’.

EASEMENT FOR BATTER AND SUPPORT

FULL AND FREE right for the Minister and his successors and assigns (being a public or local authority) and every person authorised by any of them from time to time to enter, go upon, return, pass and re-pass with or without vehicles plant machinery and equipment, in through along and over the servient tenement to use the servient tenement for the purpose of maintaining thereon existing support batters and/or the placing thereon of all such earth, soil, cements and clay and other material as shall in the opinion of the Minister, his successors and assigns (being a public or local authority) and every person authorised by any of them be necessary or desirable for the purpose of constructing, reconstructing, repairing, replacing and forever maintaining on the servient tenement batters to serve as a support for the surface, subsoil and undersurface of any road or structure adjoining or adjacent to the servient tenement and to use the said batters at all times hereafter for the purpose of giving such support AND the Transferor (which expression includes successors and title) covenants that it will not:

- (a) Use or permit to be used the servient tenement in any manner or for any purpose which may affect or have a tendency to affect the stability of the said batters or any of them as a support for any such road or structure and;
- (b) Do or suffer to be done any act or thing which may injure or damage the said batters or any of them or in any way impair its efficiency

PROVIDED THAT the Minister, his successors and assigns (being a public or local authority) and every person authorised by any of them will:

- (a) Take all reasonable precautions to ensure there is as little disturbance as possible to the surface of the servient tenement;

- (b) Make good or bear the reasonable costs of making good any works or property of the Transferor or any property of any lessee, tenant or licensee of the Transferor that may be interfered with in the construction, reconstruction and maintenance of the batters; and
- (c) At all times at its own expense keep the said batters in a good and proper state of repair.

DoC Reference: 203.

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by Justice James Roland Tomson WOOD, A.O., following his retirement from judicial office on 31 August 2005.

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Mid Murray Zone Incorporating:

Conargo Shire Council,

Deniliquin Council,

Jerilderie Shire Council,

Murray Shire Council, and

The Council of the Shire of Wakool.

The Local Bush Fire Danger period has been revoked for the period 1 October until 16 October 2005.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will not be required for the lighting of fire for the the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director,
Operations and Regional Management
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Blayney Shire Council,

Cabonne Shire Council,

Cowra Shire Council, and

Orange City Council.

The Local Bush Fire Danger period has been revoked for the period 1 October until 31 October 2005.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will not be required for the lighting of fire for the the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director,
Operations and Regional Management
(delegate)

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Bland Shire Council, and

Temora Shire Council.

The Local Bush Fire Danger period has been revoked for the period 1 October until 15 October 2005.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will not be required for the lighting of fire for the the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director,
Operations and Regional Management
(delegate)

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare be this Order the CENTRAL COAST ACADEMY OF SPORT to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Basketball, Netball, Rugby Union, Rugby League, Golf, Surf Lifesaving and Soccer.

Dated: Sydney, 14th September 2005.

ROB THOMSON,
Deputy Chairperson,
Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the NEWCASTLE PETANQUE CLUB INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Petanque (Boules).

Dated: Sydney, 8th September 2005.

ROB THOMSON,
Deputy Chairperson,
Sporting Injuries Committee

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this Order the SCONE AMATEUR ATHLETICS CLUB INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Athletics (Track and Field).

Dated: Sydney, 8th September 2005.

ROB THOMSON,
Deputy Chairperson,
Sporting Injuries Committee

**STATE EMERGENCY AND RESCUE
MANAGEMENT ACT 1989**

HER Excellency the Governor with the advice of the Executive Council, in pursuance of Schedule 1 (5) (2) of the State Emergency and Rescue Management Act 1989, the revocation of the appointment of Deputy Police Commissioner Terry Collins as State Emergency Operations Controller, from the date of the Governor's approval.

TONY KELLY, M.L.C.,
Minister for Emergency Services

**STATE EMERGENCY AND RESCUE
MANAGEMENT ACT 1989**

HER Excellency the Governor with the advice of the Executive Council, in pursuance of Schedule 1 (5) (2) of the State Emergency and Rescue Management Act 1989, the revocation of the appointment of Assistant Police Commissioner Bob Waites as Deputy State Emergency Operations Controller, from the date of the Governor's approval.

TONY KELLY, M.L.C.,
Minister for Emergency Services

SUBORDINATE LEGISLATION ACT 1989

THE NSW Food Authority invites public comments on a Regulatory Impact Statement for a proposed amendment to the Food Regulation 2004 under the Food Act 2003.

The Authority is a State Government agency established in April 2004. As Australia's first completely integrated or "through chain" food regulation agency, the Authority is responsible for food safety across the entire food industry, from primary production to point of sale.

Notice is hereby given in accordance with Section 5 of the Subordinate Legislation Act 1989 of the intention to make an Amendment introducing an eggs and egg products food safety scheme for the egg industry.

The purpose of the proposed regulation is to mandate preventative measures to be implemented by relevant food businesses in order to reduce the risk of foodborne illness.

Copies of the Regulatory Impact Statement may be obtained from the Authority web site or by contacting the Industry and Consumer Contact Centre of the Authority, as follows:

Web Site: www.foodauthority.nsw.gov.au
Telephone: 1300 552 406
Mail: PO Box 6682, Silverwater NSW 1811
Email: contact@foodauthority.nsw.gov.au

Comments are invited and should be sent to one of the above contact addresses no later than the close of business on 31 October 2005.

**THREATENED SPECIES CONSERVATION
ACT 1995**

Notice of Preliminary Determinations

Proposed Additions to the Schedules

THE Scientific Committee, established by the Threatened Species Conservation Act 1995, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

Endangered Species (Part 1 of Schedule 1)

Banksia conferta A.S.George subsp. *conferta*, a shrub
Prasophyllum canaliculatum D.L. Jones, a leek orchid

Endangered Population (Part 2 of Schedule 1)

Cymbidium canaliculatum R. Br. population of the orchid in the Hunter Catchment

Endangered Ecological Community (Part 3 of Schedule 1)

Lowland Rainforest in the NSW North Coast and Sydney Basin bioregions

**THREATENED SPECIES CONSERVATION
ACT 1995**

Notice of Preliminary Determinations

Proposed Amendment to the Schedule

THE Scientific Committee, established by the Threatened Species Conservation Act 1995, has made a Preliminary Determination to support a proposal to list the shrub *Prostanthera staurophylla* F. Muell. sensu stricto as an ENDANGERED species in Part 1 of Schedule 1 of the Act, and as a consequence, to omit reference to *Prostanthera staurophylla* F. Muell. from Schedule 2 (Vulnerable species) of the Act.

Any person may make a written submission regarding these Preliminary Determinations. Send submissions to: Scientific Committee, PO Box 1967, Hurstville NSW 2220. Attention: Suzanne Chate. Submissions must be received by 25 November, 2005.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.nationalparks.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967, Hurstville NSW 2220. Tel: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr LESLEY HUGHES,
Chairperson

PUBLIC LOTTERIES ACT 1996**RULES – OZ LOTTO**

I, The Honourable Grant McBride, M.P., Minister for Gaming and Racing being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as “the Act”) pursuant to section 23 of the Act do hereby approve the amendments to the Rules for the conduct by New South Wales Lotteries Corporation, a Corporation constituted under section 5 of the New South Wales Lotteries Corporatisation Act 1996, of OZ Lotto Games and OZ Lotto Promotional Games, annexed to this instrument. These amended Rules take effect on and from 12 October 2005.

Dated this 28th day of September 2005

The Honourable GRANT McBRIDE, M.P.,
Minister for Gaming and Racing

PUBLIC LOTTERIES ACT 1996**SCHEDULE OF OZ LOTTO RULES**

IT is hereby notified that the Minister administering the *Public Lotteries Act 1996* (“the Act”) has approved of the following amendments to the Rules for the conduct of the Game of OZ Lotto and Promotional OZ Lotto. In accordance with section 23 (3) (b) of the Act, these Rules take effect on and from 12 October 2005. These Rules supersede the Rules notified previously in the *Government Gazette*.

RULE 1. Definitions

Delete paragraph (a) (vii) and replace as follows:

"Bounded Area" means the area indicated as such by the symbols "◊" or "□" on the relevant Entry Form containing Numbers;

Delete paragraph (a) (xxix) and replace as follows:

"Mark" means the drawing of a vertical line "I" within a Bounded Area "◊" or a cross "X" within a Bounded Area "□" in blue or black ink on an Entry Form. "Marked" or "Marking" shall have corresponding meanings;

Renumber the paragraph following paragraph (a) (xxxvi) from (xxvii) to (xxxvii).

Delete paragraph (a) (l) and replace as follows:

"Standard Entry" means an Entry in which seven (7) Numbers have been Marked in each Panel;

Delete paragraph (a) (lii) and replace as follows:

"Supplementary Numbers" in relation to a Game of OZ Lotto means the eighth and ninth Numbers drawn for each game;

Delete paragraph (a) (lxi) and replace as follows:

"Winning Numbers" in relation to a Game of OZ Lotto (including a Second Drawing) means the first seven Numbers drawn for each game.

RULE 4. Object

Delete and replace as follows:

The object of the Game of OZ Lotto is to select seven (7) Numbers in a Panel, which Numbers are the same as the Winning Numbers.

RULE 6. Rules applying to Entry Forms and Tickets

Delete paragraph (b) and revise other paragraph references accordingly.

In paragraph (c) delete the words “to paragraph (h)” and replace with “to paragraph (g)”.

RULE 8. Standard Entry

Delete paragraph (a) and replace as follows:

For a Standard Entry to be made seven (7) Numbers shall have been Marked in each Panel completed for a Standard Entry.

Delete paragraph (d) and replace as follows:

If more than seven (7) Numbers in a Panel are Marked for a Standard Entry which has been forwarded to the Licensee by post, the Licensee shall disregard the highest Numbers in descending arithmetical sequence until seven (7) Marked Numbers remain.

Delete paragraph (e) and replace as follows:

If less than seven (7) Numbers in a Panel are Marked for a Standard Entry which has been forwarded to the Licensee by post entry into a Game of OZ Lotto shall not take effect and the Licensee shall return the Standard Entry together with any Fees therewith to the Player.

RULE 9. Systems Entry

Delete paragraph (a) and replace as follows:

A Systems Entry shall be made by selecting more than seven (7) Numbers in a Panel; so that eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) or eighteen (18) Numbers may be Marked in a Panel.

Delete the phrase “System 7 – seven (7) Numbers” from paragraph (c).

Delete paragraph (d) (i) and replace as follows:

More than nine (9) Numbers shall be Marked in a Panel; so that ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) or eighteen (18) Numbers shall be Marked in a Panel on a Systems Entry Form; and

In paragraph (e) insert the word “prize” between the words “a” and “shall”.

Delete paragraph (g) and replace as follows:

The Subscriptions for a Systems Entry are:

System Number	Equivalent Number of Standard Panels entered	Subscription \$	Number of Bounded Areas to be marked in each Panel
8	8	8	8
9	36	36	9
10	120	120	10
11	330	330	11
12	792	792	12
13	1716	1716	13
14	3432	3432	14
15	6435	6435	15
16	11440	11440	16
17	19448	19448	17
18	31824	31824	18

RULE 10. Multi-week Entry

In paragraph (b) delete the numeral “7,” after the word “System”.

In paragraph (c) delete the numeral “7,” after the word “Systems”.

Delete paragraph (d) and replace as follows:

A Multi-Week Entry may be submitted for entry in two (2), five (5), ten (10) or twenty-five (25) consecutive Games of OZ Lotto.

In paragraph (e) delete the word “Multi-Week”.

In paragraph (f) delete the word “a” and replace with the word “an”.

RULE 11. Submission of Entry Forms

Delete paragraph (j) and replace as follows:

Other than as provided for in Rules 6(e), 19(e) and 19(f) no Ticket may be withdrawn or altered after issue to a Player or Syndicate Player without the consent of the Licensee.

RULE 12. Determination of Prizes

Delete paragraph (a) and replace as follows:

Prizes for each Game of OZ Lotto shall be paid by the Licensee from the Prize Pool in the percentage specified in this Rule and shall be classified as Division 1, Division 2, Division 3, Division 4, Division 5, Division 6 and Division 7 Prizes.

Delete paragraph (e) and replace as follows:

The Prize Pool distribution for other than the Division 1 Prize Pool shall be subject to a rounding off process (which shall be to the nearest sum containing a five (5) cent multiple). Monies required for rounding up shall be drawn from the Division 1 Prize Pool. Where a rounding down process has occurred, the excess monies shall be paid into the Division 1 Prize Pool.

Delete paragraph (f) and replace as follows:

The Prize Pool shall be distributed as nearly as possible in the following percentages.

Division 1 -

- (i) A Prize of an amount equal to 40% of the Prize Pool shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains all the Winning Numbers.*
- (ii) If no Prize in this Division is payable in respect of any Entry or Syndicate Entry, an amount equal to 40% of the Prize Pool shall be retained in the Prize Fund so as to form part of the monies payable in respect of any Entry or Syndicate Entry which, or shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains all the Winning Numbers in the Jackpot Competition; provided that no such additional jackpotting shall be effected for more than twenty four (24) consecutive games of the same type, so that if no Division 1 Prize is payable in respect of any Entry or Syndicate Entry in twenty four (24) consecutive games of that type and there is no such Prize payable in respect of any Entry or Syndicate Entry in the next (or 25th) consecutive game of that type, then the total Prize money payable in respect of such additions or jackpot, when added to the Division 1 Prize payable in respect of such 25th game, shall be added to the Prize money allocated to the next lower division in which a Prize is payable in respect of an Entry or Syndicate Entry or Entries or Syndicate Entries.*

Division 2 -

A Prize of an amount equal to 1.7% of the Prize Pool shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains six (6) but not more than six (6) of the seven (7) Winning Numbers together with one or both of the Supplementary Numbers.

Division 3 -

A Prize of an amount equal to 3.5% of the Prize Pool, or where there is no Prizewinner in Division 2, 5.2% of the Prize Pool, shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains six (6) but no more than six (6) of the seven (7) Winning Numbers.

Division 4 -

A Prize of an amount equal to:

- (i) 1.8% of the Prize Pool; or*
- (ii) where there is no Prizewinner in Division 3, 5.3% of the Prize Pool; or*
- (iii) where there are no Prizewinners in Divisions 2 and 3, 7.0% of the Prize Pool,*

shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains five (5) but not more than five (5) of the seven (7) Winning Numbers together with one or both of the Supplementary Numbers.

Division 5 -

A Prize of an amount equal to:

- (i) 2.1% of the Prize Pool; or*
- (ii) where there is no Prizewinner in Division 4, 3.9% of the Prize Pool; or*
- (iii) where there are no Prizewinners in Divisions 3 and 4, 7.4% of the Prize Pool; or*
- (iv) where there are no Prizewinners in Divisions 2, 3 and 4, 9.1% of the Prize Pool;*

shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains five (5) but not more than five (5) of the seven (7) Winning Numbers.

Division 6 -

A Prize of an amount equal to:

- (i) 24% of the Prize Pool; or*
- (ii) where there is no Prizewinner in Division 5, 26.1% of the Prize Pool; or*
- (iii) where there are no Prizewinners in Divisions 4 and 5, 27.9% of the Prize Pool; or*
- (iv) where there are no Prizewinners in Divisions 3, 4 and 5, 31.4% of the Prize Pool; or*
- (v) where there are no Prizewinners in Divisions 2, 3, 4 and 5, 33.1% of the Prize Pool;*

shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains four (4) but not more than four (4) of the seven (7) Winning Numbers.

Division 7 -

A Prize of an amount equal to:

- (i) 26.9% of the Prize Pool; or*

- (ii) where there is no Prizewinner in Division 6, 50.9% of the Prize Pool; or
- (iii) where there are no Prizewinners in Divisions 5 and 6, 53.0% of the Prize Pool; or
- (iv) where there are no Prizewinners in Divisions 4, 5 and 6, 54.8% of the Prize Pool; or
- (v) where there are no Prizewinners in Divisions 3, 4, 5 and 6, 58.3% of the Prize Pool; or
- (vi) where there are no Prizewinners in Divisions 2, 3, 4, 5 and 6, 60.0% of the Prize Pool;

shall be payable in respect of any Entry or Syndicate Entry which, or shall be shared equally between any two (2) or more Entries and/or Syndicate Entries each of which, contains three (3) but not more than three (3) of the seven (7) Winning Numbers together with one or both of the Supplementary Numbers.

Delete paragraph (g) and replace as follows:

Second Drawing

The Licensee may, subject to the Approval of the Minister, and shall where the Minister so directs, provide for the payment of an additional Prize or Prizes, in accordance with the Conditions of the Licence, by means of a Second Drawing in any Game of OZ Lotto provided that:

- (i) *the Second Drawing shall be conducted following the Drawing of the OZ Lotto Game;*
- (ii) *an Entry or Syndicate Entry made in respect of a Game of OZ Lotto shall be entered automatically into the Second Drawing in respect of that Game of OZ Lotto and such entry shall not require the payment of any further Subscription;*
- (iii) *the Prize or Prizes payable in relation to the Second Drawing shall be payable in respect of any Entry or Syndicate Entry which, or shall be payable in equal shares in respect of any two (2) or more Entries and/or Syndicate Entries each of which, contains all the Winning Numbers;*
- (iv) *the amount or amounts of such Prize or Prizes shall be determined by the Chief Executive Officer and shall be paid from the Prize Reserve Fund;*
- (v) *the Second Drawing shall not involve the drawing of any Supplementary Numbers; and*
- (vi) *the Second Drawing shall not constitute a separate Game of OZ Lotto but shall be part of the normal weekly competition.*

Delete paragraph (h) and replace as follows:

A Game of OZ Lotto may include an additional Prize or Prizes, Prizes paid on special occasions or pursuant to Rule 12(g) (as Approved by the Minister from time to time). Any such Prize or Prizes may be paid in monetary terms or in kind and shall be paid from the Prize Reserve Fund.

Insert paragraph (i) as follows:

Prizes in a Game of Promotional OZ Lotto

- (i) *The Prizes payable in a Game of Promotional OZ Lotto may consist of one or more of the following:*
 - (1) *money;*
 - (2) *holidays;*
 - (3) *travel;*
 - (4) *accommodation;*
 - (5) *services or goods provided by the Licensee or by persons or bodies other than the Licensee, whether or not for valuable consideration; and*
 - (6) *such other Prizes as may (subject to this clause) be determined by the Chief Executive Officer.*
- (ii) *A Prize in a Game of Promotional OZ Lotto must not consist of or include tobacco.*
- (iii) *A Prize in a Game of Promotional OZ Lotto must not consist of or include liquor within the meaning of the Liquor Act 1982.*

Insert paragraph (j) as follows:

Determination of Prizes in a Game of Promotional OZ Lotto

- (i) *The Chief Executive Officer is to determine the number, nature and value of Prizes in each Game of Promotional OZ Lotto.*
- (ii) *The Licensee is to publicly advertise the number, nature and value of, and the conditions relating to payment of, Prizes in each Game of Promotional OZ Lotto conducted by it.*
- (iii) *The Chief Executive Officer may change or alter the nature of any Prize offered in a Game of Promotional OZ Lotto, including (but not limited to) the following:*
 - (1) *the replacement of any holiday destination offered as a Prize or part of a Prize with another holiday destination;*
 - (2) *the replacement of any mode of travel offered as a Prize or part of a Prize with another mode of travel;*
 - (3) *the replacement of any form of accommodation offered as a Prize or part of a Prize with another form of accommodation;*

- (4) *the resupply of services or the replacement of goods provided by the Licensee or by persons or bodies other than the Licensee; and*
- (5) *the conversion of any Prize (or part of a Prize) provided by the Licensee or by another person or body into a monetary equivalent.*
- (iv) *The Prizes in a Game of Promotional OZ Lotto are payable in such manner as is approved by the Chief Executive Officer for the purposes of that Game of Promotional OZ Lotto.*

RULE 13. Announcement of Provisional Prize Winners and Prize Winners

Delete paragraph (a) (iv) and replace as follows:

the value of Prizes and the number of Prize-winners in respect of Division 2, Division 3, Division 4, Division 5, Division 6 and Division 7.

RULE 14. Procedures for Claiming and Payment of Prizes and Provisional Prizes

The references to paragraphs (s) through to (w) following paragraph (u) are revised to references to paragraphs (v) through to (z).

Delete paragraph (y) and replace as follows:

A Prize or share of a Prize to be paid in accordance with Rule 12 (g) or Rule 12 (i) shall be forwarded to the winners thereof in such manner as the Chief Executive Officer may, in the Chief Executive Officer's sole discretion, direct.

In paragraph (z) (i) delete the words “under Rule 12 (i) (ii)” and replace with the words “under Rule 12 (j) (ii)”.

SCHEDULE 1

Delete Schedule 1 and replace as follows:

COMMISSION PAYABLE FOR OZ LOTTO - PURSUANT TO RULE 7

Entry Type	No. of Games	Single Entry
Standard	1 Game	\$0.10
	2 Games	\$0.20
	3 Games	\$0.25
	4 Games	\$0.30
	5 Games	\$0.35
	6 Games	\$0.40
	7 Games	\$0.45
	8 Games	\$0.50
	9 Games	\$0.55
	10 Games	\$0.60
	11 Games	\$0.65
	12 Games	\$0.70
	13 Games	\$0.75
	14 Games	\$0.80
	15 Games	\$0.85
16 Games	\$0.90	
17 Games	\$0.95	
18 Games	\$1.00	
24 Games	\$1.30	

Entry Type	System	Single Entry
System – Per Panel		
	8	\$0.55
	9	\$2.20
	10	\$4.50
	11	\$9.00
	12	\$16.00
	13	\$34.00
	14	\$68.00
	15	\$125.00
	16	\$220.00
	17	\$362.00
	18	\$606.00
Entry Type	2 Week Period	Single Entry
Multi-Week Standard	1 Game	\$0.15
	2 Games	\$0.30
	3 Games	\$0.35
	4 Games	\$0.40
	5 Games	\$0.50
	6 Games	\$0.55
	7 Games	\$0.60
	8 Games	\$0.65
	9 Games	\$0.75
	10 Games	\$0.85
	11 Games	\$0.90
	12 Games	\$1.00
	13 Games	\$1.10
	14 Games	\$1.20
	15 Games	\$1.25
	16 Games	\$1.30
17 Games	\$1.35	
18 Games	\$1.45	
24 Games	\$1.85	

Entry Type	5 Week Period	Single Entry
Multi-Week Standard	1 Game	\$0.25
	2 Games	\$0.50
	3 Games	\$0.65
	4 Games	\$0.75
	5 Games	\$0.90
	6 Games	\$1.00
	7 Games	\$1.15
	8 Games	\$1.25
	9 Games	\$1.40
	10 Games	\$1.50
	11 Games	\$1.65
	12 Games	\$1.75
	13 Games	\$1.90
	14 Games	\$2.10
	15 Games	\$2.20
	16 Games	\$2.40
	17 Games	\$2.60
	18 Games	\$2.80
24 Games	\$3.50	
Entry Type	10 Week Period	Single Entry
Multi-Week Standard	1 Game	\$0.50
	2 Games	\$1.00
	3 Games	\$1.30
	4 Games	\$1.50
	5 Games	\$1.80
	6 Games	\$2.00
	7 Games	\$2.30
	8 Games	\$2.50
	9 Games	\$2.80
	10 Games	\$3.00
	11 Games	\$3.30
	12 Games	\$3.50
	13 Games	\$3.90
	14 Games	\$4.20
	15 Games	\$4.50
	16 Games	\$4.90
	17 Games	\$5.20
	18 Games	\$5.40
24 Games	\$7.00	

Entry Type	25 Week Period	Single Entry
Multi-Week Standard	1 Game	\$1.20
	2 Games	\$1.50
	3 Games	\$1.95
	4 Games	\$2.25
	5 Games	\$2.70
	6 Games	\$3.00
	7 Games	\$3.45
	8 Games	\$3.75
	9 Games	\$4.20
	10 Games	\$4.50
	11 Games	\$4.95
	12 Games	\$5.25
	13 Games	\$5.65
	14 Games	\$6.05
	15 Games	\$6.45
	16 Games	\$6.90
	17 Games	\$7.30
18 Games	\$7.70	
24 Games	\$9.80	
Entry Type	Period	Single Entry
System 8 – Per Panel	2 Weeks	\$0.80
	5 Weeks	\$1.60
	10 Weeks	\$3.20
	25 Weeks	\$6.40
System 9 – Per Panel	2 Weeks	\$3.20
	5 Weeks	\$6.40
	10 Weeks	\$12.80
	25 Weeks	\$25.60
System 10 – Per Panel	2 Weeks	\$7.00
	5 Weeks	\$14.00
	10 Weeks	\$28.00
	25 Weeks	\$56.00
System 11 – Per Panel	2 Weeks	\$13.00
	5 Weeks	\$26.00
	10 Weeks	\$52.00
	25 Weeks	\$104.00

System 12 – Per Panel	2 Weeks	\$24.00
	5 Weeks	\$48.00
	10 Weeks	\$96.00
	25 Weeks	\$192.00
System 13 – Per Panel	2 Weeks	\$51.00
	5 Weeks	\$102.00
	10 Weeks	\$204.00
	25 Weeks	\$408.00
System 14 – Per Panel	2 Weeks	\$100.00
	5 Weeks	\$200.00
	10 Weeks	\$400.00
	25 Weeks	\$800.00
System 15 – Per Panel	2 Weeks	\$180.00
	5 Weeks	\$360.00
	10 Weeks	\$720.00
	25 Weeks	\$1,440.00
System 16 – Per Panel	2 Weeks	\$300.00
	5 Weeks	\$600.00
	10 Weeks	\$1,200.00
	25 Weeks	\$2,400.00
System 17 – Per Panel	2 Weeks	\$500.00
	5 Weeks	\$1,000.00
	10 Weeks	\$2,000.00
	25 Weeks	\$4,000.00
System 18 – Per Panel	2 Weeks	\$900.00
	5 Weeks	\$1,800.00
	10 Weeks	\$3,600.00
	25 Weeks	\$7,200.00

SCHEDULE 2

Delete Schedule 2 and replace as follows:

SCHEDULE 2**COMMISSION & SUBSCRIPTION PAYABLE FOR OZ LOTTO GAMES**

ENTRY	FEE	SYNDICATE ENTRY	No. OF SHARES	SYNDICATE FEE PER PANEL (Cost per Share)
System 10	\$124.50	System 10	5	\$24.90
System 10	\$124.50	System 10	10	\$12.45
System 10	\$124.50	System 10	15	\$8.30

ENTRY	FEE	SYNDICATE ENTRY	No. OF SHARES	SYNDICATE FEE PER PANEL (Cost per Share)
System 11	\$339.00	System 11	5	\$67.80
System 11	\$339.00	System 11	10	\$33.90
System 11	\$339.00	System 11	15	\$22.60
System 11	\$339.00	System 11	30	\$11.30
System 12	\$808.00	System 12	5	\$161.60
System 12	\$808.00	System 12	10	\$80.80
System 12	\$808.00	System 12	16	\$50.50
System 12	\$808.00	System 12	20	\$40.40
System 12	\$808.00	System 12	32	\$25.25
System 12	\$808.00	System 12	40	\$20.20
System 12	\$808.00	System 12	80	\$10.10
System 13	\$1,750.00	System 13	5	\$350.00
System 13	\$1,750.00	System 13	10	\$175.00
System 13	\$1,750.00	System 13	20	\$87.50
System 13	\$1,750.00	System 13	40	\$43.75
System 13	\$1,750.00	System 13	50	\$35.00
System 13	\$1,750.00	System 13	100	\$17.50
System 14	\$3,500.00	System 14	5	\$700.00
System 14	\$3,500.00	System 14	10	\$350.00
System 14	\$3,500.00	System 14	20	\$175.00
System 14	\$3,500.00	System 14	40	\$87.50
System 14	\$3,500.00	System 14	50	\$70.00
System 14	\$3,500.00	System 14	100	\$35.00
System 14	\$3,500.00	System 14	200	\$17.50
System 15	\$6,560.00	System 15	5	\$1,312.00
System 15	\$6,560.00	System 15	10	\$656.00
System 15	\$6,560.00	System 15	20	\$328.00
System 15	\$6,560.00	System 15	50	\$131.20
System 15	\$6,560.00	System 15	100	\$65.60
System 16	\$11,660.00	System 16	5	\$2,332.00
System 16	\$11,660.00	System 16	10	\$1,166.00
System 16	\$11,660.00	System 16	20	\$583.00
System 16	\$11,660.00	System 16	40	\$291.50
System 16	\$11,660.00	System 16	44	\$265.00
System 16	\$11,660.00	System 16	50	\$233.20
System 16	\$11,660.00	System 16	100	\$116.60
System 16	\$11,660.00	System 16	200	\$58.30
System 16	\$11,660.00	System 16	400	\$29.15
System 17	\$19,810.00	System 17	5	\$3,962.00

ENTRY	FEE	SYNDICATE ENTRY	No. OF SHARES	SYNDICATE FEE PER PANEL (Cost per Share)
System 17	\$19,810.00	System 17	10	\$1,981.00
System 17	\$19,810.00	System 17	20	\$990.50
System 17	\$19,810.00	System 17	40	\$495.25
System 17	\$19,810.00	System 17	50	\$396.20
System 17	\$19,810.00	System 17	100	\$198.10
System 17	\$19,810.00	System 17	200	\$99.05
System 18	\$32,430.00	System 18	5	\$6,486.00
System 18	\$32,430.00	System 18	10	\$3,243.00
System 18	\$32,430.00	System 18	20	\$1,621.50
System 18	\$32,430.00	System 18	50	\$648.60
System 18	\$32,430.00	System 18	100	\$324.30
System 18	\$32,430.00	System 18	200	\$162.15
System 18	\$32,430.00	System 18	300	\$108.10

Determination No 5, 2005

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

Sydney Water Corporation

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No: 05/222

1 Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* provides the Tribunal with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in schedule 1 of the IPART Act.
- (2) Sydney Water Corporation (the **Corporation**) is listed as a government agency for the purposes of schedule 1 of the IPART Act. The services of the Corporation declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* (**Order**) are:
 - (a) water supply services;
 - (b) sewerage services;
 - (c) stormwater drainage services;
 - (d) trade waste services;
 - (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments;
 - (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e);
 - (g) other water supply, sewerage and drainage services for which no alternative supply exists.

Accordingly, the Tribunal may determine the prices for the Corporation's Monopoly Services.

- (3) In investigating and reporting on the pricing of the Corporation's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (4) In accordance with section 13A of the IPART Act, the Tribunal has fixed a maximum price for the Corporation's Monopoly Services or has established a methodology for fixing the maximum price.
- (5) By section 18(2) of the IPART Act, the Corporation may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (1) This determination fixes the maximum prices (or sets a methodology for fixing the maximum prices) that the Corporation may charge for the Monopoly Services specified in this determination.
- (2) This determination commences on the later of 1 October 2005 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices in this determination apply from the Commencement Date to 30 June 2009. The maximum prices in this determination prevailing at 30 June 2009 continue to apply beyond 30 June 2009 until this determination is replaced.

3. Replacement of Determination No. 4 of 2003

Subject to clause 2.4(b) of schedule 8, this determination replaces Determination No. 4 of 2003 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 4 of 2003 prior to its replacement.

4. Monitoring

The Tribunal may monitor the performance of the Corporation for the purposes of:

- (a) establishing and reporting on the level of compliance by the Corporation with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Corporation.

5 Water Savings Fund

The Corporation has been required to contribute \$30 million to the Water Savings Fund established by the Energy Administration Amendment (Water and Energy Savings) Act 2005. Any further contribution that is made by the Corporation to the Water Savings Fund will (subject to any legal or regulatory requirements applying to that contribution), be taken as falling outside the scope of this determination.

6. Schedules

Schedules 1- 7 (inclusive) and the Tables in those schedules set out the maximum prices that the Corporation may charge for the Monopoly Services specified in the schedules.

7. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in schedule 8.

Schedule 1

Water Supply Services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (a) of the Order (water supply services), (other than those set out in schedule 7).

2. Categories for pricing purposes

Prices for water supply services have been determined for 4 categories:

- (a) Metered Properties;
- (b) Metered Standpipes;
- (c) Unmetered Properties; and
- (d) Properties not connected to the Water Supply System.

3. Charges for water supply services to Metered Properties

3.1 Metered Residential Properties – Filtered Water

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge in Table 1 (with that Metered Residential Property taken to have a 20mm Meter size regardless of its actual Meter size), corresponding to the applicable Period in that table, divided by the number of quarters in that Period; and
- (b) the water usage charge calculated as follows:
 - (i) **for each kL of water used up to and including the Tier 1 Water Consumption** - the tier 1 water usage charge in Table 2, per kL of Filtered Water used up to and including the Tier 1 Water Consumption for the corresponding Meter Reading Period and the applicable Period in that table;
 - (ii) **for each kL of water used in excess of the Tier 1 Water Consumption** - the tier 2 water usage charge in Table 2, for each kL of Filtered Water used in excess of the Tier 1 Water Consumption for the corresponding Meter Reading Period and the applicable Period in that table.

3.2 Metered Residential Properties – Unfiltered Water

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge in Table 1 (with that Metered Residential Property taken to have a 20mm Meter size regardless of its actual Meter size), corresponding to the applicable Period in that table, divided by the number of quarters in that Period; and

- (b) the water usage charge in Table 3, per kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

3.3 Metered Non Residential Property – Filtered Water

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Non Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table, divided by the number of quarters in that Period; and
- (b) the tier 1 water usage charge in Table 2, per kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

3.4 Metered Non Residential Property – Unfiltered Water

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Non Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table, divided by the number of quarters in that Period; and
- (b) the water usage charge in Table 3, per kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

4. Charges for water supply services to Metered Standpipes

4.1 Filtered Water

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Standpipe connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table, divided by the number of quarters in that Period; and
- (b) the tier 1 water usage charge in Table 2, per kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

4.2 Unfiltered Water

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Standpipe connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table, divided by the number of quarters in that Period; and
- (b) the water usage charge in Table 3, per kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

5. Charges for water supply services to Unmetered Properties

5.1 Unmetered Residential Property

The maximum price that may be levied by the Corporation for water supply services to an Unmetered Residential Property connected to the Water Supply System for a Billing Cycle is the water service charge in Table 4, corresponding to the applicable Period in that table, divided by the number of quarters in that Period.

5.2 Unmetered Non Residential Property

The maximum price that may be levied by the Corporation for water supply services to an Unmetered Non Residential Property for a Billing Cycle is the water service charge in Table 5, corresponding to the applicable Period in that table, divided by the number of quarters in that Period.

6. Charges for water supply services to a Property not connected to the Water Supply System

The maximum water service charge and water usage charge that may be levied by the Corporation for a Property not connected and which remains not connected to the Water Supply System is zero for the period from the Commencement Date until this determination ceases to apply.

7. Levying water supply charges on Multi Premises

7.1 Water supply charges for Multi Premises

7.1.1 Clause 7 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are to be levied on persons who own, control or occupy those Multi Premises.

7.1.2 Clause 3 of this schedule does not apply to Metered Properties if this clause 7 is capable of applying to those Metered Properties.

7.2 Strata Title Lot and Community Development Lot

7.2.1 For a Strata Title Building or a Community Parcel:

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation for the provision of water supply services for a Billing Cycle is:

- (c) the water service charge calculated as follows:

$$\frac{A}{B}$$

(the resultant amount being the **Multi Water Service Charge**),

Where:

A - the water service charge in Table 1 for each Common Water Meter (corresponding to the applicable Meter size and Period in that table) divided by the number of quarters in that Period; and

B - the number of Strata Title Lots within that Strata Title Building or the number of Community Development Lots within that Community Parcel (as the case may be); and

- (d) the tier 1 water usage charge in Table 2, per kL of Filtered Water used during the Meter Reading Period, corresponding to the applicable Period in that table (**Multi Tier 1 Water Usage Charge**); and
- (e) the water usage charge in Table 3, per kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table (**Multi Unfiltered Water Usage Charge**).

7.2.2 The Multi Water Service Charge is to be levied on each Strata Title Lot (within that Strata Title Building) or Community Development Lot (within that Community Parcel) (as the case may be).

7.2.3 The Multi Tier 1 Water Usage Charge and the Multi Unfiltered Water Usage Charge are to be levied on the Owners Corporation of that Strata Title Building or the owner of that Community Parcel (as the case may be).

7.3 Company Title Building

For a Company Title Building:

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation on the owner of that Company Title Building for the provision of water supply services to that Company Title Building for a Billing Cycle is the sum of the following:

- (c) the water service charge in Table 1 for each Common Water Meter, corresponding to the applicable Meter size, divided by the number of quarters in that Period;
- (d) the tier 1 water usage charge for Filtered Water in Table 2, per kL of Filtered Water used during the Meter Reading Period; and
- (e) the water usage charge for Unfiltered Water in Table 3, per kL of Unfiltered Water used during the Meter Reading Period,

each corresponding to the applicable Period in their respective tables.

7.4 Multi Premises (other than a Multi Premises levied under clause 7.2 or 7.3 of this schedule)

For a Multi Premises (other than a Multi Premises levied under clause 7.2 or 7.3 of this schedule) which:

- (a) is connected to the Water Supply System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price for the provision of water supply services under this schedule is to be levied by the Corporation based on its usual practice at the Commencement Date.

7.5 Strata Title Lot, Company Title Dwelling or Community Development Lot with its own Meter within a Multi Premises

For the avoidance of doubt, a Strata Title Lot, a Company Title Dwelling or a Community Development Lot (as the case may be) with its own Meter within a Multi Premises are each deemed to be a single Property for the purposes of levying water charges under this schedule and clause 3 (and not clause 7) of this schedule is to apply to that Strata Title Lot, Company Title Dwelling or Community Development Lot (as the case may be).

Tables 1, 2, 3, 4 and 5

Table 1 Water service charge for Metered Properties

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Metered Residential Properties – water service charge	56.84	$62.65 \times (1+\Delta\text{CPI}_1)$	$52.85 \times (1+\Delta\text{CPI}_2)$	$43.87 \times (1+\Delta\text{CPI}_3)$
Metered Non Residential Properties and Multi Premises (which are Residential Properties with a Meter) – water service charge based on Meter size				
20mm	56.84	$62.65 \times (1+\Delta\text{CPI}_1)$	$52.85 \times (1+\Delta\text{CPI}_2)$	$43.87 \times (1+\Delta\text{CPI}_3)$
25mm	88.81	$97.90 \times (1+\Delta\text{CPI}_1)$	$82.58 \times (1+\Delta\text{CPI}_2)$	$68.54 \times (1+\Delta\text{CPI}_3)$
30mm	127.89	$140.97 \times (1+\Delta\text{CPI}_1)$	$118.91 \times (1+\Delta\text{CPI}_2)$	$98.70 \times (1+\Delta\text{CPI}_3)$
32mm	145.51	$160.40 \times (1+\Delta\text{CPI}_1)$	$135.30 \times (1+\Delta\text{CPI}_2)$	$112.30 \times (1+\Delta\text{CPI}_3)$
40mm	227.36	$250.62 \times (1+\Delta\text{CPI}_1)$	$211.40 \times (1+\Delta\text{CPI}_2)$	$175.47 \times (1+\Delta\text{CPI}_3)$
50mm	355.25	$391.59 \times (1+\Delta\text{CPI}_1)$	$330.32 \times (1+\Delta\text{CPI}_2)$	$274.17 \times (1+\Delta\text{CPI}_3)$
65mm	600.37	$661.79 \times (1+\Delta\text{CPI}_1)$	$558.23 \times (1+\Delta\text{CPI}_2)$	$463.35 \times (1+\Delta\text{CPI}_3)$
80mm	909.44	$1,002.48 \times (1+\Delta\text{CPI}_1)$	$845.61 \times (1+\Delta\text{CPI}_2)$	$701.88 \times (1+\Delta\text{CPI}_3)$
100mm	1,421.00	$1,566.37 \times (1+\Delta\text{CPI}_1)$	$1,321.26 \times (1+\Delta\text{CPI}_2)$	$1,096.68 \times (1+\Delta\text{CPI}_3)$
150mm	3,197.24	$3,524.34 \times (1+\Delta\text{CPI}_1)$	$2,972.84 \times (1+\Delta\text{CPI}_2)$	$2,467.54 \times (1+\Delta\text{CPI}_3)$
200mm	5,683.99	$6,265.49 \times (1+\Delta\text{CPI}_1)$	$5,285.05 \times (1+\Delta\text{CPI}_2)$	$4,386.74 \times (1+\Delta\text{CPI}_3)$
For Meter sizes not specified above, the following formula applies		$(\text{Meter size})^2 \times 20\text{mm charge}/400$		

Table 2 Water usage charge for Filtered Water to Metered Properties

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Tier 1 water usage charge	1.20	$1.23 \times (1+\Delta\text{CPI}_1)$	$1.26 \times (1+\Delta\text{CPI}_2)$	$1.31 \times (1+\Delta\text{CPI}_3)$
Tier 2 water usage charge	1.48	$1.59 \times (1+\Delta\text{CPI}_1)$	$1.72 \times (1+\Delta\text{CPI}_2)$	$1.85 \times (1+\Delta\text{CPI}_3)$

Table 3 Water usage charges for Unfiltered Water to Metered Properties

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Unfiltered Water – water usage charge	0.78	$0.78 \times (1+\Delta\text{CPI}_1)$	$0.78 \times (1+\Delta\text{CPI}_2)$	$0.78 \times (1+\Delta\text{CPI}_3)$

Table 4 Water service charge for Unmetered Residential Properties

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Water service charge	281.84	$370.15 \times (1+\Delta\text{CPI}_1)$	$367.85 \times (1+\Delta\text{CPI}_2)$	$371.37 \times (1+\Delta\text{CPI}_3)$

Table 5 Water service charge for Unmetered Non Residential Properties

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Water service charge	164.84	$210.25 \times (1+\Delta\text{CPI}_1)$	$204.05 \times (1+\Delta\text{CPI}_2)$	$201.07 \times (1+\Delta\text{CPI}_3)$

Schedule 2

Sewerage services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (b) of the Order (sewerage services), (other than those set out in schedule 7).

2. Categories for pricing purposes

Prices for sewerage services have been determined for 5 categories:

- (a) Residential Properties connected to the Sewerage System;
- (b) Non Residential Properties connected to the Sewerage System;
- (c) Properties not connected to the Sewerage System;
- (d) Blue Mountains septic pump out services; and
- (e) Exempt Land connected to the Sewerage System.

3. Charges for sewerage services to Residential Properties

The maximum price that may be levied by the Corporation for sewerage services to a Residential Property connected to the Sewerage System for a Billing Cycle is the sewerage service charge in Table 6 corresponding to the applicable Period in that table, divided by the number of quarters in that Period.

4. Charges for sewerage services to Non Residential Properties

4.1 The maximum price that may be levied by the Corporation for sewerage services to a Non Residential Property that is connected to the Sewerage System for a Billing Cycle is the sum of the following:

- (a) the sewerage service charge equal to the higher of:
 - (i) the sewerage service charge in Table 7 (corresponding to the applicable Period and Meter size in that table) divided by the number of quarters in that Period, and then multiplied by the relevant Discharge Factor; and
 - (ii) the sewerage service charge calculated under clause 4.2 of this schedule, divided by the number of quarters in that Period, and then multiplied by a Discharge Factor of 100%; and
- (b) the sewerage usage charge calculated as follows:

$$[(A \times B) - C] \times D$$

Where:

A – the water used (in kL) by that Non Residential Property for the Meter Reading Period;

B – the Discharge Factor for that Non Residential Property;

C - the Discharge Allowance for that Non Residential Property;

D - the sewerage usage charge in Table 8 for the Meter Reading Period (corresponding to the applicable Period in that table and the volume of sewage discharged); and

volume of sewage discharged means the resulting volume determined by the $[(A \times B)]$ formula in this clause 4.1(b).

- 4.2 For the purposes of clause 4.1(a) of this schedule, if a Non Residential Property:
- (a) has a resulting charge that is less than a charge for a 20mm Meter with a Discharge Factor of 100%; or
 - (b) does not have a Meter,

then the sewerage service charge levied on that Non Residential Property is taken to be a sewerage service charge for a Meter size of 20mm and a Discharge Factor of 100%.

5. Charges for sewerage services to Properties not connected to the Sewerage System

The maximum price that may be levied by the Corporation for sewerage services (other than the Blue Mountains Septic Services) to a Property not connected to the Sewerage System is zero for the period from the Commencement Date until this determination ceases to apply.

6. Charges for Blue Mountains Septic Services¹

The maximum price that may be levied by the Corporation for Blue Mountains Septic Services for a Billing Cycle is the sum of the following:

- (a) the septic pump out service charge in Table 9 (corresponding to the applicable Period in that table) divided by the number of quarters for that Period; and
- (b) the septic pump out usage charge in Table 10, per kL of effluent removed, for the Meter Reading Period corresponding to the applicable Period in that table.

Note: It is understood that from 1 October 2007, the Corporation will no longer be required to provide the Blue Mountains Septic Services to Properties located in the Blue Mountains City Council Area that are able to connect to the Sewerage System regardless of whether they are connected or not.

7. Charges for sewerage services to Exempt Land

The maximum price that may be levied by the Corporation for sewerage services to Exempt Land that is connected to the Sewerage System is the charge per water closet or urinal closet in Table 11, corresponding to the applicable Period in that table.

8. Levying sewerage service charges on Multi Premises

8.1 Sewerage service charges on Multi Premises

8.1.1 Clause 8 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are to be levied on persons who own, control or occupy those Multi Premises.

8.1.2 Clauses 3 and 4 of this schedule do not apply to Properties connected to the Sewerage System if this clause 8 is capable of applying to those Properties.

8.2 Strata Title Building (Residential Property)

8.2.1 For a Strata Title Building:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters, or is not serviced by a Meter; and
- (c) where the majority of the Strata Title Lots (within that Strata Title Building) are Residential Properties,

the maximum price that may be levied by the Corporation for the provision of sewerage services for a Billing Cycle is:

- (d) the sewerage service charge in Table 12 corresponding to a Meter size of 20mm and the applicable Period in that table, divided by the number of quarters in that Period (**Residential Strata Sewerage Service Charge**).

8.2.2 The Residential Strata Sewerage Service Charge is to be levied on each Strata Title Lot.

8.3 Strata Title Building (Non Residential Property)

8.3.1 For a Strata Title Building:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters or is not serviced by a Meter; and
- (c) where the majority of the Strata Title Lots (within that Strata Title Building) are Non Residential Properties,

the maximum price that may be levied by the Corporation for the provision of sewerage services for a Billing Cycle is:

- (d) the sewerage service charge in Table 12 (corresponding to the applicable Period in that table) divided by the number of quarters in that Period (**Non Residential Strata Sewerage Service Charge**); and
- (e) the sewerage usage charge calculated as follows:

$$[(A \times B) - C] \times D$$

(the resulting amount being the **Strata Sewerage Usage Charge**)

Where:

A - the water used (in kL) by that Strata Title Building;

B - the Discharge Factor for that Strata Title Building;

C - the Discharge Allowance determined in accordance with clause 8.3.4;

D - the sewerage usage charge in Table 8 for the Meter Reading Period (corresponding to the applicable Period in that table and the volume of sewage discharged); and

volume of sewage discharged means the resulting volume determined by the $[(A \times B)]$ formula in this clause 8.3.1(e).

- 8.3.2 The Non Residential Strata Sewerage Service Charge is to be levied on each Strata Title Lot.
- 8.3.3 The Strata Sewerage Usage Charge is to be levied on the Owners Corporation of that Strata Title Building.
- 8.3.4 For the purpose of clause 8.3.1(e), the 'Discharge Allowance' in Table 8 is increased by multiplying it by the number of Strata Title Lots in that Strata Title Building.

8.4 Multi Premises (Residential Property) other than a Strata Title Building

For a Multi Premises (which is not a Strata Title Building) and:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters; and
- (c) where the majority of the Properties within that Multi Premises are Residential Properties,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of sewerage services to that Multi Premises for a Billing Cycle is:

$$\frac{A \times B}{C}$$

Where:

A - the sewerage service charge in Table 12 (corresponding to the applicable Period in that table);

B - the number of Properties within that Multi Premises;

C - the number of quarters in that Period.

8.5 Multi Premises (Non Residential Property) other than a Strata Title Building

For a Multi Premises (which is not a Strata Title Building) and:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters; and
- (c) where the majority of the Properties within that Multi Premises are Non Residential Properties,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of sewerage services to that Multi Premises for a Billing Cycle is the sum of the following:

- (d) the sewerage service charge equal to the higher of:
 - (i) the sewerage service charge in Table 7 for each Common Water Meter (corresponding to the applicable Period and Meter size in that table) divided by the number of quarters in that Period and then multiplied by the relevant Discharge Factor; and
 - (ii) the sewerage service charge calculated under clause 8.6 of this schedule, divided by the number of quarters in that Period and then multiplied by the Discharge Factor of 100%;

and

- (e) the sewerage usage charge calculated as follows:

$$[(A \times B) - C] \times D$$

Where:

A - the water used (in kL) by that Multi Premises;

B - the Discharge Factor for that Multi Premises;

C - the Discharge Allowance for that Multi Premises;

D - the sewerage usage charge in Table 8 for the Meter Reading Period (corresponding to the applicable Period in that table and the volume of sewage discharged); and

volume of sewage discharged means the resulting volume determined by the $[(A \times B)]$ formula in this clause 8.5(e).

8.6 For the purposes of clause 8.5(d) of this schedule, if a Multi Premises:

- (a) has a resulting charge that is less than a charge for a 20mm Meter with a Discharge Factor of 100%; or
- (b) does not have a Meter,

then the sewerage service charge levied on that Multi Premises is taken to be a sewerage service charge for a Meter size of 20mm and a Discharge Factor of 100%.

Tables 6, 7, 8, 9, 10, 11 and 12

Table 6 Sewerage service charge for Residential Properties

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Wastewater service charge – all customers	280.59	$378.86 \times (1+\Delta\text{CPI}_1)$	$383.65 \times (1+\Delta\text{CPI}_2)$	$388.50 \times (1+\Delta\text{CPI}_3)$

Table 7 Sewerage service charge for Non Residential Properties²

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Meter size				
20mm	280.59	$378.86 \times (1+\Delta\text{CPI}_1)$	$383.65 \times (1+\Delta\text{CPI}_2)$	$388.50 \times (1+\Delta\text{CPI}_3)$
25mm	438.43	$591.96 \times (1+\Delta\text{CPI}_1)$	$599.45 \times (1+\Delta\text{CPI}_2)$	$607.02 \times (1+\Delta\text{CPI}_3)$
30mm	631.34	$852.42 \times (1+\Delta\text{CPI}_1)$	$863.20 \times (1+\Delta\text{CPI}_2)$	$874.12 \times (1+\Delta\text{CPI}_3)$
32mm	718.32	$969.87 \times (1+\Delta\text{CPI}_1)$	$982.13 \times (1+\Delta\text{CPI}_2)$	$994.55 \times (1+\Delta\text{CPI}_3)$
40mm	1,122.38	$1,515.42 \times (1+\Delta\text{CPI}_1)$	$1,534.58 \times (1+\Delta\text{CPI}_2)$	$1,553.98 \times (1+\Delta\text{CPI}_3)$
50mm	1,753.71	$2,367.85 \times (1+\Delta\text{CPI}_1)$	$2,397.78 \times (1+\Delta\text{CPI}_2)$	$2,428.10 \times (1+\Delta\text{CPI}_3)$
65mm	2,963.77	$4,001.66 \times (1+\Delta\text{CPI}_1)$	$4,052.25 \times (1+\Delta\text{CPI}_2)$	$4,103.49 \times (1+\Delta\text{CPI}_3)$
80mm	4,489.50	$6,061.68 \times (1+\Delta\text{CPI}_1)$	$6,138.33 \times (1+\Delta\text{CPI}_2)$	$6,215.94 \times (1+\Delta\text{CPI}_3)$
100mm	7,014.84	$9,471.38 \times (1+\Delta\text{CPI}_1)$	$9,591.13 \times (1+\Delta\text{CPI}_2)$	$9,712.40 \times (1+\Delta\text{CPI}_3)$
150mm	15,783.40	$21,310.61 \times (1+\Delta\text{CPI}_1)$	$21,580.05 \times (1+\Delta\text{CPI}_2)$	$21,852.90 \times (1+\Delta\text{CPI}_3)$
200mm	28,059.38	$37,885.53 \times (1+\Delta\text{CPI}_1)$	$38,364.53 \times (1+\Delta\text{CPI}_2)$	$38,849.59 \times (1+\Delta\text{CPI}_3)$
For Meter sizes not specified above, the following formula applies		$(\text{Meter size})^2 \times 20\text{mm charge}/400 \times \text{df}\%$		

² The prices in Table 7 assume the application of a Discharge Factor of 100%. The relevant Discharge Factor may vary from case to case, as determined by the Corporation. A pro rata adjustment shall be made where the df% is less than 100%.

Table 8 Sewerage usage charge for Non Residential Properties

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Sewerage usage charge				
volume of sewage discharged ³ ≤ Discharge Allowance	0	0	0	0
volume of sewage discharged ³ > Discharge Allowance	1.19	1.20 x (1+ΔCPI ₁)	1.22 x (1+ΔCPI ₂)	1.23 x (1+ΔCPI ₃)

³ Please refer to the relevant clause 4.1(b) or clause 8.3.1(e) or clause 8.5(e) for the calculation of "volume of sewage discharged".

Table 9 Blue Mountains Septic Service charge

	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Septic pump out service	384.38	512.00 x (1+ΔCPI ₁)	512.00 x (1+ΔCPI ₂)	512.00 x (1+ΔCPI ₃)

Table 10 Blue Mountains Septic Service usage charge

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Septic pump out usage charge ≤100kL of effluent removed per annum	0	0	0	0
Septic pump out usage charge >100kL of effluent removed per annum	12.30	12.30 x (1+ΔCPI ₁)	12.30 x (1+ΔCPI ₂)	12.30 x (1+ΔCPI ₃)

Table 11 Sewerage charge for Exempt Land

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Per water closet or urinal closet	61.79	$82.39 \times (1+\Delta\text{CPI}_1)$	$82.39 \times (1+\Delta\text{CPI}_2)$	$82.39 \times (1+\Delta\text{CPI}_3)$

Table 12 Sewerage service charge to a Multi Premises with a Common Water Meter or not serviced by a Meter

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Sewerage service charge	280.59	$378.86 \times (1+\Delta\text{CPI}_1)$	$383.65 \times (1+\Delta\text{CPI}_2)$	$388.50 \times (1+\Delta\text{CPI}_3)$

Schedule 3

Stormwater drainage services

1. Application

- 1.1 This schedule sets the maximum prices that the Corporation may charge for services under paragraph (c) of the Order (stormwater drainage services).
- 1.2 Clauses 3 and 4 of this schedule do not apply to Properties if clause 5 is capable of applying to those Properties and is so applied.

2. Categories for pricing purposes

Prices for stormwater drainage services have been determined for 2 categories:

- (a) Residential Properties and Vacant Land; and
 - (b) Non Residential Properties,
- that are within a Stormwater Drainage Area.

3. Charges for stormwater drainage to Residential Properties and Vacant Land

The maximum price that may be levied by the Corporation for stormwater drainage services to a Residential Property or Vacant Land, (each within a Stormwater Drainage Area) for a Billing Cycle is the stormwater drainage service charge in Table 13, corresponding to the applicable Period in that table, divided by the number of quarters in that Period.

4. Charges for stormwater drainage to Non Residential Properties

The maximum price that may be levied by the Corporation for stormwater drainage services to a Non Residential Property that is within a Stormwater Drainage Area for a Billing Cycle is the stormwater drainage service charge in Table 14, corresponding to the applicable Period in that table, divided by the number of quarters in that Period.

5. Multi Premises which is not a Strata Title Building, Company Title Building or Community Parcel

- 5.1 For a Multi Premises which:
 - (a) is not a Strata Title Building, a Company Title Building or a Community Parcel; and
 - (b) is within a Stormwater Drainage Area,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for stormwater drainage services for a Billing Cycle is the sum of the following:

- (1) for all the Non Residential Properties within that Multi Premises - the stormwater drainage service charge in Table 14 (corresponding to the

applicable Period in that table) divided by the number of quarters in that Period; and

- (2) **for all the Residential Properties within that Multi Premises** - the stormwater drainage service charge in Table 13 (corresponding to the applicable Period in that table) divided by the number of quarters in that Period and then multiplied by the total number of Residential Properties within that Multi Premises.

Tables 13 and 14

Table 13 Stormwater drainage service charge for Residential Properties and Vacant Land

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Stormwater drainage service charge	24.60	$37.00 \times (1+\Delta\text{CPI}_1)$	$41.22 \times (1+\Delta\text{CPI}_2)$	$45.44 \times (1+\Delta\text{CPI}_3)$

Table 14 Stormwater drainage service charge for Non Residential Properties

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Stormwater drainage service charge	61.50	$94.61 \times (1+\Delta\text{CPI}_1)$	$107.26 \times (1+\Delta\text{CPI}_2)$	$115.71 \times (1+\Delta\text{CPI}_3)$

Schedule 4

Rouse Hill Development Area

1. Application

- 1.1 This schedule sets the maximum prices that the Corporation may charge the Properties in the Rouse Hill Development Area for services under paragraph (g) of the Order (other water supply, sewerage and drainage services for which no alternative supply exists).
- 1.2 The maximum prices in this schedule are in addition to the prices applying to the Properties in the Rouse Hill Development Area under schedules 1, 2, 3, 5, 6 and 7.

2. Categories for pricing purposes

The prices in this schedule have been determined only for Properties in the Rouse Hill Development Area.

3. Charges to Properties in the Rouse Hill Development Area.

The maximum price that may be levied by the Corporation for the provision of recycled water and drainage services to the Properties in the Rouse Hill Development Area for a Billing Cycle is the sum of the following:

- (a) the recycled water usage charge in Table 15 for the Meter Reading Period, corresponding to the applicable Period in that table; and
- (b) the recycled water service access charge in Table 16, corresponding to the applicable Meter size and Period in that table, divided by the number of quarters in that Period; and
- (c) the river management charge (drainage) in Table 17, corresponding to the applicable Period and the relevant land size in that table, divided by the number of quarters in that Period.

Tables 15, 16 and 17

Table 15 Recycled water usage charge

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Recycled water usage charge)	0.293	$0.293 \times (1+\Delta\text{CPI}_1)$	$0.293 \times (1+\Delta\text{CPI}_2)$	$0.293 \times (1+\Delta\text{CPI}_3)$

Table 16 Recycled water service access charge

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Recycled water service access charge - Meter size				
20mm	18.99	$25.32 \times (1+\Delta\text{CPI}_1)$	$25.32 \times (1+\Delta\text{CPI}_2)$	$25.32 \times (1+\Delta\text{CPI}_3)$
For Properties with Meter size >20mm the formula to apply is		$(\text{nominal diameter})^2 \times (\text{charge for 20mm Meter})/400$		

Table 17 River management charge (drainage)

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
River management charge (drainage)				
Non Residential Properties with land size $\leq 1000\text{m}^2$ and Residential Properties	80.99	$107.98 \times (1+\Delta\text{CPI}_1)$	$107.98 \times (1+\Delta\text{CPI}_2)$	$107.98 \times (1+\Delta\text{CPI}_3)$
Non Residential Properties with land size $> 1000\text{m}^2$	$80.99 \times ((\text{land area } \text{m}^2)/1000)$	$107.98 \times ((\text{land area } \text{m}^2)/1000) \times (1+\Delta\text{CPI}_1)$	$107.98 \times ((\text{land area } \text{m}^2)/1000) \times (1+\Delta\text{CPI}_2)$	$107.98 \times ((\text{land area } \text{m}^2)/1000) \times (1+\Delta\text{CPI}_3)$

Schedule 5

Trade waste services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (d) of the Order (trade waste services).

2. Categories for pricing purposes

Prices for trade waste services have been determined for 2 categories:

- (a) Industrial Customers that discharge trade waste into the Sewerage System; and
- (b) Commercial Customers that discharge trade waste into the Sewerage System.

3. Charges for trade waste services to Industrial Customers

3.1 The maximum price that may be levied by the Corporation for trade waste services to Industrial Customers is the sum of the following:

(a) **from the Commencement Date to 30 June 2006:**

- (i) the industrial agreement charge in Table 18, corresponding to the applicable risk index determined by the Corporation; and
- (ii) the charge in Table 19 and the charge corresponding to the threat level (determined by the Corporation) in Table 20 for the total mass of waste substances discharged that are in excess of the domestic equivalent for waste substance concentrations; and

(b) **for each Period from 1 July 2006 to 30 June 2009:**

- (i) the industrial agreement charge in Table 18, corresponding to the applicable risk index determined by the Corporation, as varied under clause 5 of this schedule; and
- (ii) the charge in Table 19 and the charge corresponding to the threat level (determined by the Corporation) in Table 20 for the total mass of waste substances discharged that are in excess of the domestic equivalent for waste substance concentrations, as varied under clause 5 of this schedule.

3.2 For the purpose of clauses 3.1(a)(ii) and 3.1(b)(ii) of this schedule, a reference to "domestic equivalent for waste substance concentrations" is a reference to average concentrations of that substance over time and/or volume of discharge, determined in accordance with the Trade Waste Policy.

3.3 The maximum price that may be levied by the Corporation for the total waste substance concentrations in excess of the acceptance standard in Tables 19 and 20 is:

- (a) **from the Commencement Date to 30 June 2006** - the corresponding charge in those tables; and
- (b) **for each Period from 1 July 2006 to 30 June 2009** - the corresponding charge in those tables, as varied under clause 5 of this schedule,

doubled and applied to the entire mass of the substance discharged that is in excess of the domestic equivalent (rather than only to the amount that is in excess of the acceptance standard, excluding sulphate).

- 3.4 If the Corporation determines that a substance is either a critical substance or an over capacity substance, (in accordance with the Trade Waste Policy), then:
- (a) **from the Commencement Date to 30 June 2006** - the charges in Tables 19 and 20; and
 - (b) **for each Period from 1 July 2006 to 30 June 2009** - the charges in Tables 19 and 20, as varied under clause 5 of this schedule,

are to be multiplied by the charging rate multiplier in Table 21, and applied to so much of the mass of the substance that is 1.5 times in excess of the Industrial Customer's long term average daily mass (LTADM), as defined in the Corporation's Trade Waste Policy. (This is in addition to the charges that apply to the mass of the substance that is equal to or less than the customer's LTADM).

- 3.5 For the avoidance of doubt, where applicable, both of clauses 3.3 and 3.4 of this schedule may apply to determine the charge payable for a particular substance.

4. Charges for trade waste services to Commercial Customers

- 4.1 The maximum price that may be levied by the Corporation for trade waste services to Commercial Customers is the sum of the following:
- (a) **from the Commencement Date to 30 June 2006:**
 - (i) the commercial agreement charge in Table 22;
 - (ii) the volumetric charge equal to the higher of:
 - (1) the minimum annual charge in Table 23; and
 - (2) the volumetric charge in Table 23, corresponding to the applicable charging code determined in accordance with the Trade Waste Policy; and
 - (iii) the wastesafe charge in Table 24; and
 - (b) **for each Period from 1 July 2006 to 30 June 2009:**
 - (i) the commercial agreement charge as in Table 22, as varied under clause 5 of this schedule;
 - (ii) the volumetric charge equal to the higher of:
 - (1) the minimum annual charge in Table 23, as varied under clause 5 of this schedule; and
 - (2) the volumetric charge in Table 23, as varied under clause 5 of this schedule, corresponding to the applicable charging code determined in accordance with the Trade Waste Policy; and
 - (iii) the wastesafe charge in Table 24, as varied under clause 5 of this schedule.

5 Variation of charges

Each charge in Tables 18, 19, 20, 22, 23 and 24 (inclusive) is varied as follows:

- (a) **from 1 July 2006 to 30 June 2007** - that charge is to be multiplied by $(1+\Delta\text{CPI}_1)$;
- (b) **from 1 July 2007 to 30 June 2008** - that charge is to be multiplied by $(1+\Delta\text{CPI}_2)$;
and
- (c) **from 1 July 2008 to 30 June 2009** - that charge is to be multiplied by $(1+\Delta\text{CPI}_3)$.

Tables 18, 19, 20, 21, 22, 23 and 24

Table 18 Industrial agreement charge

Industrial agreement charges Commencement Date to 30 June 2006				
Risk index	Standard (\$ per quarter)	With direct electronic reporting (DER) (\$ per quarter)	With on-line monitoring (OLM) (\$ per quarter)	With DER and OLM (\$ per quarter)
1	5,402.63	4,862.36	4,322.11	3,781.84
2	4,876.96	4,389.27	3,901.57	3,413.87
3	2,277.87	2,049.75	1,822.30	1,594.51
4	1,284.94	1,156.45	1,027.95	899.46
5	496.44	446.79	397.16	347.51
6	175.20	157.74	140.17	122.64
7	116.80	105.12	93.44	81.75

Table 19 Acceptance standards and quality charges for domestic substances

Substance	Acceptance standard	Domestic equivalent	Charges
	(mg/L)	(mg/L)	Commencement Date to 30 June 2006 (\$/kg)
Suspended solids	600	200	0.745
BOD – to primary STP	See notes 2 and 3	230	0.104+[0.0169x (BOD mg/L) / 600]
BOD – to secondary/tertiary STP	See notes 2 and 3	230	0.587+[0.0169x (BOD mg/L) / 600]
Grease	Primary 110	50	1.050
	Secondary/tertiary 200		
Ammonia (as N)	100	35	1.741
Nitrogen (inland only)	150	50	0.147
	see note 4		
Phosphorus (inland only)	50	10	1.164
	see note 4		
Sulphate (SO ₄)	2,000	50	0.115x[SO ₄ mg/L]/2000
Total dissolved solids (ocean systems, no discharge limitation)	10,000	450	0.005
Total dissolved solids (inland systems and ocean systems, with discharge limitation)	Determined by system	450	0.005
Total Dissolved Solids (inland and ocean systems, with advanced treatment to remove TDS)	Determined by system	450	0.15 x fraction of average dry weather flow treated

Notes:

1. The mass of any substance (with the exception of sulphate (SO₄)) discharged at a concentration which exceeds the nominated acceptance standard will be charged at double the rate for the entire mass for non-domestic substances (including any critical substance charges), and for the mass above domestic equivalent for domestic substances. Concentration is determined by daily composite sampling by either the customer or Sydney Water. Customers who enter into an approved water conservation program may be eligible for flat rate BOD and sulfate charges and will not incur the doubling of the charging rate if certain acceptance standards are exceeded.
2. The oxygen demand of effluent is specified in terms of BOD₅. Where a reliable correlation can be shown to exist between BOD and another test, Sydney Water may be prepared to accept results based on this alternative test.
3. Acceptance standards for BOD and total dissolved solids are to be determined by the transportation and treatment capacity of the receiving system and the end use of sewage treatment products.
4. Nitrogen and phosphorus limits do not apply where a sewage treatment plant (to which the customer's sewerage system is connected) discharges directly to the ocean.

Table 20 Threat level based on the acceptance standards and associated charges for non domestic substances

Threat level	Acceptance standard (mg/L)	Charge Commencement Date to 30 June 2006 (\$/kg)
0	Provisional	0
1	10,000	0.005
2	5,000	0.01
3	1,000	0.06
4	500	0.11
5	300	0.21
6	100	0.59
7	50	1.16
8	30	1.93
9	20	2.89
10	10	5.84
11	5	11.67
12	3	19.26
13	2	29.17
14	1	58.40
15	0.5	116.81
16	0.1	584.04
17	0.05	1,168.13
18	0.03	1,927.38
19	0.01	5,840.30
20	0.005	11,680.59
21	0.0001	584,029.66

Table 21 Charges for critical substances and over capacity substances

Substance status	Charging rate multiplier
Critical	2
Over capacity	3

Table 22 Commercial agreement charge

Charge	Commencement Date to 30 June 2006 (\$/quarter)
Commercial agreement charge	
First process	17.50
Each additional process	5.83

Table 23 Volumetric charge for Commercial Customers

Charging code	Volumetric charge (\$/kL)	Charging code	Volumetric charge (\$/kL)
A	0.00	K	3.24
B	0.00	L	5.41
C	0.02	M	7.57
D	0.05	N	10.81
E	0.10	O	12.98
F	0.32	P	16.24
G	0.54	Q	21.64
H	0.75	R	32.46
I	1.08	S	54.10
J	2.15		

Where the volume of trade wastewater is assessed, a minimum annual charge (all codes) of \$58.77 applies

Table 24 Wastesafe charge for Commercial Customers

Charge	Commencement Date to 30 June 2006 (\$/kL)
Wastesafe charge	0.108

Schedule 6

Ancillary and miscellaneous customer services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (f) of the Order (ancillary and miscellaneous customer services for which no alternative supply exists).

2. Charges for ancillary and miscellaneous services

2.1 The maximum charge that may be levied by the Corporation for an ancillary and miscellaneous service in Table 25 is:

- (a) **from the Commencement Date to 30 June 2006** - the corresponding charge in Table 25;
- (b) **from 1 July 2006 to 30 June 2007** - the corresponding charge in Table 25 multiplied by $(1+\Delta\text{CPI}_1)$;
- (c) **from 1 July 2007 to 30 June 2008** - the corresponding charge in Table 25 multiplied by $(1+\Delta\text{CPI}_2)$; and
- (d) **from 1 July 2008 to 30 June 2009** - the corresponding charge in Table 25 multiplied by $(1+\Delta\text{CPI}_3)$.

2.2 A reference in Table 25 to "NA" means that the Corporation does not provide the relevant service.

Table 25 Charges for ancillary and miscellaneous services

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2006 (\$)
1	Conveyancing Certificate	
	a) Over the Counter	17.50
	b) Electronic	7.00
2	Property Sewerage Diagram-up to and including A4 size- (where available) <i>(Diagram showing the location of the house-service line, building and sewer for a property)</i>	
	a) Certified	NA
	b) Uncertified	
	i. Over the Counter	20.00
	ii. Electronic	10.00
3	Service Location Diagram <i>(Location of sewer and/or Water Mains in relation to a property's boundaries)</i>	
	a) Over the Counter	20.00
	b) Electronic	10.00
4	Special Meter Reading Statement	26.00
5	Billing Record Search Statement – up to and including 5 years.	33.00
6	Building over or Adjacent to Sewer Advice <i>(Statement of Approval Status for existing Building Over or Adjacent to a Sewer)</i>	29.00
7	Water Reconnection	
	a) During business hours	30.00
	b) Outside business hours (if requested)	134.00
8	Workshop Test of Water Meter <i>(Removal and full mechanical test of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter. This involves dismantling and inspection of meter components)</i>	
	20mm	165.50
	25mm	165.50
	32mm	165.50
	40mm	165.50
	50mm	165.50
	60mm	NA
	80mm	165.50
	100mm	NA
	150mm	NA
	Strip test	
	20mm	NA
	>20mm	NA
9	Water main disconnection	
	a) Application for Disconnection-(all sizes)	72.00
	b) Physical Disconnection	NA
10	Application for Water Service Connection-(up to and including 25mm) <i>(This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection)</i>	35.00
11	Application for Water Service Connection-(32-65mm) <i>(This covers administration and system capacity analysis as required)</i>	226.00

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2006 (\$)
12	Application for Water Service Connection-(80mm or greater) <i>(This covers administration and system capacity analysis as required)</i>	246.00
	Multiple and large services	
13	Application to assess a Water main Adjustment <i>(Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length)</i> <i>This covers preliminary advice as to the feasibility of the project and will result in either:</i>	
	1. A rejection of the project in which cases the fee covers the associated investigation costs	NA
	Or	
	2. Conditional approval in which case the fee covers the administrative costs associated with the investigation and record amendment.	NA
14	Standpipe Hire Security Bond (25mm) Security Bond (63mm)	NA NA
15	Standpipe Hire Annual Fee	see meter size price for Metered Non Residential Properties in table 1 of schedule 1
	(20mm)	
	(32mm)	
	(50mm)	
	Quarterly Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
	Monthly Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
	Tri-annual Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
16	Standpipe Water Usage Fee	see water usage price in table 2 of schedule 1
17	Backflow Prevention Device Application and Registration Fee <i>(This fee is for initial registration of the backflow device)</i>	NA
18	Backflow Prevention Application Device Annual Administration Fee <i>(This fee is for the maintenance of records including logging of inspection reports)</i>	NA
19	Major Works Inspections Fee. <i>(This fee is for the inspection, for the purposes of approval of water and sewer mains, constructed by others, that are longer than 25 metres and/or greater than 2 metres in depth)</i>	
	Water Mains (\$ per Metre)	NA
	Gravity Sewer Mains (\$per Metre)	NA
	Rising Sewer Mains (\$per Metre)	NA
	Reinspection	

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2006 (\$)
20	Statement of Available Pressure and Flow	\$160.00

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2006	
		Fixed charges (\$)	Hourly charges (\$)
21	Diagram Discrepancy – known as HS85 <i>Application for Sydney Water to undertake a Property Sewerage Diagram estimation for a property where no diagram currently exists</i>	130.00	NA
22	Request for Asset Construction Details <i>Detailed map of Sydney Water assets indicating water, sewer and drainage.</i>	70.00	NA
23	Sydney Water Supply System Diagram <i>Large Hydra Plan showing water, sewer and drainage assets, covering a large area in a single plot.</i>	30.00	105.00 plus 1.00 per lot for water, 1.25 for water and sewerage.
24	Building Plan Approval <i>Approval of building/development plans certifying that the proposed construction does not adversely impact on Sydney Water's assets.</i>	23.00	NA
25	Water main Adjustment Application <i>Application for Sydney Water to investigate the feasibility of relocating or adjusting an existing water main.</i>	156.00	NA
26	Water main Fitting Adjustment Application <i>Application for an Accredited Supplier to lower or raise an existing water main fitting.</i>	102.00	NA
27	Pump Application – Water <i>Application for approval of an installation of a pump on the domestic or fire service, serving a property.</i>	131.00	NA
28	Extended Private Service Application <i>Application for Sydney Water to investigate the feasibility of permitting an extended private water service to provide a point of connection.</i>	101.00	NA
29	Sewer Junction Connection Application <i>Application for an Accredited Supplier to insert a junction into Sydney Water's sewer line.</i>	121.00	NA
30	Sewer Sideline Connection Application <i>Application for an Accredited Supplier to extend a junction to provide a suitable point of connection.</i>	121.00	NA
31	Sewer main Adjustment Application <i>Application for Sydney Water to investigate the feasibility of relocating or adjusting a sewer main.</i>	156.00	NA
32	Vent Shaft Adjustment Application <i>Application for Sydney Water to investigate the feasibility of relocating or disusing a sewer vent shaft and an Accredited Supplier to undertake the work.</i>	213.00	NA

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2006	
		Fixed charges (\$)	Hourly charges (\$)
33	Disuse of Sewer Application <i>Application for a Sydney Water to investigate the feasibility to disuse an existing Sydney Water sewer.</i>	134.00	NA
34	Pier Supervision Application <i>Application for Sydney Water to supervise the piercing of an existing sewer. The application and work must be carried out by an approved supplier.</i>	73.00	105.00
35	Concrete Encasement Supervision Application <i>Application for Sydney Water to supervise the encasement of an existing sewer. The application and work must be carried out by an approved supplier.</i>	73.00	105.00
36(a)	Plumbing and Drainage Inspection Application <i>Application for Sydney Water to inspect any new sewer or drainage connections. This includes the drawing up of property sewerage diagrams on completion.</i>	59.00	NA
36(b)	Plumbing and Drainage Inspection Fee <i>Fee per inspection for Sydney Water to inspect any new sewer or drainage connections. NB: Application fee also applies.</i>	72.00	NA
36 (c)	Plumbing and Drainage Re -inspection Fee <i>Fee per re-inspection for Sydney Water to inspect any sewer or drainage connections. NB: Application fee does not apply.</i>	72.00	NA
37	Connection to Stormwater Channel Approval Application <i>Application for approval to connect to Sydney Water's stormwater channel greater than 300mm.</i>	255.00	NA
38	Inspection of Break In Stormwater Channel Application <i>Application for an inspection of a connection to Sydney Water's stormwater channel greater than 300mm</i>	204.00	NA
39	Inspection of Drainage Lines Application <i>Application for an inspection of drainage lines from stormwater connection to silt arrestor and updating of records.</i>	112.00	NA
40	Review of Hydraulic Plans <i>Application for Sydney Water to examine hydraulic drawings to determine if internal drainage meets plumbing regulations. Water and fire hydraulics to be submitted and examined individually.</i>	43.00	105.00
41(a)	Subdivider/Developer Compliance Certificate (also known as a Section 73) <i>Application for a subdivider/developer compliance certificate stating whether a proposed development complies with Section 73 of the Sydney Water Act (1994). In addition, developer charges and various requirements may apply.</i>	325.00	NA
41(b)	Feasibility application <i>Lodgement of an application for an indication of potential servicing requirements. This also includes an indication on developer charges for a development proposal. Formerly included in subdivider development application.</i>	325.00	NA
41(c)	Road Closure Application <i>Lodgement of an application for a permanent road closure. Formerly included in subdivider development application</i>	197.00	NA

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2006	
		Fixed charges (\$)	Hourly charges (\$)
42	Developer Investigation Fee <i>Investigation of expanding reticulation systems to cater for developments requirements and to safeguard Sydney Water's assets.</i>	see service 41	105.00
43	Design and Construct Contract Administration <i>Performance of various activities to ensure the quality of the work under contract during the development and to safeguard Sydney Water's assets.</i>	NA	105.00
44	Minor Extension Approval Application (changed name to Water and Sewer Extension Application) <i>Application for approval to undertake a minor extension of an existing service or for expanding reticulation systems for a development.</i>	180.00	NA
45	Hydrant Resealing <i>Charge levied on the property owner to reseal a fire hydrant to prevent illegal use of unmetered water.</i>	17.00	NA
46	Dishonoured or Declined Payment Fee <i>Fee for dishonoured reversal/payment processing where a financial institute declined a payment to Sydney Water.</i>	18.20	NA
47(a)	Cancellation of Plumbers Permit <i>Application for Sydney Water to cancel a plumber's permit where both parties sign the application</i>	NA	NA
47(b)	Cancellation of Plumbers Permit <i>Application for Sydney Water to cancel a plumber's permit where only one signatory is received.</i>	52.00	NA
48	Plumbing and Drainage Quality Assurance Application <i>New charge which is expected to be utilised when Sydney Water's Quality Assurance audit role becomes effective. With Sydney Water's Plumbing and Drainage inspectors moving towards a Quality Assurance role.</i>	150.00	NA
49	Hourly Rate – Technical Services <i>Hourly rate for provision of expertise and technical services</i>	NA	105.00
50(a)	Trade waste miscellaneous charges Industrial and commercial trade waste inspections - with one Sydney Water representative - with two Sydney Water representative Minimum increment	NA NA 30.00	60.00 120.00 NA
50(b)	Trade waste application fees for industrial customers only - <i>Standard</i> - <i>Non Standard</i> – where an assessment of pollutants is not covered in the Corporation's Trade Waste Policy, that assessment will be charged at the standard hourly rate plus analytical costs incurred by the Corporation in assessing the wastewater to be discharged, up to a maximum of \$20,000 - Variation	240.00 NA 288.00	NA 108.00 NA
50(c)	Product authorisation / assessment <i>Applicable to commercial customers only</i> - Application fee - Assessment fee	216.00 NA	NA 105.00
50(d)	Sale of trade waste data	NA	105.00

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2006	
		Fixed charges (\$)	Hourly charges (\$)
51	Alternative Water Inspection Fee <i>Alternative Water Inspection application for Sydney Water to review the proposed connection to an alternative water source i.e. bore water, grey water. This includes updating the sewerage service diagram on completion.</i>	210.00	NA
52	Hourly Rate – Civil Maintenance	NA	75.00

Schedule 7

Minor Service Extensions

1. Application

This schedule sets the maximum prices that the Corporation may charge for certain services under paragraph (a) of the Order (water supply services) and paragraph (b) of the Order (sewerage services).

2. Prices for minor service extensions

- 2.1 The maximum price that the Corporation may charge for the provision of water and sewerage services that constitute a Minor Service Extension is the price calculated under clause 3 of this schedule.
- 2.2 The price calculated under clause 3 of this schedule may only be levied by the Corporation on a Property after the Application Date corresponding to that Property.

3. Calculating the price

- 3.1 The maximum price for the services described in clause 2.1 of this schedule, when the Connection Date is the same as the Availability Date, is the price determined by the following formula:

$$P_0 = \left[\frac{PV(K) - PV(R - C)}{PV(S)} \right]$$

- 3.2 The maximum price for the services described in clause 2.1, when the Connection Date is within the Year following the Availability Date, is the price determined by the following formula:

$$P_1 = P_0 \times (\theta CPI_B)$$

- 3.3 The maximum price for the services described in clause 2.1 of this schedule, when clauses 3.1 and 3.2 of this schedule do not apply, is the price determined by the following formula:

$$P_t = P_0 \times [(\theta CPI_A) \times \dots \times (\theta CPI_B)]$$

- 3.4 In clauses 3.1, 3.2 and 3.3 of this schedule:

*P*₀ is the price per Equivalent Tenement that the Corporation may levy under clause 2.2 of this schedule calculated on the Availability Date.

*P*₁ is the price per Equivalent Tenement that the Corporation may levy under clause 2.2 of this schedule when the Connection Date is within the Year following the Availability Date.

Pt is the price per Equivalent Tenement that the Corporation may levy under clause 2.2 of this schedule when clauses 3.1 and 3.2 of this schedule do not apply.

PV means:

- (a) when applied to *K* or (*R-C*), the present value of *K* or (*R-C*) (as the case may be), applying a discount rate of 7 per cent;
- (b) when applied to *S*, the present value of *S* (over the same period as that used to calculate *R*), applying a discount rate of 7 per cent.

K is the total capital cost of the Minor Service Extension to which this schedule applies.

R is the estimated future revenue to be derived in a given Year from the provision of a Minor Service Extension to the owners of the Properties capable of being connected to the Water Supply System or Sewerage System, following a Minor Service Extension.

C is the estimated future operating, maintenance and administration costs expected to be spent on customers serviced by the Minor Service Extension.

S is so much of Equivalent Tenement that the Corporation estimates is attributable to connections in each of the Years, following a Minor Service Extension.

Equivalent Tenement in relation to a Minor Service Extension is a unit of measure of the additional load that the Corporation estimates is placed on its Water Supply System or Sewerage System from a Property being connected to those systems following the Minor Service Extension expressed as a proportion of the load placed on those systems by an average Residential Property (where 'average Residential Property' is determined by the Corporation from time to time).

Year means a period of twelve months commencing 1 July and ending on 30 June in the ensuing calendar year.

θCPI_A is:

- (a) the sum of the CPIs for each of the four quarters in the Year immediately following the Availability Date

divided by

- (b) the sum of the CPIs for each of the four quarters in the Year of the Availability Date.

θCPI_B is:

- (a) the sum of the CPIs for each of the four quarters in the Year immediately preceding the Connection Date

divided by

- (b) the sum of the CPIs for each of the four quarters in the Year immediately preceding the earliest quarter in paragraph (a).

“...” denotes:

- (a) the number of Years between the Year following the Availability Date and the Connection Date; and
- (b) that in each of the Years in paragraph (a) there is to be applied an index which is:
- (i) the sum of the CPIs for each of the four quarters of that Year;
- divided by
- (ii) the sum of the CPIs for each of the four quarters of the Year immediately preceding the Year in paragraph (i).

- 3.5 For example, if the proposed Availability Date for a Property is January 2005, and the Connection Date for that Property is May 2008, the charge under clause 2.2 of this schedule is calculated by applying the formula in clause 3.3 of this schedule as follows:

$$P_{example} = \text{Connection price}_{2005} \times (\theta\text{CPI}_{2006}) \times (\theta\text{CPI}_{2007}) \times (\theta\text{CPI}_{2008})$$

Where:

$P_{example}$ means the price that may be levied by the Corporation in this example,

Connection price₂₀₀₅ means the price for connection at the Availability Date, which is

the amount derived from $\left[\frac{(PV(K) - PV(R - C))}{PV(S)} \right]$

$$\theta\text{CPI}_{2006} = \left(\frac{\text{CPI}_{Sept2005} + \text{CPI}_{Dec2005} + \text{CPI}_{Mar2006} + \text{CPI}_{Jun2006}}{\text{CPI}_{Sept2004} + \text{CPI}_{Dec2004} + \text{CPI}_{Mar2005} + \text{CPI}_{Jun2005}} \right)$$

$$\theta\text{CPI}_{2007} = \left(\frac{\text{CPI}_{Sept2006} + \text{CPI}_{Dec2006} + \text{CPI}_{Mar2007} + \text{CPI}_{Jun2007}}{\text{CPI}_{Sept2005} + \text{CPI}_{Dec2005} + \text{CPI}_{Mar2006} + \text{CPI}_{Jun2006}} \right)$$

$$\theta\text{CPI}_{2008} = \left(\frac{\text{CPI}_{Sept2006} + \text{CPI}_{Dec2006} + \text{CPI}_{Mar2007} + \text{CPI}_{Jun2007}}{\text{CPI}_{Sept2005} + \text{CPI}_{Dec2005} + \text{CPI}_{Mar2006} + \text{CPI}_{Jun2006}} \right)$$

The application of the formula in clause 3.3 of this schedule given the definitions in clause 3.4 results in $\theta\text{CPI}_{2007} = \theta\text{CPI}_{2008}$ in this example.

Assume in this example PV(S) is calculated in the following way:

The Corporation estimates that the total Equivalent Tenement for the minor service extension is 20. S is so much of the 20 Equivalent Tenement that the Corporation estimates is attributable to connections in each of the following Years.

If 10 Equivalent Tenement were expected to connect to the system in the first Year it became available, 4 in the next and the remaining 6 in the third, then applying a discount rate of 7 per cent:

$$PV(S) = 10 + \frac{4}{1.07} + \frac{6}{1.07^2} \approx 18.99$$

Schedule 8

Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

Application Date is the date on which a person applies to the Corporation for connection of a Property to the Water Supply System and/or the Sewerage System, following a Minor Service Extension to the Water Supply System and/or the Sewerage System.

Area of Operations has the meaning given to that term in the Operating Licence.

Availability Date is the date on which a Property is capable of being connected to the Water Supply System and/or Sewerage System, following a Minor Service Extension, irrespective of whether the Property is connected on that date.

Billing Cycle means each quarter during a Period.

Blue Mountains City Council Area means the Blue Mountains City Council area proclaimed under the Local Government Act.

Blue Mountains Septic Service means the service provided by the Corporation, of pumping out effluent from Properties with septic tanks, within the Blue Mountains City Council Area.

Commencement Date means the Commencement Date as defined in clause 2(b) of section 1 (Background) of this determination.

Commercial Customer has the meaning given to that term in the Trade Waste Policy.

Common Water Meter means a Meter which is connected or available for connection to Multi Premises, where the Meter measures the water usage to that Multi Premises but not to each relevant Property located on or within that Multi Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989*.

Community Parcel has the meaning given to that term under the *Community Land Development Act 1989*.

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified Company Title Dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Connection Date means the date on which a Property is connected to the Water Supply System and/or Sewerage System, following a Minor Service Extension.

Corporation means the Corporation as defined in clause 1(b) of section 1 (**Background**) of this determination, constituted under the *Sydney Water Act 1994*.

Discharge Allowance means 1.37kL per day multiplied by the number of days in the relevant Meter Reading Period.

df% or Discharge Factor means the ratio of the amount of waste water the Corporation determines is discharged from a Property into the Sewerage System, to the metered water entering that Property, expressed as a percentage.

Exempt Land means land described in part 1, schedule 2 of the *Sydney Water Act, 1994*.

Filtered Water means water that has been treated at a water filtration plant.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

Industrial Customer has the meaning given to that term in the Trade Waste Policy.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

kL means kilolitre or one thousand litres.

Local Government Act means the *Local Government Act, 1993 (NSW)*.

Meter means an apparatus for the measurement of water.

Metered Non Residential Property means a Non Residential Property that is serviced by a Meter.

Metered Property means a Metered Residential Property or a Metered Non Residential Property.

Meter Reading Period means a period equal to the number of days between:

- (a) the date on which the Meter was last read (or taken to have been read by the Corporation); and
- (b) the date on which the Meter was read (or taken to have been read by the Corporation) immediately preceding the date in paragraph (a).

Metered Residential Property means a Residential Property that is serviced by a Meter.

Metered Standpipe means a metered device for connecting to the Water Supply System to enable water to be extracted.

Minor Service Extension means a service provided by the Corporation to extend the Sewerage System and/or the Water Supply System to Properties which are not connected to the Sewerage System and the Water Supply System where the owners of those Properties (which are capable of being connected) request to be connected to the Sewerage System and/or the Water Supply System.

Monopoly Services means the Monopoly Services defined in clause 1(b) of section 1 (**Background**) of this determination.

Multi Premises means a premise where there are two or more Properties, excluding premises where there are hotels, motels, guest houses or backpacker hostels (each as defined in the Local Government Act) located on it.

Non Residential Property means a Property that is not a Residential Property or Vacant Land.

Order means the Order defined in clause 1(b) of section 1 (**Background**) of this determination and published in Government Gazette No. 18, on 14 February 1997.

Operating Licence means the Corporation's operating licence in force under part 5 of the *Sydney Water Act, 1994*.

Owners Corporation has the meaning given to that term under the *Strata Schemes Management Act 1996*.

Period means the Commencement Date to 30 June 2006, 1 July 2006 to 30 June 2007, 1 July 2007 to 30 June 2008 or 1 July 2008 to 30 June 2009 (as the case may be).

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot;
- (d) a building or part of a building occupied or available for occupation; or
- (e) land.

Rateable Land has the meaning given to that term under the Local Government Act.

Residential Property means a Property where:

- (a) in the case of that Property being Rateable Land, that Property is categorised as residential under section 516 of the Local Government Act; or
- (b) in the case of that Property not being Rateable Land, the dominant use of that Property is residential, applying the classifications in section 516 of the Local Government Act.

Rouse Hill Development Area means that area in the map bounded by the broken line in Attachment A excluding that area described as "Kellyville existing residential area" and the "cemetery".

Sewerage System means the sewerage system of the Corporation.

Stormwater Drainage Area has the meaning given to that term under the *Sydney Water Act 1994*.

Strata Title Building means a building that is subject to a strata scheme under the *Strata Schemes (Freehold Development) Act 1973*.

Strata Title Lot means a lot as defined under the *Strata Schemes (Freehold Development) Act 1973*.

Tier 1 Water Consumption means 1.096kL per day multiplied by the number of days in the relevant Meter Reading Period.

Trade Waste Policy means the Corporation's *Trade Waste Policy and Management Plan* (July 2001) as amended from time to time.

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

Unfiltered Water means water that has been chemically treated but not treated at a water filtration plant.

Unmetered Non Residential Property means a Non Residential Property that is not serviced by a Meter.

Unmetered Property means an Unmetered Residential Property or an Unmetered Non Residential Property.

Unmetered Residential Property means a Residential Property that is not serviced by a Meter

Vacant Land means land with no capital improvements and no connection to the Water Supply System.

Water Supply System means the water supply system of the Corporation.

1.2 Consumer Price Index

- (a) CPI means the consumer price index All Groups index number for the, weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by the Tribunal

$$(b) \Delta CPI_1 = \left(\frac{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

$$\Delta CPI_2 = \left(\frac{CPI_{Jun2006} + CPI_{Sep2006} + CPI_{Dec2006} + CPI_{Mar2007}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

$$\Delta CPI_3 = \left(\frac{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

each as calculated by the Tribunal and notified in writing by the Tribunal to the Corporation.

- (c) The subtext (for example $_{Jun 2005}$) when used in relation to paragraph (b) above means the CPI for the quarter and year indicated (in the example the June quarter for 2005).

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, attachment, clause or table is a reference to a schedule, annexure, attachment, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law, statute or document includes all amendments or replacements of that law, statute or document;
- (e) a reference to a "quarter" is a reference to a consecutive period of three months ending on 31 March, 30 June, 30 September or 31 December, as the case may be.

2.2 Explanatory notes, examples and clarification note

- (a) Explanatory notes and examples do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) The Tribunal may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination as if that clarification note formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

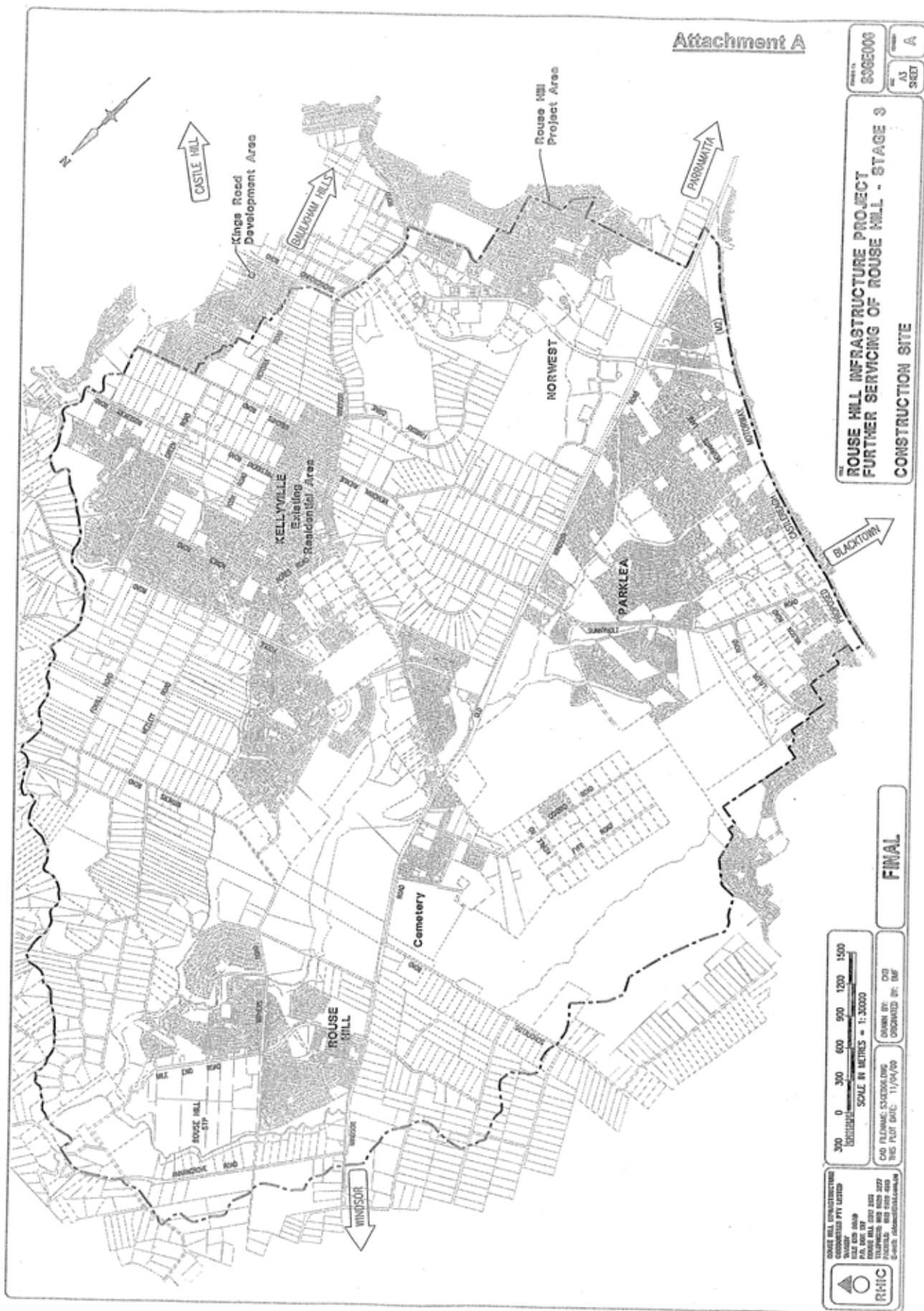
2.4 Billing

- (a) For the avoidance of doubt nothing in this determination affects when the Corporation may issue a bill to a customer for prices or charges under this determination.
- (b) If a Meter Reading Period commences before the Commencement Date and ends after the Commencement Date, the water usage charge or sewerage usage charge (as the case may be) applying to the whole of that Meter Reading Period is the charge calculated under Determination No 4 of 2003, prior to that determination being replaced by this determination.
- (c) If a Meter Reading Period traverses more than 1 Period, the Corporation must levy any charge applying in this determination on a pro-rata basis.

2.5 Apparatus for checking quantity of water used

For the purposes of this determination, where an apparatus is used by the Corporation to check on the quantity of water used recorded by a Meter, that apparatus will not fall within the definition of a 'Meter'.

Attachment A



Determination No 6, 2005

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

Hunter Water Corporation

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No: 05/223

1. Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* provides the Tribunal with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (2) The Hunter Water Corporation (**Corporation**) is listed as a government agency for the purposes of Schedule 1 of the IPART Act. The services of the Corporation declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997 (Order)* are:
 - (a) water supply services;
 - (b) sewerage services;
 - (c) stormwater drainage services;
 - (d) trade waste services;
 - (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments;
 - (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e);
 - (g) other water supply, sewerage and drainage services for which no alternative supply exists.Accordingly the Tribunal may determine the prices for the Corporation's Monopoly Services.
- (3) In investigating and reporting on the pricing of the Corporation's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (4) In accordance with section 13A of the IPART Act, the Tribunal has fixed a maximum price for the Corporation's Monopoly Services or established a methodology for fixing the maximum price.
- (5) By section 18(2) of the IPART Act, the Corporation may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (1) This determination sets out the maximum prices (or sets a methodology for fixing the maximum prices) that the Corporation may charge for the Monopoly Services specified in this determination.
- (2) This determination commences on the later of 1 November 2005 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices in this determination are to apply from the Commencement Date to 30 June 2009. The prices specified in this determination prevailing as at 30 June 2009 continue to apply beyond 30 June 2009 until this determination is replaced.

3. Replacement of Determination No. 3 of 2003

Subject to clause 2.4(b) of schedule 7, this determination replaces Determination No. 3 of 2003 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights and obligations accrued, under Determination No. 3 of 2003 prior to its replacement.

4 Monitoring

The Tribunal may monitor the performance of the Corporation for the purposes of:

- (a) establishing and reporting on the level of compliance by the Corporation with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Corporation.

5 Water Savings Fund

Any contribution that is made by the Corporation to the Water Savings Fund established by the Energy Administration Amendment (Water and Energy Savings) Act 2005 will (subject to any legal or regulatory requirements applying to that contribution), be taken as falling outside the scope of this determination.¹

¹ There is nothing in this determination to preclude the imposition of a charge by the government on the Corporation's customers to recover the costs of such a contribution.

6. Schedules

Schedules 1-6 (inclusive) and the Tables in those Schedules set out the maximum prices that the Corporation may charge for the Monopoly Services specified in the Schedules.

7. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 7.

Schedule 1

Water Supply Services

1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (a) of the Order (water supply services).

2. Categories for pricing purposes

Prices for water supply services have been determined for 3 categories:

- (a) Metered Properties;
- (b) Unmetered Properties; and
- (c) Water supplied to the Dungog Shire Council.

3. Charges for water supply services of Filtered Water to Metered Properties²

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) the water service charge set out in Table 1 (corresponding to the applicable Meter size and Period in that table) divided by the number of four monthly cycles in that Period; and
- (b) the water usage charge which is:
 - (i) **for each kL of Filtered Water used up to and including 1000kL per Year** – the tier 1 water usage charge in Table 2, per kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table; and
 - (ii) **for each kL of Filtered Water used in excess of 1000kL per Year and up to and including 50,000kL per Year** – the tier 2 water usage charge in Table 2, per kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table; and
 - (iii) **for each kL of Filtered Water used above 50,000kL per Year** – the charge in Table 3, per kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table and location of that Metered Property.

² The maximum price currently levied by the Corporation for the provision of water supply services to Gosford City Council and Wyong Shire Council (the **Councils**) is the sum of the water service charge in Table 1 and the water usage charge in Tables 2 and 3. It is understood that each Council will negotiate with the Corporation as to the maximum price payable for the provision of water supply services to that Council if the supply of water from the Corporation to that Council greatly increases in the future. If this occurs, the maximum price for the provision of water supply services to the Councils may be different from the maximum price under this determination.

4. Charges for water supply services of Unfiltered Water to Metered Properties

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Property for a Billing Cycle is the sum of the following:

- (a) the water service charge set out in Table 1 (corresponding to the applicable Meter size and Period in that table) divided by the number of four monthly cycles in that Period; and
- (b) the water usage charge which is:
 - (i) **for each kL of Unfiltered Water used up to and including 1000kL per Year** - the tier 1 water usage charge in Table 2 (discounted by \$0.30 per kL), per kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table; and
 - (ii) **for each kL of Unfiltered Water used in excess of 1000kL per Year** - the tier 2 water usage charge in Table 2 (discounted by \$0.30 per kL), per kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

5. Charges for water supply services to Unmetered Properties

The maximum price that may be levied by the Corporation for the provision of water supply services to an Unmetered Property connected to the Water Supply System for a Billing Cycle is the water service charge set out in Table 1 (corresponding to the applicable Period and the Diameter Pipe size in that table) divided by the number of four monthly cycles in that Period.

6. Water charges for the Dungog Shire Council

The maximum price that may be levied by the Corporation for water supply services to the Dungog Shire Council for a Billing Cycle is the sum of the following:

- (a) the water service charge set out in Table 1 (corresponding to the applicable Meter size and Period in that table) divided by the number of four monthly cycles in that Period;
- (b) **for each kL of water used up to and including 1000kL per Year** - the tier 1 water usage charge set out in Table 4, per kL of water used for the corresponding Meter Reading Period and the applicable Period in that table;
- (c) **for each kL of water used in excess of 1000kL per Year and up to and including 50,000kL per Year** - the tier 2 water usage charge in Table 4, per kL of water used for the corresponding Meter Reading Period and the applicable Period in that table; and
- (d) **for each kL of water used above 50,000kL per Year** - the tier 3 water usage charge in Table 4, per kL of water used for the corresponding Meter Reading Period and the applicable Period in that table.

7. Levying charges on Multi Premises

7.1 Water supply charges for Multi Premises

7.1.1 Clause 7 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are to be levied on persons who own, control or occupy the Multi Premises.

7.1.2 Clauses 3 and 4 of this schedule do not apply to charges for Metered Properties if this clause 7 is capable of applying to those Metered Properties.

7.2 Strata Title Lot within a Strata Title Building with a Common Water Meter or multiple Common Water Meters

For a Strata Title Lot within a Strata Title Building which:

- (a) is connected to the Water Supply System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation on that Strata Title Lot for the provision of water supply services to that Strata Title Lot for a Billing Cycle is calculated as follows:

$$(A + B) \times \frac{C}{D}$$

Where:

A - the water service charge in Table 1 for each Common Water Meter (corresponding to the applicable Period and Meter size in that table) divided by the number of four monthly cycles in that Period;

B - the water usage charge for each Common Water Meter calculated by applying clause 3(b) and clause 4(b) (as applicable) of this schedule for the Meter Reading Period;

C - the Unit Entitlement of that Strata Title Lot; and

D - the total Unit Entitlement of that Strata Title Building.

7.3 Strata Title Lot with its own Meter within a Strata Title Building with a Common Water Meter or multiple Common Water Meters

For a Strata Title Lot which:

- (a) is connected to the Water Supply System; and
- (b) has its own Meter; and
- (c) is situated in a Strata Title Building which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation for the provision of water supply services in a Billing Cycle on:

- (d) a Strata Title Lot is the following:
- (i) a water service charge equal to:

$$\frac{A}{B} \times C$$

Where:

A - the meter equivalent in Table 1 corresponding to the Meter size of that Strata Title Lot;

B - the amount equal to the sum of the meter equivalents in Table 1 corresponding to the Meter sizes of all the Strata Title Lots within that Strata Title Building; and

C - the water service charge in Table 1 for each Common Water Meter (corresponding to the applicable Period and Meter size in that table) divided by the number of four monthly cycles in that Period;

and

- (ii) a water usage charge for the Meter servicing that Strata Title Lot calculated by applying clause 3(b) and clause 4(b) (as applicable) of this schedule for the Meter Reading Period; and
- (e) the Owner Corporation of that Strata Title Building is the water usage charge in clause 3(b) and clause 4(b) (as applicable) of this schedule applied to so much of the water (recorded by all the Common Water Meters) that is in excess of the water recorded by the Meters servicing all the Strata Title Lots within that Strata Title Building.

7.4 Multi Premises (which is not a Strata Title Building)

For a Multi Premises (which is not a Strata Title Building) and:

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of water supply services to that Multi Premises for a Billing Cycle is:

- (c) the water service charge in Table 1 for each Common Water Meter (corresponding to the applicable Meter size and Period) divided by the number of four monthly cycles in that Period; and
- (d) the water usage charge for each Common Water Meter calculated by applying clause 3(b) and clause 4(b) (as applicable) of this schedule for the Meter Reading Period.

Tables 1, 2, 3, and 4

Table 1 Water service charge for Metered Properties and Unmetered Properties

Charge	Meter equivalent	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Water service charge - Meter size / Diameter Pipe size					
20mm	1.00	21.48	34.07 x (1+ Δ CPI ₁)	35.97 x (1+ Δ CPI ₂)	37.93 x (1+ Δ CPI ₃)
25mm	1.56	33.51	53.15 x (1+ Δ CPI ₁)	56.11 x (1+ Δ CPI ₂)	59.17 x (1+ Δ CPI ₃)
32mm	2.56	54.99	87.22 x (1+ Δ CPI ₁)	92.08 x (1+ Δ CPI ₂)	97.10 x (1+ Δ CPI ₃)
40mm	4.00	85.92	136.28 x (1+ Δ CPI ₁)	143.88 x (1+ Δ CPI ₂)	151.72 x (1+ Δ CPI ₃)
50mm	6.25	134.25	212.94 x (1+ Δ CPI ₁)	224.81 x (1+ Δ CPI ₂)	237.06 x (1+ Δ CPI ₃)
65mm	10.56	226.83	359.78 x (1+ Δ CPI ₁)	379.84 x (1+ Δ CPI ₂)	400.54 x (1+ Δ CPI ₃)
80mm	16.00	343.68	545.12 x (1+ Δ CPI ₁)	575.52 x (1+ Δ CPI ₂)	606.88 x (1+ Δ CPI ₃)
100mm	25.00	537.00	851.75 x (1+ Δ CPI ₁)	899.25 x (1+ Δ CPI ₂)	948.25 x (1+ Δ CPI ₃)
150mm	56.25	1,208.25	1,916.44 x (1+ Δ CPI ₁)	2,023.31 x (1+ Δ CPI ₂)	2,133.56 x (1+ Δ CPI ₃)
200mm	100.00	2,148.00	3,407.00 x (1+ Δ CPI ₁)	3,597.00 x (1+ Δ CPI ₂)	3,793.00 x (1+ Δ CPI ₃)
250mm	156.25	3,356.25	5,323.44 x (1+ Δ CPI ₁)	5,620.31 x (1+ Δ CPI ₂)	5,926.56 x (1+ Δ CPI ₃)
300mm	225.00	4,833.00	7,665.75 x (1+ Δ CPI ₁)	8,093.25 x (1+ Δ CPI ₂)	8,534.25 x (1+ Δ CPI ₃)
350mm	306.25	6,578.25	10,433.94 x (1+ Δ CPI ₁)	11,015.81 x (1+ Δ CPI ₂)	11,616.06 x (1+ Δ CPI ₃)
400mm	400.00	8,592.00	13,628.00 x (1+ Δ CPI ₁)	14,388.00 x (1+ Δ CPI ₂)	15,172.00 x (1+ Δ CPI ₃)
500mm	625.00	13,425.00	21,293.75 x (1+ Δ CPI ₁)	22,481.25 x (1+ Δ CPI ₂)	23,706.25 x (1+ Δ CPI ₃)

For Meter sizes not specified above, the meter equivalent is calculated by: (meter size)²/400 (rounded to 2 decimal places)

Table 2 Water usage charge for water consumption of 50,000kL or less

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Tier 1 water usage charge	1.09	1.11 x (1+ Δ CPI ₁)	1.13 x (1+ Δ CPI ₂)	1.16 x (1+ Δ CPI ₃)
Tier 2 water usage charge	1.03	1.07 x (1+ Δ CPI ₁)	1.11 x (1+ Δ CPI ₂)	1.16 x (1+ Δ CPI ₃)

Table 3 Water usage charge where water consumption exceeds 50,000kL

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Water usage charge - per kilolitre of metered water used above 50,000kL by Properties in the following locations				
Kooragang / Stockton	0.868	0.884 x (1+ Δ CPI ₁)	0.901 x (1+ Δ CPI ₂)	0.918 x (1+ Δ CPI ₃)
Tomago	0.908	0.925 x (1+ Δ CPI ₁)	0.942 x (1+ Δ CPI ₂)	0.960 x (1+ Δ CPI ₃)
South Wallsend	0.874	0.890 x (1+ Δ CPI ₁)	0.907 x (1+ Δ CPI ₂)	0.924 x (1+ Δ CPI ₃)
Warner's Bay/Valentine	0.908	0.925 x (1+ Δ CPI ₁)	0.942 x (1+ Δ CPI ₂)	0.960 x (1+ Δ CPI ₃)
Seaham Hexham	0.944	0.962 x (1+ Δ CPI ₁)	0.980 x (1+ Δ CPI ₂)	0.998 x (1+ Δ CPI ₃)
Newcastle Highfields	0.955	0.973 x (1+ Δ CPI ₁)	0.991 x (1+ Δ CPI ₂)	1.010 x (1+ Δ CPI ₃)
Raymond Terrace	0.970	0.988 x (1+ Δ CPI ₁)	1.007 x (1+ Δ CPI ₂)	1.026 x (1+ Δ CPI ₃)
Port Stephens	0.973	0.991 x (1+ Δ CPI ₁)	1.010 x (1+ Δ CPI ₂)	1.029 x (1+ Δ CPI ₃)
Kurri Cessnock	0.977	0.995 x (1+ Δ CPI ₁)	1.014 x (1+ Δ CPI ₂)	1.033 x (1+ Δ CPI ₃)
Lookout	0.975	0.993 x (1+ Δ CPI ₁)	1.012 x (1+ Δ CPI ₂)	1.031 x (1+ Δ CPI ₃)
Edgeworth West Wallsend	1.001	1.020 x (1+ Δ CPI ₁)	1.039 x (1+ Δ CPI ₂)	1.058 x (1+ Δ CPI ₃)
All other locations (tier 2 water usage charge)	1.030	1.070 x (1+ Δ CPI ₁)	1.110 x (1+ Δ CPI ₂)	1.160 x (1+ Δ CPI ₃)

Table 4 Water charges for Dungog Shire Council

Charge	Commencement Date to 30 June 2006 (\$/kL)	1 July 2006 to 30 June 2007 (\$/kL)	1 July 2007 to 30 June 2008 (\$/kL)	1 July 2008 to 30 June 2009 (\$/kL)
Tier 1 water usage charge	1.09	1.11 x (1+ Δ CPI ₁)	1.13 x (1+ Δ CPI ₂)	1.16 x (1+ Δ CPI ₃)
Tier 2 water usage charge	1.03	1.07 x (1+ Δ CPI ₁)	1.11 x (1+ Δ CPI ₂)	1.16 x (1+ Δ CPI ₃)
Tier 3 water usage charge	0.59	0.60 x (1+ Δ CPI ₁)	0.62 x (1+ Δ CPI ₂)	0.63x (1+ Δ CPI ₃)

Schedule 2

Sewerage Services

1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (b) of the Order (sewerage services).

2. Categories for pricing purposes

Prices for sewerage services have been determined for 4 categories:

- (a) Residential Single Properties with a 20mm Meter;
- (b) Metered Properties (other than Residential Single Properties with a 20mm Meter);
- (c) Unmetered Properties connected to the Water Supply System; and
- (d) Residential Single Properties which do not have a Meter and which are not connected to the Water Supply System but are connected to the Sewerage System.

3. Charges for sewerage services to Residential Single Properties with a 20mm Meter

The maximum price that may be levied by the Corporation for sewerage services to a Residential Single Property with a 20mm Meter size, connected to the Water Supply System and the Sewerage System for a Billing Cycle, is the sum of the following:

- (a) the sewerage service charge in Table 5 (corresponding to the applicable Period in that table) divided by the number of four monthly cycles in that Period; and
- (b) the sewerage usage charge calculated as follows:

$$(A \times B) \times C$$

Where:

A - water used (in kL) by that Residential Single Property for the Meter Reading Period;

B - Discharge Factor for Residential Single Properties; and

C - the sewerage usage charge in Table 8 (corresponding to the applicable Period in that table).

4. Charges for sewerage services to Metered Properties (other than Residential Single Properties with a 20mm Meter)

The maximum price that may be levied by the Corporation for sewerage services to a Metered Property (other than a Residential Single Property with a 20mm Meter) connected to the Water Supply System and the Sewerage System for a Billing Cycle, is the sum of the following:

- (a) the sewerage service charge equal to:

$$A \times B$$

Where:

A - the sewerage service charge in Table 7 (corresponding to the applicable Period and Meter size in that table) divided by the number of four monthly cycles in that Period; and

B - the Discharge Factor for that Metered Property.

and

- (b) the sewerage usage charge calculated as follows:

$$(A \times B) \times C$$

Where:

A - water used (in kL) by that Metered Property for the Meter Reading Period;

B - Discharge Factor for that Metered Property; and

C - the sewerage usage charge in Table 8 (corresponding to the applicable Period in that table).

5. Charges for sewerage services to Unmetered Properties connected to the Water Supply System

The maximum price that may be levied by the Corporation for sewerage services to an Unmetered Property connected to the Water Supply System and the Sewerage System for a Billing Cycle is:

$$A \times B$$

Where:

A - the sewerage service charge in Table 7 (corresponding to the applicable Period and Diameter Pipe size in that table) divided by the number of four monthly cycles in that Period; and

B - the Discharge Factor for that Unmetered Property.

6. Charges for sewerage services to Residential Single Properties which do not have a Meter and are not connected to the Water Supply System

The maximum price that may be levied by the Corporation for sewerage services to a Residential Single Property which does not have a Meter and which is not connected to the Water Supply System but is connected to the Sewerage System for a Billing Cycle is the sewerage service charge in Table 6 (corresponding to the applicable Period in that table) divided by the number of four monthly cycles in that Period.

7. Levying sewerage service charges on Multi Premises

7.1 Sewerage service charges on Multi Premises

7.1.1 Clause 7 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are to be levied on persons who own, control or occupy those Multi Premises.

7.1.2 Clauses 3 and 4 of this schedule do not apply to charges for Metered Properties if this clause 7 is capable of applying to those Metered Properties.

7.2 Strata Title Lot (Residential Property) within a Strata Title Building with a Common Water Meter or multiple Common Water Meters

7.2.1 For a Strata Title Lot (which is a Residential Property) within a Strata Title Building which:

(a) is connected to the Sewerage System; and

(b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation on that Strata Title Lot for the provision of sewerage services to that Strata Title Lot for a Billing Cycle is the sum of the following:

(c) a sewerage service charge for that Billing Cycle equal to the higher of:

(i) the sewerage service charge in Table 9 (corresponding to the applicable Period in that table) divided by the number of four monthly cycles in that Period up to but not exceeding:

(1) **for the period from the Commencement Date to 30 June 2006** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$13.33 (in nominal terms), divided by the number of four monthly cycles in that Period;

(2) **for the period from 1 July 2006 to 30 June 2007** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;

(3) **for the period from 1 July 2007 to 30 June 2008** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;

(4) **for the period from 1 July 2008 to 30 June 2009** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;

and

(ii) a sewerage service charge calculated as follows:

$$(A \times B) \times \frac{C}{D}$$

Where:

A - the sewerage service charge in Table 7 corresponding to the Meter size of each Common Water Meter, divided by the number of four monthly cycles in that Period;

B - the Discharge Factor for that Strata Title Lot;

C - the Unit Entitlement for that Strata Title Lot; and

D - the total Unit Entitlement for that Strata Title Building;

and

- (d) the sewerage usage charge for the Meter Reading Period calculated as follows:

$$(A \times B) \times C \times \left(\frac{D}{E}\right)$$

Where:

A - the water used (in kL) by that Strata Title Lot for the Meter Reading Period (as if the water used by that Strata Title Lot was equal to total quantity of water used by that Strata Title Building)

B - the Discharge Factor for that Strata Title Lot;

C - the sewerage usage charge in Table 8 for each Common Water Meter;

D - the Unit Entitlement for that Strata Title Lot;

E - the total Unit Entitlement for that Strata Title Building; and

7.3 Strata Title Lot (Residential Property) with its own Meter within a Strata Title Building with Common Water Meter

7.3.1 For a Strata Title Lot which is a Residential Property and which:

- (a) is connected to the Sewerage System; and
- (b) has its own Meter; and
- (c) is situated in a Strata Title Building which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation for a Billing Cycle on:

- (d) that Strata Title Lot for the provision of sewerage services to that Strata Title Lot is the sum of the following:
 - (i) a sewerage service charge for that Billing Cycle equal to the higher of:
 - (1) the sewerage service charge in Table 9 (corresponding to the applicable Period in that table) divided by the number of four monthly cycles in that Period up to but not exceeding:
 - (A) **for the period from the Commencement Date to 30 June 2006** - the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$13.33 (in nominal terms), divided by the number of four monthly cycles in that Period;

- (B) **for the period from 1 July 2006 to 30 June 2007** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;
- (C) **for the period from 1 July 2007 to 30 June 2008** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;
- (D) **for the period from 1 July 2008 to 30 June 2009** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period; and
- (2) a sewerage service charge calculated as follows:

$$(A \times B) \times \frac{C}{D}$$

Where:

A - the sewerage service charge in Table 7, corresponding to the Meter size of each Common Water Meter divided by the number of four monthly cycles in that Period;

B - the Discharge Factor for that Strata Title Lot;

C - the meter equivalent in Table 7 corresponding to the Meter size of that Strata Title Lot; and

D - the amount equal to the sum of the sum of the meter equivalents in Table 7 (corresponding to the Meter sizes of all the Strata Title Lots within that Strata Title Building);

and

- (ii) the sewerage usage charge for the Meter Reading Period calculated as follows:

$$(A \times B) \times C$$

Where:

A - the water used (in kL) by that Strata Title Lot for the Meter Reading Period;

B - the Discharge Factor for that Strata Title Lot;

C - the sewerage usage charge in Table 8 (corresponding to the applicable Period in that table) for the Meter servicing that Strata Title Lot;

and

- (e) the Owners Corporation of that Strata Title Building is the sewerage usage charge in Table 8 of this schedule applied to so much of the water (recorded by all the Common Water Meters) that is in excess of the water recorded by the Meters servicing all the Strata Title Lots within that Strata Title Building, multiplied by the Discharge Factor for that Strata Title Building.

7.4 Strata Title Lot (Non Residential Property) within a Strata Title Building with a Common Water Meter or multiple Common Water Meters.

For a Strata Title Lot (which is a Non Residential Property) within a Strata Title Building which:

- (a) is connected to the Sewerage System; and
 (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation on that Strata Title Lot for the provision of sewerage services to that Strata Title Lot for a Billing Cycle is the sum of the following:

- (c) the sewerage service charge calculated as follows:

$$(A \times B) \times \frac{C}{D}$$

Where:

A - the sewerage service charge in Table 7 corresponding to the Meter size of each Common Water Meter, divided by the number of four monthly cycles in that Period;

B - the Discharge Factor for that Strata Title Lot;

C - the Unit Entitlement for that Strata Title Lot; and

D - the total Unit Entitlement for that Strata Title Building;

and

- (d) the sewerage usage charge for the Meter Reading Period calculated as follows:

$$(A \times B) \times C \times \left(\frac{D}{E} \right)$$

Where:

A - the water used (in kL) by that Strata Title Lot for the Meter Reading Period (as if the water used by that Strata Title Lot was equal to total quantity of water used by that Strata Title Building)

B - the Discharge Factor for that Strata Title Lot;

- C - the sewerage usage charge in Table 8 for each Common Water Meter;
- D - the Unit Entitlement for that Strata Title Lot; and
- E - the total Unit Entitlement for that Strata Title Building.

7.5 Strata Title Lot (Non Residential Property) with it own Meter within a Strata Title Building with a Common Water Meter or multiple Common Water meters

For a Strata Title Lot which is a Non Residential Property and which:

- (a) is connected to the Sewerage System; and
- (b) has its own Meter; and
- (c) is situated in a Strata Title Building which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation for the provision of sewerage services in a Billing Cycle on:

- (d) a Strata Title Lot is the following:
 - (i) a sewerage service charge equal to:

$$(A \times B) \times \frac{C}{D}$$

Where:

- A - the sewerage service charge in Table 7 (corresponding to the Meter size of each Common Water Meter) divided by the number of four monthly cycles in that Period;
- B - the Discharge Factor for that Strata Title Lot;
- C - the meter equivalent in Table 7 corresponding to the Meter size of that Strata Title Lot; and
- D - the amount equal to the sum of the meter equivalents in Table 7 corresponding to the Meter sizes of all the Strata Title Lots within that Strata Title Building;

and

- (ii) the sewerage usage charge for the Meter Reading Period calculated as follows:

$$(A \times B) \times C$$

Where:

- A - the water used (in kL) by that Strata Title Lot for the Meter Reading Period;

B - the Discharge Factor for that Strata Title Lot;

C - the sewerage usage charge in Table 8 (corresponding to the applicable Period in that table) for the Meter servicing that Strata Title Lot;

and

- (e) the Owners Corporation of the Strata Title Building is the sewerage usage charge in Table 8 of this schedule applied to so much of the water (recorded by all the Common Water Meters) that is in excess of the water recorded by the Meters servicing all the Strata Title Lots within that Strata Title Building, multiplied by the Discharge Factor for that Strata Title Building.

7.6 Multi Premises (Residential Property) that is not a Strata Title Building

7.6.1 For a Multi Premises (which is not a Strata Title Building):

- (a) which is connected to the Sewerage System; and
 (b) which has a Common Water Meter or multiple Common Water Meters; and
 (c) where the majority of the Properties within that Multi Premises are Residential Properties,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of sewerage services to that Multi Premises for a Billing Cycle is the sum of the following:

- (d) the sewerage service charge for that Billing Cycle equal to the higher of:
 (i) the sewerage service charge equal to:

$$A \times B$$

Where:

A - the sewerage service charge in Table 7 for each Common Water Meter (corresponding to the applicable Meter size and Period in that table) divided by the number of four monthly cycles in that Period; and

B - the Discharge Factor for that Multi Premises;

and

- (ii) the sewerage service charge calculated as follows:

$$A \times B$$

Where:

A - the sewerage service charge in Table 9 (corresponding to the applicable Period in that table) divided by the number of four monthly cycle in that Period up to but not exceeding:

- (1) **for the period from the Commencement Date to 30 June 2006** - the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus

\$13.33 (in nominal terms), divided by the number of four monthly cycles in that Period;

- (2) **for the period from 1 July 2006 to 30 June 2007** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;
- (3) **for the period from 1 July 2007 to 30 June 2008** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period;
- (4) **for the period from 1 July 2008 to 30 June 2009** – the amount equal to the sum of the sewerage service charge levied by the Corporation immediately prior to this period plus \$20 (in nominal terms), divided by the number of four monthly cycles in that Period; and

B - the number of Properties within that Multi Premises;

and

- (e) the sewerage usage charge calculated as follows:

$$(A \times B) \times C$$

Where:

A - water used (in kL) by that Multi Premises for the Meter Reading Period;

B - Discharge Factor for that Multi Premises; and

C - the sewerage usage charge in Table 8 for each Common Water Meter (corresponding to the applicable Period in that table).

7.7 Multi Premises (Non Residential Property) that is not a Strata Title Building

For a Multi Premises (which is not a Strata Title Building) and:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters; and
- (c) where the majority of the Properties within that Multi Premises are Non Residential Properties,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of sewerage services to that Multi Premises for a Billing Cycle is the sum of the following:

- (d) the sewerage service charge calculated as follows:

$$A \times B$$

Where:

A - the sewerage service charge in Table 7 for each Common Water Meter (corresponding to the applicable Meter size and Period in that table) divided by the number of four monthly cycles in that Period; and

B - the Discharge Factor for that Multi Premises;

and

- (e) the sewerage usage charge calculated as follows:

$$(A \times B) \times C$$

Where:

A - water used (in kL) by that Multi Premises for the Meter Reading Period;

B - Discharge Factor for that Multi Premises; and

C - the sewerage usage charge in Table 8 for each Common Water Meter (corresponding to the applicable Period in that table).

Tables 5, 6, 7, 8 and 9

Table 5 Sewerage service charge for Residential Single Properties with a 20mm Meter

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Sewerage service charge	178.37	$276.12 \times (1+\Delta\text{CPI}_1)$	$284.88 \times (1+\Delta\text{CPI}_2)$	$293.84 \times (1+\Delta\text{CPI}_3)$

Table 6 Sewerage service charge for Unmetered Property not connected to the Water Supply System

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Sewerage Service charge	192.03	$296.62 \times (1+\Delta\text{CPI}_1)$	$305.38 \times (1+\Delta\text{CPI}_2)$	$314.34 \times (1+\Delta\text{CPI}_3)$

Table 7 Sewerage service charges for Metered Properties (other than Residential Single Properties with a 20mm Meter)

Charge	Meter equivalent	Commencement Date to 30 June 2006 (\$) ³	1 July 2006 to 30 June 2007 (\$) ³	1 July 2007 to 30 June 2008 (\$) ³	1 July 2008 to 30 June 2009 (\$) ³
Sewerage service charge – Meter size/Diameter Pipe Size					
20mm	1.00	356.73	$552.24 \times (1+\Delta\text{CPI}_1)$	$569.76 \times (1+\Delta\text{CPI}_2)$	$587.68 \times (1+\Delta\text{CPI}_3)$
25mm	1.56	556.50	$861.49 \times (1+\Delta\text{CPI}_1)$	$888.83 \times (1+\Delta\text{CPI}_2)$	$916.78 \times (1+\Delta\text{CPI}_3)$
32mm	2.56	913.24	$1,413.73 \times (1+\Delta\text{CPI}_1)$	$1,458.59 \times (1+\Delta\text{CPI}_2)$	$1,504.46 \times (1+\Delta\text{CPI}_3)$
40mm	4.00	1,426.93	$2,208.96 \times (1+\Delta\text{CPI}_1)$	$2,279.04 \times (1+\Delta\text{CPI}_2)$	$2,350.72 \times (1+\Delta\text{CPI}_3)$
50mm	6.25	2,229.58	$3,451.50 \times (1+\Delta\text{CPI}_1)$	$3,561.00 \times (1+\Delta\text{CPI}_2)$	$3,673.00 \times (1+\Delta\text{CPI}_3)$
80mm	16.00	5,707.73	$8,835.84 \times (1+\Delta\text{CPI}_1)$	$9,116.16 \times (1+\Delta\text{CPI}_2)$	$9,402.88 \times (1+\Delta\text{CPI}_3)$
100mm	25.00	8,918.33	$13,806.00 \times (1+\Delta\text{CPI}_1)$	$14,244.00 \times (1+\Delta\text{CPI}_2)$	$14,692.00 \times (1+\Delta\text{CPI}_3)$
150mm	56.25	20,066.25	$31,063.50 \times (1+\Delta\text{CPI}_1)$	$32,049.00 \times (1+\Delta\text{CPI}_2)$	$33,057.00 \times (1+\Delta\text{CPI}_3)$
200mm	100.00	35,673.33	$55,224.00 \times (1+\Delta\text{CPI}_1)$	$56,976.00 \times (1+\Delta\text{CPI}_2)$	$58,768.00 \times (1+\Delta\text{CPI}_3)$
250mm	156.25	55,739.58	$86,287.50 \times (1+\Delta\text{CPI}_1)$	$89,025.00 \times (1+\Delta\text{CPI}_2)$	$91,825.00 \times (1+\Delta\text{CPI}_3)$
300mm	225.00	80,265.00	$124,254.00 \times (1+\Delta\text{CPI}_1)$	$128,196.00 \times (1+\Delta\text{CPI}_2)$	$132,228.00 \times (1+\Delta\text{CPI}_3)$
350mm	306.25	109,249.58	$169,123.50 \times (1+\Delta\text{CPI}_1)$	$174,489.00 \times (1+\Delta\text{CPI}_2)$	$179,977.00 \times (1+\Delta\text{CPI}_3)$
400mm	400.00	142,693.33	$220,896.00 \times (1+\Delta\text{CPI}_1)$	$227,904.00 \times (1+\Delta\text{CPI}_2)$	$235,072.00 \times (1+\Delta\text{CPI}_3)$
500mm	625.00	222,958.33	$345,150.00 \times (1+\Delta\text{CPI}_1)$	$356,100.00 \times (1+\Delta\text{CPI}_2)$	$367,300.00 \times (1+\Delta\text{CPI}_3)$

For Meter sizes not specified above, the meter equivalent is calculated by: $(\text{meter size})^2/400$ (rounded to 2 decimal places)
³ A Discharge Factor of 50 per cent is applied for Residential Properties. For Non Residential Properties a variable Discharge Factor (as determined by the Corporation) is applied, depending on the type of business.

Table 8 Sewerage usage charge for Metered Properties

Charge	Commencement Date to 30 June 2006 (\$/kL) ⁴	1 July 2006 to 30 June 2007 (\$/kL) ⁴	1 July 2007 to 30 June 2008 (\$/kL) ⁴	1 July 2008 to 30 June 2009 (\$/kL) ⁴
Sewerage usage charge, per kL of water used	0.43	$0.43 \times (1 + \Delta\text{CPI}_1)$	$0.43 \times (1 + \Delta\text{CPI}_2)$	$0.43 \times (1 + \Delta\text{CPI}_3)$

⁴ A Discharge Factor of 50 per cent is applied for Residential Properties. For Non Residential Properties a variable Discharge Factor (as determined by the Corporation) is applied, depending on the type of business.

Table 9 Sewerage service charge for Multi Premises which are Residential Properties⁵

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Sewerage service charge for each Residential Property located in a Multi Premises	93.33	$156.10 \times (1 + \Delta\text{CPI}_1)$	$171.33 \times (1 + \Delta\text{CPI}_2)$	$185.72 \times (1 + \Delta\text{CPI}_3)$

⁵ Refer to clauses 7.2, 7.3 and 7.6 for the application of the above charges, which represent one component of the methodology for determining the applicable maximum charge.

Schedule 3

Stormwater Drainage Services

1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (c) of the Order (stormwater drainage services).

2. Categories for pricing purposes

Prices have been determined for 2 categories:

- (a) Residential Properties; and
- (b) Non Residential Properties.

3. Stormwater drainage charges for Residential Properties

The maximum price that may be levied by the Corporation for stormwater drainage services to a Residential Property for a Billing Cycle is the stormwater drainage service charge in Table 10 (corresponding to the applicable Period in that table) divided by the number of four monthly cycles in that Period.

4. Stormwater drainage charges for Non Residential Properties

4.1 Non Residential Properties constructed after March 1991

The maximum price that may be levied by the Corporation for stormwater drainage services to a Non Residential Property constructed after March 1991 for a Billing Cycle is the stormwater service charge set out in Table 11 (corresponding to the applicable Period and land size in that table) divided by the number of four monthly cycles in that Period.

4.2 Non Residential Properties constructed on or before March 1991

The maximum price that may be levied by the Corporation for stormwater drainage services to a Non Residential Property constructed on or before March 1991 for a Billing Cycle is the sum of the following:

- (a) the stormwater service charge in Table 11 (corresponding to the applicable Period and land size in that table) divided by the number of four monthly cycles in that Period; and
- (b) the property value based charge calculated as follows:

$$\frac{(A \times B)}{C}$$

Where:

A - the property valued based charge in Table 12 (corresponding to the applicable Period in that table);

B - the \$AAV; and

C - the number of four monthly cycles in that Period

Tables 10, 11 and 12

Table 10 Stormwater service charge for Residential Properties

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Stormwater service charge	28.91	47.67 x (1+ Δ CPI ₁)	51.98 x (1+ Δ CPI ₂)	56.29 x (1+ Δ CPI ₃)

Table 11 Stormwater service charge for Non Residential Properties⁶

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Stormwater service charge				
Non Residential Property – small (<1,000 m ²) or low impact ⁷	28.91	47.67 x (1+ Δ CPI ₁)	51.98 x (1+ Δ CPI ₂)	56.29 x (1+ Δ CPI ₃)
Non Residential Property – medium (1,001 to 10,000 m ²)	28.91	62.82 x (1+ Δ CPI ₁)	82.28 x (1+ Δ CPI ₂)	101.73 x (1+ Δ CPI ₃)
Non Residential Property - large (10,001 to 45,000 m ²)	28.91	244.61 x (1+ Δ CPI ₁)	445.85 x (1+ Δ CPI ₂)	647.08 x (1+ Δ CPI ₃)
Non Residential Property – very large (>45,000 m ²)	28.91	714.21 x (1+ Δ CPI ₁)	1,385.06 x (1+ Δ CPI ₂)	2,055.91 x (1+ Δ CPI ₃)

⁶ For further information about this stormwater service charge, please refer to section 9.5.3 of Report Nos 5, 6 and 7, 2005.

⁷ Low impact Non Residential Properties are often large in area and which are assessed by the Corporation to have a low area of impermeable surface.

Table 12 Property value based charge for a Non Residential Property developed on or before March 1991

Charge	Commencement Date to 30 June 2006 (\$/\$AAV)	1 July 2006 to 30 June 2007 (\$/\$AAV)	1 July 2007 to 30 June 2008 (\$/\$AAV)	1 July 2008 to 30 June 2009 (\$/\$AAV)
Property value based charge	0.0125	0.0096 x (1+ Δ CPI ₁)	0.0064 x (1+ Δ CPI ₂)	0.0032 x (1+ Δ CPI ₃)

Schedule 4

Trade Waste Services

1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (d) of the Order (trade waste services).

2. Categories for pricing purposes

Prices have been determined for 2 categories:

- (a) trade waste permits and inspection fees; and
- (b) trade waste services.

3. Charges for trade waste permits or inspection fees

The maximum price that may be levied by the Corporation for a trade waste permit (a Major Permit or a Minor Permit) or for inspection fees (a Major Permit or a Minor Permit) is the corresponding charge in Table 13 for the applicable Period in that table.

4. Charges for trade waste services

The maximum price that may be levied by the Corporation for trade waste services is:

- (a) the trade waste high strength charge in Table 14, corresponding to the applicable Period and wastewater treatment catchment area in that table; and
- (b) the trade waste services and tankering services charges in Table 15, corresponding the applicable Period in that table.

Tables 13, 14 and 15

Table 13 Trade waste permit and inspection fees

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Trade waste permit and inspection fees				
Minor permits				
New minor permits establishment fee	146.58	$146.58 \times (1+\Delta\text{CPI}_1)$	$146.58 \times (1+\Delta\text{CPI}_2)$	$146.58 \times (1+\Delta\text{CPI}_3)$
Existing Minor Permit Holders:				
Annual Permit Fee ⁸	69.02	$103.53 \times (1+\Delta\text{CPI}_1)$	$103.53 \times (1+\Delta\text{CPI}_2)$	$103.53 \times (1+\Delta\text{CPI}_3)$
Inspection fee ⁸	93.28	$93.28 \times (1+\Delta\text{CPI}_1)$	$93.28 \times (1+\Delta\text{CPI}_2)$	$93.28 \times (1+\Delta\text{CPI}_3)$
Existing Renew / Reissue	108.65	$108.65 \times (1+\Delta\text{CPI}_1)$	$108.65 \times (1+\Delta\text{CPI}_2)$	$108.65 \times (1+\Delta\text{CPI}_3)$
Major permits				
New major permits establishment fee	809.75	$809.75 \times (1+\Delta\text{CPI}_1)$	$809.75 \times (1+\Delta\text{CPI}_2)$	$809.75 \times (1+\Delta\text{CPI}_3)$
Existing major Permit Holders:				
Annual Permit Fee	213.20	$319.80 \times (1+\Delta\text{CPI}_1)$	$319.80 \times (1+\Delta\text{CPI}_2)$	$319.80 \times (1+\Delta\text{CPI}_3)$
Inspection	93.28	$93.28 \times (1+\Delta\text{CPI}_1)$	$93.28 \times (1+\Delta\text{CPI}_2)$	$93.28 \times (1+\Delta\text{CPI}_3)$
Existing Renew / Reissue	599.63	$599.63 \times (1+\Delta\text{CPI}_1)$	$599.63 \times (1+\Delta\text{CPI}_2)$	$599.63 \times (1+\Delta\text{CPI}_3)$

⁸ The cost of one inspection is covered by the Annual Permit Fee. Additional inspections, if necessary, are charged an inspection fee for each inspection.

Table 14 Trade waste high strength charges⁹

Charge	Commencement Date to 30 June 2006 (\$/kg)	1 July 2006 to 30 June 2007 (\$/kg)	1 July 2007 to 30 June 2008 (\$/kg)	1 July 2008 to 30 June 2009 (\$/kg)
Trade waste high strength charge – wastewater treatment works within wastewater treatment catchment area				
Belmont	2.14	$2.14 \times (1+\Delta\text{CPI}_1)$	$2.14 \times (1+\Delta\text{CPI}_2)$	$2.14 \times (1+\Delta\text{CPI}_3)$
Boulder Bay	2.70	$2.70 \times (1+\Delta\text{CPI}_1)$	$2.70 \times (1+\Delta\text{CPI}_2)$	$2.70 \times (1+\Delta\text{CPI}_3)$
Branxton	3.90	$3.90 \times (1+\Delta\text{CPI}_1)$	$3.90 \times (1+\Delta\text{CPI}_2)$	$3.90 \times (1+\Delta\text{CPI}_3)$
Burwood Beach	1.86	$1.86 \times (1+\Delta\text{CPI}_1)$	$1.86 \times (1+\Delta\text{CPI}_2)$	$1.86 \times (1+\Delta\text{CPI}_3)$
Cessnock	2.49	$2.49 \times (1+\Delta\text{CPI}_1)$	$2.49 \times (1+\Delta\text{CPI}_2)$	$2.49 \times (1+\Delta\text{CPI}_3)$
Dora Creek	2.37	$2.37 \times (1+\Delta\text{CPI}_1)$	$2.37 \times (1+\Delta\text{CPI}_2)$	$2.37 \times (1+\Delta\text{CPI}_3)$
Edgeworth	2.15	$2.15 \times (1+\Delta\text{CPI}_1)$	$2.15 \times (1+\Delta\text{CPI}_2)$	$2.15 \times (1+\Delta\text{CPI}_3)$
Farley	1.93	$1.93 \times (1+\Delta\text{CPI}_1)$	$1.93 \times (1+\Delta\text{CPI}_2)$	$1.93 \times (1+\Delta\text{CPI}_3)$
Kearsley	3.84	$3.84 \times (1+\Delta\text{CPI}_1)$	$3.84 \times (1+\Delta\text{CPI}_2)$	$3.84 \times (1+\Delta\text{CPI}_3)$
Karuah	12.70	$12.70 \times (1+\Delta\text{CPI}_1)$	$12.70 \times (1+\Delta\text{CPI}_2)$	$12.70 \times (1+\Delta\text{CPI}_3)$
Kurri Kurri	3.36	$3.36 \times (1+\Delta\text{CPI}_1)$	$3.36 \times (1+\Delta\text{CPI}_2)$	$3.36 \times (1+\Delta\text{CPI}_3)$
Morpeth	2.35	$2.35 \times (1+\Delta\text{CPI}_1)$	$2.35 \times (1+\Delta\text{CPI}_2)$	$2.35 \times (1+\Delta\text{CPI}_3)$
Paxton	6.97	$6.97 \times (1+\Delta\text{CPI}_1)$	$6.97 \times (1+\Delta\text{CPI}_2)$	$6.97 \times (1+\Delta\text{CPI}_3)$
Raymond Terrace	2.80	$2.80 \times (1+\Delta\text{CPI}_1)$	$2.80 \times (1+\Delta\text{CPI}_2)$	$2.80 \times (1+\Delta\text{CPI}_3)$
Shortland	2.77	$2.77 \times (1+\Delta\text{CPI}_1)$	$2.77 \times (1+\Delta\text{CPI}_2)$	$2.77 \times (1+\Delta\text{CPI}_3)$
Tanilba Bay	3.33	$3.33 \times (1+\Delta\text{CPI}_1)$	$3.33 \times (1+\Delta\text{CPI}_2)$	$3.33 \times (1+\Delta\text{CPI}_3)$
Toronto	2.28	$2.28 \times (1+\Delta\text{CPI}_1)$	$2.28 \times (1+\Delta\text{CPI}_2)$	$2.28 \times (1+\Delta\text{CPI}_3)$

⁹ These charges apply where the concentration strength is greater than 350mg/L for BOD or NFR, whichever is the higher.

Table 15 Trade waste services and tankering services charges

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Trade waste services charges				
Heavy Metal – Burwood Beach WWTW Catchment (\$/kg)	29.56	$29.56 \times (1 + \Delta CPI_1)$	$29.56 \times (1 + \Delta CPI_2)$	$29.56 \times (1 + \Delta CPI_3)$
Heavy Metal – All other catchments (\$/kg)	24.23	$24.23 \times (1 + \Delta CPI_1)$	$24.23 \times (1 + \Delta CPI_2)$	$24.23 \times (1 + \Delta CPI_3)$
Phosphorus (concentrations >11mg/L)/(\$/kg)	2.84	$2.84 \times (1 + \Delta CPI_1)$	$2.84 \times (1 + \Delta CPI_2)$	$2.84 \times (1 + \Delta CPI_3)$
Sulphate (\$/kg)	$\{\$0.11 \times (SO_4/2000)\} / \text{kg}$	$\{[\$0.11 \times (SO_4/2000)] / \text{kg}\} \times (1 + \Delta CPI_1)$	$\{[\$0.11 \times (SO_4/2000)] / \text{kg}\} \times (1 + \Delta CPI_2)$	$\{[\$0.11 \times (SO_4/2000)] / \text{kg}\} \times (1 + \Delta CPI_3)$
Tankering services charges				
Establish Tankering agreement (\$)	146.58	$146.58 \times (1 + \Delta CPI_1)$	$146.58 \times (1 + \Delta CPI_2)$	$146.58 \times (1 + \Delta CPI_3)$
Renew agreement (\$)	108.65	$108.65 \times (1 + \Delta CPI_1)$	$108.65 \times (1 + \Delta CPI_2)$	$108.65 \times (1 + \Delta CPI_3)$
Monthly invoicing fee (\$)	20.50	$20.50 \times (1 + \Delta CPI_1)$	$20.50 \times (1 + \Delta CPI_2)$	$20.50 \times (1 + \Delta CPI_3)$
Delivery processing fee (\$/delivery docket)	2.05	$2.05 \times (1 + \Delta CPI_1)$	$2.05 \times (1 + \Delta CPI_2)$	$2.05 \times (1 + \Delta CPI_3)$
Portable Toilet Effluent (\$/kL)	14.77	$14.77 \times (1 + \Delta CPI_1)$	$14.77 \times (1 + \Delta CPI_2)$	$14.77 \times (1 + \Delta CPI_3)$
Septic Effluent (\$/kL)	3.10	$3.10 \times (1 + \Delta CPI_1)$	$3.10 \times (1 + \Delta CPI_2)$	$3.10 \times (1 + \Delta CPI_3)$
Septic sludge (\$/kL) ¹⁰	28.57	$28.57 \times (1 + \Delta CPI_1)$	$28.57 \times (1 + \Delta CPI_2)$	$28.57 \times (1 + \Delta CPI_3)$
High Strength Waste (\$/kL) ¹¹				
(a) volume charge (\$/kL); and	2.61	$2.61 \times (1 + \Delta CPI_1)$	$2.61 \times (1 + \Delta CPI_2)$	$2.61 \times (1 + \Delta CPI_3)$
(b) load charge (\$/kg)	Charges from Table 14 for the relevant wastewater treatment works within the wastewater treatment catchment area	Charges from Table 14 for the relevant wastewater treatment works within the wastewater treatment catchment area	Charges from Table 14 for the relevant wastewater treatment works within the wastewater treatment catchment area	Charges from Table 14 for the relevant wastewater treatment works within the wastewater treatment catchment area

10 Sludge is defined as septic tank waste with BOD or NFR (whichever is the higher) greater than 7500mg/L or a septic tank effluent and sludge mix with a 'sludge' proportion greater than 50%.

11 Tankered high strength waste is charged a volume charge plus a load charge. The load charge is the high strength charge in Table 14 for the relevant wastewater treatment works which the waste is delivered.

Schedule 5

Environmental levies and other sewerage charges

1. Application

This Schedule sets the maximum prices that the Corporation may charge under paragraph (b) of the Order (sewerage services), to recover the capital costs of backlog sewerage services (under the Hunter Sewerage Project and the Priority Sewerage Program) that are not recovered through either direct beneficiary contributions or NSW Government community service obligation payments.

2. Categories for pricing purposes

Prices have been determined for Residential Properties and Non Residential Properties.

3. Environmental improvement charge for Residential Properties, Non Residential Properties and Vacant Land¹²

3.1 The maximum price that may be levied by the Corporation on a Residential Property, a Non Residential Property or Vacant Land to recover the Corporation's capital costs related to the backlog sewerage programs (under the Hunter Sewerage Project and the Priority Sewerage Program) for a Billing Cycle is the environmental improvement charge in Table 16 for the applicable Period, divided by the number of four monthly cycles in that Period.

12 An owner of Vacant Land which is located in an area serviced by a Sewerage System but is not connected to the Sewerage System will be liable for any other applicable charges as set out in this determination if that owner applies for that Vacant Land to be connected to the Sewerage System.

3.2 For the purposes of clause 3.1 of this schedule, the environmental improvement charge in Table 16 does not apply where:

- (a) the Property is located in an area not serviced by a Sewerage System or is in an area where a scheme to provide a point of connection has not been approved for funding by the NSW Government; or
- (b) the Property is owned and occupied by an Eligible Pensioner.

4. Sewer service access charge for Vacant Land located in an area serviced by the Hunter Sewerage Project

The maximum price that may be levied by the Corporation on Vacant Land not connected to the Sewerage System at the date of announcement of the Hunter Sewerage Project but is reasonably available for connection to the Sewerage System in an area serviced by the Hunter Sewerage Project is the sewer service access charge in Table 17. That maximum price may be only levied by the Corporation at the time:

- (a) that Vacant Land is subdivided, or
- (b) an application is made by the owner of that Vacant Land to connect that Vacant Land to the Sewerage System¹³.

13 A separate application fee is levied by the Corporation – refer to Table 18, item 21.

Tables 16 and 17

Table 16 Environmental improvement charge

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Environmental improvement charge	33.45	$50.17 \times (1+\Delta\text{CPI}_1)$	$50.17 \times (1+\Delta\text{CPI}_2)$	$50.17 \times (1+\Delta\text{CPI}_3)$

Table 17 Sewer service access charge

Charge	Commencement Date to 30 June 2006 (\$)	1 July 2006 to 30 June 2007 (\$)	1 July 2007 to 30 June 2008 (\$)	1 July 2008 to 30 June 2009 (\$)
Sewer service access charge	3,184.68	$3,184.68 \times (1+\Delta\text{CPI}_1)$	$3,184.68 \times (1+\Delta\text{CPI}_2)$	$3,184.68 \times (1+\Delta\text{CPI}_3)$

Schedule 6

Ancillary and miscellaneous customer services

1. Application

This Schedule sets the maximum prices that the Corporation may charge for services under paragraph (g) of the Order (ancillary and miscellaneous customer services for which no alternative supply exists).

2. Ancillary and miscellaneous charges

2.1 The maximum charge that may be levied by the Corporation for an ancillary and miscellaneous service in Table 18 is:

- (a) **from the Commencement Date to 30 June 2006** - the corresponding charge in Table 18;
- (b) **from 1 July 2006 to 30 June 2007** - the corresponding charge in Table 18 multiplied by $(1+\Delta\text{CPI}_1)$;
- (c) **from 1 July 2007 to 30 June 2008** - the corresponding charge in Table 18 multiplied by $(1+\Delta\text{CPI}_2)$;
- (d) **from 1 July 2008 to 30 June 2009** - the corresponding charge in Table 18 multiplied by $(1+\Delta\text{CPI}_3)$.

2.2 A reference in Table 18 to "NA" means that the Corporation does not provide the relevant service.

Table 18 Charges for ancillary and miscellaneous services

No.	Ancillary and miscellaneous service	Charge from Commencement Date to 30 June 2006 (\$)
1	Conveyancing Certificate	
	a) Over the Counter	19.10
	b) Electronic	7.50
2	Property Sewerage Diagram-up to and including A4 size- (where available) <i>(Diagram showing the location of the house-service line, building and sewer for a property)</i>	
	a) Certified	NA
	b) Uncertified	
	i. Over the Counter	13.80
	ii. Electronic	NA
3	Service Location Diagram <i>(Location of sewer and/or Water Mains in relation to a property's boundaries)</i>	
	a) Over the Counter	13.80
	b) Electronic	8.00
4	Special Meter Reading Statement	60.50
5	Billing Record Search Statement – up to and including 5 years.	48.85
6	Building over or Adjacent to Sewer Advice <i>(Statement of Approval Status for existing Building Over or Adjacent to a Sewer)</i>	23.35
7	Water Reconnection – after restriction	
	a) During business hours	52.95
	b) Outside business hours	159.10
8	Workshop Test of Meter <i>(Removal and full mechanical test of the meter by an accredited organisation at the customer's request to determine the accuracy of the Meter. This involves dismantling and inspection of meter components)</i>	
	20mm	171.50
	25mm	171.50
	32mm	213.30
	40mm	229.30
	50mm	light 253.50
	('light' being a Meter weighing less than 10 kgs and 'heavy' being a Meter weighing 10 kgs or more)	heavy 465.00
	65mm	465.00
	80mm	469.00
	100mm	545.50
	150mm	545.50
9	Application for water disconnection	
	a) Application for water disconnection-(all sizes)	27.60
	b) Physical Disconnection	NA

No.	Ancillary and miscellaneous service	Charge from Commencement Date to 30 June 2006 (\$)
10	Application for Water Service Connection-(up to and including 25mm) <i>(This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection)</i>	31.85
11	Application for Water Service Connection-(32-65mm) <i>(This covers administration and system capacity analysis as required)</i>	277.00
12	Application for Water Service Connection-(80mm or greater) <i>(This covers administration and system capacity analysis as required)</i>	507.00
	Multiple and large services	
13	Application to assess a Water main Adjustment <i>(Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length)</i> <i>This covers preliminary advice as to the feasibility of the project and will result in either:</i>	
	1. A rejection of the project in which cases the fee covers the associated investigation costs	343.00
	Or	
	2. Conditional approval in which case the fee covers the administrative costs associated with the investigation and record amendment.	343.00
14	Standpipe Hire – security bond	
	Security Bond (20mm standpipes)	300.00
	Security Bond (32mm and 50 mm standpipes)	700.00
15	Standpipe Hire	
	Annual Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
	Quarterly Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
	Monthly Fee	
	(20mm)	10.60
	(32mm)	19.00
	(50mm)	20.00
	Tri-annual Fee	
	(20mm)	22.40
	(32mm)	56.00
	(50mm)	60.00
16	Standpipe Water Usage Fee	water usage charge as per Table 2
17	Backflow Prevention Device Application and Registration Fee <i>(This fee is for initial registration of the backflow device)</i>	19.10

No.	Ancillary and miscellaneous service	Charge from Commencement Date to 30 June 2006 (\$)	
		Fixed Charge (\$)	Hourly Charge (\$)
18	Backflow Prevention Application Device Annual Administration Fee <i>(This fee is for the maintenance of records including logging of inspection reports)</i>	12.75	
19	Major Works Inspections Fee. <i>(This fee is for the inspection, for the purposes of approval of water and sewer mains, constructed by others, that are longer than 25 metres and/or greater than 2 metres in depth)</i>		
	Water Mains (\$ per metre)	6.30	
	Gravity Sewer Mains (\$ per Metre)	9.50	
	Rising Sewer Mains (\$ per Metre)	6.30	
	Reinspection	NA	
20	Statement of Available Pressure and Flow <i>(This fee covers all levels whether modelling is required or not)</i>	280.00	
No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2006	
		Fixed Charge (\$)	Hourly Charge (\$)
21	Application to Connect or Disconnect Sewer or for a Special Internal Inspection Permit <i>Process applications to connect a new sewer service or to disconnect an existing sewer service or apply for a special internal inspection permit.</i>	35.05	NA
22	Application to Connect or Disconnect Water & Sewer Services (combined application) <i>Process combined application to connect a new water and sewer service or to disconnect an existing water and sewer service.</i>	37.20	NA
23	Irregular & Dishonoured Payments <i>Functions relating to cheques returned by banking authorities or payment agency as irregular or dishonoured, credit card payment declines and direct debit payment declines.</i>		
	Banking Authority:		
	- Cheques	20.60	NA
	- Credit Card decline	No charge	NA
	- Direct Debit decline	13.10	NA
	Australia Post:		
	- Cheques	25.60	NA
24	Request for Separate Metering of Strata Units <i>Process a request from a Body Corporate for separate sub-metering of individual units within a registered Strata Plan</i>		
	Up to 4 units	66.65	NA
	5 to 10 units	84.30	NA
	> 10 units	108.90	NA

No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2006	
		Fixed Charge (\$)	Hourly Charge (\$)
25	Water Meter Re-Read <i>Re-read a water meter because a Customer has not returned a self read card left during the normal reading cycle because the meter was inaccessible.</i>	47.25	NA
26	Wyee East Water Contribution <i>Special charge to connect to Wyee East water reticulation system</i>	1,293.00	NA
27	Determining Requirements for Building Over/Adjacent to Sewer <i>Statement of conditional requirements to Council approved building plans to safeguard Hunter Water's sewer assets.</i>	55.75	NA
28	Application for a Metered Stand Pipe <i>Process applications for the hire of portable metered standpipes</i>	111.50	NA
29	Meter Affixtures <i>Installation of meters for new connections</i>	20.00	NA
30	Inspection of Non-compliant Meters <i>Inspection of properties to assess requirements to make a meter accessible and/or where a second inspection is required for strata metering (where initial application was non-compliant)</i>		
	- up to 4 units	31.60	NA
	- 5 to 10 units	38.60	NA
	>10 units	52.60	NA
	Inaccessible meters	31.60	NA
31	Special Inspections <i>Inspection of rainwater tanks and water storage tanks to ensure adequate backflow for protection of Hunter Water supply and inspection of temporary toilet connections to the sewer on large building sites</i>	60.55	NA
32	Connect to or Building Over/Adjacent to Stormwater Channel for a Single Residence <i>Process applications from customers connecting a single residence to a stormwater channel or erecting a single residence over/adjacent to a stormwater channel held by Hunter Water</i>	65.10	NA
33	Stormwater Channel Connection <i>New developments unable to drain to the street drainage system maybe serviced by a Hunter Water stormwater channel if available. The fee covers the cost of assessment.</i>	258.00	NA
34	Hydraulic Assessment Application - less than 80mm service <i>The NSW Code of Practice: Plumbing and Drainage requires developments with large domestic or fire water demands and/or trade waste discharges to lodge hydraulic designs for Hunter Water's approval. This service is normally provided to redevelopments using an existing meter.</i>	245.00	NA
35	Pump Station Design Assessment <i>Pump station designs prepared by consultants are audited to ensure compliance with Hunter Water standards.</i>		
	Water Pump Station	2,552.00	NA

No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2006	
		Fixed Charge (\$)	Hourly Charge (\$)
	Sewer Pump Station	2,808.00	NA
36	Application to Assess Sewer main Adjustment <i>(Moving a fitting and/or adjusting a section of sewer main up to and including 25 metres in length)</i>	343.00	NA
37	Indicative Developer Charge Application <i>This fee covers assessment of the proposed development and determination of developer charges.</i>	227.00	NA
38	Revised Notice Letter Application <i>The revision fee covers the cost of recalculating the developer charge and reviewing the construction requirements.</i>	289.00	NA
39	Bond Application <i>This fee covers the lodging and release of a bond, and an estimation of the cost of outstanding works, where a developer wishes to provide security in lieu of constructing works to facilitate early release of Hunter Water compliance certificates.</i>	1,122.00	NA
40	Bond Variation <i>This charge covers Hunter Water's administration cost for adjustment of securities.</i>	163.00	NA
41	Application Fee - Section 50 <i>The application fee covers the basic processing of each application to determine if there are any requirements such as developer charges or the construction of works.</i>	343.00	NA
42	Application for Water/Sewer main Extensions <i>Unserviced property owners can apply for approval to extend water and/or sewer mains. Hunter Water calculates appropriate developer charges and extension options based on system capacity and topographical constraints.</i>	343.00	NA
43	Assessment of Minor Works <i>Some applications required relatively minor works - typically 1 into 2 lot subdivisions in urban areas where water and sewer facilities are connected to the lot being subdivided. The resources required to assess minor works designs are considerably less than those required for large developments.</i>	542.00	NA
44	Assessment of Major Works <i>This category consists principally of large subdivisions or 'greenfield' sites. As a result of the works being large scale, including not only reticulation systems but also lead-in works, pump stations and rising mains, applicants are required to engage consultants to prepare the designs. Following approval of the designs, construction is supervised by Hunter Water which also carries out the work-as-executed survey and connections to live water mains. These fees are separately charged.</i>	1,948.00	NA
45	Connection to Existing Water System (major works) <i>This fee covers shut down to allow connections to existing fittings and recharging the main.</i>	614.00	NA
46	Insertion or Removal of Tee & Valve <i>Hunter Water is required to identify the shutdown area, issue pre-shutdown notices to affected customers, shutdown the water system to allow the contractor to connect new water systems and restore the water supply following connection.</i>		

No.	Ancillary and miscellaneous service	Commencement Date to 30 June 2006	
		Fixed Charge (\$)	Hourly Charge (\$)
	Shutdown and charge up only	614.00	NA
	Shutdown, insert tee & valve, and charge up	769.00	NA
47	Application for Additional Sewer Connection <i>Development requiring alternative sewer connection points must make an application to Hunter Water. Review of options and assessment of drawings or designs.</i>	258.00	NA
48	Tee and Valve Connection <i>Water services greater than 80mm diameter require special connection arrangements to Hunter Water's mains and are covered by an agreement and technical specification prepared on application.</i>	149.00	NA
49	Minor Works Inspection Fee <i>Auditing of works constructed under minor works contracts to ensure that specified quality is being achieved.</i>	147.00	NA
50	Major Works Inspection and WAE Fee <i>Comprises inspection/audit of works constructed under major works contracts to ensure that specified quality is achieved. Work-as-executed comprises survey of the constructed work and modifying plans to detail the precise location of the work for inclusion in Hunter Water information systems.</i>		
	Water Pump Stations	3,950.00	NA
	Sewer Pump Stations	5,350.00	NA
51	Application to Assess Encroachment on Hunter Water Land, Easement Rights or Assets <i>This fee is for a first pass review of an application, to allow Hunter Water to advise requirements to be met and a quote for additional, more detailed assessment.</i>	251.00	NA
52	Technical Services (Fee per hour) <i>This fee provides an hourly rate for additional technical work to be undertaken as agreed upfront with the client/applicant.</i>	NA	91.00
53	Remote Application Fee <i>This fee covers applications made for a compliance certificate in an area remote from Hunter Water Services and includes the basic processing of each application to issue a certificate</i>	207.00	NA
54	Indicative Requirements Fee <i>This charge covers technical assessment of a proposed development and general advice on the level of developer servicing plan charges</i>	343.00	NA
55	Strategy Review <i>Major developments often require the preparation of a servicing strategy for the whole development. Consulting engineers are engaged to prepare this strategy on behalf of a developer and Hunter Water reviews these strategies to ensure they are provide optimal connection options and are consistent with current guidelines</i>	516.00	NA
56	Hydraulics Assessment Application - 80mm service and above <i>This service covers administration and system capacity analysis, as required. This includes hydraulic assessment and processing. Assessment and in-principle approval of meter sizes and services.</i>	327.00	NA

Schedule 7

Definitions and Interpretation

1. DEFINITIONS

1.1 General definitions

In this determination:

AAV means the assessed annual value of land as defined by the *Valuation of Land Act, 1916*.

Area of Operations has the meaning given to that term in the Operating Licence.

Billing Cycle means each four monthly cycle during a Period.

Commencement Date means the Commencement Date defined in clause 2(b) of section 1 (**Background**) of this determination.

Common Water Meter means a Meter which is connected or available for connection to Multi Premises, where the Meter measures the water usage to that Multi Premises but not to each relevant Property located on or within that Multi Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989*.

Community Parcel has the meaning given to that term under the *Community Land Development Act 1989*.

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified Company Title Dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Corporation means the Corporation defined in clause 1(b) of section 1 (**Background**) of this determination, constituted under the *Hunter Water Act 1991*.

Dungog Shire Council means the Dungog Shire Council as constituted under the Local Government Act.

df% or **Discharge Factor** means in relation to a Property, the percentage of water supplied to that property which the Corporation assesses or deems to be discharged into the Sewerage System.

Diameter Pipe means the service pipe connecting a Property to the Water Supply System.

Eligible Pensioner means a person who is the owner and occupier of a Property and who holds a pensioner concession card from Centrelink or an equivalent concession card from the Department of Veterans' Affairs.

Filtered Water means water that has been treated at a water filtration plant.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

Hunter Sewerage Project means the program established in 1988 by the NSW Government to provide sewer services to specific unsewered areas in the Corporation's Area of Operations.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act, 1992*.

kL means kilolitre or one thousand litres.

Local Government Act means the *Local Government Act, 1993 (NSW)*.

Major Permit, in relation to a trade waste permit, has the meaning given to that term in the Trade Waste Policy.

Meter means an apparatus for the measurement of water.

Metered Property means a Residential Property or Non Residential Property (as the case may be) that has a Meter.

Meter Reading Period means the period equal to the number of days between:

- (a) the date on which the Meter was last read (or taken to have been read by the Corporation); and
- (b) the date on which the Meter was read (or taken to have been read by the Corporation) immediately preceding the date in paragraph (a).

Minor Permit, in relation to a trade waste permit, has the meaning given to that term in the Trade Waste Policy.

Monopoly Services means the Monopoly Services as defined in clause 1(b) of section 1 (**Background**) of this determination.

Multi Premises means a premise where there are two or more Properties, excluding premises where there are hotels, motels, guest houses or backpacker hostels (each as defined in the Local Government Act) located on it.

Non Residential Property means a Property that is not a Residential Property or Vacant Land.

Operating Licence means the Corporation's operating licence in force under section 12 of the *Hunter Water Act 1991*.

Order means the Order defined in clause 1(b) of section 1 (**Background**) of this determination and published in Government Gazette No. 18 dated 14 February 1997.

Owners Corporation has the meaning given to that term under the *Strata Schemes Management Act 1996*.

Period means the Commencement Date to 30 June 2006, 1 July 2006 to 30 June 2007, 1 July 2007 to 30 June 2008 or 1 July 2008 to 30 June 2009 (as the case may be).

Priority Sewerage Program means the program established in 1998 by the NSW Government to provide sewer services to unsewered areas based on a priority ranking developed by the Environment Protection Authority and New South Wales Department of Health and Ageing.

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot;
- (d) a building or part of a building occupied or available for occupation; or
- (e) land.

Rateable Land has the meaning given to that term under the Local Government Act.

Residential Single Property means a Residential Property which is not a Strata Title Lot, a Company Title Dwelling or a Community Development Lot.

Residential Property means a Property where:

- (a) in the case of that Property being Rateable Land, that Property is categorised as residential under section 516 of the Local Government Act; or
- (b) in the case of that Property not being Rateable Land, the dominant use of that Property is residential, applying the classifications in section 516 of the Local Government Act.

Sewerage System means the sewerage system of the Corporation.

Strata Title Building means a building that is subject to a strata scheme under the *Strata Schemes (Freehold Development) Act 1973*.

Strata Title Lot means a lot as defined under the *Strata Schemes (Freehold Development) Act 1973*.

Trade Waste Policy means the Corporation's Trade Waste Policy and Management Plan (as amended from time to time).

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

Unfiltered Water means water that has not been treated or filtered by the Corporation, and which is distributed by the Corporation to the customer other than via the Corporation's Water Supply System for Filtered Water.

Unmetered Property means a Property that is not serviced by a Meter.

Unit Entitlement when applied to a Strata Title Lot, has the meaning given to that term under the *Strata Schemes (Freehold Development) Act 1973*.

Vacant Land means:

- (a) in relation to schedules 1, 2, 3, 4 and 6, land that has no capital improvements and no connection to the Water Supply System; and
- (b) in relation to schedule 5, land that has no capital improvements and no connection to the Water Supply System at the time the backlog sewerage services (under the Hunter Sewerage Project and the Priority Sewerage Program) were announced by the NSW Government.

Water Supply System means the water supply system of the Corporation.

Year means a period of twelve months commencing on 1 July and ending on 30 June in the ensuing calendar year.

1.2 Consumer Price Index

- (a) **CPI** means the consumer price index All Groups index number for the, weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then **CPI** will mean an index determined by the Tribunal

$$(b) \quad \Delta CPI_1 = \left(\frac{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

$$\Delta CPI_2 = \left(\frac{CPI_{Jun2006} + CPI_{Sep2006} + CPI_{Dec2006} + CPI_{Mar2007}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

$$\Delta CPI_3 = \left(\frac{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

each as calculated by the Tribunal and notified in writing by the Tribunal to the Corporation.

- (c) The subtext (for example $_{Jun\ 2005}$) when used in relation to paragraph (b) above means the **CPI** for the quarter and Year indicated (in the example the June quarter for 2005).

2. INTERPRETATION

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law statute or document includes all amendments or replacements of that law, statute or document;
- (e) a reference to a "four monthly cycle" is a reference to a consecutive period of four months ending on 28 February, 30 June or 31 October, as the case may be.

2.2 Explanatory Notes and clarification note

- (a) Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) The Tribunal may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination as if that clarification note formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

2.4 Billing

- (a) For the avoidance of doubt nothing in this determination affects when the Corporation may issue a bill to a customer for prices or charges under this determination.
- (b) If a Meter Reading Period commences before the Commencement Date and ends after the Commencement Date, the water usage charge or sewerage usage charge (as the case may be) applying to that Meter Reading Period is the charge calculated as follows:
 - (i) **for the number of days falling before the Commencement Date** - the water usage charge or the sewerage usage charge under Determination No 3 of 2003, prior to that determination being replaced by this determination; and
 - (ii) **for the number of days falling on or after the Commencement Date** - the water usage charge or the sewerage usage charge under this determination.
- (c) If a Meter Reading Period traverses more than 1 Period, the Corporation must levy any charge applying in this determination on a pro-rata basis.

2.5 Apparatus for checking quantity of water used

For the purposes of this determination, where an apparatus is used by the Corporation to check on the quantity of water used recorded by a Meter, that apparatus will not fall within the definition of a 'Meter'.

Determination No 7, 2005

**Section 11(1)
Independent Pricing and Regulatory Tribunal Act 1992**

Sydney Catchment Authority

**Independent Pricing and Regulatory Tribunal
of New South Wales**

Reference No: 05/127

1. Background

- (a) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992*, permits the Tribunal to conduct investigations and make reports to the Minister on the determination of the pricing for a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (b) Sydney Catchment Authority (**Authority**) is listed as a government agency for the purposes of Schedule 1 of the IPART Act. The services of the Authority declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Water Supply Services) Order 2000 (Order)* are:
 - (1) water supply services; and
 - (2) ancillary and miscellaneous services for which no alternative supply exists and which relate to the supply of those water services.Accordingly, the Tribunal may determine the prices for the Authority's Monopoly Services.
- (c) In investigating and reporting on the pricing of the Authority's Monopoly Services, the Tribunal has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (d) In accordance with section 13A of the IPART Act, the Tribunal has fixed the maximum price for the Authority's Monopoly Services or has established a methodology for fixing the maximum price.
- (e) Under section 18(2) of the IPART Act, the Authority may not fix a price below that determined by the Tribunal without the approval of the Treasurer.

2. Application of this determination

- (a) This determination fixes the maximum prices (or sets a methodology for fixing the maximum prices) that the Authority may charge for the Monopoly Services.
- (b) This determination commences on the later of 1 October 2005 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (c) The maximum prices in this determination apply from the Commencement Date to 30 June 2009. The maximum prices in this determination prevailing at 30 June 2009 continue to apply beyond 30 June 2009 until this determination is replaced.

3. Replacement of Determination No. 4 of 2005

This determination replaces Determination No. 4 of 2005 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 4 of 2005 prior to its replacement.

4 Monitoring

The Tribunal may monitor the performance of the Authority for the purposes of:

- (a) establishing and reporting on the level of compliance by the Authority with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Authority.

5. Schedules

Schedules 1-3 (inclusive) and the Tables in those Schedules set out the maximum prices that the Authority may charge for the Monopoly Services specified in the Schedules.

6. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 4.

Schedule 1

Water Supply Services

1. Application

This schedule sets the maximum prices that the Authority may charge for services to a person (other than a Customer) under paragraph (a) of the Order (water supply services).

2. Water supply services to the Corporation

The maximum charge for water supplied by the Authority to the Corporation is the sum of:

- (a) the Fixed Availability Charge in Table 1, corresponding to the applicable Period in that table; and
- (b) the Volumetric Charge (per ML) in Table 2, corresponding to the applicable Period in that table.

3. Water supply services to Wingecarribee Shire Council

The maximum charge for water supplied by the Authority to Wingecarribee Shire Council is the Volumetric Charge (per ML) in Table 3, corresponding to the applicable Period in that table.

4. Water supply services to Shoalhaven City Council

4.1 Supply to Kangaroo Valley

The maximum charge for water supplied by the Authority to Shoalhaven City Council for use in Kangaroo Valley is the Volumetric Charge (per ML) in Table 4, corresponding to the applicable Period in that table.

4.2 Tallowa Dam Releases to Shoalhaven City Council

The maximum charge for water supplied by the Authority to Shoalhaven City Council from the Tallowa Dam Releases during times of drought (as determined by Shoalhaven City Council) is the Volumetric Charge (per ML) in Table 5, corresponding to the applicable Period in that table.

Tables 1, 2, 3, 4 and 5

Table 1 Fixed Availability Charges for the Corporation

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Fixed Availability Charge (\$per calendar month)	5,124,000	$5,124,000 \times (1+\Delta\text{CPI}_1)$	$5,124,000 \times (1+\Delta\text{CPI}_2)$	$5,124,000 \times (1+\Delta\text{CPI}_3)$

Table 2 Volumetric Charges for the Corporation

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Volumetric Charge (\$ per ML)	155.34	$169.91 \times (1+\Delta\text{CPI}_1)$	$185.84 \times (1+\Delta\text{CPI}_2)$	$203.27 \times (1+\Delta\text{CPI}_3)$

Table 3 Volumetric Charges for Wingecarribee Shire Council

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Volumetric Charge (\$ per ML)	126.88	$148.68 \times (1+\Delta\text{CPI}_1)$	$170.48 \times (1+\Delta\text{CPI}_2)$	$192.27 \times (1+\Delta\text{CPI}_3)$

Table 4 Volumetric Charges for Kangaroo Valley

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Volumetric Charge (\$ per ML)	126.88	$148.68 \times (1+\Delta\text{CPI}_1)$	$170.48 \times (1+\Delta\text{CPI}_2)$	$192.27 \times (1+\Delta\text{CPI}_3)$

Table 5 Volumetric Charges for Tallowa Dam Releases to Shoalhaven City Council in times of drought

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Volumetric Charge (\$ per ML)	126.88	$148.68 \times (1+\Delta\text{CPI}_1)$	$170.48 \times (1+\Delta\text{CPI}_2)$	$192.27 \times (1+\Delta\text{CPI}_3)$

Schedule 2

Water Supply Services

Bulk Raw Water

1. Application

This schedule sets the maximum prices that the Authority may charge for services of Bulk Raw Water to a Customer under paragraph (a) of the Order (water supply services).

2 Bulk Raw Water

The maximum charge for Bulk Raw Water supplied by the Authority to a Customer is the Volumetric Charge (per kL) in Table 6, corresponding to the applicable Period in that table.

Table 6 Volumetric Charges for Bulk Raw Water

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Bulk Raw Water charges - Volumetric Charge (\$ per kL)	0.45	$0.45 \times (1 + \Delta CPI_1)$	$0.45 \times (1 + \Delta CPI_2)$	$0.45 \times (1 + \Delta CPI_3)$

Schedule 3

Water Supply Services

Unfiltered Water

1. Application

This schedule sets the maximum prices that the Authority may charge for services of Unfiltered Water to a Customer under paragraph (a) of the Order (water supply services).

2 Unfiltered Water

The maximum charge for Unfiltered Water supplied by the Authority to a Customer is the sum of:

- (a) the Fixed Availability Charge determined as follows:
 - (i) **from the Commencement Date to 30 June 2006** - 75% of the Fixed Availability Charge in Table 7, corresponding to the service connection size; and
 - (ii) **from 1 July 2006 to 30 June 2007, 1 July 2007 to 30 June 2008 or 1 July 2008 to 30 June 2009** - 100% of the Fixed Availability Charge in Table 7, corresponding to the service connection size; and
- (b) the Volumetric Charge (per kL) in Table 8, corresponding to the applicable Period in that table.

Tables 7 and 8

Table 7 Fixed Availability Charges for Unfiltered Water

Charge	1 July 2005 to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Fixed Availability Charge				
(\$ per financial year) - service connection size (nominal diameter)				
20mm	75.00	75.00	75.00	75.00
25mm	117.20	117.20	117.20	117.20
30mm	168.75	168.75	168.75	168.75
32mm	192.00	192.00	192.00	192.00
40mm	300.00	300.00	300.00	300.00
50mm	468.75	468.75	468.75	468.75
80mm	1200.00	1200.00	1200.00	1200.00
100mm	1875.00	1875.00	1875.00	1875.00
150mm	4218.75	4218.75	4218.75	4218.75
200mm	7500.00	7500.00	7500.00	7500.00
>200mm	(nominal diameter) ² x 75/400	(nominal diameter) ² x 75/400	(nominal diameter) ² x 75/400	(nominal diameter) ² x 75/400

Table 8 Volumetric Charges for Unfiltered Water

Charge	Commencement Date to 30 June 2006	1 July 2006 to 30 June 2007	1 July 2007 to 30 June 2008	1 July 2008 to 30 June 2009
Unfiltered Water - Volumetric Charge (\$ per kL)	0.77	$0.77 \times (1 + \Delta CPI_1)$	$0.77 \times (1 + \Delta CPI_2)$	$0.77 \times (1 + \Delta CPI_3)$

Schedule 4

Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

Authority means the Authority as defined in clause 1(b) of section 1 (**Background**) of this determination, constituted under the *Sydney Water Catchment Management Act 1998*.

Bulk Raw Water means water that has not been managed in any way.

Commencement Date means the Commencement Date as defined in clause 2(b) of section 1 (**Background**) of this determination.

Corporation means the Sydney Water Corporation constituted under the *Sydney Water Corporation Act, 1994*.

Customer means a person to whom the Authority supplies water, other than:

- (a) the Corporation; or
- (b) a water supply authority, a local council or a county council each as defined in the *Sydney Water Catchment Management Act, 1998*.

Fixed Availability Charge means a fixed charge imposed by the Authority for making water available for supply to a person, irrespective of the amount of water consumed by that person.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act, 1992*.

Kangaroo Valley means the township of Kangaroo Valley within the local government area of the Shoalhaven City Council.

kL means kilolitre or one thousand litres.

ML means megalitre or one million litres.

Monopoly Services means the Monopoly Services as defined in clause 1(b) of section 1 (**Background**) of this determination.

Order means the Order defined in clause 1(b) of section 1 (**Background**) of this determination and published in Gazette No. 22 dated 11 February 2000.

Period means the Commencement Date to 30 June 2006, 1 July 2006 to 30 June 2007, 1 July 2007 to 30 June 2008 or 1 July 2008 to 30 June 2009 (as the case may be).

Shoalhaven City Council means the Shoalhaven City Council as constituted under the *Local Government Act, 1993* (NSW).

Tallowa Dam Releases describes the circumstance where the Shoalhaven City Council requests the Authority to release from Tallowa Dam water in excess of that which would usually be released by the Authority so as to enable the Shoalhaven City Council to provide water to towns within its local government area in times of drought.

Tribunal means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

Unfiltered Water means Bulk Raw Water that has been managed for quality, whether by chemical treatment or otherwise but not treated at a water filtration plant.

Volumetric Charge means a charge imposed by the Authority for water supplied by the Authority to a person where the charge is based on the amount of water consumed by that person.

Wingecarribee Shire Council means the Wingecarribee Shire Council as constituted under the *Local Government Act, 1993* (NSW).

1.2 Consumer Price Index

- (a) **CPI** means the consumer price index, All Groups index number for the weighted average of eight capital cities as published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by the Tribunal.

$$(b) \quad \Delta CPI_1 = \left(\frac{CPI_{Jun2005} + CPI_{Sep2005} + CPI_{Dec2005} + CPI_{Mar2006}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

$$\Delta CPI_2 = \left(\frac{CPI_{Jun2006} + CPI_{Sep2006} + CPI_{Dec2006} + CPI_{Mar2007}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

$$\Delta CPI_3 = \left(\frac{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}}{CPI_{Jun2004} + CPI_{Sep2004} + CPI_{Dec2004} + CPI_{Mar2005}} \right) - 1$$

each as calculated by the Tribunal and notified in writing by the Tribunal to the Authority.

- (c) The subtext (for example _{Jun 2005}) when used in relation to paragraph (b) above means the CPI for the quarter and year indicated (in the example the June quarter for 2005).

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute; and
- (e) a reference to a person includes any company, partnership, joint venture, association, corporation, other body corporate or government agency.

2.2 Explanatory Notes and clarification note

- (a) Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) The Tribunal may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination as if that clarification note formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

2.4 Billing cycle of the Authority

For the avoidance of doubt nothing in this determination affects when the Authority may issue a bill to a customer for prices or charges under this determination.

TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLUE MOUNTAINS CITY COUNCIL

Roads Act 1993

Notice of Dedication of Land as Public Road

NOTICE is hereby given by the Council of the City of Blue Mountains that in pursuance of section 16 of the Roads Act 1993, the land as described in the Schedule below is hereby dedicated as public road. Dated at Katoomba this 26th day of September 2005. MICHAEL WILLIS, General Manager, Blue Mountains City Council, Locked Bag 5, Katoomba NSW 2780.

SCHEDULE

That land in Certificate of Title, Volume 1991, Folio 12, and identified as "Lane" in Deposited Plan 4565 (known as Beattie Street) at Leura. [1659]

COFFS HARBOUR CITY COUNCIL

Local Government Act 1993, Section 553

Extension of Water Mains

NOTICE is given to section 553 of the Local Government Act 1993, that water mains have been extended and properties serviced are described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Water Local Rate after twenty one (21) days from the date of this notice. Land connected before the expiration of the twenty one (21) days shall be rated to the Local rate from the date of connection.

Coffs Harbour:

Lots 62/63, 66/67 and 70/71, DP 270060 being 77 92/94 Industrial Drive as shown on Plan 04/41/1W wae;

Lots 181/182, DP 1057949 being 73 William Sharp Drive and 105 Shephards Lane as shown on Plan 04/45/1W wae;

Lots 117/119, DP 1066077 being 83, 85 and 87 Roselands Drive and shown on Plan 04/10/5W wae;

Lots 2/4 and 6/17, DP 1057949; Lots 19/50, DP 1060574 being William Sharp Drive, Shephards Lane, Tuckeroo Close, Ceanothus Close and Callistemon Place as shown on Plan 03/15/4W wae;

Lots 11/12, DP 1077658 being 101/103 Shephards Lane as shown on Plan 04/22/1W wae;

Lots 1/2, DP 1076136 being 1 Tuckeroo Close and 66 William Sharp Drive as shown on Plan 04/36/1W wae;

Proposed subdivision of Lot 101, DP 746901 being 60 West High Street as shown on Plan 05/061W wae;

Lots 1/2 proposed subdivision Lot 1, DP 544720 being 1 Shephards Lane as shown on Plan 05/071W wae;

Lots 116/119, DP 1066077 3091 DP 1073265 Roselands Drive, Gillon Street as shown on Plan 04/10/8W wae;

Lots 1/5, DP 1085308 being 32, 34, 36, 38 and 40 Roselands Drive as shown on Plan 04/48/1W wae;

Lots 1/8 proposed subdivision of Lot 36, DP 777278 being Redwood Street as shown on Plan 05/13/1W wae.

Moonee:

Lots 1/5, DP 1080358 being 11 Woodhouse Road, 26, 28 and 30 Rushton Avenue as shown on Plan 04/53/1W wae;

Lots 1/16 proposed subdivision Lot 14, DP 1037396 being Moonee Beach Road as shown on Plan 03/23/1&2W wae.

Sawtell/Toormina:

Lot 71, DP 1082559 and Lots 2/10 in proposed subdivision Lot 70, DP 1082559 being Lyons Roads as shown on Plan 04/42/1W wae;

Lot 535, DP 808750 and Lot 529, DP 807140 being Boambee Central Shopping Centre, 140 Linden Avenue as shown on Plan 04/04/1W wae;

Lots 12//167, DP 1076791 being 34-75 Kinchela Avenue, 21/23 Belbowrie Road as shown on Plan 04/35/1W wae;

Lots 711/712, DP 1080994 being 3 and 3A Lorikeet Avenue as shown on 8594W wae;

Lots 1/20, DP 1079033 being Worland Drive and Camellia Close as shown on Plan 04/34/1W wae;

Lots 1/2 Proposed subdivision Lot 26, DP 32212 being 72 First Avenue as shown on Plan 05/19/1W wae;

Lots 1/3 proposed subdivision Lot 171, DP 836116 being 14 Bacon Close as shown on Plan 05/24/1S wae;

Lots 1/34 proposed subdivision Lots 1002/1005, DP 787947 being 22, 24, 26 and 28 Lady Belmore Drive as shown on Plan 04/40/1W wae;

Proposed subdivision Lot 2, Sec 11, DP 17282 being 9 Seventh Avenue as shown on Plan 05/32/1W wae;

Lots 101/109, DP 1051134; Lots 111/118, DP 1052608; Lots 120/121 123/128, DP 1056152; Lots 130/133, DP 1058488; Lots 139/140, DP 1070671; Lots 135/137, DP 1063504; Lots 26/38, 41 in proposed subdivision Lot 24, DP 1081454 being Dunlop Drive, Baldwin Close as shown on Plan 03/11/2W wae.

Sapphire:

Lot 273, DP 880844 being 12 Serene Court as shown on Plan 04/26/1W wae;

Lots 1/10, DP 1081287 being Gumtree Glen, Split Solitary Road as shown on Plan 05/01/1W wae;

Lots 2/18, DP 270414 being San Simeoin Circuit as shown on Plan 04/39/1S wae.

Woolgoolga:

Lots 1/6 proposed subdivision Lot 192, DP 1059641 being 56 Newmans Road as shown on Plan 05/14/1W wae.

Safety Beach:

Lots 140/141, DP 1078521 being 2 and 4 Spinnaker Drive as shown on Plan 04/33/1S wael

Corindi Beach:

Lots 1/11, DP 1077671 being 11-21 Niland Street as shown on Plan 04/30/1W wae;

Lots 1/25, DP 1 068769 being Coral Drive as shown on Plan 04/20/1W wae;

[1660]

COFFS HARBOUR CITY COUNCIL

Local Government Act 1993, Section 553

Extension of Sewer Mains

NOTICE is given to section 553 of the Local Government Act 1993, that sewer mains have been extended and properties serviced are described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Sewerage Local Rate after sixty (60) days from the date of this notice. Land connected before the expiration of the sixty (60) days shall be rated to the Local rate from the date of connection.

Coffs Harbour:

Lots 62/63, 66/67 and 70/71, DP 270060 being 77 92/94 Industrial Drive as shown on Plan 04/41/1S wae;

Lots 181/182, DP 1057949 being 73 William Sharp Drive and 105 Shephards Lane as shown on Plan 04/45/1S wae;

Lots 117/119, DP 1066077 being 83, 85 and 87 Roselands Drive and shown on Plan 04/10/5S wae;

Lots 2/4 and 6/17, DP 1057949; Lots 19/50, DP 1060574 being William Sharp Drive, Shephards Lane, Tuckeroo Close, Ceanothus Close and Callistemon Place as shown on Plan 03/15/4S wae;

Lots 11/12, DP 1077658 being 101/103 Shephards Lane as shown on Plan 04/22/1S wae;

Lots 1/2, DP 1076136 being 1 Tuckeroo Close, 66 William Sharp Drive as shown on Plan 04/36/1S wae;

Proposed subdivision of Lot 101, DP 746901 being 60 West High Street as shown on Plan 05/061S wae;

Lots 1/2 proposed subdivision Lot 1, DP 544720 being 1 Shephards Lane as shown on Plan 05/071S wae;

Lots 116/119, DP 1066077 3091 DP 1073265 Roselands Drive, Gillon Street as shown on Plan 04/10/8S wae;

Lots 1/5, DP 1085308 being 32, 34, 36, 38, 40 Roselands Drive as shown on Plan 04/48/1S wae;

Lots 1/8 proposed subdivision of Lot 36, DP 777278 being Redwood Street as shown on Plan 05/13/1S wae.

Moonee:

Lots 1/5, DP 1080358 being 11 Woodhouse Road, 26, 28, 30 Rushton Avenue as shown on Plan 04/53/1S wae;

Lots 1/16 proposed subdivision Lot 14, DP 1037396 being Moonee Beach Road as shown on Plan 03/23/1 and 2S wae.

Sawtell/Toormina:

Lot 71, DP 1082559 and Lots 2/10 in proposed subdivision Lot 70, DP 1082559 being Lyons Roads as shown on Plan 04/42/1S wae;

Lot 535, DP 808750 and Lot 529, DP 807140 being Boambee Central Shopping Centre, 140 Linden Avenue as shown on Plan 04/04/1S wae;

Lots 12//167, DP 1076791 being 34-75 Kinchela Avenue, 21/23 Belbowrie Road as shown on Plan 04/35/1S wae;

Lots 711/712, DP 1080994 being 3 and 3A Lorikeet Avenue as show on 8594S wae;

Lots 1/20, DP 1079033 being Worland Drive and Camellia Close as shown on Plan 04/34/1S wae;

Lots 1/2 Proposed subdivision Lot 26, DP 32212 being 72 First Avenue as shown on Plan 05/19/1S wae;

Lots 1/3 proposed subdivision Lot 171, DP 836116 being 14 Bacon Close as shown on Plan 05/24/1S wae;

Lots 1/34 proposed subdivision Lots 1002/1005, DP 787947 being 22, 24, 26, 28 Lady Belmore Drive as shown on Plan 04/40/1S wae;

Proposed subdivision Lot 2, Sec 11, DP 17282 being 9 Seventh Avenue as shown on Plan 05/32/1S wae.

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Lot 273, DP 880844 being 12 Serene Court as shown on Plan 04/26/1S wae;

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Lots 2/18, DP 270414 being San Simeoin Circuit as shown on Plan 04/39/1S wae.

Woolgoolga:

Lots 1/6 proposed subdivision Lot 192, DP 1059641 being 56 Newmans Road as shown on Plan 05/14/1S wae.

Safety Beach:

Lots 140/141, DP 1078521 being 2 and 4 Spinnaker Drive as shown on Plan 04/33/1S wae.

Corindi Beach:

Lots 1/11, DP 1077671 being 11-21 Niland Street as shown on Plan 04/30/1S wae;

Lots 1/25, DP 1 068769 being Coral Drive as shown on Plan 04/20/1S wae. [1661]

FAIRFIELD CITY COUNCIL

Roads Act 1993, Section 116

Proposed Raised Pedestrian Crossing in Canley Vale Road, Canley Heights

NOTICE is hereby given that Council proposes to construct a raised pedestrian crossing in Canley Vale Road, east of Derby Street. The proposed raised platform and pedestrian crossing is expected to enhance pedestrian safety.

Council is now seeking comments on the proposal from the public and interested organisations. Submissions, in writing, either by the way of support or objection to the proposal, must reach Council by Friday, 28th October 2005 (please quote G10-01-570 in reply).

For further information, please contact Council's Traffic and Road Safety Branch on 9725 0261. A. YOUNG, City Manager, Fairfield City Council, PO Box 21, Fairfield NSW 1860. [1655]

NORTH SYDNEY COUNCIL

Roads Act 1993, Section 162

Re-naming of Public Road

NOTICE is hereby given that pursuant to section 162 of the Roads Act 1993, North Sydney Council has re-named the following public road:

Location

That section of Raleigh Street at Cammeray, Parish of Willoughby, County of Cumberland, between Miller Street and Miller Lane, adjoining Lot A, Deposited Plan 437004.

New Name

Cammeraygal Place.

Authorised by resolution of the Council on 16th September 2002. PENNY HOLLOWAY, General Manager, North Sydney Council, 200 Miller Street, North Sydney NSW 2060.

[1648]

PARRAMATTA CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

PARRAMATTA CITY COUNCIL declares with the approval of His Excellency the Lieutenant Governor, that the lands described in the schedule below, excluding any mines or deposits or minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of environmental protection. Dated at Parramatta this 26th day of September 2005. J. NEISH, General Manager, Parramatta City Council, PO Box 32, Parramatta NSW 2124.

SCHEDULE

Lot 5, DP 1079534.

[1656]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

THE Port Macquarie-Hastings Council hereby gives notice that pursuant to section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated to the public as road. B. SMITH, General Manager, Port Macquarie-Hastings Council, Corner Lord and Burrawan Streets, Port Macquarie, NSW 2444.

SCHEDULE

Lot 6, Deposited Plan 532577; Lot 7, Deposited Plan 532577; Lot 3, Deposited Plan 777072; Lot 2, Deposited Plan 812333, all being in the Parish and County of Macquarie and situated between Gordon and Bridge Streets, Port Macquarie.

[1657]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

PORT MACQUARIE-HASTINGS COUNCIL hereby gives notice that pursuant to section 10 of the Roads Act 1993, that the land described in the Schedule below is dedicated as public road. B. SMITH, General Manager, Port Macquarie-Hastings Council, Cnr. Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lot 6 in Deposited Plan 1067194, Parish of Camden Haven, County of Macquarie and situated adjacent to 288 Ocean Drive at West Haven.

[1658]

RICHMOND RIVER COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of an Easement

THE Richmond River County Council declares, with the approval of Her Excellency the Governor, that the easement described in the Schedule below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of a flood levee. Dated at Lismore this 1st day of March 2005. PAUL T. MULDOON, General Manager, Richmond River County Council, PO Box 230, Lismore NSW 2480.

SCHEDULE

Easement rights as described under the heading Easement for Flood Levee in the terms set out hereunder over the site shown in:

Deposited Plan 1051709 (SB55386) as 'L) PROPOSED EASEMENT FOR FLOOD LEVEE VARIABLE WIDTH' exclusive of those parts within Lot 5 in Deposited Plan 32568 and Lot 1 in Deposited Plan 749278

Rights to be Acquired:

Easement for Flood Levee

1. FULL AND FREE right for the Authority benefited, its successors and assigns (being a public or local authority) its and their servants and all other persons authorised by it or them to act on its behalf, to:
 - (a) erect, construct, reconstruct, place, inspect, alter, repair, renew, maintain or remove within that part of the lots that are affected by this easement any embankment, levee, earth, concrete or rock works, culverts, pumps or devices and any supporting or ancillary works or equipment for the purposes of Flood Mitigation and to repair, inspect, alter, renew, maintain, use and remove any works, plant or equipment of the aforementioned categories which are already constructed or placed in the lots burdened (the ownership of all of which works plant and equipment is vested in the Authority benefited its successors and assigns);
 - (b) do anything necessary for that purpose including:
 - (i) entering the lots burdened;
 - (ii) taking anything onto the lots burdened; and
 - (iii) carrying out the work.
2. The owners of the lots burdened must not:-
 - (a) interfere with the levee or any works, plant or equipment; and
 - (b) use the affected land, or any part of the lot burdened, or any other land in a way which may detract from the stability of or likely to cause damage to the levee or any associated works, plant or equipment
 - (c) erect, place or permit the erection or placing in or on the works, plant or equipment of any building, structure or thing without the permission in writing of the Authority benefited its successors and assigns (being a public or local authority) PROVIDED THAT permission will be deemed to have been given with respect to buildings, structures or things erected thereon at the date of acquisition of this easement.

Such buildings, structures or things may remain until such time as the Authority benefited, its successors and assigns (being a public or local authority) need to exercise its powers conferred herein.

3. If an owner of any of the lots burdened does or allows anything to be done which damages the levee or other works or plant and equipment or its effectiveness, the Authority benefited, its successors and assigns (being a public or local authority) may give fourteen (14) days written notice to the owner of that lot burdened requiring the damage to be repaired or the impairment removed. If the owner of that lot burdened does not comply with the notice, the Authority benefited, its successors and assigns (being a public or local authority) may enter and repair the damage or remove the impairment and may recover any reasonable costs from the owner of that lot burdened.
4. In exercising the above powers under 1 and 3, the Authority benefited, its successors and assigns (being a public or local authority) must:
 - (a) ensure all work is done properly;
 - (b) cause as little inconvenience as possible to the owners and occupiers of the lots burdened;
 - (c) cause as little damage as possible to the lots burdened and any improvement thereon;
 - (d) restore the lots burdened as nearly as possible to their former condition;
 - (e) make good any damage; and,
 - (f) where the works consist or will consist of earthen embankment ensure the profile of the earthen embankment will not hinder smooth mowing by either hand pushed or ride on type mowers. [1662]

WYONG SHIRE COUNCIL

Naming of Road in Subdivision

NOTICE is hereby given that in accordance with Part 162.1 of the Roads Act 1993, as amended, Council has named the road shown hereunder:

Location	Name
Lot 1, DP 347653; Lot 2044, DP 1033080, Louisiana Road, Hamlyn Terrace.	Hercules Place.

No objections to the proposed name were received within the prescribed period of time. K. YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

[1663]

YOUNG SHIRE COUNCIL

Local Government Act 1993, Section 553(b)

Sewer Main Extension

PURSUANT to section 553(b) of the Local Government Act 1993, notice is hereby given that Council's sewer main has been extended to service the properties described in the Schedule hereunder. The extension of the sewer main will render the undermentioned properties liable for sewerage rates after the expiration of sixty (60) days from the date of the public notice or from the date upon which the land is connected to Council mains, whichever is earlier. A. G. HANRAHAN, General Manager, Young Shire Council, Locked Bag 5, Young NSW 2594.

SCHEDULE

1. Binalong Street, Hayden Place, Young, Lots 980, 981, 982 and 983, DP 754611; Lots 1 and 2, DP 627928; Lots 1–34 inclusive, DP 1060480.
2. Petticoat Lane, Young, Lots 101–116, DP 1048296; Lot 2, DP 1042516.
3. Settlers Place, Gold Court, Back Creek Road, Young, Lot 4, DP 622173.
4. Bailes Crescent, Young, Lot 28, DP 809986.
5. Back Creek Road, Young, Lot 100. DP 1015567.
6. Thornhill Street, Jake Miller Place, Young, Lot 443, DP 754611; Lot 2, DP 1060015.
7. William Street, Young, Lot 1852, DP 754611.
8. Crichton Crescent, Young, Lot 101, DP 1009319.
9. Blackett Avenue, Young, Lot 1, DP 1063418.
10. Unnamed Road off Blackett Avenue, Young, Lots 1038, 1039, 1040 and 1848, DP 754611.
11. Crown Road off Landsdowne Street, Young, Lot 554, DP 75461.
12. Hill Street, Jordan Place, Young, Lot 3, DP 591968.
13. Lachlan Close, Young, Lot 2, DP 827619.
14. Lachlan Street, Young, Lot 1, DP 809630.
15. Trafalgar Street, Young, Lot 1, DP 839615.
16. Trafalgar Street, Young, Lot 1, DP 868389.
17. Iandra Street, Young, Lot 1034, DP 754611 [1654]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of EDITH SARAH AINSWORTH, late of Bathurst Nursing Home, Kelso, in the State of New South Wales, who died on 1st August 2005, must send particulars of his claim to the executor, Gary Cleary, c.o. Gary Cleary & Associates, Solicitors, 9 Broken Bay Road, Ettalong Beach NSW 2257, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 22nd September 2005. GARY CLEARY & ASSOCIATES, Solicitors, 9 Broken Bay Road, Ettalong Beach NSW 2257 (DX 7279, Gosford), tel.: (02) 4344 1966. [1666]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LOLOMA IVY MARTIN late of Westmead (formerly of Matraville) in the State of New South Wales, widow, who died on 20th June 2005, must send particulars of his claim to the executor, Karen Ann Martin, c.o. Pryor Tzannes & Wallis, Solicitors, 1005 Botany Road, Mascot NSW 2020, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 8th September 2005. PRYOR TZANNES & WALLIS, Solicitors, 1005 Botany Road, Mascot NSW 2020, tel.: (02) 9669 6333.

[1667]

COMPANY NOTICES

NOTICE of final meeting of members.—SHELLEY INVESTMENTS PTY LTD, ACN 001 061 132 (in liquidation).—Notice is hereby given in pursuance of section 509 of the Corporations Law that a general meeting of the company will be held at 24 Bay Street, Rockdale NSW 2216, on Friday, 28th October 2005, at 10:00 a.m., for the purpose of laying before the members the final accounts of the winding up of the company and to give any explanation thereof. PAUL de MARIA, Liquidator, c.o. Hales Redden, Registered Company Auditors, 24 Bay Street (PO Box 54), Rockdale NSW 2216, tel.: (02) 9567 0545. [1649]

NOTICE of final meeting of members.—THE ENTRANCE BRICK SUPPLIES PTY LTD, ACN 001 270 757 (in liquidation).—Notice is hereby given in pursuance of section 509 of the Corporations Law that a general meeting of the company will be held at 24 Bay Street, Rockdale NSW 2216, on Friday, 28th October 2005, at 9:00 a.m., for the purpose of laying before the members the final accounts of the winding up of the company and to give any explanation thereof. PAUL de MARIA, Liquidator, c.o. Hales Redden, Registered Company Auditors, 24 Bay Street (PO Box 54), Rockdale NSW 2216, tel.: (02) 9567 0545. [1651]

OTHER NOTICES**ANGLICAN CHURCH OF AUSTRALIA TRUST
PROPERTY ACT 1917**

NOTICE under section 42 of the Anglican Church of Australia Trust Property Act 1917 – Anglican Church Property Trust Diocese of Sydney – by resolution passed on 25th July 2005, under section 14 of the Anglican Church of Australia Trust Property Act 1917, the Standing Committee of the Synod of the Diocese of Sydney with effect from 25th July 2005:

- (a) declared the existence of a vacancy in the office of trustee of land at Mulgoa being Lot 1 in Deposited Plan 996994 the vacancy arising by reason of the Anglican Church Property Trust Diocese of Sydney having resigned as trustee, and
- (b) elected the Sydney Anglican Schools Corporation to be trustee of that land.

P. F. JENSEN, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, tel (02) 9265 1555. [1664]

**ANGLICAN CHURCH OF AUSTRALIA TRUST
PROPERTY ACT 1917**

NOTICE under section 42 of the Anglican Church of Australia Trust Property Act 1917 – Anglican Church Property Trust Diocese of Sydney – by resolution passed on 26th September 2005, under section 14 of the Anglican Church of Australia Trust Property Act 1917, the Standing Committee of the Synod of the Diocese of Sydney with effect from 26th September 2005:

- (a) declared the existence of a vacancy in the office of trustee of land at Mulgoa being Lot 1 in Deposited Plan 1035490 the vacancy arising by reason of the Anglican Church Property Trust Diocese of Sydney having resigned as trustee, and
- (b) elected the Sydney Anglican Schools Corporation to be trustee of that land.

P. F. JENSEN, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, tel (02) 9265 1555. [1665]

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