



Government Gazette

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NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 1 November 2007

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 43 2007 – An Act to amend the Partnership Act 1892 to enable early stage venture capital limited partnerships to be registered as incorporated limited partnerships under that Act; and for other purposes. [Partnership Amendment (Venture Capital) Bill].

Act No. 44 2007 – An Act to amend the Standard Time Act 1987 to extend the daylight saving period from the first Sunday in October to the first Sunday in April; and for other purposes. [Standard Time Amendment (Daylight Saving) Bill].

Act No. 45 2007 – An Act to amend the Anti-Discrimination Act 1977 with respect to discrimination on the ground of breastfeeding. [Anti-Discrimination Amendment (Breastfeeding) Bill].

Act No. 46 2007 – An Act to make miscellaneous amendments to the Evidence Act 1995; and to make consequential amendments to the Civil Procedure Act 2005, the Criminal Procedure Act 1986 and other Acts. [Evidence Amendment Bill].

Act No. 47 2007 – An Act to amend the Food Act 2003 to make further provision with respect to enforcement agencies and to establish a Food Regulation Forum; and for other purposes. [Food Amendment Bill].

Act No. 48 2007 – An Act to amend the Housing Act 2001 with respect to community housing; and for other purposes. [Housing Amendment (Community Housing Providers) Bill].

Act No. 49 2007 – An Act to amend the Trade Measurement Act 1989 and the Trade Measurement Administration Act 1989 to adopt changes to maintain uniform trade measurement legislation agreed between the States and Territories; and for other purposes. [Trade Measurement Legislation Amendment Bill].

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

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 1 November 2007

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Acts passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 50, 2007 – An Act to amend the Crimes (Sentencing Procedure) Act 1999 to make further provision with respect to aggravating and mitigating factors in sentencing and standard non-parole periods. [Crimes (Sentencing Procedure) Amendment Act 2007]

Act No. 51, 2007 – An Act to amend the Director of Public Prosecutions Act 1986, the Crown Prosecutors Act 1986, the Public Defenders Act 1995 and the Solicitor General Act 1969 to make further provision for the term of office of appointees under those Acts; and for other purposes. [Crown Law Officers Legislation Amendment (Abolition of Life Tenure) Act 2007]

LYNN LOVELOCK,
Clerk of the Parliaments

Regulations



New South Wales

Crimes (General) Amendment Regulation 2007

under the

Crimes Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes Act 1900*.

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

Explanatory note

Under section 316 (4) of the *Crimes Act 1900* (*the Act*), a prosecution for an offence against section 316 (1) of the Act (Concealing serious indictable offence) is not to be commenced against a person without the approval of the Attorney General if the relevant knowledge or belief that an offence has been committed was formed or the relevant information was obtained by the person in the course of practising or following a profession, calling or vocation prescribed by the regulations for the purposes of section 316 (4).

The object of this Regulation is to prescribe the following professions for the purposes of section 316 (4) of the Act:

- (a) arbitrator,
- (b) mediator.

This Regulation is made under the *Crimes Act 1900*, including sections 316 and 582 (the general regulation-making power).

Clause 1 Crimes (General) Amendment Regulation 2007

Crimes (General) Amendment Regulation 2007

under the

Crimes Act 1900

1 Name of Regulation

This Regulation is the *Crimes (General) Amendment Regulation 2007*.

2 Amendment of Crimes (General) Regulation 2005

The *Crimes (General) Regulation 2005* is amended by inserting after clause 6 (h):

- (i) an arbitrator,
- (j) a mediator.



New South Wales

Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007

under the

Criminal Procedure Act 1986

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

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

Explanatory note

Section 183 of the *Criminal Procedure Act 1986* requires briefs of evidence to be given by prosecutors to defendants in proceedings for certain offences and specifies what is to be included in those briefs. An amendment made by the *Criminal Procedure Amendment (Local Court Process Reforms) Act 2007* enables the regulations to make other provision for the content of briefs of evidence required under section 183.

The object of this Regulation is to amend the *Criminal Procedure Regulation 2005* to prescribe a 12-month trial scheme allowing prosecutors to give short briefs of evidence to defendants. The trial scheme will apply to proceedings for summary offences and for indictable offences specified in Table 2 in Schedule 1 to the *Criminal Procedure Act 1986* that are dealt with summarily, but only in cases where a brief of evidence is required to be served.

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power) and 183.

Clause 1 Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007

Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007

under the

Criminal Procedure Act 1986

1 Name of Regulation

This Regulation is the *Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007*.

2 Amendment of Criminal Procedure Regulation 2005

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

Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 24A

Insert after clause 24:

24A Requirements for short briefs of evidence in certain circumstances

(1) **Object of clause**

The object of this clause is to reduce the time spent by police officers in producing statements of non-material witnesses for inclusion in certain briefs of evidence and, accordingly, a court is to have regard to that object when exercising its functions under this clause.

(2) **Proceedings to which clause applies**

This clause applies only to proceedings for summary offences (including proceedings for indictable offences specified in Table 2 of Schedule 1 to the Act that are being dealt with summarily) for which a brief of evidence is required to be served under section 183 of the Act.

(3) **Definition of “prescribed statement”**

In this clause, *prescribed statement* means, in relation to a brief of evidence required to be served under section 183 of the Act in proceedings, a statement of a non-material witness, including the following:

- (a) a police officer who provides evidence that the preconditions of the exercise of a power have been satisfied or establishes that the evidence on which the prosecutor relies was obtained in accordance with the law (for example, the custody manager who cautions the accused person under Part 9 of the *Law Enforcement (Powers and Responsibilities) Act 2002*),
- (b) a police officer who was responsible for the movement of, or recording the movement of, a thing connected with the offence or the investigation of the offence (for example, a police officer who conveys DNA or a drug sample to the Division of Analytical Laboratories),
- (c) a police officer who operated a device that produced or caused the production of a document, photograph, video or any other thing relied on by the prosecutor to prove the prosecution’s case,

Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007

Schedule 1 Amendments

-
- (d) any other police officer who provides evidence that merely corroborates evidence of another police officer whose statement relates to a process or procedure and is included in the brief of evidence (for example, a police officer, other than the investigating police officer, who was present when the accused person was interviewed),
 - (e) a person who is a medical practitioner, nurse, paramedic or other health care professional if all the notes of the person (for example, doctor's treatment notes or ambulance officer's checklists) have been included in the brief of evidence.

Note. Requirements relating to the time at which a brief of evidence under section 183 is to be served are set out in section 183 (3) and (4).

(4) **Documents not required to be included in brief of evidence relating to proceedings to which this clause applies**

Despite section 183 (2) (a) of the Act, a brief of evidence required to be served under that section in proceedings need not include the following:

- (a) any prescribed statement so long as the brief includes a list of each prescribed statement that, but for this clause, would need to be included in the brief and a summary of what each such statement would include,
- (b) any document that was served on the accused person or the accused person's legal representative by or on behalf of the prosecutor after the court attendance notice in relation to the offence concerned was served.

(5) **Court may order service of document not previously included in brief of evidence**

On application by the accused person in proceedings, the court may order that any prescribed statement, or any document referred to in subclause (4) (b), be served on the accused person by the prosecutor within a specified time before the hearing if the statement or document was not included in the brief of evidence. The court is to give reasons for the making of such an order.

(6) **Circumstances in which Court may order service of those documents**

The court may make an order under subclause (5) only if satisfied that:

- (a) in the case of a prescribed statement, the making of the order would assist the defendant responding to the charge or assist the court in determining the matter, or

Criminal Procedure Amendment (Briefs of Evidence) Regulation 2007

Amendments

Schedule 1

-
- (b) in the case of a document referred to in subclause (4) (b), the application for the order has been made in good faith.

(7) **This clause to operate for trial period only**

This clause has effect in respect of proceedings only if the accused person in the proceedings was charged with the offence to which the proceedings relate on or after 12 November 2007 and before 12 November 2008.



New South Wales

Explosives Amendment (Mines) Regulation 2007

under the

Explosives Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Explosives Act 2003*.

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

Explanatory note

Clause 6 of the *Explosives Regulation 2005* declares the Director-General of the Department of Primary Industries to be the regulatory authority for “mines” (within the meaning of the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force)) and “coal operations” (within the meaning of the *Coal Mine Health and Safety Act 2002*).

The object of this Regulation is to amend the *Explosives Regulation 2005*:

- (a) to more accurately prescribe the places for which the Director-General of the Department of Primary Industries is to be the regulatory authority, and
- (b) to make the terminology used in the *Explosives Regulation 2005* more consistent with the terminology used in the *Occupational Health and Safety Act 2000*, the *Coal Mine Health and Safety Act 2002* and the *Mine Health and Safety Act 2004*.

The Regulation provides that the Director-General of the Department of Primary Industries is to be the regulatory authority for “coal workplaces” (being all places to which the *Coal Mine Health and Safety Act 2002* applies) and “mining workplaces” (being places of work that are mines within the meaning of the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force) or places at which activities under the *Petroleum (Onshore) Act 1991* or the *Petroleum (Submerged Lands) Act 1982* are carried out).

This Regulation is made under the *Explosives Act 2003*, including sections 4 and 36 (the general regulation-making power).

Clause 1 Explosives Amendment (Mines) Regulation 2007

Explosives Amendment (Mines) Regulation 2007

under the

Explosives Act 2003

1 Name of Regulation

This Regulation is the *Explosives Amendment (Mines) Regulation 2007*.

2 Amendment of Explosives Regulation 2005

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

Explosives Amendment (Mines) Regulation 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in appropriate order in clause 3 (1):

coal workplace means a place to which the *Coal Mine Health and Safety Act 2002* applies.

mining workplace means a place of work:

- (a) that is a mine within the meaning of the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force), or
- (b) at which activities under the *Petroleum (Onshore) Act 1991* or the *Petroleum (Submerged Lands) Act 1982* are carried out.

[2] Clause 6 Director-General of Department of Primary Industries is regulatory authority for coal workplaces and mining workplaces

Omit “mines and coal operations” wherever occurring in clause 6 (1).

Insert instead “coal workplaces and mining workplaces”.

[3] Clause 6 (2)

Omit the subclause.

[4] Clause 15 Activities requiring licences

Insert at the end of clause 15 (2):

Note 1. Mine operators and contractors may also have duties relating to explosives under the *Coal Mine Health and Safety Act 2002* and the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force).

Note 2. The regulatory authority in relation to coal workplaces and mining workplaces is the Director-General of the Department of Primary Industries: see clause 6.

[5] Clause 39 Loss or theft of explosives or explosive precursors to be reported

Omit “mine” and “mines” from clause 39 (2).

Insert instead “coal workplace or a mining workplace” and “coal workplaces and mining workplaces”, respectively.

Explosives Amendment (Mines) Regulation 2007

Schedule 1 Amendments

[6] Clause 75 Serious incidents involving explosives

Omit the note to clause 75 (2). Insert instead:

Note. The regulatory authority in relation to coal workplaces and mining workplaces is the Director-General of the Department of Primary Industries: see clause 6.

[7] Clause 81 Storage and setting of explosives

Omit “the *Mines Inspection Act 1901* or the *Coal Mines Regulation Act 1982*” from clause 81 (5).

Insert instead “the *Coal Mine Health and Safety Act 2002*, or the *Mines Inspection Act 1901* or the *Mine Health and Safety Act 2004* (whichever is in force),”.

Orders



New South Wales

Transport Administration (Sydney Ferries—Fares) Amendment Order 2007

under the

Transport Administration Act 1988

I, Rear Admiral Geoff Smith AO, Chief Executive Officer of Sydney Ferries, in pursuance of the *Transport Administration Act 1988*, make the following Order on behalf of Sydney Ferries.

Dated, this 5th day of November 2007.

Chief Executive Officer
Sydney Ferries

Explanatory note

The object of this Order is to increase, from 11 November 2007, the fares payable for a DayTripper multi-trip intermodal ticket and weekly periodical Red, Green, Yellow, Pink and Purple TravelPasses. The increases are in accordance with a recent determination of the Independent Pricing and Regulatory Tribunal relating to CityRail fares.

This Order is made under the *Transport Administration Act 1988*, including section 85 (Orders fixing charges).

Clause 1 Transport Administration (Sydney Ferries—Fares) Amendment Order 2007

Transport Administration (Sydney Ferries—Fares) Amendment Order 2007

under the

Transport Administration Act 1988

1 Name of Order

This Order is the *Transport Administration (Sydney Ferries—Fares) Amendment Order 2007*.

2 Commencement

This Order commences on 11 November 2007.

3 Amendment of Transport Administration (Sydney Ferries—Fares) Order 2004

The *Transport Administration (Sydney Ferries—Fares) Order 2004* is amended as set out in Schedule 1.

Transport Administration (Sydney Ferries—Fares) Amendment Order 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Charges

Omit “15.40” and “7.70” from the matter relating to the DayTripper ticket under the heading “**Part 2 Multi-trip Intermodal Fares**”.

Insert instead “16.00” and “8.00”, respectively.

[2] Schedule 1, Part 3 Periodical Fares

Omit the matter relating to the Red, Green, Yellow, Pink and Purple TravelPasses under the heading “**Weekly Periodical Fares**”.

Insert instead:

Red TravelPass	35.00	17.50
Green TravelPass	43.00	21.50
Yellow TravelPass	47.00	23.50
Pink TravelPass	50.00	25.00
Purple TravelPass	57.00	28.50



New South Wales

Transport Administration (State Transit Authority—Fares) Amendment Order 2007

under the

Transport Administration Act 1988

I, Peter Rowley, Acting Chief Executive of the State Transit Authority, in pursuance of the *Transport Administration Act 1988*, make the following Order on behalf of the State Transit Authority.

Dated, this 5th day of November 2007.

Acting Chief Executive
State Transit Authority

Explanatory note

The object of this Order is to increase, from 11 November 2007, the fares payable in respect of:

- (a) a DayTripper multi-trip intermodal ticket and weekly periodical Red, Green, Yellow, Pink and Purple TravelPasses for travel in the Sydney Suburban Area, and
- (b) intermodal weekly periodical Newcastle Yellow and Newcastle Pink TravelPasses for travel in the Newcastle Suburban Area.

The increases are in accordance with a recent determination of the Independent Pricing and Regulatory Tribunal relating to CityRail fares.

This Order is made under the *Transport Administration Act 1988*, including section 85 (Orders fixing charges).

Clause 1 Transport Administration (State Transit Authority—Fares) Amendment
Order 2007

Transport Administration (State Transit Authority— Fares) Amendment Order 2007

under the

Transport Administration Act 1988

1 Name of Order

This Order is the *Transport Administration (State Transit Authority—
Fares) Amendment Order 2007*.

2 Commencement

This Order commences on 11 November 2007.

3 Amendment of Transport Administration (State Transit Authority— Fares) Order 2004

The *Transport Administration (State Transit Authority—Fares) Order
2004* is amended as set out in Schedule 1.

Transport Administration (State Transit Authority—Fares) Amendment
Order 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1 Charges

Omit “15.40” and “7.70” from the matter relating to the DayTripper ticket under the headings “**Part 1 Sydney Suburban Area**” and “**Multi-trip Intermodal Fares**”.

Insert instead “16.00” and “8.00”, respectively.

[2] Schedule 1, Part 1 Sydney Suburban Area

Omit the matter relating to the Red, Green, Yellow, Pink and Purple TravelPasses under the heading “**Weekly Periodical Fares**”.

Insert instead:

Red TravelPass	35.00	17.50
Green TravelPass	43.00	21.50
Yellow TravelPass	47.00	23.50
Pink TravelPass	50.00	25.00
Purple TravelPass	57.00	28.50

[3] Schedule 1, Part 2 Newcastle Suburban Area

Omit the matter relating to the Newcastle Yellow and Newcastle Pink TravelPasses under the heading “**Intermodal Weekly Periodical Fares**”.

Insert instead:

Newcastle Yellow TravelPass	47.00	23.50
Newcastle Pink TravelPass	50.00	25.00

Rules



New South Wales

Uniform Civil Procedure Rules (Amendment No 18) 2007

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 5 November 2007.

Jennifer Atkinson
Secretary of the Rules Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* to make further provision with respect to representative proceedings.

Rule 1 Uniform Civil Procedure Rules (Amendment No 18) 2007

Uniform Civil Procedure Rules (Amendment No 18) 2007

under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 18) 2007*.

2 Amendment of Uniform Civil Procedure Rules 2005

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Uniform Civil Procedure Rules (Amendment No 18) 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Rule 7.4 Representation of current interests

Omit rule 7.4 (1). Insert instead:

- (1) Subject to subrule (5), this rule applies to any proceedings concerning:
 - (a) any matter in which:
 - (i) numerous persons have claims against the same person, and
 - (ii) the claims of all those persons are in respect of, or arise out of, the same, similar or related circumstances, and
 - (iii) the claims of all those persons give rise to a substantial common issue of law or fact, or
 - (b) any matter in which numerous persons have the same liability.

[2] Rule 7.4 (2)

Omit “Unless the court orders otherwise, the proceedings may be commenced and”.

Insert instead “Proceedings to which this rule applies may be commenced and, unless the court orders otherwise,”

[3] Rule 7.4 (2A)

Insert after rule 7.4 (2):

- (2A) Any such proceedings may be commenced:
 - (a) whether or not the relief sought:
 - (i) is, or includes, equitable relief, or
 - (ii) consists of, or includes, damages, or
 - (iii) includes claims for damages that would require individual assessment, or
 - (iv) is the same for each represented person, and
 - (b) whether or not the proceedings:
 - (i) are concerned with separate contracts or transactions between the defendant in the proceedings and individual represented persons, or

Page 3

Uniform Civil Procedure Rules (Amendment No 18) 2007

Schedule 1 Amendments

- (ii) involve separate acts or omissions of the defendant done or omitted to be done in relation to individual represented persons.

[4] Rule 7.4 (4A)–(4C)

Insert after rule 7.4 (4):

- (4A) If it appears to the court that determination of the issue or issues common to all the represented persons will not finally determine the claims of all the represented persons, the court may give directions in relation to the determination of the remaining issues.
- (4B) Without limiting subrule (4A), the court may direct that notice be given to some or all of the represented persons in the proceedings in respect of any matter.
- (4C) A represented person, whether or not joined as a party, is taken to have brought proceedings on the day on which the person became a represented person on all of the person's causes of action that may be determined by judgment in the proceedings.

Other Legislation



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a critically endangered species under that Act and, accordingly, Schedule 1A to that Act is amended by inserting in Part I in alphabetical order under the heading “Orchidaceae” (under the heading “Plants”):

Pterostylis oreophila Clemesha

Dated, this 14th day of October 2007.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a critically endangered species under that Act and, accordingly, Schedule 1A to that Act is amended by inserting in Part I in alphabetical order under the heading “Orchidaceae” (under the heading “Plants”):

Thelymitra atronitida Jeanes

Dated, this 14th day of October 2007.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Orchidaceae” (under the heading “Plants”):

Corybas dowlingii D.L. Jones

Dated, this 14th day of October 2007.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following matter as a key threatening process under that Act and, accordingly, Schedule 3 to that Act is amended by inserting in alphabetical order:

Invasion and establishment of Scotch Broom (*Cytisus scoparius*)

Dated, this 14th day of October 2007.

Professor Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Climate Change, PO Box 1967, Hurstville, 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Climate Change Information Centre, Level 14, 59–61 Goulburn St, Sydney.

OFFICIAL NOTICES

Appointments

LOCAL GOVERNMENT ACT 1993

Appointment of Chairperson to the Local Government Grants Commission

HER Excellency the Governor, with the advice of the Executive Council, has appointed Mr RICHARD COLLEY as Chairperson of the NSW Local Government Grants Commission under section 614 (1) and (2) of the Local Government Act 1993 for a term of office from 1 November 2007 to 30 June 2012.

PAUL LYNCH, M.P.,
Minister for Local Government

Department of Local Government,
Sydney

LOCAL GOVERNMENT ACT 1993

Appointment of Chairperson to the Local Government Grants Commission

HER Excellency the Governor, with the advice of the Executive Council, has appointed Councillor FRANK PANGALLO, M.B.E., as a Member of the NSW Local Government Grants Commission under section 614 (1) and (2) of the Local Government Act 1993 for a term of office from 1 November 2007 to 30 June 2012.

PAUL LYNCH, M.P.,
Minister for Local Government

Department of Local Government,
Sydney

LOCAL GOVERNMENT ACT 1993

Appointment of Chairperson to the Local Government Grants Commission

HER Excellency the Governor, with the advice of the Executive Council, has appointed Dr ELIZABETH COOMBS as a Member of the NSW Local Government Grants Commission under section 614 (1) and (2) of the Local Government Act 1993 for a term of office from 1 November 2007 to 30 June 2012.

PAUL LYNCH, M.P.,
Minister for Local Government

Department of Local Government,
Sydney

MENTAL HEALTH ACT 1990

Order under section 287A

Extension of appointments of accredited persons

I, Professor Debora Picone, A.M., Director-General of the NSW Department of Health, acting pursuant to section 287A of the Mental Health Act 1990 and section 47 of the Interpretation Act 1987, do hereby:

1. Extend the appointments published in the *NSW Government Gazette* No. 204 of 24 December 2004, No. 30 of 4 March 2005 and No. 36 of 24 March

2005 of the accredited persons listed in Column 1 and employed in the public health organisations listed in Column 2 for the purposes of the Mental Health Act until and including 30 June 2008, provided:

- i. that they exercise the function of an accredited person only during the course of their employment in the public health organisation already named; and
- ii. that at all times they act in accordance with such Policies and Procedures applicable to accredited persons as may be issued from time to time by the Department of Health or the public health organisation in which they are employed.

Signed at Sydney this sixteenth day of October 2007.

Professor DEBORA PICONE, A.M.,
Director-General

Column 1

Margaret English
Debbie Godfrey

Timothy Grenfell

Janet Jamieson

Carol Leslie

Joe Medway

Julie Mooney

Wendy Nicholas

Samantha Pearce

Tina Philip

Martin Ransom

Graeme Wilson-Cattle

James Grant Auld

Trevor Clark

Patreena Collins

Peter Collinson

Sophie Covert

Wendy Crockett

John Crossman

Robert Davidson

Brendan Hedger

Column 2

Childrens Hospital Westmead
Greater Southern Area Health
Service

Greater Southern Area Health
Service

Greater Southern Area Health
Service

Greater Southern Area Health
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Greater Western Area Health
Service

<i>Column 1</i>	<i>Column 2</i>	<i>Column 1</i>	<i>Column 2</i>
Judith Jeffs	Greater Western Area Health Service	David Livingston	North Coast Area Health Service
Sharon Jones	Greater Western Area Health Service	Elizabeth Martin	North Coast Area Health Service
John Keenan	Greater Western Area Health Service	Susan Newbown	North Coast Area Health Service
Floyd Kenny	Greater Western Area Health Service	David Pollard	North Coast Area Health Service
John Lyons	Greater Western Area Health Service	Lucille Reynolds	North Coast Area Health Service
Melissa McInnes	Greater Western Area Health Service	Kim Sully	North Coast Area Health Service
Andrew Roberts	Greater Western Area Health Service	Barry Toohey	North Coast Area Health Service
Vanessa Smith	Greater Western Area Health Service	Darren Watts	North Coast Area Health Service
Linda Adams	Hunter New England Area Health Service	Donna Widdison	North Coast Area Health Service
Kerri Barrack	Hunter New England Area Health Service	Melissa Woodroffe-Hill	North Coast Area Health Service
Jennifer Bryant	Hunter New England Area Health Service	Helen Alderman	Northern Sydney Central Coast Area Health Service
Pamela Davis	Hunter New England Area Health Service	Anne Bajuk	Northern Sydney Central Coast Area Health Service
John Graham	Hunter New England Area Health Service	Susan Baxter	Northern Sydney Central Coast Area Health Service
Bronwyn Hamilton	Hunter New England Area Health Service	James Bennett	Northern Sydney Central Coast Area Health Service
Warren Isaac	Hunter New England Area Health Service	Kurt Braasch	Northern Sydney Central Coast Area Health Service
Roderic Keith	Hunter New England Area Health Service	Anthony Breen	Northern Sydney Central Coast Area Health Service
Robert Kelly	Hunter New England Area Health Service	Barbara Brown	Northern Sydney Central Coast Area Health Service
Celeste Mayers	Hunter New England Area Health Service	Letticia Chalmers	Northern Sydney Central Coast Area Health Service
Andrew Morris	Hunter New England Area Health Service	Paul Clay	Northern Sydney Central Coast Area Health Service
Duncan Oliver	Hunter New England Area Health Service	Andrew Clement	Northern Sydney Central Coast Area Health Service
Gail Stevens	Hunter New England Area Health Service	Martin Collis	Northern Sydney Central Coast Area Health Service
Jacqueline Townsend	Hunter New England Area Health Service	Murray Drysdale	Northern Sydney Central Coast Area Health Service
John Wills	Hunter New England Area Health Service	Martin Feenstra	Northern Sydney Central Coast Area Health Service
Janice Wood	Hunter New England Area Health Service	Sandra Goff	Northern Sydney Central Coast Area Health Service
Susan Wotton	Hunter New England Area Health Service	Janet Hallam	Northern Sydney Central Coast Area Health Service
Pamela Allen	Justice Health	Simon Hill	Northern Sydney Central Coast Area Health Service
Lesley Jane Douglas	Justice Health	Shane Hoyland	Northern Sydney Central Coast Area Health Service
William Law	Justice Health	Mark Joyce	Northern Sydney Central Coast Area Health Service
John Atkinson	North Coast Area Health Service	Sharon Maloney	Northern Sydney Central Coast Area Health Service
Lynne Ashcroft	North Coast Area Health Service	Lesley Elaine Miller	Northern Sydney Central Coast Area Health Service
Vaughan Beek	North Coast Area Health Service	Timothy Moore	Northern Sydney Central Coast Area Health Service
Sharon Bull	North Coast Area Health Service	Philip Nestor	Northern Sydney Central Coast Area Health Service
Denis Casey	North Coast Area Health Service	Sheila Nicolson	Northern Sydney Central Coast Area Health Service
Allan Coulter	North Coast Area Health Service	Robert Pringle	Northern Sydney Central Coast Area Health Service
Paul de Jong	North Coast Area Health Service	Sonia Reilly	Northern Sydney Central Coast Area Health Service
Jeffrey Hardcastle	North Coast Area Health Service	Gregory Smith	Northern Sydney Central Coast Area Health Service
Elizabeth Joblin	North Coast Area Health Service	Melina Stepanian	Northern Sydney Central Coast Area Health Service
Lynette Jordan	North Coast Area Health Service		
Stephen Knowles	North Coast Area Health Service		
Karen Little	North Coast Area Health Service		

<i>Column 1</i>	<i>Column 2</i>	<i>Column 1</i>	<i>Column 2</i>
Kris Taylor	Northern Sydney Central Coast Area Health Service	Miles Martin	Sydney South West Area Health Service
Michelle Young-Roberts	Northern Sydney Central Coast Area Health Service	Brett McPherson	Sydney South West Area Health Service
James Bradbury	South Eastern Sydney Illawarra Area Health Service	Maria Mostacchi	Sydney South West Area Health Service
Mark Coleman	South Eastern Sydney Illawarra Area Health Service	Dean Murray	Sydney South West Area Health Service
David Corby	South Eastern Sydney Illawarra Area Health Service	Patrick Parker	Sydney South West Area Health Service
Martin Davis	South Eastern Sydney Illawarra Area Health Service	Benjamin Pawlutschenko	Sydney South West Area Health Service
Beaver Hudson	South Eastern Sydney Illawarra Area Health Service	Jayne Ross	Sydney South West Area Health Service
Lyn Langhorn	South Eastern Sydney Illawarra Area Health Service	Thomas Salmon	Sydney South West Area Health Service
John Mangos	South Eastern Sydney Illawarra Area Health Service	Noel Timbs	Sydney South West Area Health Service
Kathryn Mulquiney	South Eastern Sydney Illawarra Area Health Service	Diana Uy	Sydney South West Area Health Service
Richard Noort	South Eastern Sydney Illawarra Area Health Service	Timothy Wand	Sydney South West Area Health Service
Catherine Thomas	South Eastern Sydney Illawarra Area Health Service	Bronwyne Bevan	Sydney West Area Health Service
Kathleen Walsh	South Eastern Sydney Illawarra Area Health Service	Raema Decent	Sydney West Area Health Service
Amanda Alii	Sydney South West Area Health Service	Elaine Ford	Sydney West Area Health Service
Donna Beeson	Sydney South West Area Health Service	Michael Gillen	Sydney West Area Health Service
Tracey Carpenter	Sydney South West Area Health Service	Kylie Hawdon	Sydney West Area Health Service
John Champion	Sydney South West Area Health Service	Paul Higgins	Sydney West Area Health Service
Joe Chuong	Sydney South West Area Health Service	Glenn Hughes	Sydney West Area Health Service
Paul Craft	Sydney South West Area Health Service	Ross Jamieson	Sydney West Area Health Service
Peter Dodds	Sydney South West Area Health Service	Pamela Kennedy	Sydney West Area Health Service
Rovita Elliott	Sydney South West Area Health Service	Anthony Lamond	Sydney West Area Health Service
Graham Estall	Sydney South West Area Health Service	Robyn Lewis	Sydney West Area Health Service
Michael Guymer	Sydney South West Area Health Service	William Maloney	Sydney West Area Health Service
Susan Hebblewhite	Sydney South West Area Health Service	Joanne Seymour	Sydney West Area Health Service
Judith Hesmondhalgh	Sydney South West Area Health Service	Mark Stevens	Sydney West Area Health Service
Vera Horacek	Sydney South West Area Health Service	Keat Toh	Sydney West Area Health Service
David Hughes	Sydney South West Area Health Service	Cherie Waipouri	Sydney West Area Health Service
Peter King	Sydney South West Area Health Service		

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6772 2308 Fax (02) 6772 8782

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

Column 1	Column 2	Column 3
Ellen Irene WILLIAMS (re-appointment), Vicki MALONE-AZARA (re-appointment), Carol Anne NEWBERRY (re-appointment), Kevin William WILLIAMS (re-appointment), Donald Elvin NEWSOME (re-appointment).	Wellingrove Recreation Reserve Trust.	Reserve No.: 45038. Public Purpose: Public recreation. Notified: 23 March 1910. File No.: AE83 R 46/2.

Term of Office

For a term commencing 1 January 2008 and expiring 31 December 2012.

SCHEDULE 2

Column 1	Column 2	Column 3
Leonie Doris MATHER (re-appointment), Bryan Edward CAINE (re-appointment), Jodie Fay CAINE (re-appointment), Peter Gerard LANE (re-appointment), Frederick Francis CROWTHER (re-appointment).	Nullamanna Public Hall and Recreation Reserve Trust.	Reserve No.: 67049. Public Purpose: Public hall. Notified: 15 October 1937.
		Reserve No.: 78958. Public Purpose: Public recreation. Notified: 12 October 1956. File No.: AE82 R 54/2.

Term of Office

For a term commencing 1 January 2008 and expiring 31 December 2012.

SCHEDULE 3

Column 1	Column 2	Column 3
Peter Raymond LEAMON (re-appointment), Norma LEAMON (re-appointment), David Graeme WIRTH (re-appointment).	Glen Elgin Public Hall Reserve Trust.	Reserve No.: 88775. Public Purpose: Public hall. Notified: 17 November 1972. File No.: AE82 R 20/1.

Term of Office

For a term commencing 1 January 2008 and expiring 31 December 2012.

SCHEDULE 4

Column 1	Column 2	Column 3
Carmel Marion RAUE (re-appointment), Keith Francis SMITH (re-appointment), Simon STACHIW (re-appointment), Jeffery Alwyn RAUE (re-appointment).	Rockvale Creek Recreation Reserve Trust.	Reserve No.: 97098. Public Purpose: Public recreation. Notified: 23 December 1983. File No.: AE83 R 5/1.

Term of Office

For a term commencing 1 January 2008 and expiring 31 December 2012.

SCHEDULE 5

Column 1	Column 2	Column 3
Vincent JERRARD (re-appointment), Andrew Charles BOWMAN (re-appointment), James Edwin CURTIN (re-appointment).	Tingha Caravan Park Reserve Trust.	Reserve No.: 110016. Public Purpose: Caravan and Camping Park and public recreation. Notified: 5 February 1988. File No.: AE81 R 28/4.

Term of Office

For a term commencing 1 January 2008 and expiring 31 December 2012.

SCHEDULE 6

Column 1	Column 2	Column 3
Colin Robert PARKER (new member), Raymond Lindsay GOBBERT (re-appointment), John Thomas CROSS (re-appointment), Robert Lyle MOORE (re-appointment), Simon John FILE (re-appointment), Anne Caroline PAGE (re-appointment).	Rob Roy Recreation Reserve Trust.	Reserve No.: 60599. Public Purpose: Public recreation. Notified: 20 July 1928. File No.: AE83 R 48/4.

Term of Office

For a term commencing 1 January 2008 and expiring 31 December 2012.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to these roads are extinguished.

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

Descriptions

Land District – Inverell; L.G.A. – Inverell

Roads Closed: Lot 1, DP 1116542 at Texas, Parishes Texas and Ellis, County Arrawatta.

File No.: AE05 H 155.

Note: On closing, the lands within Lot 1, DP 1116542 remains vested in the State of New South Wales as Crown Land.

Land District – Armidale; L.G.A. – Armidale-Dumaresq

Roads Closed: Lot 2, DP 1114699 at Hillgrove, Parish Urotah, County Sandon.

File No.: AE06 H 31.

Note: On closing, the lands within Lot 2, DP 1114699 remains vested in the State of New South Wales as Crown Land.

Land District – Inverell; L.G.A. – Guyra

Roads Closed: Lot 1, DP 1119517 at Tenterden, Parish Tenterden, County Hardinge.

File No.: AE05 H 249.

Note: On closing, the lands within Lot 1, DP 1119517 remains vested in the State of New South Wales as Crown Land.

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6883 3300 Fax: (02) 6882 6920

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

*Local Government Area – Warrumbungle;
Land District – Coonabarabran*

Lot 1, DP 1117789, Parish of Binnaway, County of Napier (not being land under the Real Property Act).

File No.: DB07 H 5.

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

Description

*Local Government Area of Gilgandra;
Land District of Coonamble*

Lot 1, DP 1116532, Parishes of Cobbinbil, Carwell and Quandong, Counties of Gowen and Leichhardt (not being land under the Real Property Act).

File No.: DB05 H 126.

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

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4824 3700 Fax: (02) 4822 4287****ERRATUM****ORDER**

IN pursuance of the provisions of the Roads Act 1993, the Instrument contained within *New South Wales Government Gazette* No. 99, dated 10 August 2007, Folio 5646, under the heading "ROADS ACT 1993, ORDER, Transfer of Crown Road to a Council" in the second column under Schedule 2 under the Roads Authority: Goulburn Mulwaree Council, Council's Reference: DEV.2006.0457 the description is hereby amended: "Goulburn Mulwaree Council" is deleted and replaced with "Palerang Council".

File No.: GB07 H 367.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Dixon; County – King;
Land District – Gunning; Shire – Upper Lachlan*

Description: Crown road west of Lots 82 and 83, DP 754113.

SCHEDULE 2

Roads Authority: Upper Lachlan Shire Council.

Council's Reference: DA18/06.

File No.: GB06 H 371.

SCHEDULE 1

*Parish – Romner; County – King;
Land District – Crookwell; Shire – Upper Lachlan*

Description: Crown road south and east of Lot 223, DP 754141 and north of Lot 180, DP 754141.

SCHEDULE 2

Roads Authority: Upper Lachlan Shire Council.

Council's Reference: DA361/06.

File No.: 07/3326.

SCHEDULE 1

*Parish – Currawang; County – Argyle;
Land District – Goulburn; Shire – Palerang*

Description: Crown road west of Lots 16 and 119, DP 750013.

SCHEDULE 2

Roads Authority: Palerang Council.

Council's Reference: 2004/0171/DA.

File No.: 07/3330.

SCHEDULE 1

*Parish – Wamboin; County – Murray;
Land District – Queanbeyan; Shire – Palerang*

Description: Crown road at western end of Birchmans Grove for a distance of 30 metres x 20 metres wide and on the eastern side of Lot 202, DP 754915.

SCHEDULE 2

Roads Authority: Palerang Council.

Council's Reference: 2994, 2004/DEV-028.

File No.: 07/3329.

SCHEDULE 1

*Parish – Young; County – Monteagle; Town – Young;
Land District – Young; Shire – Young*

Description: Crown lane, south of Lot 2, DP 718244; Lots 1 and 2, DP 514945 and Lot 2, DP 235537, from Zouch Street to Lynch Street.

SCHEDULE 2

Roads Authority: Young Shire Council.

Council's Reference: 12/25/29.2/LS:LS - 2007/DA-00079.

File No.: 07/4690.

SCHEDULE 1

*Parish – Toulal; County – Murray;
Land District – Yass; Shire – Yass Valley*

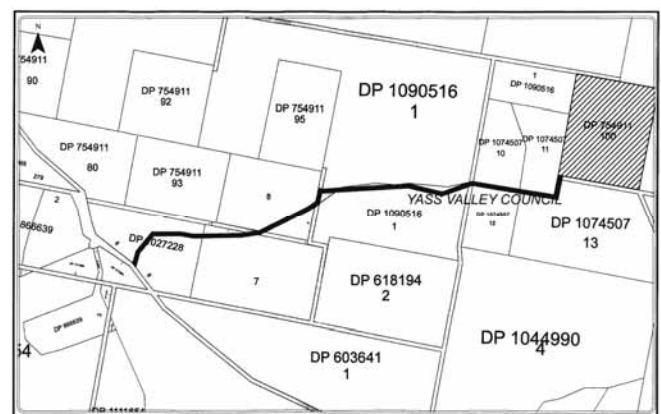
Description: Crown road through Lots 6, 7 and 8, DP 1027228, part west and through Lot 1, DP 1090516, south of Lots 10 and 11, DP 1074507 and east Lot 11, DP 1074507 and as shown in dark colour on diagram below.

SCHEDULE 2

Roads Authority: Yass Valley Council.

Council's Reference: RD:00885 - 1067.

File No.: GB07 H 404.



GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 2020 Fax: (02) 6640 2036

**NOTICE OF INTENTION TO GRANT A LEASE
OVER A CROWN RESERVE**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, it is notified that the Minister for Lands intends to create a relevant interest by way of a lease for the purposes specified in Column 1 of the Schedule to the party specified in Column 2 of the Schedule in respect of the Reserves specified in Column 3 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lease for buildings (registered clubhouse) over the whole of Lot 153, DP 1098090.	Ballina Seagulls Rugby League Football Club Limited.	Land District: Lismore. Local Government Area: Ballina. Parish: Ballina. County: Rous. Locality: Kingsford-Smith Park, Ballina. Part Reserve No.: 82164. Public Purpose: Public recreation. Notified: 20 November 1959.

**ROADS ACT 1993
ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish – Condong; County – Rous;
Land District – Murwillumbah;
L.G.A. – Tweed Shire Council*

Crown public road 20.115 wide south of Lot 10, DP 258122.

SCHEDULE 2

Roads Authority: Tweed Shire Council.
Reference: Crown road, Parish of Condong.
Department of Lands: GF06 H 536.

SCHEDULE 1

*Parish – Yulgilbar; County – Drake;
Land District – Grafton;
L.G.A. – Clarence Valley Council*

Crown public road 20.115 wide within Lot 139, DP 752401.

SCHEDULE 2

Roads Authority: Clarence Valley Council.
Department of Lands: GF06 H 505.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

SCHEDULE

*Parish – Barralong; County – Cooper;
Land of District – Narrandera; L.G.A. – Narrandera*

Road Closed: Lot 1 in DP 1116796.

File No.: GH07 H 51.

Note: On closing, title to the land comprised in Lot 1 remains vested the Crown as Crown Land.

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

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

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

SCHEDULE 1

Description

Land District – Deniliquin; L.G.A. – Murray

Lot 1 of DP 1116365, Parish of Tantonan, County of Cadell.

File No.: HY96 H 101.

Note: On closing, title for the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

SCHEDULE 2

Description

Land District – Deniliquin, L.G.A. – Murray

Lots 1 and 2 of DP 1117954, Parish of Baillie and Djallah, County of Sturt.

File No.: HY83 H 102.

Note: On closing, title for the land comprised in Lots 1 and 2 will remain vested in the State of New South Wales as Crown Land.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****ROADS ACT 1993****ORDER**

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

Parish – Tomaree; County – Gloucester;
Land District – Newcastle;
Local Government Area – Port Stephens

The Crown public road, in the Town of Nelson Bay, being that part of the lane 6.095 metres wide east of SP56106, SP45788, Lots 3-5, DP 24408; Lot 23, DP 576126; SP43290, Lots 1-5, DP 24639; Lots 61 and 62, DP 1070333 and Lots 7-11, DP 24639.

SCHEDULE 2

Roads Authority: Port Stephens Council.

File No.: MD00 H 180.

Council's Reference: A2004-0742.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to these roads are extinguished.

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

Description

Land District – Moree; Council – Moree Plains Shire;
Parish – Illingrammindi; County – Staphylton

Lots 1, 2 and 3 in DP 1120164.

File No.: ME05 H 78.

Note: Upon closure the land remains vested in the Crown as Crown Land.

ORANGE OFFICE
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6391 4300 Fax: (02) 6362 3896

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

SCHEDULE 1

Description

Parish – Bolton; County – Westmoreland;
Land District – Bathurst; Shire – Oberon

Road Closed: Lot 1 in Deposited Plan 1118336 at O'Connell.

File No.: OE05 H 131.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown land.

SCHEDULE 2

Description

Parish – Troubalgie; County – Ashburnham;
Land District – Forbes; Shire – Forbes

Road Closed: Lot 1 in Deposited Plan 1118347 at Forbes.

File No.: OE07 H 106.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

SCHEDULE 3

Description

Parish – March; County – Wellington;
Land District – Orange; Shire – Cabonne

Road Closed: Lot 1 in Deposited Plan 1117030 at Clergate.

File No.: OE05 H 128.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

SCHEDULE 4

Description

Parish – McDonald; County – Phillip;
Land District – Rylstone; L.G.A. – Mid-Western Regional

Road Closed: Lots 30-47 (inclusive) in Deposited Plan 1114791.

File No.: OE05 H 478.

Note: On closing, the land within Lots 30-47, DP 1114791 remains vested in Mid-Western Regional Council as operational land for the purposes of the Local Government Act 1993.

SCHEDULE 5

Description

Parish – Cowra; County – Bathurst;
Land District – Cowra; Shire – Cowra

Road Closed: Lot 1 in Deposited Plan 1117032 at Cowra.

File No.: OE94 H 272.

Note: On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE*Column 1*

Land District: Orange.
Local Government Area:
Orange City Council.

Locality: Orange.
Reserve No.: 86665.

Public Purpose: Public
recreation.

Notified: 22 March 1968.

Lot 1, DP No. 1117200,
Parish Orange, County Bathurst;
Lot 2, DP No. 1117200,
Parish Orange, County Bathurst.
File No.: OE06 H 178.

Column 2

The part being Lot 1,
DP No. 1117200, Parish
Orange, County Bathurst, of
an area of 3034 square
metres.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE*Column 1*

Land District: Orange.
Local Government Area:
Orange City Council.

Locality: Orange.
Lot 1, DP No. 1117200,

Parish Orange, County Bathurst.
Area: About 2.114 hectares.

File No.: OE06 H 178.

Column 2

Reserve No.: 1014188.
Public Purpose: Government
purposes.

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Black Sallee Reserve Trust.	Reserve No.: 1014188. Public Purpose: Government purposes. Notified: This day. File No.: OE06 H 178.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Orange City Council.	Black Sallee Reserve Trust.	Reserve No.: 1014188. Public Purpose: Government purposes. Notified: This day. File No.: OE06 H 178.

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

NOTIFICATION OF CLOSING OF 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

Descriptions

Land District – Metropolitan; L.G.A. – Hornsby

Lot 1, DP 1118824 at West Pennant Hills, Parish South Colah (Sheet 4), County Cumberland.

File No.: MN05 H 121.

Note: On closing, title for the land in Lot 1 remains vested in Hornsby Shire Council as operational land.

TAREE OFFICE**98 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6591 3500 Fax: (02) 6552 2816****DRAFT ASSESSMENT OF LAND UNDER PART 3
OF THE CROWN LANDS ACT 1989 AND CROWN
LANDS REGULATION 2006**

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Offices of Port Macquarie – Hastings Council during normal business hours and on the Lands Department website at [www.lands.nsw.gov.au/land management](http://www.lands.nsw.gov.au/land%20management).

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 9 November 2007 to 7 December 2007 and should be sent to the Program Manager, Land Management, Department of Lands, PO Box 440, Taree NSW 2430. Telephone enquiries should be directed to the Taree Office on (02) 6591 3526.

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

Description

The area subject to this assessment comprises of approximately 5.13 hectares of Crown Land located in the town of North Haven, Parish of Queens Lake, County of Macquarie.

Reason: To determine appropriate future land use and management options of the Crown Land, including investigations for possible future residential development.

Contact Officer: Miss Jaimee Vlastuin.

File No.: TE79 H 36.

**DRAFT ASSESSMENT OF LAND UNDER PART 3
OF THE CROWN LANDS ACT 1989 AND CROWN
LANDS REGULATION 2006**

THE Minister for Lands has prepared a draft land assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Office of Gloucester Shire Council during normal business hours and on the Lands Department website at [www.lands.nsw.gov.au/land management](http://www.lands.nsw.gov.au/land%20management).

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 9 November 2007 to 7 December 2007 and should be sent to the Program Manager, Land Management, Department of Lands, PO Box 440, Taree NSW 2430. Telephone enquiries should be directed to the Taree Office on (02) 6591 3526.

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

Description

The area subject to this assessment comprises of approximately 13 hectares of Crown Land located at Rawdon Vale, Parish of Barrington, County of Gloucester.

Reason: To determine appropriate future land use and management options including possible sale of the Crown Land.

Contact Officer: Miss Jaimee Vlastuin.

File No.: TE80 H 2403.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed, 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

*Parish – South Wagga Wagga; County – Wynyard;
Land District and City – Wagga Wagga*

Lot 1 in DP 1118166 at Wagga Wagga.

File No.: WA07 H 168.

Note: On closing, the land within the former Council public road will remain vested in the Council of the City of Wagga Wagga as operational land.

Description

*Parish – Round Hill; County – Hume;
Land District – Albury; Shire – Greater Hume*

Road Closed: Lot 1 in DP 1098179 at Culcairn.

File No.: WA04 H 427.

Note: On closing, the land within Lot 1 in DP 1098179 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – North Wagga Wagga; County – Clarendon;
Land District – Wagga Wagga; City – Wagga Wagga*

Road Closed: Lot 1 in DP 1115399 at Hillgrove.

File No.: WA05 H 475.

Note: On closing, the land within Lot 1 in DP 1115399 remains vested in the State of New South Wales as Crown Land.

WESTERN REGION OFFICE**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830****Phone: (02) 6883 3000 Fax: (02) 6883 3099****ERRATUM**

IN the *New South Wales Government Gazette* of 26 October 2007, Folio 8108, the notice under the heading "Reservation of Crown Land", being Lots 2, 3 and 5, section 3, DP 758018, is hereby withdrawn and is replaced by notice of "Vesting of Public Trust Land in the Crown" shown hereunder.

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

VESTING OF PUBLIC TRUST LAND IN THE CROWN

PURSUANT to section 138C of the Crown Lands Act 1989, the public trust land specified in Column 1 of the Schedule hereunder, is vested in the Crown and hereby reserved for the public purpose, being a public purpose for the purposes of section 87, as specified under Column 2.

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

SCHEDULE

Column 1

Lots: 2, 5 and 7.

Section: 3.

DP No.: 758018.

Parish: Picton.

County: Yancowinna.

Area: About 1518 square metres.

Note: Being former Reserve/Dedication No. 11413, 41283 and 47976.

Column 2

Purpose: Community purposes.

Reserve No.: 1014148.

Department of Planning



New South Wales

Liverpool Local Environmental Plan 1997 (Amendment No 103)

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*. (SRW0000650/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 103)

Liverpool Local Environmental Plan 1997 (Amendment No 103)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 103)*.

2 Aims of plan

This plan aims to amend *Liverpool Local Environmental Plan 1997*:

- (a) to rezone part of the land to which this plan applies from 2 (a) Residential to 6 (a) Recreation Public, and
- (b) to reclassify the remaining land from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (c) to update provisions relating to the classification and reclassification of public land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to Lot 184, DP 241158, Lot 100, DP 788434 and part of Lot 2, DP 730829, being part of 107 Congressional Drive near the corner of the Hume Highway, Liverpool, as is shown distinctively coloured, edged heavy black and lettered "6 (a)" on Sheet 1 of the map marked "Liverpool Local Environmental Plan 1997 (Amendment No 103)" deposited in the office of Liverpool City Council.
- (2) To the extent that this plan reclassifies land, it applies to the remainder of Lot 2, DP 730829, being part of 107 Congressional Drive, Liverpool, as shown edged heavy black on Sheet 2 of that map.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 103)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Definitions

Insert in appropriate order in the definition of *The Map* in clause 6 (1):

Liverpool Local Environmental Plan 1997 (Amendment No 103)—Sheet 1

[2] Clause 29

Omit the clause. Insert instead:

29 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 6 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 6 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 6:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 6, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification plan and, by the operation of that plan, is discharged from all trusts, estates,

Liverpool Local Environmental Plan 1997 (Amendment No 103)

Schedule 1 Amendments

interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 6, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the *relevant classification plan*, in relation to land described in Part 2 of Schedule 6, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification plan inserted a description of land into Part 2 of Schedule 6, the Governor approved of subclause (5) applying to the land.

[3] Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Classification and reclassification of public land

(Clause 29)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Liverpool Local Environmental Plan 1997 (Amendment No 103)

Amendments

Schedule 1

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Liverpool		
107 Congressional Drive (part)	Part of Lot 2, DP 730829, as shown edged heavy black on Sheet 2 of the map marked "Liverpool Local Environmental Plan 1997 (Amendment No 103)"	Nil.

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description



New South Wales

Liverpool Local Environmental Plan 1997 (Amendment No 110)

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*. (P07/00099/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 110)

Liverpool Local Environmental Plan 1997 (Amendment No 110)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 110)*.

2 Aims of plan

This plan aims to reclassify the land to which plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to Lot 1, DP 119905 and Lot 1, DP 219669, known respectively as 306 and 310 Macquarie Street, Liverpool.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended as set out in Schedule 1.

Liverpool Local Environmental Plan 1997 (Amendment No 110)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 6 Classification and reclassification of public land

Insert in alphabetical order of locality in Part 1 of the Schedule (Land classified, or reclassified, as operational land—no interests changed) in Columns 1 and 2, respectively:

Liverpool

310 Macquarie Street

Lot 1, DP 219669

[2] Schedule 6, Part 2 Land classified, or reclassified, as operational land—interests changed

Insert under the heading “**Liverpool**” in alphabetical order of street name in Columns 1, 2 and 3, respectively:

306 Macquarie Street

Lot 1, DP 119905

Nil.



New South Wales

Rockdale Local Environmental Plan 2000 (Amendment No 37)

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*. (9040954/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Rockdale Local Environmental Plan 2000 (Amendment No 37)

Rockdale Local Environmental Plan 2000 (Amendment No 37)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 37)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies as Zone 3 (a)—General Business zone under *Rockdale Local Environmental Plan 2000*, and
- (b) to limit the height of any building erected on the land to which this plan applies, and
- (c) to specify a maximum floor space ratio of the residential component of any mixed use premises erected on the land to which this plan applies.

3 Land to which plan applies

This plan applies to land at 524–544 Rocky Point Road, Sans Souci, being Lots A and B, DP 380002, Lots 1–3, DP 5933, Lots 143 and 144, DP 2452 and Lots A–C, DP 949012, as shown coloured light blue on the map marked “Rockdale Local Environmental Plan 2000 (Amendment No 37)” kept at the office of Rockdale City Council.

4 Amendment of Rockdale Local Environmental Plan 2000

Rockdale Local Environmental Plan 2000 is amended as set out in Schedule 1.

Rockdale Local Environmental Plan 2000 (Amendment No 37)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Definitions

Insert in appropriate order in the definition of *the map* in clause 8 (1):

Rockdale Local Environmental Plan 2000 (Amendment No 37)

[2] Clause 41A

Insert after clause 41:

41A Development of 524–544 Rocky Point Road, Sans Souci

- (1) This clause applies to land within Zone 3 (a), known as 524–544 Rocky Point Road, Sans Souci, being Lots A and B, DP 380002, Lots 1–3, DP 5933, Lots 143 and 144, DP 2452 and Lots A–C, DP 949012.
- (2) Despite any other provision of this plan, a building erected on land to which this clause applies must not:
 - (a) in respect of any part of the building that is not more than 27.5 metres from the boundary of the land fronting Rocky Point Road, have a height in excess of 13.3 metres measured vertically from the highest point on the boundary of the land fronting Rocky Point Road, or
 - (b) in respect of any other part of the building, have a height in excess of 10.05 metres measured vertically from the highest point on the boundary of the land fronting Jameson Lane.
- (3) Despite subclause (2) (a), plant and lift overruns located in or on the part of the building referred to in that paragraph may exceed the maximum height specified in that paragraph but only if any such structures:
 - (a) have a total floor area not exceeding 870 square metres, and
 - (b) do not exceed the height specified in that paragraph by more than 3.5 metres.
- (4) Despite any other provision of this plan, the floor space ratio of the residential component of any mixed use premises erected on land to which this clause applies must not exceed 1:1.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

Page 3

Rockdale Local Environmental Plan 2000 (Amendment No 37)

Schedule 1 Amendments

- (6) For the purposes of this clause, the height of a building is to be measured including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.



New South Wales

Tamworth Local Environmental Plan 1996 (Amendment No 22)

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*. (T07/00007/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Tamworth Local Environmental Plan 1996 (Amendment No 22)

Tamworth Local Environmental Plan 1996 (Amendment No 22)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tamworth Local Environmental Plan 1996 (Amendment No 22)*.

2 Aims of plan

This plan aims to allow, with the consent of Tamworth Regional Council, the carrying out of additions to an existing supermarket, being major retail premises, on the land to which this plan applies.

3 Land to which plan applies

This plan applies to Lot 2, DP 563441 and Lot 3, DP 222686, Kathleen Street, Tamworth, as shown edged heavy black on the map marked "Tamworth Local Environmental Plan 1996 (Amendment No 22)" deposited in the office of Tamworth Regional Council.

4 Amendment of Tamworth Local Environmental Plan 1996

Tamworth Local Environmental Plan 1996 is amended by inserting at the end of Schedule 3 in Columns 1 and 2, respectively, the following words:

Lot 2, DP 563441 and Lot 3, DP 222686, Kathleen Street, Tamworth.

Extension to the existing supermarket, being major retail premises, to provide an additional gross floor area of not more than 1,400 m².



New South Wales

Tumut Local Environmental Plan 1990 (Amendment No 32)

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*. (Q07/00005/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Tumut Local Environmental Plan 1990 (Amendment No 32)

Tumut Local Environmental Plan 1990 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tumut Local Environmental Plan 1990 (Amendment No 32)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly Zone No 1 (d) (Rural (Future Urban) Zone) and partly Zone No 1 (c1) (Rural (Rural Residential) Zone) to Zone No 2 (b) (Residential (Medium Density) Zone) under *Tumut Local Environmental Plan 1990* so as:

- (a) to provide for a variety of housing needs, including those for seniors, through the provision of medium density housing to cater for an expected population growth, and
- (b) to achieve sustainable development through the efficient and orderly release of land.

3 Land to which plan applies

This plan applies to land situated in the local government area of Tumut, being Lots 249–252, DP 757252, Lot 11, DP 787733, Lots 1–3, DP 827176, Lots 1 and 2, DP 576212, Lot 1, DP 553916 and Lot 2, DP 222211, Currawong Road, Tumut, as shown coloured light scarlet, edged heavy black and lettered “2 (b)” on the map marked “Tumut Local Environmental Plan 1990 (Amendment No 32)” deposited in the office of Tumut Shire Council.

4 Amendment of Tumut Local Environmental Plan 1990

Tumut Local Environmental Plan 1990 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Tumut Local Environmental Plan 1990 (Amendment No 32)

**ORDER DECLARING DEVELOPMENT TO BE A PROJECT UNDER PART 3A OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Planning, having formed the opinion that the project referred to in the Schedule is of regional environmental planning significance, order that the project, pursuant to section 75B (1) of the Environmental Planning and Assessment Act 1979, be declared to be *a* project to which Part 3A of the Act applies.

FRANK SARTOR, M.P.,
Minister for Planning
Sydney, 9 July 2007

SCHEDULE

A water supply pipeline to transfer water from Wingecarribee Reservoir, in the Wingecarribee local government area, to the water storage, treatment and supply system in the Goulburn-Mulwaree local government area.

Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T07-0460)

No. 3319, John Leslie LOVE, area of 2 units, for Group 1, dated 14 September 2007. (Orange Mining Division).

(T07-0489)

No. 3349, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 701 units, for Group 10, dated 1 November 2007. (Broken Hill Mining Division).

(T07-0490)

No. 3350, STANNUM PTY LTD (ACN 121 771 695), area of 31 units, for Group 1, dated 1 November 2007. (Cobar Mining Division).

(T07-0491)

No. 3351, CENTAURUS RESOURCES LIMITED (ACN 120 281 969), area of 12 units, for Group 1, dated 2 November 2007. (Orange Mining Division).

(T07-0492)

No. 3352, HILL END GOLD LIMITED (ACN 072 692 365), area of 117 units, for Group 1, dated 5 November 2007. (Wagga Wagga Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(07-114)

No. 3011, now Exploration Licence No. 6911, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), Counties of Flinders and Mouramba, Map Sheet (8134), area of 57 units, for Group 1, dated 18 October 2007, for a term until 18 October 2009.

(07-307)

No. 3204, now Exploration Licence No. 6920, NERRIGA MINING GROUP PTY LTD (ACN 115 845 942), County of Harden, Map Sheet (8528), area of 66 units, for Group 1, dated 24 October 2007, for a term until 24 October 2009. As a result of the grant of this title, Exploration Licence No. 6308 has ceased to have effect.

(07-308)

No. 3205, now Exploration Licence No. 6922, NERRIGA MINING GROUP PTY LTD (ACN 115 845 942), County of King, Map Sheet (8728), area of 86 units, for Group 1, dated 24 October 2007, for a term until 24 October 2009. As a result of the grant of this title, Exploration Licence No. 6307 has ceased to have effect.

(07-316)

No. 3213, now Exploration Licence No. 6918, KOKONG HOLDINGS PTY LTD (ACN 008 622 348), County of Sandon, Map Sheet (9136, 9236), area of 100 units, for Group 1, dated 22 October 2007, for a term until 22 October 2009.

(07-318)

No. 3214, now Exploration Licence No. 6923, COMPASS RESOURCES NL (ACN 010 536 820), Counties of Ashburnham and Forbes, Map Sheet (8431, 8531), area of 8 units, for Group 1, dated 26 October 2007, for a term until 26 October 2009.

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

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(06-4178)

No. 2882, ST BARBARA LIMITED (ACN 009 165 066), County of Gowen, County of Lincoln and County of Napier, Map Sheet (8734). Refusal took effect on 31 October 2007.

(07-213)

No. 3108, David HOBBY and Belinda Maree HOBBY, County of Montegale, Map Sheet (8530). Refusal took effect on 31 October 2007.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T07-0460)

No. 3319, John Leslie LOVE, County of Georgiana, Map Sheet (8830). Withdrawal took effect on 2 November 2007.

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

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

(06-3177)

Exploration Licence No. 4155, ALKANE RESOURCES LTD (ACN 000 689 216), area of 11 units. Application for renewal received 5 November 2007.

(T97-1253)

Exploration Licence No. 5373, Peter James MORTON, area of 1 unit. Application for renewal received 5 November 2007.

(T99-0122)

Exploration Licence No. 5654, CAPITAL MINING LIMITED (ACN 104 551 171), area of 15 units. Application for renewal received 5 November 2007.

(04-641)

Exploration Licence No. 6489, RESOURCE INVESTMENT GROUP PTY LTD (ACN 106 872 799), area of 198 units. Application for renewal received 5 November 2007.

(05-239)

Exploration Licence No. 6492, TEUTONIC INVESTMENTS PTY LTD (ACN 095973434), area of 6 units. Application for renewal received 5 November 2007.

(05-258)

Exploration Licence No. 6495, MINEX (AUST) PTY LTD (ACN 091 546 708), area of 15 units. Application for renewal received 5 November 2007.

(T00-0700)

Mining Purposes Lease No. 275 (Act 1973), Robert ALLEN, Peter GOODMAN and Susan MILLER, area of 2.003 hectares. Application for renewal received 6 November 2007.

(T07-8087)

Mining Purposes Lease No. 1345 (Act 1906), VIROTEC INTERNATIONAL LTD (ACN 004 801 398), area of 8094 square metres. Application for renewal received 22 October 2007.

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

RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(T98-1080)

Exploration Licence No. 5574, ORD INVESTMENTS PTY LTD (ACN 107 735 071), Counties of Georgiana and Westmoreland, Map Sheet (8830), area of 46 units, for a further term until 3 June 2009. Renewal effective on and from 1 November 2007.

(T98-1218)

Exploration Licence No. 5771, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), Counties of Farnell, Mootwingee and Yancowinna, Map Sheet (7234), area of 86 units, for a further term until 3 September 2009. Renewal effective on and from 5 November 2007.

(T00-0032)

Exploration Licence No. 5878, TRI ORIGIN MINERALS LTD (ACN 062 002 475), Counties of Cunningham and Flinders, Map Sheet (8233), area of 32 units, for a further term until 23 July 2009. Renewal effective on and from 1 November 2007.

(T02-0429)

Exploration Licence No. 6114, SILVER MINES LIMITED (ACN 107 452 942), County of Clive, Map Sheet (9239), area of 6 units, for a further term until 13 August 2009. Renewal effective on and from 31 October 2007.

(T03-0971)

Exploration Licence No. 6250, REEDY CREEK PTY LIMITED (ACN 108 530 678), County of Ashburnham, Map Sheet (8631), area of 21 units, for a further term until 27 May 2008. Renewal effective on and from 18 October 2007.

(05-159)

Exploration Licence No. 6435, RESOURCE INVESTMENT GROUP PTY LTD (ACN 106 872 799), County of Mootwingee, Map Sheet (7235), area of 16 units, for a further term until 19 June 2008. Renewal effective on and from 1 November 2007.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T02-0460)

Mineral Claim No. 298 (Act 1992), Farid KHAN, Map Sheet (7537-2-S), area of 2 hectares. Cancellation took effect on 2 November 2007.

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

Roads and Traffic Authority

MINISTERIAL EXEMPTION (PERFORMANCE BASED STANDARDS) ORDER 2007

under the

ROAD TRANSPORT (GENERAL) ACT 2005

I, Eric Roozandaal, Minister for Roads, in pursuance of section 16 of the Road Transport (General) Act 2005, make the following Order.

Dated, this 19th day of October 2007.

ERIC ROOZANDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Order is to exempt heavy vehicles that are approved by any Performance Based Standards Review Panel established by the National Transport Commission of the Commonwealth from certain requirements under clause 29 of the Road Transport (Mass, Loading and Access) Regulation 2005.

This Order is made under section 16 (1) of the Road Transport (General) Act 2005.

1 Name of Order

This Order is the Ministerial Exemption (Performance Based Standards) Order 2007.

2 Commencement

This Order commences on the date on which it is published in the Gazette.

Note. This Order has effect until it is revoked by another Order published in the Gazette – see section 16 (2) of the Act.

3 Definitions

(1) In this Order:

Authority has the same meaning as in the Act.

heavy vehicle has the same meaning as in the Act.

Review Panel means any Performance Based Standards Review Panel established by the National Transport Commission of the Commonwealth to administer a performance based standards scheme for heavy vehicles and like vehicles.

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

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

4 Exemption from requirements of Road Transport (Mass, Loading and Access) Regulation 2005

For the purposes of section 16 (1) of the Act, clause 29 (1) of the Road Transport (Mass, Loading and Access) Regulation 2005 is declared not to apply to a heavy vehicle if:

- (a) the vehicle has been approved by the Review Panel to participate in a performance based standards scheme, and
- (b) a permit has been issued by the Authority under that Regulation in respect of the vehicle.

ROAD TRANSPORT (GENERAL) ACT 2005

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

TAMWORTH REGIONAL COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

GLENN INGLIS,
General Manager,
Tamworth Regional Council,
(by delegation from the Minister for Roads)
2 November 2007

SCHEDULE**1. Citation**

This Notice may be cited as Tamworth Regional Council 25 Metre B-Double route Notice No. 6/2007

2. Commencement

This Notice takes effect on Wednesday 7 November 2007.

3. Effect

This Notice remains in force until 31 March 2008 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25		Carter Street, Tamworth	Jewry Street	Plain Street	Expiry date, 31 March 2008
25		Plain Street, Tamworth	Carter Street	Ebsworth Street	Expiry date, 31 March 2008

ROAD TRANSPORT (GENERAL) ACT 2005

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

BLACKTOWN CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25m B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

RON MOORE,
General Manager,
Blacktown City Council
(by delegation from the Minister for Roads)
6 November 2007

SCHEDULE**1. Citation**

This Notice may be cited as the Blacktown City Council 25 Metre B-Double Notice No. 1/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25m B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25	Riverstone Parade, Riverstone	Bandon Road	81 Riverstone Parade

ROAD TRANSPORT (GENERAL) ACT 2005

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

MURRUMBIDGEE SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PAUL GOODSALL,
General Manager,
Murrumbidgee Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Murrumbidgee Shire B-Double Notice No. 1/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those B-Doubles vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	000	Boyd Street, Darlington Point	Kidman Way,	Ross Street	Travel permitted except for times 8.00am-9.30am and 2.30pm-4.00pm school days
25	000	Ross Street, Darlington Point	Boyd Street,	Hay Road	Travel permitted except for times 8.00am-9.30am and 2.30pm-4.00pm school days
25	000	Hay Road, Darlington Point	Ross Street	Britts Road	Travel permitted except for times 8.00am-9.30am and 2.30pm-4.00pm school days
25	000	Britts Road, Darlington Point	Hay Road	1km west of Hay Road	Travel permitted except for times 8.00am-9.30am and 2.30pm-4.00pm school days
25	000	Campbell Street, Darlington Point	Hay Road	0.25km west of Hay Road	Travel permitted except for times 8.00am-9.30am and 2.30pm-4.00pm school days

ROAD TRANSPORT (GENERAL) ACT 2005

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

BALRANALD SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Mr DON COOPER,
General Manager,
Balranald Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Balranald Shire Council 25 Metre B-Double route Notice No. 1/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	000	Hatfield/The Vale Road, Balranald Shire	Southern End Main Road 67 (Ivanhoe Road)	33.5km from Main Road 67 towards "Glen Tilt" property	Dry weather only
25	000	Lily Street, Balranald Shire	Moa Street	70m from Moa Street towards Yuranigh Street	Moa Street entrance only

ROAD TRANSPORT (GENERAL) ACT 2005

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

TUMUT SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

General Manager,
Tumut Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Tumut Shire Council 25 Metre B-Double route Notice No. 2/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
		Lockhart Street, Adelong	Snowy Mountains Highway, Adelong	Campbell Street, Adelong	Permanent Gazettal for incident management or special events which close the section of the Snowy Mountains Highway from Grahamstown Road to Campbell Street, Adelong
		Campbell Street, Adelong	Lockhart Street, Adelong	Snowy Mountains Highway, Adelong	Permanent Gazettal for incident management or special events which close the section of the Snowy

ROAD TRANSPORT (GENERAL) ACT 2005

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

WAGGA WAGGA CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PHILLIO PERRAM,
General Manager,
Wagga Wagga City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Wagga Wagga City Council 25 Metre B-Double route Notice No. 1/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Chaston Street, Wagga Wagga	Gas Works site, 54 Chaston Street	275 metres west of Docker Street	

ROAD TRANSPORT (GENERAL) ACT 2005

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

JERILDERIE SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

CRAIG MOFFITT,
General Manager,
Jerilderie Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Jerilderie Shire Council 25 Metre B-Double route Notice No. 2/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	000	South Coree Road, Jerilderie Shire	0.00km Willows Road	4.80km South on South Coree Road to Mayrung Road	Seasonal from 1 November to 30 May
25	000	Mayrung Road, Jerilderie Shire	0.00km South Coree Road	4.00km East in Mayrung Road to Boorobanilly Lane	Seasonal from 1 November to 30 May

ROAD TRANSPORT (GENERAL) ACT 2005

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

BYRON SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

PAMELA WESTING,
General Manager,
Byron Shire Council
(by delegation from the Minister for Roads)
7 November 2007

SCHEDULE**1. Citation**

This Notice may be cited as Byron Shire Council 4.6 Metre High Vehicle Route Notice No. 1/2007.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31st December 2007 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

<i>Route</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
Gulgan Road, Mullumbimby	Pacific Highway southern interchange	Pacific Highway northern interchange	NSW Sugar Milling Co-operative be required to contact Council prior to harvest to arrange for any overhanging trees along the routes to be lopped at their cost. These routes listed in this table apply only to Sugar Cane Harvesting Trucks.
Mullumbimby Road, Mullumbimby	Gulgan Road	Argyle Street	
Queen Street, Mullumbimby	Argyle Street	Northern End.	
Argyle Street, Mullumbimby	Mullumbimby Road	Burringbar Street	
Burringbar Street, Mullumbimby	Argyle Street	Dalley Street	
Dalley Street, Mullumbimby	Tincogan Street	Jubilee Avenue	
Jubilee Avenue, Mullumbimby	Dalley Street	Coolamon Scenic Drive	
Coolamon Scenic Drive, Mullumbimby	Jubilee Avenue	Myocum Road	
Myocum Road, Mullumbimby	Coolamon Scenic Drive	Pacific Highway (Ewingsdale Interchange)	
Tyagarah Road, Tyagarah	Myocum Road	Pacific Highway	
McAuley's Lane, Mullumbimby	Myocum Road	900 m north east of Myocum Road intersection	
Tincogan Street, Mullumbimby	Dalley Street	Murwillumbah Road	
Murwillumbah Road, Mullumbimby	Tincogan Street	Main Arm Road	
Main Arm Road, Mullumbimby	Murwillumbah Road/ Coolamon Scenic Drive	The Pocket Road	
Kennedy's Lane, Tyagarah	Myocum Road	Pacific Highway	
Wilfred Street, Billinudgel	Pacific Highway	Brunswick Street	
Brunswick Street, Billinudgel	Wilfred Street	The Pocket Road	
The Pocket Road, Billinudgel	Middle Pocket Road	1.2 km west of Middle Pocket Road intersection	

Middle Pocket Road, The Pocket	The Pocket Road	2.5 km northwest of the Pocket Road intersection	
Willows Road, The Pocket	Middle Pocket Road	Southern end	
Coopers Lane, Main Arm	Main Arm Road	Southern end	
Midgen Flat Road, Broken Head	Broken Head Road	1.5 km west of Broken Head Road to the cane pad.	

ROADS ACT 1993

Order - Section 67

Yass Valley Council area

Declaration of an additional point of access
to a controlled access road
on part of the Hume Highway at Bowning.

I, the Minister for Roads, pursuant to Section 67 of the Roads Act 1993, by this Order specify, in the Schedule hereunder, an additional point along the Hume Highway at Bowning, declared to be a controlled access road by Order in Government Gazette No 152 of 17 October 1980 on pages 5397 and 5398, at which access may be gained to or from another public road.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE

Between the points A2 and B2 shown on RTA Plan 0002 515 AC 4004.

(RTA Papers 2/170.31)

ROADS ACT 1993

Order -Sections 46, 49, 54 and 67

Bankstown City Council area

Dedication of Land as Public Road
and Declaration as a Controlled Access Road of
Part of Alford's Point Road at Padstow Heights

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order -

1. dedicate as public road the land described in Schedules 1 and 2 under;
2. declare to be a main road the said public road described in Schedule 2 and the public road described in Schedule 3 under;
3. declare to be a controlled access road the said main road described in Schedules 2 and 3;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 4 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HON ERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE 1

All those pieces or parcels of land situated in the Bankstown City Council area, Parish of Bankstown and County of Cumberland shown as:

Lots 15, 16 and 29 Deposited Plan 260531;

Lot 27 Deposited Plan 260529;

Lots 15, 16, 17 and 19 to 23 inclusive Deposited Plan 260530; and

Lot 101 Deposited Plan 634526.

The above Lots are all shown on RTA Plan 0190 026 AC 0234.

SCHEDULE 2

All those pieces or parcels of land situated in the Bankstown City Council area, Parish of Bankstown and County of Cumberland shown as:

Lot 2 Deposited Plan 231757;

Lot 31 Deposited Plan 29214;

Lots 29 and 30 Deposited Plan 29235;

Lot 1 Deposited Plan 659198;

Lots 20 to 28 inclusive Deposited Plan 260531;

Lot 11 Deposited Plan 826412;

Lots 1 to 4 inclusive Deposited Plan 205326;

Lots 10, 28 to 44 inclusive and Lots 46 to 54 inclusive Deposited Plan 260529;

Lot 11 Deposited Plan 584709;

Lot 7 Deposited Plan 747397;

Lot 2 Deposited Plan 571312;

Lot 20 Deposited Plan 800231;

Lot 4 Deposited Plan 18999;

Lot 2 Deposited Plan 608967;

Lots 1 and 2 Deposited Plan 23007;

Lot 7 Deposited Plan 205491;

Lot 7 Deposited Plan 250825;

Lots 3 and 4 Deposited Plan 602001;

Lots 24 to 37 inclusive Deposited Plan 260530;

Lot 31 Deposited Plan 231085; and

Lot 6 Deposited Plan 871138.

The above Lots are all shown on RTA Plan 0190 026 AC 0234.

SCHEDULE 3

All those pieces or parcels of public road situated in the Bankstown City Council area, Parish of Bankstown and County of Cumberland shown as:

Lots 200 to 206 inclusive in RTA Plan 0190 026 AC 0234; and

Lots 7 and 8 Deposited Plan 871138.

The above Lots are all shown on RTA Plan 0190 026 AC 0234.

SCHEDULE 4

Between the points A and B;

between the points C and D;

between the points E and F; and

between the points G and H, all shown on RTA Plan 0190 026 AC 0234.

(RTA Papers 26.11147)

Department of Water and Energy

WATER ACT 1912

APPLICATION under Part 8 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the Act.

An application for an approval under section 167 (1) of Part 8 of the Water Act 1912, has been received as follows:

Murray River Valley

Matthew Conal O'FARRELL and OTHERS for a levee and a realignment of an existing levee on the Murray River Floodplain on Lot 1, DP 1078090; Lot 2, DP 1078090 and Lot 1, DP 1098204, Parish Moama, County of Cadell, for the prevention of inundation of land by floodwaters (Reference: 50CW805701) (GA2:484749).

Any enquiries regarding the above should be directed to the undersigned (telephone: [03] 5898 3900).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed local area whose interests may be affected and must be lodged at the Department's Office at Deniliquin by no later than 7 December 2007.

P. NANKIVELL,
Floodplain Manager

Department of Water and Energy,
PO Box 205, Deniliquin NSW 2710.

WATER ACT 1912

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

Murrumbidgee Valley

Gregory Richard MOUAT for a bore on Lot 2, DP 601554, Parish of Hindmarsh, County of Wynyard for a water supply for domestic and irrigation purposes (12 hectares – Orchard). New License. Reference 40BL191661.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 7 December 2007 as prescribed by the Act. GA2:532431

S. F. WEBB,
Licensing Manager,
Licensing South

Department of Water and Energy,
PO Box 156, Leeton NSW 2705

WATER ACT 1912

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

North Coast

Stanley James and Lauraine HARPER for a pump on Orara River on Lot 8, DP 752810, Lot 5, DP752810 and Lot 22, DP 718908, Parish Bardsley, County Fitzroy for irrigation of 10 hectares (mixed crops) application to replace existing License, additional pump sites. (Ref 30SL066992). No increase in authorised area.

Victor Francis HOWARD for a diversion pipe and pump on unnamed watercourse on Lot 15, DP 710312, Parish Medlow, County Raleigh for water supply for stock and domestic purposes (2 megalitres) (Ref: 9045628).

Hunter

Karen Margaret PEARCE and Garry John PEARCE for a pump on the Pages River on Part Lot 1, DP 1081736, Parish Alma, County Brisbane for water supply for domestic purposes (exempt under current embargo) 20SL061742.

Written objections to the application(s) specifying the grounds thereof must be lodged with the Department of Water and Energy, Locked Bag 10, Grafton NSW 2460 within 28 days of the date of publication.

DENNIS MILLING,
Manager Licensing

Other Notices

CHARITABLE TRUSTS ACT 1993

Notice Under Section 15

Proposed Administrative Scheme Relating to the McIlrath Collection Trust

SECTION 12 of the Charitable Trusts Act 1993, allows the Attorney General to, by order, establish a scheme for the administration of any charitable trust.

The McIlrath Collection Trust ('the Trust') was established by Deed dated 30 June 1982. The Settlor of the Trust was Ms Joan Urey McDonald, who died on 15 August 1984. The trustee is the ANZ Executors and Trustee Company Limited.

Clause 4 of the Deed stipulates that the purpose of the Trust is to provide Macquarie University with funds for the purchase of material relating to the historical voyages of discovery, exploration and navigation of and around Australia and the history, culture, development and current and continuing circumstances of Australian Aborigines. The materials purchased are to form part of 'The McIlrath Collection', which is already maintained at the premises occupied by the Macquarie University Library. Clause 3 of the Deed stipulates that the trustee shall pay from the Trust fund \$2,500.00 per annum to Macquarie University for the purposes of the Trust. As at 20 December 2006, the corpus of the Trust was \$47,312.95 and the balance of income was \$2,675.65.

The trustee has applied to the Attorney General under the Charitable Trusts Act on the basis that the fund is no longer able to generate sufficient income to pay the \$2,500.00 per annum to Macquarie University for the purpose stipulated in the Deed. The trustee has applied for an administrative scheme to vary the manner or mode of administration of the Trust. The trustee proposes a scheme whereby the trustee shall pay the net income of the fund accrued in any one year to the Macquarie University for the purpose stipulated in the Deed.

The Solicitor General as delegate of the Attorney General is of the view that the Trust is a trust for the advancement of education and its purpose is charitable.

The Solicitor General has determined pursuant to section 12 (1) (b) of the Charitable Trusts Act that an order for the administrative scheme as proposed is expedient in the interests of the administration of the charitable trust.

Take note that within one month after the publication of this notice any person may make representations or suggestions to the Attorney General in respect of the proposed scheme.

A copy of the proposed scheme may be inspected, by appointment, during business hours at Level 9, Goodsell Building, 8-12 Chifley Square, Sydney. Please telephone (02) 9228 7799 for an appointment.

Dated: 29 October 2007.

LAURIE GLANFIELD,
Director General,
Attorney General's Department

DISTRICT COURT ACT 1973

District Court Amendment (Entry and Recording of Judgments, Orders, Sentences, Directions or Recommendations) Rule 2007 under the District Court Act 1973

THE District Court Rule Committee made the following rule of court under the District Court Act 1973 on 7 November 2007.

A. R. GREW,
Secretary to the District Court Rule Committee

Explanatory note

The object of this rule is to amend Part 53 rule 12 of the District Court Rules 1973 to enable judgments, orders, sentences, directions or recommendations in criminal matters in the District Court of New South Wales to be entered on the indictment in the proceedings, the appropriate Court file or the appropriate computer record.

District Court Amendment (Entry and Recording of Judgments, Orders, Sentences, Directions or Recommendations) Rule 2007 under the District Court Act 1973

1 Name of Rule

This rule is the District Court Amendment (Entry and Recording of Judgments, Orders, Sentences, Directions or Recommendations) Rule 2007

2 Amendment of the District Court Rules 1973

The District Court Rules 1973 are amended as set out in Schedule 1.

SCHEDULE 1 Amendment

(Clause 2)

Part 53, rule 12

Omit the rule. Insert instead:

12 Entry and recording of judgments, orders, sentences, directions or recommendations

Any judgment, order, sentence, direction or recommendation given or made by a Judge in any proceedings shall be entered on:

- (a) the indictment in the proceedings,
- (b) the appropriate court file, or
- (c) the appropriate computer record

and that entry shall, when signed by the Judge or entered on the appropriate computer record, be the record of the judgment, order, sentence, direction or recommendation.

ELECTRICITY SUPPLY ACT 1995

Factors for Determining Greenhouse Gas Benchmarks for 2008

IN accordance with section 97BF of the Electricity Supply Act 1995, the Tribunal has determined the following factors for the purpose of determining greenhouse gas benchmarks for benchmark participants for 2008:

- (a) NSW Pool Coefficient = 0.954 tCO₂-e /MWh

- (b) Total State Electricity Demand = 79,056 GWh
- (c) Total State Population = 6,958,500
- (d) Electricity Sector Benchmark = 50,588,295 tCO₂-e

These factors may also be viewed on the NSW Greenhouse Gas Reduction Scheme website at www.greenhousegas.nsw.gov.au

Inquiries should be directed to Mr Gary Drysdale (02) 9290 8477 or ipart@ipart.nsw.gov.au.

JAMES P. COX,
Chief Executive Officer and Full Time Member,
Independent Pricing and Regulatory Tribunal

PO Box Q290,
QVB Post Office NSW 1230

FAIR TRADING ACT 1987

Referral to the Products Safety Committee
Section 28(1) of the Fair Trading Act 1987

The Products Safety Committee
C/- The Office of Fair Trading
Safety and Standards Branch
Bradfield Road
Lindfield West NSW 2070

PURSUANT to section 28(1) of the Fair Trading Act 1987 ("the Act"), I, LINDA BURNEY, M.P., Minister for Fair Trading, hereby refer to the Products Safety Committee ("the Committee") for its consideration in respect of goods of the kind specified in Schedule 1, the questions specified in section 28(1) of the Act which are set out in Schedule 2.

Dated this 6th day of November 2007.

LINDA BURNEY, M.P.,
Minister for Fair Trading

SCHEDULE 1

"Bindeez" bead toys which are little beads that join with a spray of water.

SCHEDULE 2

Whether the supply of the goods should:

- (a) because they are dangerous, or are a possible source of danger, be prohibited; or
- (b) be allowed only subject to conditions or restrictions to be specified by the Committee.

INVITATION TO COMMENT – SAFETY INQUIRY – BINDEEZ BEAD TOYS

The Minister for Fair Trading has asked the Products Safety Committee to consider whether the supply of Bindeez toy beads should be prohibited because they are dangerous or restricted subject to conditions specified by the Committee.

Persons with an interest in the outcome of the Inquiry are invited to make written submissions to the Committee.

By mail:

The Executive Officer
Products Safety Committee
PO Box 44
Lindfield NSW 2070

By email:

steve.hutchinson@oft.commerce.nsw.gov.au.

By facsimile to: (02) 8467 4446.

Enquiries should be directed to Mr Steve Hutchison on (02) 8467 4490.

Submissions close on Friday, 16 November 2007.

GEOGRAPHICAL NAMES ACT 1966

Erratum

THE notice in *New South Wales Government Gazette* of 29 June 1973, Folio 5008, that refers to the assignment of a geographical name Westley Park as a Trigonometrical Station in the Kiama Municipal Council area is in error. The correct spelling should be "Wesley Park". This notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Erratum

THE notice in *New South Wales Government Gazette* of 19 December 1975, Folio 5277, that refers to the assignment of a geographical name Anchau as a Trigonometrical Station in the Liverpool City Council area is in error. The correct spelling should be "Anschau". This notice corrects that error.

WARWICK WATKINS,
Chairman

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

NATIONAL PARKS AND WILDLIFE ACT 1974

Macquarie Nature Reserve
Babadaga Group of Reserves
Plans of Management

DRAFT plans of management for Macquarie Nature Reserve and the Babadaga Reserves (incorporating Bollandolla, Bowraville, Ganay, Juugawaarri and Jaanninga Nature Reserves) have been prepared and are on exhibition until 11 February 2008. The plans are also on the NPWS website: www.nationalparks.nsw.gov.au.

Copies of the Macquarie plan are available free of charge from the NPWS Mid North Coast Region office, 152 Horton Street, Port Macquarie (ph: 6584 2203) and from Roto House, Roto Place, Port Macquarie. The plan may also be viewed at Port Macquarie Library, Gordon Street, Port Macquarie. Written submissions on the plan must be received by The Planner, Macquarie Nature Reserve, NPWS, PO Box 61, Port Macquarie NSW 2444 by 11 February 2008.

Copies of the Babadaga plan are available free of charge from the NPWS Coffs Coast Area office, Marine Drive, Coffs Harbour (ph: 6652 0900) and Nambucca Shire Council's Administration Centre, Princess Street, Macksville. Written

submissions on the plan must be received by Babadaga Reserves Plan, NPWS, PO Box J200, Coffs Harbour NSW 2450 by 11 February 2008.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on these draft plans may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

PESTICIDES REGULATION 1995

Notice of Exhibition of Draft Pesticide Notification Plan for Housing NSW

THE draft Pesticide Use Notification Plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 (the Regulation). The Plan sets out how Housing NSW will notify members of the community of pesticide applications it makes or allows to be made to outdoor public places that are owned or controlled by Housing NSW.

The Plan allows members of the community to take action to avoid or minimise contact with pesticides if they wish.

Housing NSW has prepared the draft Plan that is available for comment by the public. The period for public comment is 28 days and all submissions will be considered before the Plan is finalised.

The draft Plan is on display at Housing NSW's Ashfield office on Level 2, 223-239 Liverpool Road, Ashfield. The draft Plan can also be viewed on the Housing NSW website www.housing.nsw.gov.au

Comments on the Pesticide Notification Plan should be sent in writing to:

Pesticide Notification Plan,
NSW Department of Housing,
Locked Bag 4001,
Ashfield BC 1800

Closing date for public comments is 10 December 2007.

PRACTICE NOTE SC CL 6

Supreme Court Common Law Division – Possession List Commencement

1. This Practice Note was issued and commenced on 2 November 2007.

Application

2. This Practice Note applies to proceedings in, or to be entered in, the Possession List.

Definitions

3. In this Practice Note:
ADR means alternative dispute resolution
List means the Possession List
UCPR means the Uniform Civil Procedure Rules 2005

Introduction

4. The purpose of this Practice Note is to explain the operation of the List which is provided for by UCPR Rule 45.4.

5. UCPR Rule 45.4 (1) specifies that, subject to exceptions in Rule 45.4(2), proceedings in the Common Law Division in which a claim for possession of land is made are to be entered in the List.

Short form of Statement of Claim

6. In the case of a claim for possession, or possession and debt, against a Defendant who is a borrower/mortgagor, it is open to the Plaintiff to commence proceedings by filing a short form of Statement of Claim in accordance with Annexure 1 of this Practice Note. The principal purpose of the short form is to provide a simplified form of pleading to facilitate an understanding by the Defendant of the nature of the claim which is brought and of the practical consequences which may result.

7. The short form is not a prescribed form, nor is its use compulsory. A Plaintiff may commence proceedings by way of a Statement of Claim pleaded in conventional form, in particular where the claim is not straightforward and involves additional parties (including guarantors). It is necessary for a Statement of Claim, whether or not in short form, to comply with the requirements as to pleadings contained in UCPR Rule 14.15.

Cover sheet to Statement of Claim

8. The cover sheet to the short form Statement of Claim (Annexure 2), which incorporates information for the Defendant translated into several different languages, is appropriate for use with all initiating process in the Possession List, including both the conventional form and short form of Statement of Claim.

Removal from the list

9. Upon proceedings being removed from the List, this Practice Note shall not, subject to paragraph 10 below, apply to the proceedings from the making of the order.

10. The Court may direct that this Practice Note shall continue to apply to the proceedings to the extent stated in the direction.

11. The making of an order removing proceedings from the List shall not affect any orders made or directions given prior to such removal.

Directions hearings

12. Defended proceedings in the List will be managed by way of Directions Hearings, the first of which will be appointed upon a date approximately one month after the filing of a defence or cross-claim.

13. Upon a defence or a cross-claim being filed, the registry will give notice to all parties with an address for service in the proceedings of the date of the first Directions Hearing.

14. Directions Hearings will be held daily before the Registrar, Common Law Case Management, at 9:00am.

Action prior to directions hearing

15. It is expected that, where practicable, the parties' solicitors will have discussed the case before the initial Directions Hearing and will have:

- narrowed issues;
- agreed on suitable interlocutory orders, directions or arrangements;
- prepared a draft timetable for the future management of the proceedings;

- prepared draft orders to be sought at the Directions Hearing; and
- discussed the possibility of settling the dispute by mediation or other ADR processes.

16. In this Practice Note ADR includes:

- mediation;
- arbitration; and
- referral to a referee under UCPR Part 20.

Representation

17. Each party not appearing in person must be represented at the Directions Hearing by a barrister or a solicitor familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.

Action at directions hearing

18. At a Directions Hearing the Court may give directions and make orders as it considers appropriate with a view to the just, quick, cheap and effective management and disposal of the proceedings. Orders or directions may include:

- if the List is not the most appropriate place for the proceedings, the removal of the proceedings from the List, with consequential orders and directions;
- setting a timetable for case management;
- for the whole or any part of the evidence in the proceedings to be given on affidavit;
- for adjournment of the Directions Hearing;
- the filing of other pleadings;
- the provision of any particulars;
- the making of admissions;
- the filing of lists of documents;
- the provision of copies of documents;
- the administration and answering of interrogatories;
- the service and filing of affidavits or statements of evidence;
- orders for the preservation of evidence;
- hearing of applications for summary disposal under UCPR Part 13 or for judgment on admissions;
- applications under UCPR Part 14 or Part 15 which relate to pleadings and particulars;
- matters relating to proof; and
- the provision of any further information to the Court.

Alternative dispute resolution

19. At a Directions Hearing, the Court will consider whether the proceedings are suitable for ADR. Legal practitioners should ensure that instructions have been obtained prior to a Directions Hearing so that it may be indicated to the Court whether the matter can be mediated.

20. If the matter appears to the Court to be appropriate for resolution by mediation, the Court will refer the proceedings for mediation with or without the consent of the parties.

21. The Court may give directions requiring statements from parties including a timetable to enable parties to be prepared for mediation.

Call-Up of delayed defended matters

22. There will be a quarterly call-up before the Possession List Judge of defended matters in which there is no listing for final hearing or referral for mediation and (subject to the determination of the Possession List Judge in a particular case) more than nine months have elapsed since the filing of a defence or cross-claim. At the call-up, the parties and/or their legal representatives will be required to explain to the Court why the matter has not been listed for final hearing and what steps have been and are being taken to comply with the parties' statutory duty to assist the Court to further the overriding purpose of the Civil Procedure Act 2005 and the UCPR of facilitating the just, quick and cheap resolution of the real issues in the proceedings (s.56 Civil Procedure Act 2005). The Court will have regard to the guiding principles contained in ss.56-60 Civil Procedure Act 2005 and will utilise appropriate case-management measures with a view to eliminating unreasonable delay between the commencement of proceedings and their final determination (s.59).

Joint statement

23. When ready for trial, proceedings will be listed by the Registrar, Common Law Case Management, for hearing. Where matters are listed for hearing, a standard direction that all parties are to complete, sign and file at least 7 days prior to the hearing date a clear, concise, joint statement of matters of fact and law that are really in dispute and nominating the evidence specifically relevant to those matters, is deemed to have been made, unless the Court otherwise orders.

Non-urgent applications for stay

24. A non-urgent application to stay the execution of a writ of possession arises where no time has been fixed for the Sheriff to take possession of the property or such time has been fixed and that time is more than four working days from the time when application is brought to stay the execution of the writ. In these circumstances, the application should be brought by Notice of Motion and Affidavit in support, to be served on the opposing party, with the application to be listed for hearing before the Registrar, Common Law Case Management. Annexed to the affidavit should be any documents to be relied upon by the applicant, such as:

- where the loan is to be refinanced – proof of steps undertaken to refinance;
- where the subject property is to be sold – copies of agent sale agreements, contract for sale of property, advertisements, etc.;
- where the proceedings are to be defended – a draft Notice of Grounds of Defence; and
- where hardship is claimed – the facts and circumstances relied upon in this regard.

In the event that an order abridging time for service of the Notice of Motion and Affidavit is required, application for such an order should be made to the Duty Registrar who is available from 9.00 am to 5.00 pm each weekday.

Urgent applications for stay

25. Urgent applications to stay the execution of a writ of possession arise where a time has been fixed for the Sheriff to take possession of the property and that time

is less than four working days from the time of the stay application. In those circumstances, application should be made to the Duty Registrar who is available from 9:00am to 5:00pm each weekday. Applicants should ordinarily produce an affidavit in support annexing documentary material, such as:

- where the loan is to be refinanced – proof of steps undertaken to refinance;
- where the subject property is to be sold – copies of agent sale agreements, contract for sale of property, advertisements, etc.;
- where the proceedings are to be defended – a draft Notice of Grounds of Defence; and
- where hardship is claimed – the facts and circumstances relied upon in this regard.

26. A Duty Registrar determining an urgent stay application on an ex parte basis may order that the execution of a writ of possession be stayed for a period (usually not exceeding seven working days) and direct the applicant to file and serve a Notice of Motion seeking appropriate orders and an Affidavit in support of the motion, and may abridge time for service of any order and motion, and list the matter before the Registrar, Common Law Case Management. In the event that an ex parte stay is granted, the Duty Registrar should record short reasons for granting the stay by reference to the relevant circumstances referred to in paragraph 25.

27. In the ordinary course, an officer of the Court will inform the Sheriff by facsimile if an ex-parte stay has been granted and will provide the Plaintiff's solicitor by email or facsimile with copies of the Court order and any affidavit relied upon on the stay application.

28. In the case of an applicant who has previously been granted a stay, unless there is good reason not to do so, the Duty Registrar should stand down an urgent application, and require the applicant to notify the Plaintiff that application for a stay is to be made so as to permit that party an opportunity to appear on the application. Where the Plaintiff does not oppose an urgent stay application, the Duty Registrar should determine the application. Where the Plaintiff opposes an urgent stay application, the Duty Registrar should refer the application to the Registrar, Common Law Case Management, so that the application may be heard and determined in open court.

Stay Applications Generally

29. The Duty Registrar or Registrar, Common Law Case Management, may refer the proceedings under UCPR Rule 49.16 to the Duty Associate Judge for consideration:

- (a) where a Judge or Associate Judge has refused the applicant a stay on an earlier occasion, or
- (b) where the Duty Registrar or Registrar, Common Law Case Management, is not prepared to grant a stay to the applicant, or
- (c) where the Registrar, Common Law Case Management, is not in a position to hear an urgent and opposed stay application which has been referred by the Duty Registrar in accordance with paragraph 28.

30. Apart from the circumstances referred to in paragraph 29 above, it is expected that all stay applications in Possession List matters will be considered and determined by the Registrar, Common Law Case Management or a Duty Registrar.

31. If a stay application is made directly to the Duty Associate Judge or to the Duty Judge, the applicant will be directed to the Duty Registrar.

32. Applications, to which all relevant parties consent, may be dealt with at any time by arrangement with the Registrar, Common Law Case Management.

33. Applications for summary disposal will be listed at a Directions Hearing for referral to the Duty Associate Judge for determination.

34. Applications to set aside default judgment will be heard by the Registrar, Common Law Case Management.

Listing for hearing

35. When ready for trial, proceedings will be listed by the Registrar, Common Law Case Management, for hearing with no priority over other proceedings unless an order for expedition is made.

36. All applications for expedition should ordinarily be made in the first instance to the Registrar, Common Law Case Management.

Adjournment

37. To ensure efficient use of Court time, proceedings fixed for trial will not normally be adjourned unless special circumstances have arisen which could not have been foreseen.

38. An application for adjournment requires supporting affidavits.

39. An application for adjournment will not usually be granted unless the party on whose behalf the application is made is present at the time the application is made or has sworn an affidavit verifying that that party is aware of the reasons for the application and identifying those reasons.

Inactive proceedings

40. If a defence or application for default judgment is not filed within 6 months of the claim being instituted, the Court may dismiss the proceedings on its own motion pursuant to UCPR Rule 12.8.

41. The Court will give the plaintiff notice that the claim (or where appropriate, the proceedings) will be dismissed unless, within a specified period, the plaintiff notifies the Court of its desire to show cause why an order for dismissal should not be made.

42. The Court may, if the plaintiff gives notice in accordance with paragraph 41, list the proceedings for further consideration by the Registrar, Common Law Case Management or the Possession List Judge, or otherwise dismiss the claim or the proceedings.

43. Paragraph 40 does not apply to proceedings, or to a claim, that have or has been disposed of by judgment, final order, discontinuance or dismissal.

Summary disposal

44. An application for summary disposal, made after proceedings are listed for hearing by the Registrar, Common Law Case Management, will be heard at the same time as the substantive proceedings, unless the Court otherwise orders.

Default judgment

45. Entry in the List will not affect a party's entitlement to apply for default judgment.

Dated: 2 November 2007

J. J. SPIGELMAN, A.C.,
Chief Justice of New South Wales

Related information

See also:

Practice Note SC CL 1 Supreme Court Common Law Division – General

Practice Note SC Gen 1 Supreme Court – Application of Practice Notes

Practice Note SC Gen 6 Supreme Court – Mediation

Supreme Court Rules 1970

Uniform Civil Procedure Rules 2005

Amendment history:

2 November 2007: This Practice Note replaces the previous version of SC CL 6 issued on 17 August 2005.

17 August 2005: Practice Note SC CL 6 replaced Former Practice Note No. 106.

ANNEXURE 1

Supreme Court Short Form of Statement of Claim for Possession [and Debt] against a Borrower/Mortgagor

RELIEF CLAIMED

1. Judgment for the plaintiff, [name of Lender], for possession of the land comprised in [Title/Folio numbers] being the land situated at and known as [address].
2. Judgment for the plaintiff, [name of Lender], against the [role of party, eg defendant] for \$[amount].
3. The [role of party, eg defendant] pay the plaintiff's costs.]

PLEADING AND PARTICULARS

1. You are the owner of property at [address/folio identifier etc].
2. You obtained a loan from [name of Lender] on [date]. [“Lender”]
3. You mortgaged your property as security for this loan by a mortgage [number].
4. This mortgage means that if you default under your loan, the Lender can:
 - (a) take possession of your property; and
 - (b) obtain a judgment against you for the amount you owe the Lender.
5. You are in default of your loan by breach of [specify breach to comply with requirements concerning pleadings in Rule 14.15 Uniform Civil Procedure Rules 2005].

Particulars of default

Failure to pay the following amounts due [if applicable].

\$ due

Non-monetary default by virtue of [if applicable]

6. Notice of default pursuant to s80 of the Consumer Credit (New South Wales) Code, has been served. [if notice required]

Particulars

Notice dated _____

OR

6. Notice pursuant to s80 of the Consumer Credit (New South Wales) Code is not required. [if notice is not required]
7. Given your default, the Lender now claims against you, judgment for:
 - (a) possession of your property.
 - (b) the full amount of your loan, being \$.....as at.....[if claimed]; and
 - (c) continuing interest and fees in accordance with the loan [if claimed];
 - (d) costs.

[On a new page, replace the Notice to defendant and How to respond sections of the approved form of Statement of claim with the following:]

NOTICE TO DEFENDANT AND HOW TO RESPOND

You may have a defence to the above claim.

If you do have a defence:

- You must file a defence within 28 days in the Supreme Court.
- If you fail to file a defence within 28 days, judgment may be obtained against you.

If you are unsure whether you have any defence, it is in your interests to seek legal advice:

You may either:

- Telephone Law Access NSW on 1300 888 529 (a local call from anywhere in NSW), for free information or referral for legal advice (see www.lawaccess.nsw.gov.au); or
- Telephone the Law Society of NSW on 9926 0300 for the name of a private solicitor in your area.

If you do not have any defence:

- The Lender can obtain a judgment against you for possession and evict you from your property.
- The Lender may also obtain a judgment against you for the loan plus fees and expenses and take enforcement action against you to recover the judgment.
- The Lender may sell your property. It may be necessary for the Lender to have served on you a notice under section 57(2)(b) Real Property Act 1900 and for you to have not complied with it before the Lender can sell your property.
- If the property is sold for less than the amount of the loan, you may be liable for the remaining balance of the loan.

Voluntary surrender

- You may wish to voluntarily surrender your property to the Lender. If so, you should contact the Lender on . This may result in a saving of costs.

Extension of time to vacate property

If you have no defence, but wish to apply for an extension of time before you are required to vacate the property, you should also contact the Lender's Collection Manager or solicitor on to request further time for you to vacate the property.

If you cannot reach agreement as to a date for vacating the property then you can apply to the Duty Registrar of the Supreme Court – Level 5, Law Courts Building, Queen's Square, Sydney for an extension of time, which may enable you to remain in the property, subject to certain conditions.

Any such application should show:

- if the loan is to be refinanced – proof of steps undertaken to refinance – copies of any loan offer or refinance proposal;
- if the subject property is to be sold – copies of agent sale agreements, contract for sale of property, advertisements, etc;
- any other reason you have for seeking an extension of time.

ANNEXURE 2

COVER SHEET TO STATEMENT OF CLAIM:

- English Version:

This is an IMPORTANT NOTICE issued by the Supreme Court of NSW

If you do not respond to this Statement of Claim you may be evicted from your property and the lender may take action to sell your property. You have **28 DAYS ONLY** from the date you received this document to file a defence in the Supreme Court. You may need legal advice.

If you want free legal information or referral for further assistance you may ring LawAccess NSW on 1300 888 529 from anywhere in NSW for the cost of a local call.

If you need the assistance of an interpreter you may ring the free Translating and Interpreting Service NOW on 1300 131 450 and ask them to call LawAccess NSW. LawAccess is a joint initiative of the Attorney General's Department of NSW and Legal Aid NSW.

- Version intended to be translated into 16 Languages:

This is an IMPORTANT NOTICE issued by the Supreme Court of NSW

If you do not respond to the Statement of Claim, you may be evicted from your property and the lender may take action to sell your property.

You have **28 DAYS ONLY** from the date you received this document to file a defence in the Supreme Court. You may need legal advice.

You may ring the free Translating and Interpreting Service NOW on 1300 131 450 and ask them to call LawAccess NSW on 1300 888 529. LawAccess is a free service that can give you legal information or referrals for further assistance.

- Arabic;

- Chinese;
- Croatian;
- Greek;
- Indonesian;
- Italian;
- Japanese;
- Korean;
- Lao;
- Macedonian;
- Portuguese;
- Russian;
- Serbian;
- Spanish;
- Turkish; and
- Vietnamese

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999

ORDER

(LS) Marie Bashir, AC, 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 the Road Transport (Safety and Traffic Management) Act 1999 do, by this my Order, approve of the following type of speed measuring device described hereunder as being designed to measure the speed at which a vehicle is travelling.

Type of device:

The speed measuring device, Silver Eagle II

Signed and sealed at Sydney, this 1st day of November 2007.

By Her Excellency's Command,

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

SHOPS AND INDUSTRIES ACT 1962

Order

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 85 (2) of the Shops and Industries Act 1962 (the Act) and being satisfied that to do so will be of benefit to the public, do, by this my Order, suspend the operation of section 85 (1) of the Act in relation to Wednesday, 26 December 2007 (Boxing Day) and Tuesday, 1 January 2008 (New Year's Day), being public holidays within the meaning of section 78 (1) of the Act, so as to allow any general shop in the commercial business districts of the Cities of Sydney and Newcastle and in the commercial business district of Cabramatta to remain open on those days, subject to the condition that the shop is staffed only by persons who have freely elected to work on any such day, without any coercion, harassment, threat or intimidation by their employer.

For the purposes of this Order, a person is not taken to have freely elected to work on either of the abovementioned days merely because that person is rostered to work on that day.

Dated this 6th day of November 2007.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations.

SHOPS AND INDUSTRIES ACT 1962

Order

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 89B (4) of the Shops and Industries Act 1962 (the Act), do, by this my Order, vary all Orders made and in force under section 89B (1) of the Act to the extent that an exemption from section 85 (1) of the Act in relation to Wednesday, 26 December 2007 (Boxing Day), and Tuesday, 1 January 2008 (New Year's Day), is only applicable to a general shop in the areas covered by those Orders if the shop is staffed only by persons who have freely elected to work on any such day, without any coercion, harassment, threat or intimidation by their employer.

For the purposes of this Order, a person is not taken to have freely elected to work on either of the abovementioned days merely because that person is rostered to work on that day.

Dated this 6th day of November 2007.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations.

SHOPS AND INDUSTRIES ACT 1962

Order

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 85 (2) of the Shops and Industries Act 1962 and being satisfied that to do so will be of benefit to the public, do, by this my Order, suspend the operation of section 85 (1) of that Act in relation to the following two public holidays (within the meaning of section 78 (1) of that Act) so as to allow general shops within New South Wales to remain open on those days but subject to the condition that the suspension in respect of the public holiday specified in paragraph (b) will apply only for that part of the day which is after 1.00 p.m.:

- (a) Monday, 28 January 2008 (Australia Day)
- (b) Friday, 25 April 2008 (Anzac Day).

Dated this 6th day of November 2007.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations.

THREATENED SPECIES CONSERVATION ACT 1995

Department of Environment and Climate Change

Notice under s67(1) of approval of the *Zieria involucrata* Recovery Plan

I hereby give notice of the approval of the *Zieria involucrata* Recovery Plan.

LISA CORBYN,
Director General,

Department of Environment and Climate Change

Information relating to the inspection of the *Zieria involucrata* Recovery Plan can be found on the following website: <http://www.nationalparks.nsw.gov.au/npws.nsf/Content/Recovery+plans>.

THREATENED SPECIES CONSERVATION ACT 1995

Department of Environment and Climate Change

Notice under s67(1) of approval of the Cut-leaf Mint-bush (*Prostanthera askania*) Recovery Plan

I hereby give notice of the approval of the Cut-leaf Mint-bush (*Prostanthera askania*) Recovery Plan.

LISA CORBYN,
Director General,

Department of Environment and Climate Change

Information relating to the inspection of the Cut-leaf Mint-bush (*Prostanthera askania*) Recovery Plan can be found on the following website: <http://www.nationalparks.nsw.gov.au/npws.nsf/Content/Recovery+plans>.

THREATENED SPECIES CONSERVATION ACT 1995

Department of Environment and Climate Change

Notice under s67(1) of approval of the *Persoonia nutans* (Nodding Geebung) recovery plan

I hereby give notice of the approval of the *Persoonia nutans* recovery plan.

SIMON A. Y. SMITH,
A/Director General

Information relating to the inspection of the *Persoonia nutans* recovery plan can be found on the following website: <http://www.nationalparks.nsw.gov.au/npws.nsf/Content/Recovery+plans>.



Independent Pricing and Regulatory Tribunal

CityRail Fares from 11 November 2007

Transport — Final Report and Determination
October 2007



Independent Pricing and Regulatory Tribunal

CityRail Fares from 11 November 2007

Transport — Final Report
October 2007

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DET07/2&3

The Tribunal members for this review are:

Dr Michael Keating, AC, Chairman

Mr James Cox, CEO & Full Time Member

Ms Sibylle Krieger, Part Time Member

Inquiries regarding this document should be directed to a staff member:

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| IPART CityRail Fares from 11 November 2007

1 Introduction

RailCorp submitted its 2007 proposal for CityRail fares to the Independent Pricing and Regulatory Tribunal (IPART) on 23 June 2007. On 11 July 2007, the Acting Premier of NSW wrote to IPART requesting that it provide its determination on the CityRail fare proposal by 31 October 2007. The government has also requested IPART to undertake an in-depth review of its approach to determine CityRail fares. The regulatory framework review process and how it relates to this fare decision is explained in section 1.2.

IPART has completed its 2007 review of CityRail fares, and has determined the maximum fares that CityRail can charge for public transport services from 11 November 2007.

1.1 Overview of determination

In summary, IPART determined the following fare increases:

- ▼ Single fares for journeys up to 35 km will increase by 20 cents, for journeys from 35 km to 75 km by 40 cents, by 60 cents for journeys up to 175 km and for longer journeys by \$1.00
- ▼ Off peak fares for journeys up to 35 km will increase by 20 cents, for journeys from 35 km to 75 km by 40 cents, by 60 cents for journeys up to 135 km and for longer journeys by \$1.00
- ▼ Adult weekly tickets will increase by \$2.00 for journeys up to 35 km and by \$3.00 for longer journeys
- ▼ Three mode TravelPasses will increase by \$2.00.

These fare increases are consistent with RailCorp's proposed fare changes. IPART's decision means that CityRail fares will increase by a weighted average of 5.9 per cent¹. As the fares increases will apply from 11 November 2007, RailCorp's farebox revenue for 2007/08 should increase by around 4.1 per cent. Some fares may increase by more, for example, a single ticket from Kings Cross to Central will increase by 20 cents or 8.3 per cent. Others will rise by less than 5.9 per cent, such as a return trip from Parramatta to Central which will rise by 20 cents or 5.0 per cent.

¹ Fare increases weighted by the number of tickets sold. IPART's own calculation.

1 Introduction

IPART has considered the fares actually proposed by RailCorp against the requirements of Section 15 of the IPART Act. Because of rounding requirements adult single fares for CityRail can increase only by 20 cents a ticket or multiples of 20 cents. Given this, and our decision to increase fares by 5.9 per cent, IPART accepts that the fares proposed by RailCorp are reasonable.

In reaching its decision on fares, IPART considered the requirements of Section 15 of the IPART Act. For example, public transport passengers seek affordable public transport and ongoing improvements in service quality. RailCorp, as a public transport agency, seeks prices that will provide a suitable level of cost recovery and the ability to enhance services. The general community seeks to minimise the public subsidy of public transport and to maximise the benefits of these services to the environment and the economy. The diversity of these interests and concerns means that IPART must trade-off passenger affordability concerns, service quality expectations and social and environmental benefits against the financial viability of RailCorp and public funding requirements.

IPART decided to increase fares by a weighted average of 5.9 per cent² for the following reasons:

- ▼ CityRail operating costs have increased in recent years and are expected to increase further in 2007/08.
- ▼ Capital expenditure has increased from \$448m in 2005/06 to \$754m and is expected to remain at a high level in future years.
- ▼ The evidence presented to the Tribunal especially from independent sources indicates that there have been improvements in service quality since 2005, especially better punctuality and fewer delays and cancellations.
- ▼ Fares have increased by less than the rate of inflation on average in recent years.³
- ▼ Cost recovery levels are now at very low levels. Passengers will pay only 23 per cent of CityRail's costs in 2007/08.⁴
- ▼ The environmental impact of the weighted average 5.9 per cent fare increase will be minimal.

In making its determination, IPART has balanced the interests of passengers and people who do not use CityRail services but are required to pay much of the costs through taxation. IPART notes that the level of cost recovery will fall in 2007/08 even though a fare increase has been granted. This means that the contribution made by taxpayers to CityRail's operating costs will increase. The NSW taxpayer's contribution to CityRail in 2007/08 is expected to be around \$14 per household per week.

² Fare increases weighted by the number of tickets sold. IPART's own calculation.

³ Past IPART CityRail fare determinations and ABS for change in the CPI. CPI calculated using all capitals quarterly index numbers, year on year and the Fisher equation.

⁴ Costs defined as operating expenditure including depreciation.

IPART notes that the average household income of train users was around \$100,000 in 2005/06. This compares with an average income of \$71,658 for all households in NSW. Moreover, IPART does not set the fare for the pensioner excursion ticket. Although individual circumstances will vary, IPART does not consider that its decision will have a significantly adverse impact on most train users.

1.2 IPART's in-depth review of the regulatory framework

Now that it has completed its 2007 fare decision, IPART is commencing public consultation on its regulatory framework review. This review is to recommend an improved regulatory framework that will encourage CityRail to provide passenger rail services at efficient cost levels. To assist stakeholders in providing input to this review, IPART has prepared an issues paper which highlights the key issues for comment. The issues paper can be found on IPART's website.

IPART's 2007 fare decision and the new regulatory approach IPART is considering for determining CityRail's fares will be broadly consistent, and the 2007 decision will thus represent a first step towards that new approach. In practical terms, this means that the two reviews share the same key objectives. These objectives include:

- ▼ CityRail's costs and the efficiency of these costs
- ▼ an appropriate range for the allocation of costs between government and users taking into account the external benefits
- ▼ service standards
- ▼ likely future passenger demand
- ▼ then from all that information, the appropriate fares.

A number of stakeholder submissions during the 2007 fare review questioned the timing of this 2007 fare determination given IPART's decision to pursue the in-depth review of the regulatory framework over the coming 12 months. It has been suggested by some stakeholders that IPART should delay making a decision or approve a CPI increase in fares until the in-depth review is completed.⁵ IPART has considered these arguments and concluded that it is a matter of assessing the relative risks of making an interim decision on fares without the full information provided by the in-depth review, against the risk of not increasing fares in 2007 and the consequent impact on fares in the future. The key consideration, especially for customers, is the size of future fare adjustments.

IPART has decided that having a fare freeze until completion of the in-depth review will inevitably lead to larger fare increases in future years. On balance, therefore, IPART considered that it is in the best interests of both consumers and CityRail to make an annual fare determination in 2007, especially in the light of the relatively small increases in fares in recent years.

⁵ For example submissions from NCOSS and Action for Public Transport.

1 Introduction

The in-depth review will consider the merits of setting a price path for CityRail over a number of years. The in-depth review will identify the appropriate price path taking into account the efficient level of costs and the appropriate range of cost sharing between the government and users. Based on this analysis, it is expected that the end point of the price path established by the wider in-depth review will be the same irrespective of the outcome of the 2007 decision - whether fares are increased in 2007 or not, the end point of the in-depth review will stay the same and consequently the impact of any 2007 decision will automatically be offset by the increases in subsequent years. That is to say, if the end point is the same coming out of the in-depth review and fares are not increased in 2007 there will be bigger increases in following years to get to that end point and, vice versa, if fares are increased in 2007 there will be smaller increases in subsequent years.

1.3 Structure of this report

This report explains IPART's determination in detail, including why it reached its decisions, and what those decisions mean for CityRail, its passengers, the government and community in general, and the environment. It is structured as follows:

- ▼ Chapter 2 explains IPART's review and decision-making process, and outlines the factors that guided its decision making
- ▼ Chapters 3, 4 and 5 discuss three of the major factors IPART considered in making its pricing decisions - CityRail's costs in providing the services concerned, revenue and cost recovery, and the standard of service
- ▼ Chapter 6 provides a list of the new fares
- ▼ Chapter 7 discusses implications for CityRail passengers, government funding and the environment arising from IPART's decision.

2 IPART's review and decision making process

IPART has made its 2007 determination of CityRail fares under the *Independent Pricing and Regulatory Tribunal Act 1992* (IPART Act). In doing so, it had regard to each of the matters it is required to consider under the IPART Act. In addition, it considered the fare proposal submitted by RailCorp and the views of other stakeholders. The scope of the determination, and IPART's review and decision-making processes are outlined in more detail below.

2.1 Scope of the determination

IPART's role is to set maximum fares for CityRail's regular passenger services. These services include:

- ▼ Single, return and half fares
- ▼ Off-peak fares (adult and child)
- ▼ Periodical tickets
- ▼ TravelPasses
- ▼ Cityhopper
- ▼ Daytripper
- ▼ The CityRail part of any combined ticket (for example, the Bondi Beach ticket and TramLink).

IPART does not set prices for the Pensioner Excursion Ticket and the SydneyPass. Neither does IPART determine eligibility for concessions.

2.2 IPART's review process

IPART's review process included undertaking its own research and analysis, and conducting public consultation. As part of this review, IPART:

- ▼ Invited RailCorp to make a submission to the review, including a proposal on how CityRail fares should change.
- ▼ Invited other interested parties to make submissions, and received 198 submissions from individuals and organisations representing passengers (see Appendix C).

2 | IPART's review and decision making process

- ▼ Collected detailed financial and service quality information from RailCorp and Independent Transport Safety and Reliability Regulator (ITSRR).
- ▼ Held a public hearing on 5 September 2007 and invited some of the parties who made submissions to present their views at this hearing (see Appendix D for a list of participants).
- ▼ IPART then considered RailCorp's proposal, the issues raised in stakeholder submissions and the public hearing. It also analysed the information it obtained from RailCorp, and took into account its requirements under the IPART Act.

The Tribunal members for this review are Dr. Michael Keating AC, *Chairman*; James Cox, *Full Time Member and CEO*; and Sibylle Krieger, *Part Time Member*.

2.3 Overview of RailCorp's CityRail proposal

RailCorp's proposal asked IPART to consider increasing:

- ▼ Single fares for journeys up to 35 km will increase by 20 cents, for journeys from 35 km to 75 km by 40 cents, by 60 cents for journeys up to 175 km and for longer journeys by \$1.00
- ▼ Off peak fares for journeys up to 35 km will increase by 20 cents, for journeys from 35 km to 75 km by 40 cents, by 60 cents for journeys up to 135 km and for longer journeys by \$1.00
- ▼ Adult weekly tickets will increase by \$2.00 for journeys up to 35 km and by \$3.00 for longer journeys
- ▼ All TravelPasses will increase by \$2.00.

RailCorp argued that the proposed fare increases for CityRail were warranted by:

- ▼ operating costs continue to increase and are expected to increase further in 2007/08
- ▼ capital expenditure has increased from \$448m in 2005/06 to \$754m and is expected to remain at a high level in future years
- ▼ improvements in service quality since 2005, especially better punctuality and fewer delays and cancellations
- ▼ fares have increased by less than the rate of inflation on average in recent years
- ▼ cost recovery levels are now at very low levels. Passengers will pay only 23 per cent of CityRail's costs in 2007/08.

2.4 Requirements under the IPART Act

In reaching its decision on fares, IPART explicitly considered all the matters it is required to consider under section 15 of the IPART Act. These matters relate to:

- ▼ **Consumer protection** – protecting consumers from abuses of monopoly power; standards of quality, reliability and safety of the services concerned; social impact of decisions; effect on inflation.
- ▼ **Economic efficiency** – encouraging greater efficiency in the supply of services; the need to promote competition; effect of functions being carried out by another body.
- ▼ **Financial viability** – ensuring an appropriate rate of return on public sector assets, including dividend requirements.
- ▼ **Environmental protection** – promoting ecologically sustainable development via appropriate pricing policies; considering demand management and least-cost planning.

Appendix E sets out the Section 15 issues that have been addressed for this review.

In its response to the Parry inquiry in 2004, the Government of NSW directed IPART to take the following factors into account:

- ▼ Making fare increases up to the CPI subject to operators achieving efficiency gains.
- ▼ Making fare increases above the CPI subject to operators delivering clearly demonstrated customer benefits through improvements in service quality linked to specific initiatives.

However, in a letter to IPART dated 11 July 2007 Mr. John Watkins, Acting Premier of NSW revoked these directions.⁶ In making its decision, IPART has therefore considered the requirements of Section 15 of the IPART Act.

⁶ See Appendix A.

2 | IPART's review and decision making process

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3 Costs of providing CityRail services

One of the main factors IPART considered in making its 2007 determination on CityRail fares is the cost of providing CityRail services. IPART took into account the increases in operating expenditure as well as the substantial increase in capital expenditure which is aimed to improve the safety, reliability and quality of CityRail services. CityRail's costs and cost efficiency are discussed in the sections below.

3.1 Costs

IPART reviewed the financial information provided by RailCorp as part of its 2007 CityRail fare proposal. The information indicates that, in the absence of government contributions and payments, CityRail's costs far exceed its revenue. In 2006/07, CityRail's total expenses, including depreciation, were estimated to be \$2.1 billion (see Table 3.1) and RailCorp forecasts CityRail's expenses to reach \$2.4 billion in 2007/08.⁷ This compares to farebox revenue which is estimated to be \$529 million in 2006/07 and \$551 million in 2007/08.⁸ Labour represents the largest component of CityRail's total costs, 54 per cent in 2006/07.⁹

⁷ RailCorp information provided to IPART.

⁸ RailCorp information provided to IPART.

⁹ RailCorp information provided to IPART.

3 Costs of providing CityRail services

Table 3.1 CityRail – revenue and operating expenses

	2004/05 (\$m)	2005/06 (\$m)	2006/07 (\$m)	2007/08F (\$m)	Average annual growth 2004/05 to 2007/08 (%)
Revenue					
Farebox revenue	487.2	490.5	529.3	551.0	4.2
Government contributions and payments	1,485.5	1,648.7	1,883.4	1,749.9	5.6
Other revenue	129.6	178.4	173.5	151.4	5.3
Total revenue	2,102.3	2,317.6	2,586.2	2,452.3	5.3
Expenses					
Labour	1,046.6	1,066.5	1,110.4	1,205.2	4.8
Contracts and professional services	292.7	277.2	275.5	329.9	4.1
Materials, spares plant and equipment	149.4	206.6	214.0	249.4	18.6
Other operating expenses	113.0	72.3	82.0	221.6	25.2
Depreciation and amortisation	395.7	406.8	384.2	399.0	0.3
Total expenses	1,997.4	2,029.4	2,066.1	2,405.1	6.4

Note: F – Forecast.

Source: RailCorp internal allocation.

The information provided also indicates that CityRail's costs are increasing at a rate faster than revenue. Annualised expenditure has increased by 6.4 per cent since 2004/05¹⁰, above CityRail's growth in farebox revenue (4.2 per cent) and its growth in other business revenue (5.3 per cent). This increase in costs has until recently required considerable increases in government deficit funding (taxpayer subsidy).

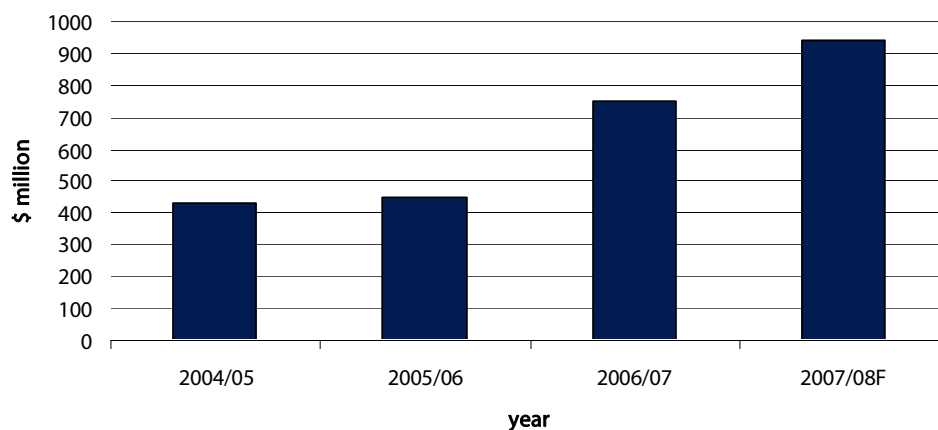
Labour costs which comprise over half of CityRail's costs were estimated to increase by 4.1 per cent in 2006/07 and are forecast to rise by 8.5 per cent in 2007/08 with wage increases based on current enterprise agreements resulting in cost increases of \$50m per annum¹¹ (around half of the \$95 million increase in labour in 2007/08). Costs associated with contracts and professional services are forecast to increase by more than 20 per cent in 2007/08, an annualised growth rate of 4.1 per cent over the 2004/05 – 2007/08 period.

¹⁰ Nominal increases.

¹¹ Figure provided by RailCorp's CEO Vince Graham at public Roundtable on 5 September 2007, transcript available from IPART's website.

The information provided by RailCorp also indicates significant increases in capital expenditure. RailCorp spent a total of \$754 million on capital improvements during 2006/07 (Figure 3.1).¹² This represents an increase of 68 per cent over the 2005/06 financial year. This new capital expenditure should deliver improved levels of service to passengers through new carriages, improved reliability through the clearways program and track maintenance, and station upgrades. Any capital improvements managed by the Transport Infrastructure Development Corporation are not included.

Figure 3.1 CityRail's capital expenditure 2004/05 – 2007/08



Note: F – Forecast. Nominal dollars.

Data source: RailCorp submission to IPART, 2007, p 12 and additional information provided to IPART.

As discussed in IPART's issues paper for the regulatory framework review, CityRail's cost structure will be influenced by a number of factors. These include factors such as the assets that relate to the provision of its regular passenger services and the operating environment, the level of service CityRail provides in terms of the mix of services and level of customer service, government requirements on revenue protection and passenger security as well as the efficiency of its operations in relation to service provision and asset maintenance.

RailCorp provided information to IPART which indicates that two business groups – Service Delivery and Asset Management Group – account for 86 per cent of CityRail's costs.¹³ However this information does not identify cost categories such as labour, electricity or other operating expenses by business segment. The existing approach to regulating CityRail fares does not require IPART to collect this information, therefore, IPART does not have a detailed understanding of the drivers of CityRail's operating costs, for example, the extent to which meeting peak demand for passenger services, the maintenance of rolling stock or the upgrading of stations

¹² RailCorp submission to IPART 2007, p 12.

¹³ RailCorp information provided to IPART and additional information provided to IPART.

3 Costs of providing CityRail services

is driving CityRail's costs. This detailed information will be collected and central to IPART's analysis within the new regulatory framework.

In undertaking the total cost review of CityRail's operations as part of the regulatory framework review, IPART's cost consultant will identify the likely drivers of CityRail's costs, both current and over the coming regulatory period. As outlined in the issues paper, IPART considers that increasing the transparency of the drivers of CityRail's costs and linking increases in fares to efficient costs has the potential to improve the cost efficiency of CityRail's operations.

3.2 Cost efficiency

IPART has considered the extent to which CityRail's costs are efficient, taking into account the requirements under the IPART Act.

In its 2006 determination IPART noted that it is unlikely that CityRail is operating at the lowest possible cost, and that this imposes a greater financial burden on both taxpayers and users.¹⁴ IPART noted that CityRail's costs had risen significantly, without there being a commensurate increase in services or passenger numbers.

IPART remains concerned about the continued growth in CityRail costs, but under the existing form of regulation IPART lacks the detailed understanding of the drivers of CityRail's costs to make efficiency adjustments. This detailed analysis of cost drivers and potential cost efficiencies will be an important element of the regulatory framework review.

IPART is concerned that the efficiency of CityRail's performance, whether in terms of costs or labour productivity measures, is well below international benchmarks. IPART recognises that some aspects of CityRail's operations may make it difficult to compare it to other metropolitan rail networks and hence complicates any comparison of rail operators' efficiency. However, as noted in the issues paper for the regulatory framework review, the level of costs required to operate and maintain the rail system and the subsequent level of government deficit funding differs considerably between Sydney and Melbourne. This disparity warrants further investigation into the drivers of CityRail's costs as well as the relative efficiency of CityRail.

As noted, IPART considers that there is scope for CityRail to reduce its costs by becoming more efficient. However, it notes that the present level of cost recovery is low and that the fare increases determined by IPART average 5.9 per cent. On the basis of the information available, it is unlikely that the fares determined by IPART will exceed the share of CityRail's costs that users should pay. This issue will be further considered as the major review proceeds and an adjustment in fares will be made in later years if necessary.

¹⁴ Ibid.

4 Revenue and cost recovery

CityRail does not generate sufficient revenue from fares and other revenues such as rent to cover the total cost of providing its passenger rail services. Therefore, most of CityRail's funding comes from taxpayers via government subsidies. Government subsidies for CityRail may be appropriate given NSW Government policy on concession fare funding and the positive external benefits generated by CityRail's services such as reduced environmental impacts and congestion. That said, the government subsidy to CityRail has increased substantially since 2000 and IPART has not been provided with evidence which suggests that there has been a corresponding increase in the external benefits. IPART's in-depth review will determine the appropriate range for the allocation of costs between the government and users taking into account these positive externalities. In the mean time, the 2007 fare decision will ensure that CityRail receives a revenue increase to partly offset the substantial cost increases discussed in Chapter 3.

4.1 Sources of CityRail's revenue

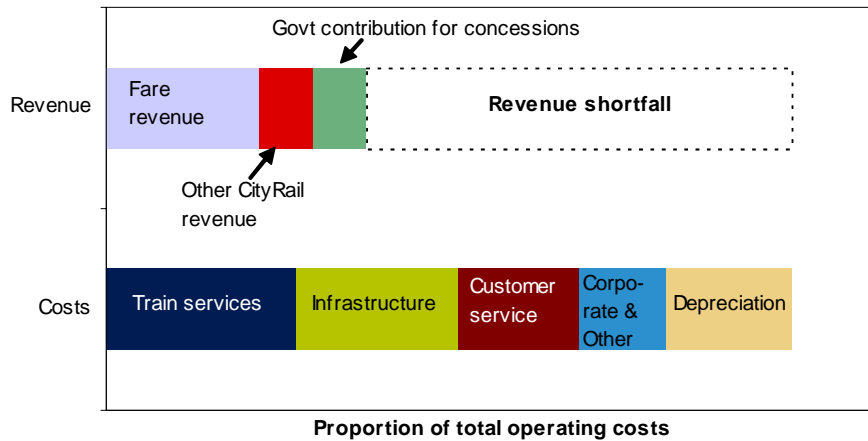
The majority of CityRail's revenue comes from taxpayers through government subsidies. In 2006/07, the level of government funding budgeted for CityRail was \$1.9 billion, which is equivalent to taxpayers providing a subsidy worth around \$15 per week per household in NSW.¹⁵ This level of government funding has grown significantly over the last seven years. The rest of CityRail's funding comes from farebox revenue and other income sources such as rent for retail shops at stations. IPART questions the sustainability of CityRail's current funding arrangements, as with any business CityRail must attain sufficient revenue to provide its services and invest in its business to enhance service levels in the future. Attaining more sustainable and transparent funding arrangements will be a key aspect of IPART's regulatory framework review.

Figure 4.1 shows CityRail's revenue relative to its costs.

¹⁵ RailCorp information provided to IPART and ABS (Cat No. 2068.0).

4 Revenue and cost recovery

Figure 4.1 CityRail’s revenue relative to its total operating costs



Note: Total costs do not include interest payments.

Source: RailCorp and IPART.

4.2 Cost recovery levels

The level of cost recovery refers to the proportion of CityRail’s operating costs (including depreciation) that is funded directly by users (through farebox revenue) and other revenues such as rent. A fall in this level indicates that a greater share of CityRail’s costs is being funded by the taxpayers through government subsidies.

IPART’s 2007 determination means that in 2007/08, cost recovery excluding CSO funding is expected to be 29 per cent, a fall of 5 per cent compared to 2006/07.¹⁶ Farebox revenue is expected to fund 23 per cent of CityRail’s total costs, with other revenue to fund an additional 6 per cent of costs.¹⁷ The fare increase will generate an additional \$22m of revenue – a 4.1 per cent increase – for the remainder of the 2007/08 financial year.¹⁸ This compares to a total operating expenditure increase of \$339m or 16 per cent for 2007/08.¹⁹ Therefore, the increase in fare revenue as a result of the fare increase determined by IPART will cover around 6 per cent of the increase in operating expenditure alone.²⁰

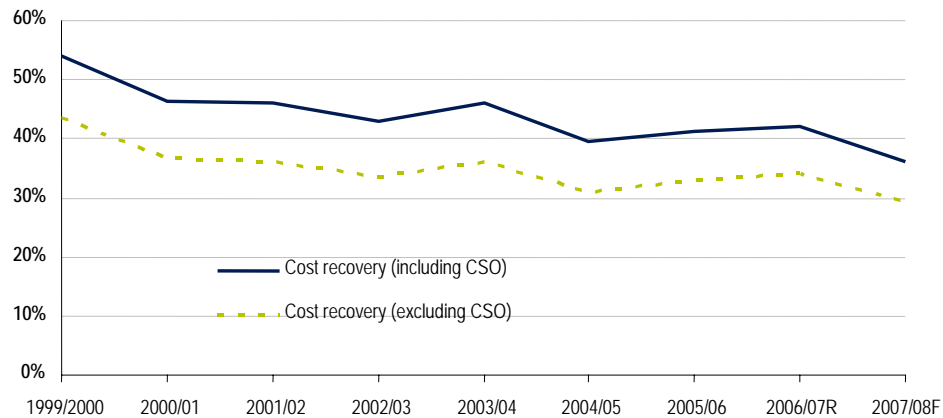
¹⁶ RailCorp information provided to IPART.

¹⁷ RailCorp information provided to IPART.

¹⁸ RailCorp information provided to IPART.

¹⁹ RailCorp information provided to IPART.

²⁰ Operating expenditure includes depreciation. No increase in depreciation is forecast from 2006/07 to 2007/08.

Figure 4.2 Cost recovery of CityRail

Note: F- forecast. Prior to the establishment of RailCorp, access fees are assumed to be reflective of below-rail costs. 2007/078 forecast revenues and costs under RailCorp's proposal. 2007/08 is an estimate.

Source: RailCorp.

Figure 4.2 clearly shows the ongoing decline in CityRail's cost recovery levels since 2000. This trend has been driven by significant increases in costs which have only partly been offset by revenue growth.

Cost recovery levels and cost sharing ratios between the government and users was an important issue for IPART to consider for the 2007 fare review. IPART considered that the following factors were important in deciding on this issue:

- ▼ external benefits derived from CityRail's services and how these are linked to the government subsidy for CityRail – for example, the government subsidy has been increasing over the last seven years but has there been a corresponding increase in external benefits such as reduced road congestion arising from rail use to justify such an increase
- ▼ efficient costs incurred in meeting a given level of service quality – rising costs due to inefficiency should be borne by the shareholder (government) rather than by users
- ▼ cost recovery in other modes of public transport – large differences between the cost recovery of modes of transport may affect consumer decisions on modes of travel and government decisions on future investment in infrastructure
- ▼ the social impacts of fare changes and equity between passengers and non-users of the system is discussed in Chapter 6.

IPART's decision means cost recovery levels will still fall in 2007/08 but the fare increase will provide RailCorp with a revenue increase to partly offset the cost increases forecast for 2007/08.

IPART's issues paper for the regulatory framework review discusses the issue of cost sharing and social benefits in more detail.

4 Revenue and cost recovery

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5 Service standards

As part of this review IPART considered whether CityRail has made improvements to standards of quality, reliability and safety of its train services. In its proposal, RailCorp reported that CityRail has achieved significant improvements in safety, security, and on-time running, and reductions in cancellations and skipped stops.²¹ However, other stakeholders expressed dissatisfaction with CityRail's performance in relation to a range of service quality issues. The following sections discuss measures of and trends in the standard of CityRail services and customer perceptions of CityRail.

5.1 Quality of services

RailCorp's proposal argues there have been significant improvements in CityRail's performance with:

- ▼ Significant investment in measures to improve safety including:
 - Health assessments for drivers
 - Over \$30 million spent on installing vigilance safety systems and a traction interlocking system (which disengages power when train doors are not fully closed) on trains
 - Commencement of a trial of an Automatic Train Protection system (where a train's brakes would be applied if a driver fails to slow down sufficiently before a red signal or low speed limit area)
 - Various safety campaigns (eg, pram safety) and safety systems and registers.
- ▼ Improved on time running, averaging 92.9 per cent²² compared with 67.4 per cent in 2004/05 (adjusted for the change in definition of on time from 3:59 to 5 minutes from 1 July 2005).²³
- ▼ Regularly meeting its targets of 99 per cent of peak services running and 0.5 per cent of peak stops skipped.
- ▼ A reduction in the total minutes late per month for peak services from 20,000 to 40,000 in 2004/05 to consistently less than 10,000 minutes per month since September 2005.

²¹ RailCorp submission to IPART, 2007, pp 20-30.

²² RailCorp proposal used data for July 2006 to March 2007. Data since released on CityRail website indicates on-time running for July 2006 to June 2007 was 92.2 per cent or 92.8 per cent when adjusted for force majeure.

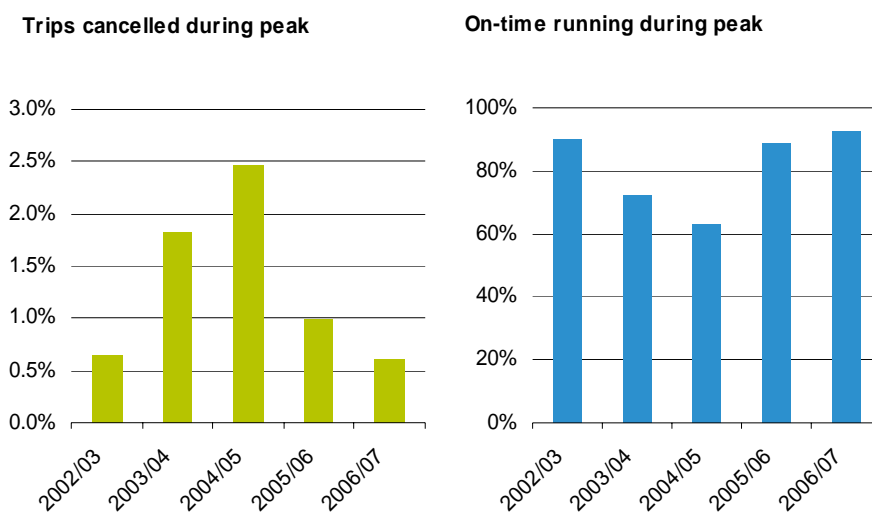
²³ On time running in 2004/05 using the 3 minutes 59 definition was 62.7 per cent. See RailCorp submission to IPART 2007, p 24.

5 Service standards

- ▼ Expenditure and investment in measures to improve passenger security including payroll costs for CityRail’s security division, help points, closed circuits TV’s and operator costs.²⁴

IPART is satisfied that there have been consistent improvements in on-time running and percentages of peak services run in the last two years (see Figure 5.1). In 2006/07 over 92 per cent of peak hour trains ran on time and 0.6 per cent of peak trips were cancelled. This exceeds CityRail’s targets of 1 per cent of trips cancelled and 92 per cent of peak services running on time.

Figure 5.1 CityRail Trips cancelled and on time running 2002/03 to 2006/07



Source: CityRail website and IPART

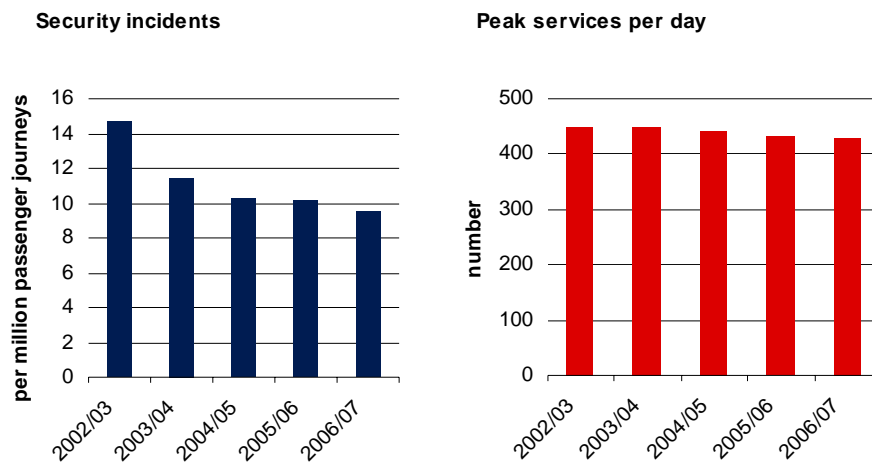
Improvements in number of trips cancelled, on-time running performance and total minutes delay per month are linked to a new timetable introduced in September 2005.²⁵ However the new timetable reduced the number of peak and off peak services run by CityRail as well as the timetabled speed of services. CityRail operated 427 peak services per day in 2006/07 compared to 448 peak services in 2003/04 - a reduction of approximately 5 per cent (see Figure 5.2). The Independent Transport Safety and Reliability Regulator ITSRR observes that the new timetable effectively reduced the nominal capacity of the CityRail system however, ITSRR also noted that effective capacity needs to take into account nominal capacity and operational performance. ITSRR further noted that in some circumstances from a customer perspective it may be preferable to improve operational performance at the expense of a reduction in nominal capacity. The available evidence suggests that the net effect has been positive.²⁶

²⁴ RailCorp submission to IPART 2007, pp 20-30.

²⁵ The definition of on-time running was changed in July 2005, increasing the threshold for on-time from 3:59 minutes to 5 minutes.

²⁶ ITSRR, submission to IPART 2007, p 13.

Figure 5.2 CityRail Security Incidents and Peak services run 2002/03 to 2006/07



Source: RailCorp, CityRail website and IPART.

IPART also notes that the number of security incidents per million passenger journeys has reduced from over 14 in 2002/03 to less than 10 in 2006/07 (see Figure 5.2).

Despite the general improvement in indicators of service quality discussed above (with the exception of number of peak services and timetabled speed), submissions on CityRail's fare proposal display dissatisfaction with CityRail's service.²⁷ Submissions were generally critical of the quality and reliability of services with most frequently cited areas of complaint being late running trains, overcrowding, reduced frequency of services, faulty or non-existent air conditioning, cancellations, poor communication from CityRail staff, longer journey times and dirty trains.

IPART is aware of the limitations of on-time running as a measure of the standard of service, but nevertheless considers on-time running a useful indicator for the purposes of this review. The limitations of on-time running as a measure of service standards include:

- ▼ Until recently CityRail measured on time running in peak hours only. IPART notes that CityRail is working towards reporting on time running over 24 hours in addition to its reporting of on-time running in peak hours.
- ▼ On-time running when averaged over time and across lines on-time running does not necessarily accurately reflect customer experiences. There are disparities in on-time running on different train lines. The RailCorp proposal notes that on-time running on the Western and Northern Lines (87.8 per cent and 87 per cent respectively) fell below the target of 92 per cent of peak services arriving on-time, although over all lines CityRail met its target.²⁸

²⁷ For example submission from Action for Public Transport.

²⁸ RailCorp submission to IPART 2007, p. 24.

5 Service standards

- ▼ Aggregated on-time running statistics may not be sensitive to single incidents, even where those incidents have caused major disruption to rail travellers. For example an incident on the Harbour Bridge on 5 July 2007 resulted in significant delays for many people²⁹ although CityRail's on-time running that week was not greatly below its target of 92 per cent and on the North Shore line overall peak on-time running that week was 86 per cent.³⁰
- ▼ CityRail changed its definition of on-time running in July 2005 from (suburban) trains arriving at their final destination within 3 minutes 59 seconds of scheduled time to 5 minutes. IPART acknowledges the difficulties presented by the change in definition. CityRail has provided on-time running figures for 2004/05 using both definitions which indicate that the change in definition resulted in approximately 5 percentage point's improvement in on-time running. IPART notes that improvements in on-time running since 2004/05 have been in the order of 30 percentage points over the period and cannot all be accounted for by the definition change.

IPART will be doing a detailed review of service standards and how they are measured as part of its regulatory framework review (see issues paper for this review).

²⁹ Sydney Morning Herald, 7 July 2007, p 4, reported "More than 30,000 commuters caught buses or walked across the Bridge" as a result of a train breakdown and the Daily Telegraph, Friday 6 July, p 1, reported the transport system as paralysed and disruptions to 'hundreds of thousands' of travellers.

³⁰ CityRail website.

5.2 Surveys of CityRail Customers

IPART also reviewed the trends in annual surveys of CityRail customers undertaken since 2004 by ITSRR. Respondents are asked to rate both the importance and quality of 37 aspects of CityRail's service.

Over 75 per cent of train users responding to ITSRR's 2007 Survey of CityRail Customers were satisfied³¹ with the cost of train travel. Almost half of train users surveyed (44 per cent) rated the cost of train travel as 'good' or 'very good'. There were similar proportions of train users satisfied with journey time (80 per cent) and a clear majority of train users were satisfied with train frequency (69 per cent) and punctuality (68 per cent).

ITSRR reports that there were only 5 aspects of service with statistically significant³² changes between 2006 and 2007 in the proportion of train users whose expectations were met, four of which were positive. There were increases in percentages of respondents with expectations met for:

- ▼ journey time (up 6 percentage points in 2007, and continues a statistically significant increase between 2005 and 2006)
- ▼ frequency of trains (up 6 percentage points in 2007, and continues a statistically significant increase between 2005 and 2006)
- ▼ punctuality (up 4 percentage points in 2007, and continues a statistically significant increase between 2005 and 2006)
- ▼ clarity of announcements on the train (up 5 percentage points in 2007).³³

However there was one area with a statistically significant decrease in proportion of surveyed train users whose expectations were met in 2007; crowding in trains at peak commuter times.³⁴

Table 5.1 lists the aspects of services with the highest average importance rankings in 2007 and percentages of respondents whose expectations were met. The proportion of people with expectations met rose or held steady between 2006 and 2007 for 7 out of the thirteen aspects of service listed in Table 5.1 and fell for 6 out of the aspects listed. However, with the exception of the shifts mentioned above, these movements are not statistically significant.

³¹ ITSRR, *Survey of CityRail Customers 2007*, p 43 and 46. 'Satisfied' means train users who rated that aspect of service as desirable or more important and acceptable or better in quality.

³² Significant at the 1 per cent level.

³³ ITSRR, *Survey of CityRail Customers 2007*, p 3.

³⁴ Ibid.

5 Service standards

Table 5.1 ITSRR surveys – CityRail Aspects of service – percentage of train users with expectations met ^{(a)(b)}

	Percentage with expectations met				Importance ranking
	2004	2005	2006	2007	2007
Personal safety on stations in the evenings	66	71	70	66	1
Personal safety in train carriages, evenings	64	67	64	62	2
Station information about arrival/departure times	71	66	78	79	3
Punctuality of trains	44	38	64	68	4
Quality of information about delays and cancellations	63	57	69	68	5
Frequency of trains	56	52	63	69	6
Clarity of announcements on platform	64	61	64	64	7
Timeliness of delay/cancellation announcements	62	58	67	70	8
Removal of litter from the train	79	80	78	77	9
Staff effectiveness in dealing with security problems	63	65	69	64	10
Facilities for calling for help in carriages/on platform	63	68	66	64	11
Personal safety on stations, peak	82	82	82	83	12
Delays and cancellations	41	38	59	62	13
Aspect of service with lowest % of expectations met	crowding (38%)	punctuality (38%)	avail. of secure parking (38%)	crowding (36%)	

Note:

a ITSRR surveys 37 aspects of service. Aspects included in this table were those ranked most important by customers surveyed in 2007. The aspect of service with lowest levels of satisfaction that year is also included.

b percentage of train users who rated that aspect of service as being desirable or higher in importance and acceptable or better in quality.

Statistically significant (at 1 per cent significance) increase from the previous year.

Statistically significant (at 1 per cent significance) decrease from the previous year.

Source: ITSRR Surveys of CityRail Customers 2004, 2005, 2006 and 2007.

5.3 CityRail service standards have improved

IPART considers that CityRail service standards have demonstrably improved in the last two years as measured by on time running, percentage of peak services cancelled, and the rate of security incidents per passenger journey. ITSRR surveys of customer perceptions of CityRail support this conclusion with significant increases over the last two years in the proportions of people whose expectations have been met with regard to journey time, punctuality of trains and frequency of trains.

IPART recognises however that, despite these trends, around 30 per cent of CityRail customers have not had their expectations met for train frequency and punctuality and that the aggregate statistics mask times and lines with punctuality and on-time running below target levels. Submissions to this review were generally critical of the CityRail's standards of service.

In reaching its decision IPART acknowledges that more work is needed to improve the extent to which measures of service quality reflect customer experiences. IPART notes that there are aspects of CityRail services which have declined – notably the reduction in the number of timetabled services and train speeds and customer dissatisfaction with crowding in peak hour trains. However the ITSRR surveys suggest that train frequency and journey time are less likely to be issues for train users if they can depend on their train being on time.³⁵

IPART will investigate the measurement of CityRail services in more depth as part of its regulatory framework review.

³⁵ ITSRR, *Survey of CityRail Customers 2007*, p 3.

| 5 Service standards

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6 The new fares

In making its decision, IPART took into account the fact that the proposed fare increases are unlikely to impose a significant financial burden on users and that fares have decreased in real terms since 2001. On balance, IPART found that CityRail's requested fare increase was reasonable considering:

- ▼ substantial cost increases that CityRail must pay for
- ▼ the scale of the current capital investment program being undertaken which should provide benefits to users
- ▼ revenue from fares is recovering a declining level of CityRail's costs and hence there is an increasing public transport subsidy provided by NSW taxpayers
- ▼ improved service levels.

IPART's decision means that CityRail fares will increase by a weighted average of 5.9 per cent³⁶. Taking into account that the fares will be implemented in the second quarter of the 2007/08 financial year, the likely impact of the fare increase on farebox revenue for 2007/08 will be around 4.1 per cent. Some fares may increase by more, for example, a single ticket from Kings Cross to Central will increase by 20 cents or 8.3 per cent. Others will rise by less than 5.9 per cent, such as a return trip from Parramatta to Central which will rise by 40 cents or 5.0 per cent.

IPART has considered the fares actually proposed by RailCorp against the requirements of Section 15 of the IPART Act. Because of rounding requirements adult single fares for CityRail can increase only by 20 cents a ticket or multiples of 20 cents. Given this, and our decision to increase fares by 5.9 per cent, IPART accepts that the fares proposed by RailCorp are reasonable.

The exact fares that IPART has determined are presented below, along with the percentage change and absolute change in each fare. The unrounded fare column in each table represents IPART's 2007 masterfare schedule. This schedule has been derived by adding the fare increases of this year's determination to last year's masterfare schedule.

³⁶ Fare increases weighted by the number of tickets sold. IPART's own calculation.

6 The new fares

6.1 CityRail's single journey tickets

CityRail's new single journey fares are shown in Table 6.1. Return fares are twice the single fare ticket price. Half fares are half the corresponding single ticket price.

Table 6.1 Adult single

Distance up to (km)	2006/07	2007/08		Change (%)	Masterfare (\$)
	Fare (\$)	New fare (\$)	Change (\$)		
5	2.40	2.60	0.20	8.3	2.46
10	2.80	3.00	0.20	7.1	3.08
15	3.20	3.40	0.20	6.3	3.29
20	3.60	3.80	0.20	5.6	3.90
25	4.00	4.20	0.20	5.0	4.32
30	4.40	4.60	0.20	4.6	4.73
35	4.40	4.60	0.20	4.6	4.73
45	5.20	5.60	0.40	7.7	5.75
55	6.20	6.60	0.40	6.5	6.57
65	6.80	7.20	0.40	5.9	7.19
75	8.20	8.60	0.40	4.9	8.63
85	9.00	9.60	0.60	6.7	9.66
95	10.00	10.60	0.60	6.0	10.68
105	10.40	11.00	0.60	5.8	11.10
115	11.60	12.20	0.60	5.2	12.33
125	13.00	13.60	0.60	4.6	13.77
135	13.20	13.80	0.60	4.6	13.98
155	15.20	15.80	0.60	4.0	16.04
175	17.40	18.00	0.60	3.4	18.09
195	21.00	22.00	1.00	4.8	22.61
215	21.00	22.00	1.00	4.8	22.61
235	25.00	26.00	1.00	4.0	26.73
255	25.00	26.00	1.00	4.0	26.73
305	29.00	30.00	1.00	3.5	29.81
305+	29.00	30.00	1.00	3.5	29.81

6.2 CityRail's off-peak fares

Adult off-peak fares are sold as return fares only, generally available from 9:00 am weekdays, and all day on weekends and on public holidays. In this determination, IPART has not changed the discount given on off-peak tickets. The new adult off-peak fares are shown in Table 6.2 and the new child off-peak fares are shown in Table 6.3

Table 6.2 Adult off-peak

Distance up to (km)	2006/07	2007/08		Change (%)	Masterfare (\$)
	Fare (\$)	New fare (\$)	Change (\$)		
5	3.40	3.60	0.20	5.9	3.56
10	4.00	4.20	0.20	5.0	4.12
15	4.40	4.60	0.20	4.6	4.68
20	5.00	5.20	0.20	4.0	5.24
25	5.60	5.80	0.20	3.6	5.80
30	6.20	6.40	0.20	3.2	6.36
35	6.20	6.40	0.20	3.2	6.36
45	7.20	7.60	0.40	5.6	7.68
55	8.60	9.00	0.40	4.7	9.08
65	9.60	10.00	0.40	4.2	9.92
75	11.40	11.80	0.40	3.5	11.88
85	12.60	13.20	0.60	4.8	13.20
95	14.00	14.60	0.60	4.3	14.60
105	14.60	15.20	0.60	4.1	15.16
115	16.20	16.80	0.60	3.7	16.84
125	18.20	18.80	0.60	3.3	18.80
135	18.40	19.00	0.60	3.3	19.08
155	21.00	22.00	1.00	4.8	22.28
175	24.00	25.00	1.00	4.2	25.36
195	29.00	30.00	1.00	3.5	30.40
215	29.00	30.00	1.00	3.5	30.40
235	35.00	36.00	1.00	2.9	36.00
255	35.00	36.00	1.00	2.9	36.00
305	40.00	41.00	1.00	2.5	41.60
305+	40.00	41.00	1.00	2.5	41.60

6 The new fares

Table 6.3 Child off-peak

Fare Zone	2006/07		2007/08		Masterfare (\$)
	Fare (\$)	New fare (\$)	Change (\$)	Change (%)	
Sydney suburban	2.50	2.60	0.10	4.0	2.57
Newcastle suburban	2.50	2.60	0.10	4.0	2.57
Outer metropolitan	3.60	3.70	0.10	2.8	3.70
CityRail network	5.90	6.10	0.20	3.4	6.07

6.3 CityRail weekly fares

CityRail weekly tickets allow unlimited journeys between the stations shown on the ticket for 7 consecutive days. The new fares are shown in Table 6.4.

Table 6.4 Adult weekly

Distance up to (km)	2006/07		2007/08		Masterfare (\$)
	Fare (\$)	New fare (\$)	Change (\$)	Change (%)	
5	19.00	21.00	2.00	10.5	20.52
10	23.00	25.00	2.00	8.7	24.64
15	26.00	28.00	2.00	7.7	27.73
20	29.00	31.00	2.00	6.9	30.81
25	32.00	34.00	2.00	6.3	33.90
30	34.00	36.00	2.00	5.9	35.96
35	35.00	37.00	2.00	5.7	36.99
45	38.00	41.00	3.00	7.9	41.07
55	41.00	44.00	3.00	7.3	44.16
65	45.00	48.00	3.00	6.7	48.28
75	48.00	51.00	3.00	6.6	51.36
85	51.00	54.00	3.00	5.9	54.45
95	53.00	56.00	3.00	5.7	56.51
105	55.00	58.00	3.00	5.5	58.57
115	57.00	60.00	3.00	5.3	60.62
125	60.00	63.00	3.00	5.0	63.71
135	66.00	69.00	3.00	4.6	68.86
155	72.00	75.00	3.00	4.2	75.03
175	76.00	79.00	3.00	4.0	79.15
195	83.00	86.00	3.00	3.6	87.38
215	83.00	86.00	3.00	3.6	87.38
235	97.00	100.00	3.00	3.1	101.78
255	97.00	100.00	3.00	3.1	101.78
305	110.00	113.00	3.00	2.7	114.13
305+	110.00	113.00	3.00	2.7	114.13

6.4 TravelPasses

TravelPasses are available for unlimited travel on the CityRail, State Transit Services and Sydney Ferries for the zone specified on the ticket purchased. The new prices for these products are shown in Table 6.5.

Table 6.5 Adult TravelPass (weekly)

Fare Zone	2006/07	2007/08		Masterfare (\$)	
	Fare (\$)	New fare (\$)	Change (\$)		Change (%)
Red	33.00	35.00	2.00	6.0	\$34.93
Green	41.00	43.00	2.00	4.9	\$43.16
Yellow	45.00	47.00	2.00	4.4	\$47.28
Pink	48.00	50.00	2.00	4.2	\$50.36
Purple	55.00	57.00	2.00	3.6	\$57.57

CityRail offers TravelPasses for Newcastle services for two different zones (yellow and pink). These products are linked to the Sydney area product for the yellow and pink zones, and consequently the new fares for these Newcastle TravelPasses are the same as the fares for these zones shown in Table 6.5 above.

6.5 CityHopper fares

CityHopper tickets are valid for unlimited travel within the CityHopper zone on the day purchased and up to 4 am the following day. If CityHopper tickets are purchased outside the CityHopper zone, an add-on must be purchased. The new prices for CityHopper tickets are shown in Table 6.6.

Table 6.6 CityHopper fares

Ticket type	2005/06 Fare (\$)	2007/08 Fare (\$)	\$ change	% change
CityHopper	7.00	7.40	0.40	5.7
CityHopper off-peak	5.00	5.20	0.20	4.0
CityHopper child	3.50	3.70	0.20	5.7
CityHopper child off-peak	2.50	2.70	0.20	8.0
CityHopper add-on	2.20	2.20	0.00	0.0
CityHopper add-on child	1.10	1.10	0.00	0.0

6.6 DayTripper fares

DayTripper tickets are valid for unlimited travel on CityRail, Sydney Buses and Sydney Ferries within the boundaries of the Pink TravelPass zone on the day purchased and up to 4 am the following day. The new prices for DayTripper tickets are shown in Table 6.7.

Table 6.7 DayTripper fares

Ticket type	2006/07 Fare (\$)	2007/08 Fare (\$)	\$ change	% change
DayTripper	15.40	16.00	0.60	3.9
DayTripper child	7.70	8.00	0.30	3.9

6.7 CityRail other fares

CityRail offers a number of other fares that use more than one transport mode such as the Moore Park ticket (train and bus) or the Manly ticket (train and ferry). These tickets are calculated as the sum of the single/return price of the relevant distance fare (as set out in Table 6.1) travelled on the CityRail network plus the add-on fare for the other transport mode used in the relevant Link ticket.

The fares for these tickets will increase from 11 November 2007, in proportion to the distance travelled on the CityRail network based on the type of fare used and the fares applying from 11 November 2007 (for example adult single or return). For Link tickets using public buses or ferries, the add-on proportion of the fare is dependent on IPART's relevant determinations of public buses and ferries.

7 Implications CityRail passengers, government funding and the environment

Before finalising its determination, IPART considered the likely impact of its decision on CityRail's passengers, government funding and the environment.

7.1 Implications for CityRail passengers

IPART noted that CityRail fares have not increased markedly since its 1999 fare review (Table 7.1), which resulted in a nominal increase in fares of 13.8 per cent in 2000.³⁷ Since then fare increases have been modest with no fare increases approved for the two years from 2004/05 to 2005/06. In real terms, average fares have decreased by 1.4 per cent in the six years since 2001/02.³⁸

Table 7.1 Weighted average fare increases in recent years

	Weighted fare increase (%)	CPI change ³⁹ (%)	Cumulative real fare change ⁴⁰ (%)
2001/02	3.3	2.9	0.4
2002/03	2.0	3.1	-0.7
2003/04	5.0	2.4	1.9
2004/05	0.0	2.4	-0.5
2005/06	0.0	3.2	-3.6
2006/07	5.1	2.9	-1.4

Note: IPART was directed not to review fares in 2004/05 and 2005/06.

Source: Past IPART CityRail fare determinations and ABS for change in the CPI. CPI calculated using all capitals quarterly index numbers, year on year and the Fisher equation.

In this context, IPART considers that its 2007 pricing decisions will result in a modest increase in fares that is not expected to pose an unacceptable burden on rail users.

The impact of fare increases on individual passengers is likely to depend on their overall income level. If we look at the statistical profile of the Sydney district as a whole, weekday rail users are more likely to work full time, and to have a higher annual income than users of other public transport mode with the exception of

³⁷ IPART 1999 determination, <http://www.iprt.net/pdf/Det99-3&4.pdf>

³⁸ Past IPART CityRail fare determinations and ABS for change in the CPI. CPI calculated using all capitals quarterly index numbers, year on year and the Fisher equation.

³⁹ All capitals quarterly index numbers, year on year.

⁴⁰ Calculated using the Fisher equation.

7 Implications CityRail passengers, government funding and the environment

Sydney Ferries passengers (Tables 7.2 and 7.3). This reflects the heavy use of rail services by commuters, and the urban development (including employment and income growth) of the outer fringe where the share of rail use is particularly high.

Table 7.2 Labour force status of peak and off-peak travellers

	Weekday off-peak ticket holders %	Weekend off-peak ticket holders %	AM peak ticket holders %
Full-time work	53.6	42.5	77.1
Part-time & casual work	13.4	17.7	9.1
Adult studying full or part-time	12.0	13.6	7.6
Pensioner	14.4	14.0	4.2
Other	6.6	12.3	2.0

Note: AM peak is defined as the 3 hour morning peak. Weekday off-peak is defined as weekday travel outside the 3 hour AM peak. Excludes school children.

Source: Transport and Population Data Centre 2006.

Table 7.3 Public transport income profile (2002/03 to 2003/04)

	No. of trips	Average personal income (\$)	Average household income (\$)	Median household income (\$)
Sydney Buses	268,118	47,701	92,410	74,672
Ferries	24,959	77,848	129,745	137,800
Private Bus	66,817	32,044	74,688	56,732
CityRail	484,876	53,385	99,621	83,980

Source: Transport and Population Data Centre, Household Travel Survey 2002/03 and 2003/04.

On the whole, the fare decision should not significantly affect affordability – around 55 per cent of train passengers are commuters to the Sydney CBD⁴¹ and the average household income of all train users is \$100,000 which is above the average household wage in NSW of \$71,658.⁴² While this is true for the average CityRail passenger, IPART also took into account that many passengers may not reach this average household income level. At the same time, IPART noted that in 2005/06 over 24 per cent⁴³ of all tickets sold by CityRail are half fares or off-peak tickets which offer a considerable discount on the full fare. This percentage does not include school travel and pensioner excursion tickets.

IPART also considered the 1996 fare elasticity study by Professor David Hensher⁴⁴ and concluded that the financial impact of fare increases on passengers is not expected to affect overall patronage levels because of the low elasticity (or

⁴¹ RailCorp 2007 proposal, p 9.

⁴² Source: ABS cat no 6523.0.55.001, mean gross household income (weighted) in NSW, 2005/06.

⁴³ RailCorp, IPART's own calculations.

⁴⁴ Hensher and Raimond, *Estimation of Public Transport Fare Elasticities in the Sydney Region*, 1996, available on the Tribunal's website.

sensitivity) of patronage to fares, particularly for minor fare adjustments. The CityRail fare elasticity for commuters suggest that a 5 per cent increase in CityRail fares would result in a reduction in commuter travel of around 1 per cent⁴⁵. IPART notes that a number of factors influencing rail passenger's travel behaviour may have changed since 1996 such as general employment growth particularly in the CBD and petrol prices. IPART has engaged Booz Allan Hamilton to update the 1996 fare elasticities study as part of the regulatory framework review for CityRail fares.

7.2 Implications for the government and the general community

IPART's fare decisions have implications for the government in terms of its budget position and for the general community as taxpayers. The issue of cost sharing between the government and users is discussed in Chapter 4 and will be a key part of the regulatory framework review.

IPART's 2007 decision on fares will result in an increase in revenue of about \$22 million or 4.1 per cent for the 2007/08 financial year⁴⁶ and it is not expected that IPART's decision will contribute to an improvement in the proportion of costs recovered from users.

Table 7.4 NSW Government contributions and payments to CityRail

	2004/05	2005/06	2006/07	2007/08F
	\$m	\$m	\$m	\$m
Concessions	173	171	165	167
Capital contribution	409	457	543	400
Other	903	1 021	1 175	1 184
Total	1 485	1 649	1 883	1 751

Note: F – forecast. Totals may not add due to rounding.

Source: RailCorp.

IPART's analysis indicates that in 2006/07, CityRail's overall level of cost recovery is likely to be 34 per cent.⁴⁷ After the 2007 determination, this level is expected to fall to 29 per cent in 2007/08.⁴⁸ This is because forecast increases in expenses (associated with rising labour costs and investment in passenger service and safety improvements) will be higher than forecast increases in revenue from fare increases. At the same time, capital grants are budgeted to decrease during 2007/08 and as a result, the level of funding that must come from consolidated revenue is forecast to slightly decrease.

⁴⁵ Assuming a fare elasticity of -0.25.

⁴⁶ RailCorp information provided to IPART.

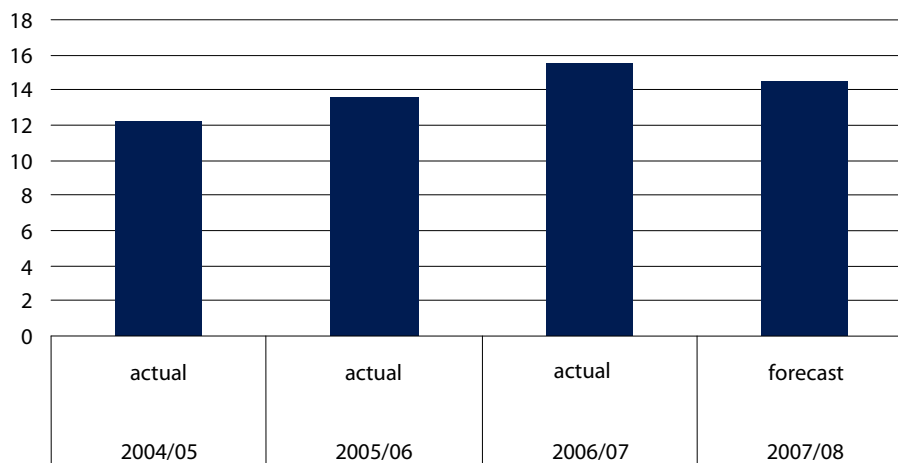
⁴⁷ Farebox revenue and other revenue (excludes CSOs) source RailCorp information provided to IPART.

⁴⁸ Farebox revenue and other revenue (excludes CSOs) source RailCorp information provided to IPART.

7 Implications CityRail passengers, government funding and the environment

The general taxpayers contribution to CityRail's total expenses (including depreciation) per NSW household is forecast to be around \$14 per week which is slightly down from around \$15 per week during 2006/07 (Figure 7.1).

Figure 7.1 CityRail funding per NSW Household per week



Note: Funding includes concessions, services funding, and capital grants.

Data source: RailCorp and ABS (Cat. No. 2068.0).

7.3 Impact on the environment

In making its determination, IPART is required to consider the need to maintain ecologically sustainable development by pricing policies that take account of all feasible options available to protect the environment. Rail use is commonly considered to have beneficial environmental implications, due to the lower level of external costs associated with rail use compared to cars and buses, such as reduced greenhouse gas emissions, noise⁴⁹ and air pollution, road damage, accidents, and congestion.⁵⁰

The external benefits of greater rail use particularly apply to the morning and afternoon peak period when road transport alternatives are subject to congestion and associated pollution. As part of its regulatory framework review, IPART will be engaging a consultant to assist it in determining the appropriate range for the allocation of costs between the government and users taking into account these positive externalities of rail.

⁴⁹ Noise pollution is lower than from buses but higher than from cars on a per kilometre basis (RailCorp proposal 2006, p 42).

⁵⁰ RailCorp's proposal to the 2006 fare review provides one estimate of the external costs of various transport modes, which indicates that rail use imposes costs of 5.43 cents per car kilometre, compared to the costs of car use of 15.26 cents and bus use of 33.37 cents (RailCorp proposal 2006, p 42).

7 Implications CityRail passengers, government funding
and the environment

Ultimately, the environmental benefits of rail use relate principally to the advantages of transferring passenger journeys from other modes (with higher external costs) to rail. With respect to this determination, the modesty of the proposed fare increase (particularly in an environment of rising petrol prices) and the low price elasticities for rail commuters should not encourage the transfer of a significant number of trips away from rail, and therefore should not have any adverse environmental effects.

There is much evidence to suggest that commuter's responsiveness to changes in the relative price of rail and car is low and does not lead to major shifts in commuter's choice of travel mode, at least for moderate changes in relative price. For example, IPART (1996) indicates that a 5 per cent increase in commuter rail fares leads to a 0.075 per cent increase in car travel.⁵¹ This suggests that using train subsidies to target altered behaviour by car commuters may only have a negligible effect, at least in the short term.

⁵¹ Hensher and Raimond, *Estimation of Public Transport Fare Elasticities in the Sydney Region*, 1996, available on the Tribunal's website.



Appendices

A Acting Premier's letter



Premier of New South Wales
Australia

Dr Michael Keating AC
Chairman
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

11 JUL 2007

Dear Dr Keating

I am writing in relation to the Independent Pricing and Regulatory Tribunal's ("the Tribunal's") standing reference for the determination of CityRail fares.

As you are aware, on 18 May 2004 the former Premier wrote to the Tribunal requiring that specified matters arising from the 2003 *Ministerial Inquiry into Sustainable Transport in New South Wales* be considered by the Tribunal when making its investigations into passenger transport fares.

Given the Tribunal's new reference to review the CityRail regulatory framework, I am writing to clarify that, in respect of the Tribunal's current and future passenger rail fare reviews, the requirement to consider the matters set out in the 18 May 2004 letter does not apply.

I also require, pursuant to section 13(1)(a) of the Act, that the Tribunal provide its report on the current CityRail fare determination to the Premier by 31 October 2007.

If your officers wish to discuss these matters, they should contact Ms Angela Woo, A/Policy Manager, Economic Development Branch, Department of Premier and Cabinet on (02) 9228 4930.

Yours sincerely

John Watkins MP
Acting Premier

B | IPART Act requirements

B.1 Section 15 requirements

Section 15 of the IPART Act 1992 details the matters to be considered by IPART when making a determination. The section is reproduced in full below.

(15) Matters to be considered by Tribunal under this Act

1. In making determinations and recommendations under this Act, the Tribunal is to have regard to the following matters (in addition to any other matters the Tribunal considers relevant):
 - a) the cost of providing the services concerned,
 - b) the protection of consumers from abuses of monopoly power in terms of prices, pricing policies and standard of services,
 - c) the appropriate rate of return on public sector assets, including appropriate payment of dividends to the Government for the benefit of the people of New South Wales,
 - d) the effect on general price inflation over the medium term,
 - e) the need for greater efficiency in the supply of services so as to reduce costs for the benefit of consumers and taxpayers,
 - f) the need to maintain ecologically sustainable development (within the meaning of section 6 of the Protection of the Environment Administration Act 1991) by appropriate pricing policies that take account of all the feasible options available to protect the environment,
 - g) the impact on pricing policies of borrowing, capital and dividend requirements of the government agency concerned and, in particular, the impact of any need to renew or increase relevant assets,
 - h) the impact on pricing policies of any arrangements that the government agency concerned has entered into for the exercise of its functions by some other person or body,
 - i) the need to promote competition in the supply of the services concerned,
 - j) considerations of demand management (including levels of demand) and least cost planning,
 - k) the social impact of the determinations and recommendations,
 - l) standards of quality, reliability and safety of the services concerned (whether those standards are specified by legislation, agreement or otherwise).

2. In any report of a determination or recommendation made by the Tribunal under this Act, the Tribunal must indicate what regard it has had to the matters set out in subsection (1) in reaching that determination or recommendation.
3. To remove any doubt, it is declared that this section does not apply to the Tribunal in the exercise of any of its functions under section 12A.
4. This section does not apply to the Tribunal in the exercise of any of its functions under section 11 (3).

C Submissions to this review

IPART received public submissions from the following organisations and individuals.

C.1 Organisations

1. ITSRR
2. NCOSS
3. Commuter Council
4. Transport Panel Sydney Division of Engineers Australia
5. Older Women's Network
6. Lower Hunter Council's Transport Group
7. Newsagents Association of NSW&ACT
8. Blue Mountains Commuter and Transport Users Association
9. DASC Industry
10. Action for Public Transport
11. Penrith City Council

C.2 Individuals

IPART also received 187 submissions from individuals.

D | Public hearing participants

CityRail – Vince Graham

Action for Public Transport – Alan Miles

NCOSS – Christine Regan

Older Women’s Network – Beth Eldridge

Lower Hunter Council’s Transport Group – Ken Freeston

E | Section 15 requirements

Table E.1 shows where the relevant section 15 requirements are addressed within IPART's report.

Table E.1 IPART's considerations of section 15 matters

Section 15	
(a) cost of providing the service	Ch. 3
(b) protection of consumers from abuse of monopoly power	Ch. 7
(c) appropriate rate of return and dividends	NA
(d) effect on general price inflation	Ch. 7
(e) improved efficiency in supply of services	Ch. 3
(f) ecologically sustainable development	Ch. 7
(g) impact on borrowing, capital and dividend requirements	Ch. 7
(h) additional pricing policies	NA
(i) need to promote competition	NA
(j) considerations of demand management	NA
(k) the social impact on customers	Ch. 7
(l) standards of quality, reliability and safety of the services	Ch. 5



Independent Pricing and Regulatory Tribunal

CityRail

Determination No 2, 2007

Reference no. 07/493

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Preliminary

1. Background

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* (**IPART Act**) provides IPART 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) Rail Corporation New South Wales (**RailCorp**) is listed as a government agency for the purposes of schedule 1 of the IPART Act. The services of RailCorp declared as monopoly services under the *Independent Pricing and Regulatory Tribunal (Passenger Transport Services) Order 1998* (**Order**) are the railway passenger services supplied under the name of "CityRail" by RailCorp excluding the services supplied in accordance with the ticket known as the "SydneyPass" (**Monopoly Services**). Accordingly, IPART may determine the prices for RailCorp's Monopoly Services.

[Note: The Order applies to RailCorp by operation of clause 122, Schedule 7 of the Transport Administration Act 1988]

- (3) In investigating and reporting on the pricing of RailCorp's Monopoly Services, IPART 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, IPART has fixed a maximum price for RailCorp's Monopoly Services or has established a methodology for fixing the maximum price.
- (5) By section 18(2) of the IPART Act, RailCorp may not fix a price below that determined by IPART 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 RailCorp may charge for the Monopoly Services.
- (2) This determination commences on the later of 11 November 2007 and the date that it is published in the NSW Government Gazette (**Commencement Date**).

Preliminary

- (3) The maximum prices in this determination apply from the Commencement Date until this determination is replaced.

3. Replacement of Determination No 6 of 2006

This determination replaces Determination No. 6 of 2006 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 6 of 2006 prior to its replacement.

4. Monitoring

IPART may monitor the performance of RailCorp for the purposes of:

- (a) establishing and reporting on the level of compliance by RailCorp with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by RailCorp.

5. Schedule

Schedule 1 and the Tables in that schedule set out the maximum prices that RailCorp may charge for the Monopoly Services.

6. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 2.

Schedule 1 Maximum prices

1. Application

This schedule sets the maximum prices that RailCorp may charge for the Monopoly Services.

2. CityRail tickets (other than tickets described in clauses 3 to 6 of this Schedule 1)

The maximum price that may be charged by RailCorp for:

- (a) a rail ticket for a given distance band listed in column 1 of Table 1 is the corresponding price shown in columns 2 to 8 (as applicable) of Table 1;
- (b) the category of Child Off-Peak ticket listed in column 1 of Table 2 is the corresponding price shown in column 2 (as applicable) of Table 2; and
- (c) a TravelPass ticket listed in column 1 of Table 3 is the corresponding price shown in columns 2 to 5 (as applicable) of Table 3.

3. FlexiPass tickets

3.1 The price of a FlexiPass ticket for a given distance band (listed in column 1 of Table 1) must not exceed the price calculated as follows:

$$PN = R * (3.66 + K * x - L * y)$$

where:

PN = FlexiPass ticket price (before rounding off)

R = Weekly ticket price for the relevant distance band

N = Number of days of validity (from 28 to 366)

x = N - 28

Schedule 1 Maximum prices

$$y = N - 90; \text{ for } N > 90$$

$$0; \text{ for } N \leq 90$$

$$K = 0.12$$

$$L = 0.011$$

- 3.2 The FlexiPass ticket price determined in clause 3.1 above must be rounded off to the nearest whole dollar.
- 3.3 The price of a half fare FlexiPass ticket must not exceed half of the appropriate FlexiPass ticket price as determined in clause 3.1.

4. CityHopper tickets

- 4.1 The price for the category of CityHopper ticket listed in column 1 of Table 4 (when purchased within the CityHopper zone) must not exceed the corresponding price shown in column 2 of Table 4.
- 4.2 The price of a CityHopper ticket (when purchased outside the CityHopper zone) must not exceed the price of the appropriate return ticket (peak or off-peak) (set out in Table 1) for travel to the CityHopper zone plus an additional sum of \$2.20 (for an adult) or \$1.10 (for a child).

5. DayTripper tickets

- 5.1 The price of a DayTripper ticket must not exceed \$16.00.
- 5.2 The price of a DayTripper child ticket must not exceed \$8.00.

6. Link tickets and Intermodal Destination tickets

- 6.1 RailCorp offers tickets comprising of travel partly by means of the Monopoly Services and partly by other means of transport that are not Monopoly Services (including by bus or by ferry) (**Link or Intermodal Destination tickets**), that include but are not limited to:
- (a) Olympic Park tickets;
 - (b) BlueMountains ExplorerLink tickets;
 - (c) Moore Park tickets;
 - (d) Manly tickets; and

(e) Bondi Beach tickets.

- 6.2 The price of the Monopoly Services component for a Link or Intermodal Destination ticket must not exceed the corresponding price in Table 1 for the appropriate rail ticket for the distance from the station of origin to the Interchange Station (specified for the Link or Intermodal Destination ticket type).

7. New or additional charges

RailCorp must not levy any new or additional charges for the Monopoly Services, other than in accordance with this determination.

Schedule 1 Maximum prices

Table 1 Maximum prices for CityRail distance based tickets

Distance up to (Km)	Singles (\$)	Half Fare Singles (\$)	Return (\$)	Half Fare Return (\$)	Weekly (\$)	Half Fare Weekly (\$)	Off-Peak Return (\$)
5	2.60	1.30	5.20	2.60	21.00	10.50	3.60
10	3.00	1.50	6.00	3.00	25.00	12.50	4.20
15	3.40	1.70	6.80	3.40	28.00	14.00	4.60
20	3.80	1.90	7.60	3.80	31.00	15.50	5.20
25	4.20	2.10	8.40	4.20	34.00	17.00	5.80
30	4.60	2.30	9.20	4.60	36.00	18.00	6.40
35	4.60	2.30	9.20	4.60	37.00	18.50	6.40
45	5.60	2.80	11.20	5.60	41.00	20.50	7.60
55	6.60	3.30	13.20	6.60	44.00	22.00	9.00
65	7.20	3.60	14.40	7.20	48.00	24.00	10.00
75	8.60	4.30	17.20	8.60	51.00	25.50	11.80
85	9.60	4.80	19.20	9.60	54.00	27.00	13.20
95	10.60	5.30	21.20	10.60	56.00	28.00	14.60
105	11.00	5.50	22.00	11.00	58.00	29.00	15.20
115	12.20	6.10	24.40	12.20	60.00	30.00	16.80
125	13.60	6.80	27.20	13.60	63.00	31.50	18.80
135	13.80	6.90	27.60	13.80	69.00	34.50	19.00
155	15.80	7.90	31.60	15.80	75.00	37.50	22.00
175	18.00	9.00	36.00	18.00	79.00	39.50	25.00
195	22.00	11.00	44.00	22.00	86.00	43.00	30.00
215	22.00	11.00	44.00	22.00	86.00	43.00	30.00
235	26.00	13.00	52.00	26.00	100.00	50.00	36.00
255	26.00	13.00	52.00	26.00	100.00	50.00	36.00
305	30.00	15.00	60.00	30.00	113.00	56.50	41.00
305+	30.00	15.00	60.00	30.00	113.00	56.50	41.00

Table 2 Maximum prices for Child Off-Peak tickets

Tickets	Maximum price (\$)
Sydney Suburban	2.60
Newcastle Suburban	2.60
Outer Metropolitan	3.70
CityRail Network	6.10

Table 3 Maximum prices for TravelPass tickets

Tickets	Weekly (\$)	Quarterly (\$)	Yearly (\$)	Half Fare (\$)
Sydney TravelPass Red	35.00	385.00	1400.00	17.50
Sydney TravelPass Green	43.00	473.00	1720.00	21.50
Sydney TravelPass Yellow	47.00	517.00	1880.00	23.50
Sydney TravelPass Pink	50.00	550.00	2000.00	25.00
Sydney TravelPass Purple	57.00	627.00	2280.00	28.50
Newcastle TravelPass Yellow	47.00	517.00	1880.00	23.50
Newcastle TravelPass Pink	50.00	550.00	2000.00	25.00

[Note: A Quarterly TravelPass = 11 x weekly price and a Yearly TravelPass = 40 x weekly price.]

Table 4 Maximum prices for CityHopper tickets purchased within the CityHopper zone

Tickets	Maximum price (\$)
CityHopper	7.40
CityHopper off-peak	5.20
CityHopper child	3.70
CityHopper child off-peak	2.70

| Schedule 1 Maximum prices

Schedule 2 Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

Commencement Date means the Commencement Date as defined in clause 2(2) of this determination.

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

Monopoly Services means the Monopoly Services defined in clause 1(2) of this determination.

RailCorp means Rail Corporation New South Wales defined in clause 1(2) of this determination, constituted under the *Transport Administration Act 1988*.

1.2 CityRail ticket definitions

Categories of tickets not defined in this determination are described in the *CityRail Passenger Fares and Coaching Rates Handbook* made available by RailCorp at www.cityrail.nsw.gov.au.

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;

| Schedule 2 Definitions and Interpretation

- (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 Clarification

IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error or to clarify any part of this determination as if that clarification notice formed part of this determination.

2.3 Prices inclusive of GST

Prices specified in this determination include GST.



Independent Pricing and Regulatory Tribunal

TravelPass – Bus, Ferry & Train & DayTripper (Sydney Ferries, State Transit Authority)

Determination No 3, 2007

Reference no. 07/493

| IPART TravelPass – Bus, Ferry & Train & DayTripper (Sydney Ferries, State Transit Authority)

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Preliminary

1. Background

Sydney Ferries & STA Newcastle Services under the IPART Act

- (1) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* provides IPART 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) In making this determination, IPART has had regard to a broad range of matters, including the criteria set out in section 15(1) of the IPART Act.
- (3) Sydney Ferries (**Sydney Ferries**) is listed as a government agency for the purposes of schedule 1 of the IPART Act. The services of Sydney Ferries declared as monopoly services under the *Independent Pricing and Regulatory Tribunal (Passenger Transport Services) Order 1998 (Order)* are regular passenger services (within the meaning of the *Passenger Transport Act 1990*) excluding the services supplied in accordance with the ticket known as the "SydneyPass" (**Sydney Ferries Monopoly Services**). Accordingly, IPART may determine the prices for the Sydney Ferries Monopoly Services.

[Note: The Order applies to Sydney Ferries by operation of clause 135, Schedule 7 of the *Transport Administration Act 1988*]

- (4) State Transit Authority (the **STA**) is listed as a government agency for the purposes of schedule 1 of the IPART Act. The services of the STA declared as monopoly services under the Order are the regular passenger services (within the meaning of the *Passenger Transport Act 1990*) supplied by the STA but excluding the following:
 - (a) services supplied in accordance with the ticket known as the "SydneyPass";
 - (b) the bus service known as the "Airport Express";
 - (c) the bus service known as the "Sydney Explorer", the bus services known as the "Bondi & Bay Explorer" and any other similar bus services operating in any other areas.

Preliminary

- (5) The declared monopoly services of the STA under clause 1(4) (above) include the services provided by the STA in the Newcastle area to which this determination applies (**STA Newcastle Monopoly Services**).
- (6) Accordingly, IPART may determine the prices for the Sydney Ferries Monopoly Services and the prices for the STA Newcastle Monopoly Services.
- (7) In accordance with section 13A of the IPART Act, IPART has fixed a maximum price for the Sydney Ferries Monopoly Services and for the STA Newcastle Monopoly Services under this determination.
- (8) By section 18(2) of the IPART Act, neither Sydney Ferries nor the STA may fix a price below that determined by IPART without the approval of the Treasurer.

STA Sydney Buses under the Passenger Transport Act

- (9) Section 28J(2) of the *Passenger Transport Act 1990*, permits IPART to conduct investigations and make reports to the Minister on the determination of the maximum fares for Regular Bus Services supplied under a Service Contract. This includes the maximum fares for Regular Bus Services provided by STA Sydney Buses (**STA Sydney Monopoly Services**).
- (10) In making this determination, IPART has had regard to a broad range of matters, including the criteria set out in section 28J(5) of the Passenger Transport Act.

2. Application of this determination

- (1) This determination fixes:
 - (a) the maximum prices for the tickets described in Schedule 1 (and Table 1 to that Schedule) that Sydney Ferries may charge for the Sydney Ferries Monopoly Services;
 - (b) the maximum prices for the tickets described in Schedule 2 (and Table 2 to that Schedule) that the STA may charge for the STA Newcastle Monopoly Services; and
 - (c) the maximum fares for the tickets described in Schedule 3 (and Table 1 to that Schedule) that STA Sydney Buses may charge for the STA Sydney Monopoly Services.
- (2) This determination commences on the later of 11 November 2007 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices and maximum fares in this determination apply from the Commencement Date until this determination is replaced.

3. Replacement of part of Determinations No's. 10, 11 and 12 of 2006

- (1) From the Commencement Date this determination replaces only:
 - (a) the maximum prices for the five Bus, Ferry and Train TravelPass tickets (Red, Green, Yellow, Pink and Purple) and the DayTripper tickets set out in Table 2, Schedule 1 of Determination No. 10 of 2006 (**Sydney Ferries**);
 - (b) the maximum prices for the two TravelPass – yellow and TravelPass – pink tickets set out in Table 1, Schedule 1 of Determination No. 12 of 2006 (**Newcastle Buses and Ferries Services**); and
 - (c) the maximum fares for the five TravelPass – Bus, Ferry and Train tickets (Red, Green, Yellow, Pink and Purple) and the DayTripper tickets set out in Table 2, Schedule 2 of Determination No. 11 of 2006 (**Sydney Metropolitan Bus Services**).
- (2) Nothing in this determination affects, replaces or amends anything in Determination No's 10, 11 and 12 of 2006 other than those items described in clause 3(1) (above) and those determinations otherwise continue in full force and effect within their terms.
- (3) The replacement described in this clause 3 does not affect anything done or omitted to be done, or rights or obligations accrued, under Determinations No's 10, 11 and 12 of 2006 prior to the replacement of those items described in clause 3(1) (above).

4. Monitoring

IPART may monitor the performance of any of Sydney Ferries, the STA and/or STA Sydney Buses for the purposes of:

- (a) establishing and reporting on the level of compliance by the relevant agency with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Sydney Ferries Monopoly Services, the STA Newcastle Monopoly Services and/or the STA Sydney Monopoly Services.

5. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in Schedule 4.

Schedule 1 Maximum prices for Bus, Ferry and Train TravelPass tickets and DayTripper tickets charged by Sydney Ferries for Sydney Ferries Monopoly Services

1. Application

This schedule sets the maximum prices for the tickets described in clauses 2 and 3 (below) that Sydney Ferries may charge for the Sydney Ferries Monopoly Services.

2. Bus, Ferry and Train TravelPass tickets (Red, Green, Yellow, Pink and Purple)

The maximum price that may be charged by Sydney Ferries for a ticket in column 1 of Table 1 is the corresponding fare in columns 2 to 5 (as applicable) of Table 1.

3. DayTripper tickets

3.1 The price of a DayTripper ticket must not exceed \$16.00.

3.2 The price of a DayTripper child ticket must not exceed \$8.00.

Table 1 Maximum prices charged by Sydney Ferries for TravelPass – Bus, Ferry and Train

Tickets	Weekly (\$)	Quarterly (\$)	Yearly (\$)	Half Fare (\$)
Red	35.00	385.00	1400.00	17.50
Green	43.00	473.00	1720.00	21.50
Yellow	47.00	517.00	1880.00	23.50
Pink	50.00	550.00	2000.00	25.00
Purple	57.00	627.00	2280.00	28.50

[Note: A Quarterly TravelPass = 11 x weekly price and a Yearly TravelPass = 40 x weekly price. The same multipliers apply to the other TravelPass tickets listed in column 1 of Table 2, Schedule 1 to Determination No. 10, 2006 (Sydney Ferries).]

Schedule 2 Maximum prices for TravelPass tickets charges by the STA for STA Newcastle Monopoly Services

1. Application

This schedule sets the maximum prices for the tickets described in clause 2 (below) that the STA may charge for the STA Newcastle Monopoly Services.

2. TravelPass – Yellow and TravelPass – Pink tickets

The maximum price that may be charged by the STA for a ticket listed in column 1 of Table 2 is the corresponding price in columns 2 to 5 (as applicable) of Table 2.

Table 2 Maximum prices for TravelPass tickets for STA Newcastle Monopoly Services

Tickets	Weekly (\$)	Quarterly (\$)	Yearly (\$)	Half Fare (\$)
Newcastle TravelPass Yellow	47.00	517.00	1880.00	23.50
Newcastle TravelPass Pink	50.00	550.00	2000.00	25.00

Note: As explained in the Note to Table 1, Schedule 1 to Determination No. 12, 2006 (Newcastle Buses and Ferries Services) a Quarterly TravelPass = 11 x weekly fare and a Yearly TravelPass = 40 x weekly fare.]

Schedule 3 Maximum fares for Bus, Ferry and Train TravelPass tickets and DayTripper tickets charged by STA Sydney Buses for STA Sydney Monopoly Services

1. Application

This schedule sets the maximum fares for the tickets described in clauses 2 and 3 (below) that STA Sydney Buses may charge for the STA Sydney Monopoly Services.

2. Bus, Ferry and Train TravelPass tickets (Red, Green, Yellow, Pink and Purple)

The maximum fare that may be charged by STA Sydney Buses for a ticket listed in column 1 of Table 3 is the corresponding fare in columns 2 to 5 (as applicable) of Table 3.

3. DayTripper tickets

3.1 The price of a DayTripper ticket must not exceed \$16.00.

3.2 The price of a DayTripper child ticket must not exceed \$8.00.

Table 3 Maximum fares charged by STA Sydney Buses for TravelPass – Bus, Ferry and Train

Tickets	Weekly (\$)	Quarterly (\$)	Yearly (\$)	Half Fare (\$)
Red	35.00	385.00	1400.00	17.50
Green	43.00	473.00	1720.00	21.50
Yellow	47.00	517.00	1880.00	23.50
Pink	50.00	550.00	2000.00	25.00
Purple	57.00	627.00	2280.00	28.50

[Note: A Quarterly TravelPass = 11 x weekly fare and a Yearly TravelPass = 40 x weekly fare. The same multipliers apply to the TravelPass – Bus and Ferry, Bus only tickets listed in column 1 of Table 2, Schedule 2 to Determination No. 11, 2006 (Sydney Metropolitan Bus Services).]

Schedule 4 Definitions and Interpretation

1. Definitions

1.1 General definitions

In this determination:

Commencement Date means the Commencement Date as defined in clause 2(2) of this determination.

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

Passenger Transport Act means the *Passenger Transport Act 1990*.

Regular Bus Service has the meaning given to that term in the Passenger Transport Act.

Service Contract has the meaning given to that expression in section 16 of the Passenger Transport Act and entered into by STA Sydney Buses for the provision of a Regular Bus Service.

STA means the State Transit Authority defined in clause 1(4) of this determination, constituted under the *Transport Administration Act 1988*.

STA Newcastle Monopoly Services is defined in clause 1(5) of this determination.

STA Sydney Buses means the Sydney Buses business owned and operated by the STA.

STA Sydney Monopoly Services is defined in clause 1(9) of this determination.

Sydney Ferries means Sydney Ferries defined in clause 1(3) of this determination, constituted under the *Transport Administration Act 1988*.

Sydney Ferries Monopoly Services is defined in clause 1(3) of this determination.

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

Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied upon for interpretation purposes.

2.3 Clarification

IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error or to clarify any part of this determination as if that clarification notice formed part of this determination.

2.4 Prices inclusive of GST

Prices specified in this determination include GST.

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

GREATER TAREE CITY COUNCIL

Roads Act 1993

Roads (General) Regulation 2000, Part 2 – Roads,
Division 2 – Naming of Roads

NOTICE is hereby given that Greater Taree City Council, in pursuance of the above act and regulations, has named the following road:

- Francis Redman Place, Hannam Vale.

GERARD JOSE, General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430. [3606]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

IN accordance with section 10 of the Roads Act 1993, Council dedicates the land held by it and described in the Schedule below as Public Road. BRIAN BELL, General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point NSW 2284.

SCHEDULE

Lot 7 in Deposited Plan 259503. [3607]

LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

IN accordance with section 10 of the Roads Act 1993, Council dedicates the land held by it and described in the Schedule below as Public Road. BRIAN BELL, General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point NSW 2284.

SCHEDULE

Lot 3 in Deposited Plan 1110856. [3608]

NAMBUCCA SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

NAMBUCCA SHIRE COUNCIL declares, with the approval of Her Excellency the Governor that the lands described in the schedule below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of a public road.

Dated at Macksville, this second day of November 2007. MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447.

SCHEDULE

Lot 1, DP 1095413; Lot 3, DP 1106562. [3609]

PARRAMATTA CITY COUNCIL

Pesticides Act 1999, Pesticides Regulation 1995

Notice of Final Pesticide Use Notification Plan

IN accordance with the provisions of the Pesticides Regulation 1995, Parramatta City Council's Pesticide Notification Plan has now been finalised and published for public viewing. The plan applies to all public places within the Parramatta City Council Local Government Area. The plan can be found on display at Parramatta City Council Offices, 30 Darcy Street, Parramatta NSW 2150. An electronic copy of the plan can also be found on our website at www.parracity.nsw.gov.au. For more information please call the Parks Manager (02) 8839 4021. [3610]

QUEANBEYAN CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

QUEANBEYAN CITY COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in Schedule 1 below, excluding the easement described in Schedule 2 and any mines and deposits of 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 a public road.

Dated at Queanbeyan this 30th day of July 2007. GARY CHAPMAN, General Manager, Queanbeyan City Council, PO Box 90, Queanbeyan NSW 2620, tel.: (02) 6298 0211.

SCHEDULE 1

Land

Lot 2, DP 1097427; Lot 3, DP 1097427.

SCHEDULE 2

Easement

'Easement for water supply pipeline access 6 wide vide Aust. Gov. Gaz. 27.4.77'. DoC Reference 328 [3611]

RANDWICK CITY COUNCIL

Local Government Act 1919, Section 340D

Notice of Vesting of Recreational Reserve land in Council

RANDWICK CITY COUNCIL (the "Council"), is entitled under section 340D of the Local Government Act 1919, the land described in the Schedule below is vested in Randwick City Council. RAY BROWNLEE, General Manager, Randwick City Council, 30 Frances Street, Randwick NSW 2031.

SCHEDULE

Lot 23, DP 10323 being contained in Vol 1516, Fol 155. [3612]

RANDWICK CITY COUNCIL

Local Government Act 1993, Section 50

Notice of Vesting of Recreational Reserve land in Council
RANDWICK CITY COUNCIL (the "Council"), is entitled under section 50 of the Local Government Act 1993, the land described in the Schedule below is vested in Randwick City Council. **RAY BROWNLEE**, General Manager, Randwick City Council, 30 Frances Street, Randwick NSW 2031.

SCHEDULE

Lot 51, DP 12218, being contained in Vol 5202, Fol 15.
 [3613]

SHELLHARBOUR CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

UNDER section 162 of the Roads Act 1993, Shellharbour City Council has named the following roads:

<i>Location</i>	<i>Names</i>
Dunmore	Dunmore Road Lindsay Lane

Authorised by resolution of the Council on 25 September 2007. **BRIAN A. WEIR**, General Manager, Shellharbour City Council, PO Box 155, Shellharbour City Centre NSW 2529.
 [3614]

TENTERFIELD SHIRE COUNCIL

Roads Act 1993, Section 162

Road Re-Naming

NOTICE is hereby given that Tenterfield Shire Council, in accordance with section 162 of the Roads Act 1993, has re-named the following road located within Tenterfield Shire:

<i>Current Road Name</i>	<i>New Road Name</i>	<i>Location</i>
Guest's Road	Mount Clunie Road	From MR 622 junction approx 10.5 km west of Woodenbong north to Mount Clunie National Park boundary

MARK ARNOLD, General Manager, Tenterfield Shire Council, PO Box 214, Tenterfield NSW 2372.
 [3615]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has approved the name of the road to be dedicated in plan of subdivision of Lots 390 in DP 1072875 at Flame Tree Park Estate, Banora Point as follows:

Musgrave Court

Authorised by the delegated officer. General Manager, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484.
 [3616]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of **LYDIA VALMA SIMPSON** late of Wingham in the State of New South Wales, retired, who died 20 May 2007, must send particulars of the claim to the executrix and executor **Yvonne Marelle Gillfillan and Bruce Neville Simpson c/o Paul Couch & Associates**, Suite 3, 11 Oxley Street, Chatham NSW 2430 within one calendar month from publication of this notice. After that time the executor and executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution the trustees has notice. Probate was granted in New South Wales 23 October 2007. **PAUL COUCH & ASSOCIATES**, Suite 3, 11 Oxley Street, Chatham NSW 2430, tel.: (02) 6557 8020.
 [3617]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of **MARGARET JUNE DEAN**, late of 1/20 Ocean Street, Penhurst NSW 2222, in the State of New South Wales, who died on 8 August 2007, must send particulars of his claim to the executor, **Christopher George Sexton, c.o. Colin J. Duff**, Solicitor, 7 Morts Road, Mortdale NSW 2223, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 18 October 2007. **COLIN J. DUFF**, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX11307, Hurstville), tel.: (02) 9570 2022.
 [3618]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of **MARGARET JESSIE OGILVIE**, late of Bexley, in the State of New South Wales, retired secretary, who died on 26 July 2007, must send particulars of the claim to the executors, **Ross Kenneth Ogilvie Smith and Jennifer Anne James, c.o. Denis M. Anderson**, Solicitor, 10 Regent Street, Kogarah NSW 2217, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 4 October 2007. **DENIS M. ANDERSON**, Solicitor, 10 Regent Street, Kogarah NSW 2217 (PO Box 148, Kogarah 1485), tel.: (02) 9587 0440.
 [3619]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of **WALTER NEVILLE THOMPSON**, late of Blueys Beach, in the State of New South Wales, pensioner, who died on 15 March 2007, must send particulars of his claim to the executors, **Roslyn Faye Tebble and Wayne Rodger Thompson, c.o. Northside Law, Solicitors**, 85A Bay Road, Waverton NSW 2060, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the Executors have notice. Probate was granted in New South Wales on 25 June 2007. **NORTHSIDE LAW, Solicitors**, 85A Bay Road, Waverton NSW 2060.
 [3620]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARION CONSTANCE HOSKINS, late of Belrose, in the State of New South Wales, pensioner, who died on 8 July 2007, must send particulars of his claim to the executors, Richard Norman and Peter James Hoskins, c.o. Northside Law, Solicitors, 85A Bay Road, Waverton NSW 2060, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the Executors have notice. Probate was granted in New South Wales on 15 August 2007. NORTHSIDE LAW, Solicitors, 85A Bay Road, Waverton NSW 2060. [3621]

NOTICE of intended distribution of estate.—In the estate of DONALD CHARLES MCKENZIE, late of 17 Swinborne Crescent, Wetherill Park, in the State of New South Wales, panel beater, deceased, who died on 27 March 2005. Letters of Administration were granted by the Supreme Court of New South Wales on 10 September 2007 and pursuant to the Wills Probate and Administration Act 1898, the Testator's Family Maintenance and Guardianship of Infants Act 1916 and Trustee Act 1925, Robin Roberta McKenzie the administratrix of the estate hereby gives notice that creditors and others having any claim against or upon the estate are required to send particulars of their claims to the said administratrix, c.o. Messrs Steve Masselos & Co., Solicitors, PO Box A988, Sydney South NSW 1235, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be distributed having regard only to the claims of which at the time of distribution the administratrix has notice. Dated 5 November 2007. STEVE MASSELOS & CO., A Solicitor Corporation, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South NSW 1235), (DX 305, Sydney), tel.: (02) 9264 7022. Reference: Mr Fitzgerald:sw:16257. [3622]

COMPANY NOTICES

NOTICE of final meeting of members.—in the matter of the Corporations Act 2001 and in the matter of ELENOT PTY LTD (in liquidation) ACN 000 553 686.—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final meeting of the members of the abovenamed company will be held on 13 December 2007, 9am at the office of Crosbie Warren Sinclair, cnr Pacific Highway and Warabrook Boulevard, Warabrook NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the liquidator. Dated this 6 November 2007. BRENT ANTONY PERKINS, Liquidator, Crosbie Warren Sinclair, Certified Practising Accountants, PO Box 29, Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000. [3623]

NOTICE of voluntary liquidation.—The Corporations Law and in the matter of ROWTED PTY LIMITED (in liquidation) ACN 000 174 121.—Notice is hereby given that at an extraordinary general meeting of the members of the company duly convened and held on the 31st day of October, 2007, the following resolutions were passed: That the company be wound up voluntarily and that K. B. Raymond

and F. MacDonald be appointed liquidators for the purpose of such winding up. Creditors of the company are required to prove their debts or claims within one month from the date of publication of this notice. Failing which they will be excluded from any distribution made and from objecting to any such distribution. Formal Proof of Debt forms are available on application to the Liquidators. Dated this 1st November 2007. K. B. RAYMOND and F. MacDONALD, Liquidators, 2/131 Clarence Street, Sydney NSW 2000. [3624]

NOTICE of members voluntary liquidation.—AUSTRALIAN LISTENING LIBRARY ACN 001 564 656.—Notice is hereby given that at an extraordinary general meeting of the abovenamed company duly convened and held at 3/11 West Street, North Sydney NSW 2060 on 2 November 2007 the special resolution set out below was duly passed "that the company be wound up as a members voluntary liquidation under section 491 (2) of the Corporations Act." It was also resolved that Edwin Maxwell Cowley be appointed liquidator for the purpose of the winding up. Dated 2 November 2007. EDWIN MAXWELL COWLEY, E. M. Cowley & Co., Chartered Accountants, Suite 3, 11 West Street, North Sydney NSW 2060, tel.: (02) 9955 6488. [3625]

OTHER NOTICES

ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement, Salt Ash

ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Sydney this 6th day of November 2007.

Signed for and on behalf of EnergyAustralia of 570 George Street, Sydney, by KATHERINE MARGARET GUNTON, its duly constituted Attorney pursuant to Power of Attorney registered Book 4528, No. 401.

SCHEDULE 1

Easement for overhead power lines as set out in Memorandum No. AC 289041 filed at Land and Property Information New South Wales.

SCHEDULE 2

All that piece or parcel of land at Salt Ash in the local government area of Port Stephens, Parish of Sutton and County of Gloucester, being the site of the proposed easement for overhead power lines of variable width affecting that part of Lot 278 in DP 40324, part Lots 17, 125, 130, 146 and 186 in DP 753194, part Lots 406 and 407 in DP 1041934 and within vacant crown land designated (A), (B), (C), (D), (E), (G), (H), (J), (N), (O), (P), (Q), (R) and (S) in DP 1080378. [3626]

Authorised to be printed

ROBERT J. GALLAGHER, Government Printer.