



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 6
Friday, 21 January 2011

Published under authority by Government Advertising

LEGISLATION

Online notification of the making of statutory instruments

Week beginning 10 January 2011

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

Proclamations commencing Acts

[Building and Construction Industry Security of Payment Amendment Act 2010 No. 103](#) (2011-1) – published LW 14 January 2011

[Evidence Amendment Act 2010 No. 69](#) (2011-2) – published LW 14 January 2011

[State Emergency and Rescue Management Amendment Act 2010 No. 117](#) (2011-3) – published LW 14 January 2011

[Workers Compensation Legislation Amendment Act 2010 No. 101](#) (2011-4) – published LW 14 January 2011

Regulations and other statutory instruments

[Evidence Amendment \(Prescribed State or Territory Provisions\) Regulation 2011](#) (2011-5) – published LW 14 January 2011

[Liquor Amendment \(Special Events–Extended Trading Periods\) Regulation 2011](#) (2011-6) – published LW 14 January 2011

[Road Transport \(Driver Licensing\) Amendment \(Police Exemptions\) Regulation 2011](#) (2011-8) – published LW 14 January 2011

[Road Transport \(General\) Amendment \(Penalty Notice Offences\) Regulation 2011](#) (2011-9) – published LW 14 January 2011

[Roads Amendment \(Barangaroo\) Regulation 2010](#) (2011-7) – published LW 14 January 2011

Environmental Planning Instruments

[Parkes Local Environmental Plan 1990](#) (Amendment No. 7) (2011-12) – published LW 14 January 2011

[Port Stephens Local Environmental Plan 2000](#) (Amendment No. 24) (2011-13) – published LW 14 January 2011

[Ryde Local Environmental Plan \(Gladesville Town Centre and Victoria Road Corridor\) 2010](#) (2011-14) – published LW 14 January 2011

[Scone Local Environmental Plan 1986](#) (Amendment No. 66) (2011-17) – published LW 14 January 2011

[State Environmental Planning Policy \(Major Development\) Amendment \(Calderwood\) 2010](#) (2011-10) – published LW 14 January 2011

[State Environmental Planning Policy No. 15–Rural Landsharing Communities Amendment 2010](#) (2011-11) – published LW 14 January 2011

[Wollongong Local Environmental Plan 2009](#) (Amendment No. 4) (2011-15) – published LW 14 January 2011

[Wyong Local Environmental Plan 1991](#) (Amendment No. 172) (2011-16) – published LW 14 January 2011

OFFICIAL NOTICES**Appointments**

**MOREE AND DISTRICT WAR MEMORIAL
EDUCATION CENTRE ACT 1962**

Appointment of New Trustees

HER Excellency the Governor, with the advice of the Executive Council and pursuant to the provision of section 6 of the Moree and District War Memorial Education Centre Act 1962, has approved the appointment of the three (3) new Trustees, namely Mr John CHARLES, Mr Peter STRANG and Mr Michael MONTGOMERY.

The Hon. VERITY FIRTH, M.P.,
Minister for Education and Training

Department of Industry and Investment

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Notice of Receipt of Application for Aquaculture Lease
Notification under s.163 (7) of the Fisheries Management
Act 1994 and Cl.33 of the Fisheries Management
(Aquaculture) Regulation 2007

INDUSTRY & INVESTMENT NSW (I&I NSW) advises
an application has been received for a new aquaculture
lease over public water land for the purpose of cultivating
Sydney rock oysters. Location is Camden Haven, described
as follows:

- Approx. 0.32 hectares over current oyster lease
OL93/016 and adjacent previously unleased ground
(to be known as AL10/007 if granted).

I&I NSW is calling for written submissions from any
person supporting or objecting to the oyster lease proposal,
citing reasons for the support/objection. Objections must be
in the form of a written response referring to lease number
AL10/007 to be signed and dated with a return address.

If granted, the lease will be subject to standard covenants
and conditions of an aquaculture lease and aquaculture
permit, under the Fisheries Management Act 1994.

Specific details of the proposed lease can be obtained, or
enquiries made with I&I NSW, Aquaculture Administration
Section, Port Stephens on (02) 4982 1232. Objections for
consideration in the determination of the application must
be received at the address below, within 30 days from the
date of publication of this notification.

Director, Fisheries Conservation and Aquaculture Branch,
Aquaculture Administration Section, Port Stephens Fisheries
Institute, Locked Bag 1, Nelson Bay NSW 2315.

BILL TALBOT,
Director,
Fisheries Conservation and Aquaculture Branch,
Industry & Investment NSW

OL93/016 within the estuary of Camden Haven, having
an area of 0.3189 hectares to Anthony TROUP and Joneen
TROUP of Laurieton, for a term of 15 years expiring on
6 November 2025.

OL91/023 within the estuary of the Wonboyn River,
having an area of 1.2808 hectares to Caroline Anne HENRY
and Kelvin Keith HENRY of Wonboyn Lake, for a term of
15 years expiring on 14 February 2026.

OL94/016 within the estuary of the Wonboyn River,
having an area of 2.3135 hectares to Kelvin HENRY, Caroline
HENRY, Reginald HENRY and Janette HENRY of Wonboyn
Lake, for a term of 15 years expiring on 19 March 2026.

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

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

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

THE Minister has granted the following Class 1 Aquaculture
Lease:

AL09/009 within the estuary of Botany Bay, having an
area of 4.1580 hectares to RJ & BA DRAKE PTY LTD of
Oatley NSW, for a term of 15 years expiring on 30 November
2025.

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

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture
Leases:

OL81/008 within the estuary of Merimbula Lake, having
an area of 0.8175 hectares to Ian Stuart NEILSON of
Millingandi, for a term of 15 years expiring on 20 December
2025.

OL79/132 within the estuary of the Hastings River, having
an area of 0.0438 hectares to Kenneth LYALL and Valerie
Enid LYALL of Karuah, for a term of 15 years expiring on
22 October 2025.

OL79/143 within the estuary of the Macleay River, having
an area of 0.7073 hectares to Keith George CAMERON of
Quirindi, for a term of 15 years expiring on 8 February 2026.

DEPARTMENT OF MINERAL RESOURCES

NOTICE is given that the following applications have been
received:

EXPLORATION LICENCE APPLICATIONS

(T11-0034)

No. 4156, MINCOR COPPER PTY LTD (ACN 120 024
777), area of 42 units, for Group 1, dated 12 January 2011.
(Cobar Mining Division).

(T11-0035)

No. 4157, MINCOR COPPER PTY LTD (ACN 120 024
777), area of 22 units, for Group 1, dated 12 January 2011.
(Cobar Mining Division).

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T09-0066)

No. 3676, now Exploration Licence No. 7678, CENTRAL WEST GOLD NL (ACN 003 078 591), Counties of Drake and Gresham, Map Sheet (9439), area of 11 units, for Group 1, dated 11 January 2011, for a term until 11 January 2013.

(T10-0037)

No. 3907, now Exploration Licence No. 7659, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Ashburnham, Map Sheet (8631), area of 31 units, for Group 1, dated 9 December 2010, for a term until 9 December 2012.

(T10-0043)

No. 3912, now Exploration Licence No. 7660, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Georgiana, Map Sheets (8729, 8730), area of 37 units, for Group 1, dated 9 December 2010, for a term until 9 December 2012.

(T10-0050)

No. 3920, now Exploration Licence No. 7674, NEWNES KAOLIN PTY LTD (ACN 065 564 794), County of Cook, Map Sheet (8931), area of 3 units, for Group 5, dated 24 December 2010, for a term until 24 December 2012. As a result of the grant of this title, Exploration Licence No. 4192 has ceased to have effect.

(T10-0051)

No. 3921, now Exploration Licence No. 7661, HERA RESOURCES PTY LIMITED (ACN 138 992 999), Counties of Blaxland, Cunningham and Mouramba, Map Sheets (8133, 8232, 8233), area of 94 units, for Group 1, dated 9 December 2010, for a term until 9 December 2012.

(T10-0052)

No. 3922, now Exploration Licence No. 7662, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Phillip, Map Sheet (8833), area of 30 units, for Group 1, dated 9 December 2010, for a term until 9 December 2012.

(T10-0055)

No. 3925, now Exploration Licence No. 7663, EXALT RESOURCES LIMITED (ACN 145 327 617), Counties of Cunningham and Kennedy, Map Sheets (8232, 8332), area of 40 units, for Group 1, dated 10 December 2010, for a term until 10 December 2012.

(T10-0059)

No. 3929, now Exploration Licence No. 7664, JERVOIS MINING LIMITED (ACN 007 626 575), Counties of Canbelego and Flinders, Map Sheets (8234, 8334), area of 22 units, for Group 1, dated 10 December 2010, for a term until 10 December 2012.

(T10-0065)

No. 3934, now Exploration Licence No. 7665, Colin Maxwell RIBAUX, County of Roxburgh, Map Sheets (8831, 8931), area of 29 units, for Group 1, dated 10 December 2010, for a term until 10 December 2012.

(T10-0080)

No. 3949, now Exploration Licence No. 7666, SLADE (ACN 7224 3835 393), County of Forbes, Map Sheet (8430), area of 31 units, for Group 1, dated 10 December 2010, for a term until 10 December 2012.

(T10-0087)

No. 3957, now Exploration Licence No. 7667, EXALT RESOURCES LIMITED (ACN 145 327 617), Counties of Flinders and Oxley, Map Sheet (8334), area of 55 units, for Group 1, dated 10 December 2010, for a term until 10 December 2012.

(T10-0130)

No. 3999, now Exploration Licence No. 7675, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), Counties of Cunningham and Kennedy, Map Sheet (8332), area of 100 units, for Group 1, dated 11 January 2011, for a term until 11 January 2013. As a result of the grant of this title, Exploration Licence No. 6938 has ceased to have effect.

(T10-0133)

No. 4003, now Exploration Licence No. 7676, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), Counties of Ashburnham and Kennedy, Map Sheets (8531, 8532), area of 66 units, for Group 1, dated 11 January 2011, for a term until 11 January 2013. As a result of the grant of this title, Exploration Licence No. 6823, Exploration Licence No. 6987 and Exploration Licence No. 7433 have ceased to have effect and Exploration Licence No. 7271 has partly ceased to have effect.

(T10-0134)

No. 4004, now Exploration Licence No. 7677, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), Counties of Ashburnham and Cunningham, Map Sheets (8431, 8531), area of 99 units, for Group 1, dated 11 January 2011, for a term until 11 January 2013. As a result of the grant of this title, Exploration Licence No. 6824 and Exploration Licence No. 7199 have ceased to have effect and Exploration Licence No. 7271 has partly ceased to have effect.

(T10-0177)

No. 4045, now Exploration Licence No. 7679, PMR1 PTY LTD (ACN 145 210 528), Counties of Clarke and Sandon, Map Sheets (9236, 9336), area of 32 units, for Group 1, dated 11 January 2011, for a term until 11 January 2013.

(T10-0195)

No. 4063, now Exploration Licence No. 7680, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), County of Clarendon, Map Sheet (8428), area of 37 units, for Group 1, dated 11 January 2011, for a term until 11 January 2013.

(T10-0205)

No. 4072, now Exploration Licence No. 7681, ABX2 PTY LTD (ACN 139 791 478), Counties of Argyle, Georgiana and King, Map Sheets (8728, 8729, 8828, 8829), area of 100 units, for Group 2, dated 11 January 2011, for a term until 11 January 2013.

STEVE WHAN, M.P.,
Minister for Primary Industries

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

(T04-0053)

Exploration Licence No. 6390, MOLY EX PTY LTD (ACN 128 881 121), area of 69 units. Application for renewal received 17 January 2011.

(06-4163)

Exploration Licence No. 6702, NORVALE PTY LTD (ACN 009 333 742) and PATHFINDER EXPLORATION PTY LTD (ACN 009 214 859), area of 41 units. Application for renewal received 14 January 2011.

(T08-0237)

Exploration Licence No. 7286, COALWORKS LIMITED (ACN 114 702 831), area of 47 units. Application for renewal received 18 January 2011.

(T08-0236)

Exploration Licence No. 7296, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 127 units. Application for renewal received 18 January 2011.

(T08-0238)

Exploration Licence No. 7304, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), area of 4 units. Application for renewal received 14 January 2010.

(08-9646)

Petroleum Exploration Licence No. 433, EASTERN STAR GAS LIMITED (ACN 094 269 780) and SANTOS QNT PTY LTD (ACN 083077196), area of 105 blocks. Application for renewal received 11 January 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T01-0210)

Exploration Licence No. 5942, ALKANE RESOURCES LTD (ACN 000 689 216), County of Narromine, Map Sheet (8532), area of 9 units, for a further term until 2 May 2012. Renewal effective on and from 11 January 2011.

(08-6706)

Exploration Licence No. 5977, CONRAD SILVER MINES PTY LTD (ACN 106 967 506), Counties of Hardinge and Murchison, Map Sheets (9137, 9138), area of 32 units, for a further term until 26 August 2012. Renewal effective on and from 13 January 2011.

(T03-1003)

Exploration Licence No. 6209, SOMERSET MINERALS PTY LTD (ACN 142 148 418), County of Lincoln, Map Sheet (8733), area of 3 units, for a further term until 11 March 2012. Renewal effective on and from 14 January 2011.

(T04-0019)

Exploration Licence No. 6240, COMET RESOURCES LIMITED (ACN 060 628 202), County of Wellington, Map Sheet (8731), area of 17 units, for a further term until 16 May 2012. Renewal effective on and from 11 January 2011.

(05-0224)

Exploration Licence No. 6480, IVANPLATS SYERSTON PTY LIMITED (ACN 008 755 155), County of Cunningham, Map Sheet (8432), area of 11 units, for a further term until 17 November 2011. Renewal effective on and from 15 December 2010.

(05-0252)

Exploration Licence No. 6483, BIACIL HOLDINGS PTY LTD (ACN 114 218 549), Counties of Hardinge and Sandon, Map Sheets (9136, 9137), area of 100 units, for a further term until 20 November 2011. Renewal effective on and from 13 January 2011.

(05-0214)

Exploration Licence No. 6506, WARATAH GOLD LIMITED (ACN 125688940), County of Auckland, Map Sheet (8824), area of 4 units, for a further term until 26 January 2012. Renewal effective on and from 11 January 2011.

(T07-0522)

Exploration Licence No. 7176, CONRAD SILVER MINES PTY LTD (ACN 106 967 506), Counties of Hardinge and Murchison, Map Sheets (9037, 9038, 9137, 9138), area of 34 units, for a further term until 15 July 2012. Renewal effective on and from 13 January 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

TRANSFER

(T09-0092)

Exploration Licence No. 7395, formerly held by BANLONA PTY LIMITED (ACN 106 665 767) has been transferred to WHITE ROCK (NEW ENGLAND) PTY LIMITED (ACN 145 026 268). The transfer was registered on 22 September 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following application has been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(T08-0224)

Exploration Licence No. 7284, NEWMONT EXPLORATION PTY LTD, (ACN 006 306 690), Counties of Wellington and Gordon, Map Sheets (8632, 8732), area of 50 units. Application for Cancellation was received on 13 January 2011.

STEVE WHAN, M.P.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994Sections 8 and 11 Notification – Urgent Fishing Closure
Ocean Waters Adjacent to the Clarence and Bellinger Rivers

I, PAUL O’CONNOR, Principal Director, Fisheries & Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”), do by this notification:

1. pursuant to section 11 of the Act, revoke the notification titled “Section 8 Notification – Urgent Fishing Closure, Ocean Waters Adjacent to the Clarence and Bellinger Rivers” dated 12 January 2011, and any notification revived as a result of this revocation; and
2. pursuant to section 8 of the Act, prohibit the taking of all species of fish, by all endorsement holders in the Ocean Trawl Fishery, by the methods of fishing specified in Column 1 of the Schedule to this notification, from the waters described opposite in Column 2 of that Schedule.

SCHEDULE

<i>Column 1 Methods</i>	<i>Column 2 Waters</i>
Otter trawl net (prawns)	<p><i>Bellinger River</i></p> <p>The whole of the waters within the area bounded by a line commencing at the mean high water mark 2 nautical miles north of the southern breakwall at Urunga (Urunga breakwall), then due east 3 nautical miles, then due south 4 nautical miles, then due west to the mean high water mark on Urunga Beach, then along the mean high water mark to the point of commencement.</p> <p><i>Clarence River</i></p> <p>The whole of the waters within the area bounded by a line commencing at the intersection of the mean high water mark at 29°23.774’S and 153°22.395’E (Iluka Bluff), then east to a point at 29°23.774’S and 153°23.320’E, then generally north to a point 29°22.305’S and 153°23.521’E, then east to a point 3 nautical miles from Woody Head at 29°22.400’S and 153°25.870’E, then south to a point 3 nautical miles east of Yamba Point at 29°26.480’S and 153°25.780’E, then south to a point 3 nautical miles east of Angourie Point at 29°29.200’S and 153°25.500’E, then south to a point 3 nautical miles east of Brooms Head at 29°36.800’S and 153°23.800’E, then west to the mean high water mark at Brooms Head at 29°36.800’S and 153°20.400’E, then along the mean high water mark (and across the river entrance) to the point of commencement at Iluka Bluff.</p>

In the Schedule to this notification, latitude and longitude coordinates are in WGS84 datum.

In this fishing closure, “Ocean Trawl Fishery” means the share management fishery of that name, as described in Schedule 1 to the Act.

The provisions of this fishing closure in respect of endorsement holders in the Ocean Trawl Fishery have effect despite any provisions in the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006.

This fishing closure is effective immediately until 3 February 2011, unless sooner amended or revoked.

Note: The purpose of this fishing closure is to deal with a flood event in the region.

Dated this 17th day of January 2011.

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

OCCUPATIONAL HEALTH AND SAFETY ACT 2000

Notice under Clause 107(2)(ii) of Occupational Health and Safety Regulation 2001

Requirements for Design Registration of Shot Firing Apparatus used Underground at a Coal Workplace

I, ROBERT REGAN, Chief Inspector under the Coal Mine Health and Safety Act 2002, pursuant to Clause 107(2)(a)(ii) of the Occupational Health and Safety Regulation 2001 (the Regulation), by this notice:

1. revoke the notice made under Clause 112A of the Regulation titled "Requirements for design registration of shot firing apparatus used underground at a coal workplace" dated 29 January 2007, published in the *New South Wales Government Gazette* No. 24 of 2 February 2007, pages 688-692, and
2. specify in the Schedule the requirements that must be met for registration of a plant design for shotfiring apparatus used in underground mines at a coal workplace:

Shotfiring apparatus is a collective term encompassing circuit testers, exploders and exploder testing devices.

Exploder means a self-contained portable apparatus designed and constructed for producing an electric current for firing detonators.

Exploder tester means apparatus for testing the output characteristics of an exploder on a routine basis as a means of assessing its continued ability to perform its design duty.

Circuit tester means apparatus for testing the continuity and indicating the condition (resistance) of a detonator circuit.

SCHEDULE

1. Design and performance requirements

- 1.1 The following tests must be carried out prior to design registration.

The design registration will only remain valid for shotfiring apparatus manufactured during a set period, typically five (5) years, and where there is no change in the design, or change in the location or method of manufacture.

Should the manufacture of design registered plant be required beyond the set registration period, a further application will be required and the application is to be accompanied with a report detailing the compliance status of the plant with contemporary gazetted requirements and associated compliance standard.

Note: Electrically powered shotfiring apparatus that are required for use in the hazardous zone must also meet the Chief Inspector's requirement for electrical plant.

- 1.2 Only shotfiring apparatus that conforms to the following requirements in respect to construction and performance will be considered suitable for design registration and permitted for use underground at a coal workplace:

1.2.1 General shotfiring apparatus requirements

Shotfiring apparatus must be constructed to:

- 1.2.1.1 withstand without damage or impairment to correct operational performance the arduous nature of use below ground; and
- 1.2.1.2 prevent its dismantling without the use of special tools; and
- 1.2.1.3 provide an insulation resistance between the shotfiring circuit and the exploder case of greater than 50 MΩ at 1000 V when measured after conditioning for 24 hours in an ambient temperature of maximum 20 degrees C and relative humidity of at least 90%; and
- 1.2.1.4 exclude external parts of the enclosure made of –
 - aluminium or
 - an aluminium alloy containing more than 15% by mass of aluminium, magnesium and titanium, provided that the content of magnesium and titanium does not exceed 6% by mass; and
- 1.2.1.5 if constructed of non-metallic materials, be suitably anti-static or be contained within a leather carrying case having provision to prevent its unauthorized removal; and
- 1.2.1.6 provide means of carrying that does not involve the use of hand. This may be incorporated on a case provided to contain the shotfiring apparatus; and
- 1.2.1.7 display any essential operating and safety instructions via inscription on the apparatus.

1.2.2 Specific requirements for Exploders

Only exploders that conform to the following requirements in respect to construction and performance (in addition to the general requirements of clause 1.1 above) will be considered suitable for design registration and permitted for use underground at a coal workplace. Exploders must be constructed to:

- 1.2.2.1 be prominently inscribed with the shot limit capacity to 100 or less shots; and
- 1.2.2.2 where integrated with a continuity circuit testers, have a circuit tester which conforms with the requirements of clause 1.2.3 below, in respect to the construction and performance of the circuit tester. The exploder circuits must also be adequately segregated from the circuit tester and prevent electrical leakage and/or interference to the circuit tester circuits; and

- 1.2.2.3 initiate the firing current only by operation of a key or similar device. It must be possible to remove this key or other initiation device only in the “off” or “safe” position; and
 - 1.2.2.4 provide a mechanism that causes the firing key to return to the off position, when not physically held in the alternate position or contain equivalent safety features; and
 - 1.2.2.5 provide output connection terminals that allow a convenient and secure attachment of the shotfiring cable and are arranged so that the exploder can be operated without making contact with the output connections; and
 - 1.2.2.6 allow the firing sequence to be abandoned at any point up to the final firing position without producing an output greater than 50 milliamperes; and
 - 1.2.2.7 ensure that removal of the firing handle or key or failure to promptly initiate the firing sequence causes all stored energy within the exploder, excluding supply batteries, to be promptly discharged; and
 - 1.2.2.8 ensure adequate firing energy is available, typically:
 - 1.2.2.8.1 for capacitor-discharge type exploders, electric current is prevented from being available to the output terminals until the capacitor is adequately charged and when fired provide a 4 milliseconds burst of firing current at 1.25 amperes \pm 15%; or
 - 1.2.2.8.2 ensure, for rotating armature excited type exploders, an RMS current is provided that achieves 1.6 amperes and sustain an output current of 1.4 amperes for at least 1 millisecond; and
 - 1.2.2.9 provide the required firing current with a connected resistance of $2.2n + 4L$ ohms, where n is the number of shots the unit is rated to fire and L is the number of 100 metre lengths (for test purposes L shall equal 12); and
 - 1.2.2.10 after initiation of the firing output, limit the output in the shotfiring circuit so that no firing currents exist for greater than 5 milliseconds and that no energy greater than two thirds of Group I intrinsically safe ignition energy exist after 12 milliseconds; and
 - 1.2.2.11 prevent any possible manipulation of the firing controls to produce a firing output less than specified in 1.2.2.8; and
 - 1.2.2.12 once fired, prevent additional firing charge being produced before the firing control is returned to the “off” position; and
 - 1.2.2.13 where integrated with a continuity circuit tester, ensure no output higher than continuity test is available at the firing terminals, when a single component malfunction occurs. For the purpose of this paragraph malfunction includes mechanical or electrical maloperation of a switch, an earth fault on any part of the equipment, and an open circuit or short circuit occurring on any component or any part of the electrical circuit; and
 - 1.2.2.14 ensure that any circuit or component contained within the exploder that produces open sparking during normal operation is intrinsically safe or contains equivalent explosion protection safeguards; and
 - 1.2.2.15 provide a test function, or test accessory, that unambiguously verifies a healthy exploder output.
- 1.2.3 Specific requirements for circuit testers
- Only circuit testers that conform to the following requirements in respect to construction and performance shall be considered suitable for design registration and permitted for use underground at a coal workplace. Circuit tester must be constructed to:
- 1.2.3.1 be intrinsically safe as defined in AS/NZS 60079.0:2005 Electrical apparatus for explosive gas atmospheres for Group I applications, or alternately meet the requirements and only be used in accordance with any gazetted requirements pursuant to clause 19(1)(m) of the Coal Mine Health and Safety Regulation; and
 - 1.2.3.2 be incapable of firing a low tension detonator, that is a maximum short-circuit current output of less than 50 milliamperes; and
 - 1.2.3.3 be reliable in performance, accurate to 1 ohm or within 5% of true resistance and capable of indicating the condition of a detonator circuit and provide a suitable range to indicate an external resistance exceeding $3n$ ohms, where n is the maximum number of detonators the exploder is designed to fire; and
 - 1.2.3.4 ensure the electrical circuit is adequately insulated from the outer case; and
 - 1.2.3.5 where housed within the same enclosure as the exploder ignition circuit, be constructed with adequate segregation to prevent electrical leakage or interference from a charged exploder circuit transferring to the terminals of the circuit tester. Simultaneous operation of the circuit tester and exploder output must be inhibited and fail safe design.

2. Testing requirements

- 2.1 The following examinations and tests shall be carried out on a sample of the shotfiring apparatus to ensure compliance with the above requirements:
 - 2.1.1 Each item of shotfiring apparatus and associated documentation will be examined to ensure compliance with manufacturing drawings and design requirements; and
 - 2.1.2 Each item of shotfiring apparatus will be subjected to drop tests from heights of 1 metre onto a concrete floor. Each test will be carried out five times and as a result of each test the safety of the shotfiring apparatus is not to be impaired physically or electrically; and
 - 2.1.3 Each item of shotfiring apparatus will be subjected to a vertical impact test with energy of 20 joules. As a result of this test the shotfiring apparatus must not sustain mechanical damage likely to affect the safe operation of the equipment; and
 - 2.1.4 Each item of shotfiring apparatus case will be subject to suitable testing to ensure a degree of protection of not less than IP54; and
 - 2.1.5 The correct functioning of each item of shotfiring apparatus will be checked to ensure compliance with appropriate requirements of section 1 of this notice.
- 2.2 All testing and assessment must be carried out by:
 - 2.2.1 a laboratory in Australia that is accredited by the National Association of Testing Authorities Australia (NATA), or
 - 2.2.2 an equivalent organisation acceptable to the Chief Inspector.

3. Registration assessment

The following documents must be provided for assessment with the application under clause 107 of the Regulation for registration of plant design:

- 3.1 a technical description and specification of the apparatus; and
- 3.2 an explanation of the manner of operation and the intended field of use of the apparatus; and
- 3.3 details of the apparatus routine testing recommended by the manufacturer; and
- 3.4 apparatus operating instructions; and
- 3.5 apparatus life cycle (within the meaning of the Coal Mine Health and Safety Regulation 2006) maintenance instructions; and
- 3.6 if the apparatus is designed to be field function tested by a separate device, details of this device; and
- 3.7 a statement of any special or limiting conditions of use specified by the manufacturer; and
- 3.8 testing certificate(s), accredited by NATA or by an otherwise acceptable equivalent, for each test design and performance criteria stipulated in section 1 and 2 above; and
- 3.9 all supporting documentation specified in test certificate(s) that was used for product identification and performance evaluation; and
- 3.10 where the plant is of a type as gazetted under clause 19(1)(c) Coal Mine Health and Safety Regulation 2006:
 - 3.10.1 a copy of the Certificate of Conformity, or Approval,
 - 3.10.2 a copy of the test report(s) referenced in the Certificate of Conformity or approval, and
 - 3.10.3 a copy of all the drawings referenced in the test report(s).

Dated this 17th day of December 2010.

ROBERT REGAN,
Chief Inspector,
Department of Industry & Investment

Land and Property Management Authority

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 and Land District of Dubbo

Lot 1, DP 1157928, Parish of Murrumbidgee, County of Lincoln (not being land under the Real Property Act).

File No.: 09/18630.

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 Narromine;
Land District of Dubbo*

Lot 2, DP 1157928, Parish of Tyrie, County of Narromine (not being land under the Real Property Act).

File No.: 10/03718.

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

Description

Local Government Area and Land District of Dubbo

Lots 1, 2 and 3, DP 1158153, Parishes of The Springs and Benolong, County of Gordon, (not being land under the Real Property Act).

File No.: 10/00478.

Note: On closing, the titles for Lots 1-3 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

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Parish – Galong; County – Harden;
Land District – Boorowa; L.G.A. – Harden*

Lots 1, 2 and 3, DP 1159146 (not being land under the Real Property Act).

File No.: 10/00409:JK.

Schedule

On closing, the title for the land in Lots 1, 2 and 3, DP 1159146 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Galong; County – Harden;
Land District – Boorowa; L.G.A. – Harden*

Lots 4 and 5, DP 1159146 (not being land under the Real Property Act).

File No.: GB05 H 391:JK.

Schedule

On closing, the title for the land in Lots 4 and 5, DP 1159146 remains vested in the State of New South Wales 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: Boorowa.
Local Government Area:
Harden.
Locality: Harden.
Parish: Galong.
County: Harden.
Reserve No.: 753614.
Public Purpose: Future public requirements.
Notified: 29 June 2007.
File No.: 10/00409.

Column 2

The part being Lot 1,
DP 1159146 (closed road
vide *New South Wales
Government Gazette*, dated
10 October 1919, Folio 5611),
of an area of 1.23 hectares.

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

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Grafton.	Reserve No.: 751392.
Local Government Area: Clarence Valley Council.	Public Purpose: Future public requirements.
Locality: Brushgrove.	Notified: 29 June 2007.
Lot 7009, DP 92626,	Parish: Woodford
Parish Woodford,	County: Clarence.
County Clarence.	
Area: 5.65 hectares.	
File No.: GF80 R 269.	

Note: The whole of Reserve 770 for commonage, notified 1 August 1881, is hereby revoked by this notification.

PLAN OF MANAGEMENT FOR A CROWN RESERVE UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006

A draft plan of management has been prepared for the Crown Land described hereunder, which is under the trusteeship of the North Coast Accommodation Trust.

The draft plan may be inspected during normal business hours at:

1. Land & Property Management Authority,
76 Victoria Street, Grafton NSW;
2. Clarence Valley Council Chambers,
2 Prince Street, Grafton NSW.

The draft plan may also be viewed on the Land & Property Management Authority website: www.lpma.nsw.gov.au.

Representations in relation to the draft plan are invited from the public. These may be made in writing for a period of 28 days commencing 21 January 2011 and should be sent to the Senior Manager, Land & Property Management Authority, PO Box 272, Grafton NSW 2460.

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

Description of Reserve

Land District – Grafton;
Local Government Area – Clarence Valley;
Parish – Great Marlow; County – Clarence

Part Reserve 84696, notified in the *New South Wales Government Gazette* of 10 January 1964, comprising part Lot 701, section 4, DP 92920 and being the site of the former Police Inspectors Residence at 1 Duke Street.

Location: Grafton NSW.

Public Purpose: Public Buildings.

File No.: 10/06091.

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 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 – Moonee; County – Fitzroy;
Shire – Coffs Harbour City

Crown public road southeast and within Lot 362, DP 44800.

Width to be Transferred: Whole width.

SCHEDULE 2

Roads Authority: Coffs Harbour City Council.

Council's Reference: 2670002 (P/N 1536800).

LPMA Reference: 07/1270.

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

Description

*Parishes – Conapaira East and Euratha South;
County – Cooper; Land District – Narrandera;
L.G.A. – Bland and Carrathool*

Road Closed: Lots 2 and 3, DP 1156292.

File No.: 10/04514 (MR).

Schedule

On closing, title to the land comprised in Lots 2 and 3 remains vested in the Crown as Crown Land.

Description

*Parishes – Lachlan, Ulambong and Whoyeo;
County – Dowling; Land District – Lake Cargelligo;
L.G.A. – Lachlan*

Road Closed: Lots 1 and 2, DP 1159085.

File No.: 10/06831 (MR).

Schedule

On closing, title to the land comprised in Lots 1 and 2 remains vested in the Crown 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****ERRATUM**

THE Notice which appeared in the *New South Wales Government Gazette* No. 2 of 14 January 2011, Folio 34, under the heading "APPOINTMENT OF TRUST BOARD MEMEBERS" SCHEDULE 2, incorrectly appointed "June Heather HUTTON" as a trustee, this notice should have read as "June Heather HILTON".

File No.: MD96 R 15.

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

NEWCASTLE OFFICE
437 Hunter Street, Newcastle NSW 2300 (PO Box 2185, Dangar NSW 2309)
Phone: (02) 4920 5000 Fax: (02) 4925 3489

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

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Reserve No.: 14459.	Communication facilities.
Public Purpose: Trigonometrical purposes.	
Notified: 9 September 1891.	
Locality: Mount Cobrabad.	

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

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

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

Description

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

Road Closed: Lot 1, DP 1158312 at Eden, subject to a right of carriageway created by DP 1158132.

File No.: NA05 H 88.

Schedule

On closing, the land within Lot 1, DP 1158312 remains vested in the State of New South Wales as Crown Land.

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Phil WOODCOCK (new member).	Killalea State Park Trust.	Dedication No.: 1001339. Public Purpose: Public recreation. Notified: 1 June 1997. File No.: NA93 R 15.

Term of Office

For a term commencing the date of this notice and expiring 31 October 2011.

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

**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 in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Bathurst.	The part being Lot 4 in
Local Government Area: Bathurst Regional Council.	DP 1155226, Parish of
Locality: Freemantle.	Freemantle, County of
Reserve No.: 750381.	Bathurst, having an area of
Public Purpose: Future public requirements.	2.615 hectares.
Notified: 29th June 2007.	
File No.: CL/00320.	
Note: Following revocation, it is intended to sell this former closed road to the adjoining landholder.	

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Grenfell; L.G.A. – Weddin

Road Closed: Lot 1, DP 1159606 at Grenfell, Parish Melyra, County Forbes.

File No.: CL/00135.

Schedule

On closing, the land within Lot 1, DP 1159606 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lots 4 and 5, DP 1152776 at Millthorpe, Parish Lindsay, County Graham.

File No.: 09/01178.

Schedule

On closing, the land within Lots 4 and 5, DP 1152776 remains vested in the State of New South Wales as Crown Land.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Richard William PARTLETT, Ruth Elizabeth Alice HATTON, William Bruce TANNER, Nola Dawn EMERSON, David Colin BLAKE, Nermeen Linda SEDRA, John Hill STARR.	Woronora General Cemetery and Crematorium Trust.	Area at Woronora dedicated for the public purpose of general cemetery and notified in the New South Wales Government Gazettes of 2 April 1895, 18 September 1925 (addn) and 16 December 1927 (addn). Dedication No.: 500540.

Term of Office

For a period commencing 20 January 2011 and expiring
 19 July 2011.

File No.: MN84 R 188.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Land District – Port Macquarie;
L.G.A. – Port Macquarie-Hastings*

Road Closed: Lot 1, DP 1159529 at Innes View, Parish Kerewong, County Macquarie.

File No.: 07/3136.

Schedule

On closing, the land within Lot 1, DP 1159529 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lots 1, 2, 3 and 4, DP 1157533 at Wherrol Flat and Mount George, Parishes Wyoming and Killawarra, County Macquarie.

File No.: 07/3059.

Schedule

On closing, the land within Lots 1, 2, 3 and 4, DP 1157533 remains vested in the State of New South Wales as Crown Land.

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 road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Description

*Parish – Belmore; County – Wynyard;
Land District – Tumbarumba;
L.G.A. – Wagga Wagga and Tumut*

Lot 1 in DP 1159049 at Yaven Creek and Oberne Creek.

File No.: WA05 H 483.

Note: On closing, the land within Lot 1 in DP 1159049 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Belmore; County – Wynyard;
Land District – Tumbarumba;
L.G.A. – Wagga Wagga and Tumut*

Lot 2 in DP 1159049 at Lower Bago and Yaven Creek.

File No.: WA05 H 483.

Note: On closing, the land within Lot 2 in DP 1159049 remains vested in the State of New South Wales as Crown Land.

Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

ORDER

I, the Minister for Planning, order, under section 75B(1) of the Environmental Planning and Assessment Act 1979, that the development described in the Schedule is a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies.

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

Sydney, 20th December 2010.

SCHEDULE

Development for an Employment Estate at Bushell's Ridge (Lot 191, Lot 192, Lot 193 and Lot 195 in DP1032847, Lot 107, Lot 108 and Lot 111 DP755245) in the Wyong Local Government Area (the 'Project').

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land for the purposes of the Environmental Planning and Assessment Act 1979
THE Minister administering the Environmental Planning and Assessment Act 1979, with the approval of Her Excellency the Governor, declares that

- (i) the land described in Schedule 1 of this notice; and
- (ii) the interest defined in Schedule 2 of this notice in the land described in Schedule 3 of this notice,

is acquired by compulsory process under the provisions on the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of, and as authorised by, the Environmental Planning and Assessment Act 1979.

Dated at Sydney this 8th day of December 2011.

By Her Excellency's Command

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

SCHEDULE 1

(Land)

All that piece or parcel of land situate at Ropes Creek in the Local Government Area of Blacktown, Parish of Melville, County of Cumberland and State of New South Wales, being that part of the land comprised within Lot 5 of Deposited Plan 262213, shown as Lot 15 in Deposited Plan 1157491, and said to be in the possession of Jacfin Pty Limited, RESERVING THEREOUT, to the extent they apply to the land acquired, the interests designated A in Schedule 4.

Also, all that piece or parcel of land situate at Eastern Creek in the Local Government Area of Blacktown, Parish of Melville, County of Cumberland and State of New South Wales, being that part of the land comprised within Lot 302 of Deposited Plan 1133621, shown as Lot 17 in Deposited Plan 1157491, and said to be in the possession of Jacfin Pty Limited, RESERVING THEREOUT, to the extent they apply to the land acquired, the interests designated B in Schedule 4.

SCHEDULE 2

(Interest)

A lease on the terms set out in Memorandum AF875071 for a term specified in Memorandum AF875071 and commencing on the date specified in Memorandum AF875071. The Lease shall, in respect of the parcels of land described in Schedule 3, be between the registered proprietors of the parcels of land described in Schedule 3 (as lessors) and the Minister administering the Environmental Planning and Assessment Act 1979 (as lessee).

SCHEDULE 3

(Land)

All that piece or parcel of land situate at Ropes Creek in the Local Government Area of Blacktown, Parish of Melville, County of Cumberland and State of New South Wales, being that part of the land comprised within Lot 5 of Deposited Plan 262213, shown as Lot 24 in Lease Acquisition Sketch 0693 358 55 4003, attached in Schedule 5, and said to be in the possession of Jacfin Pty Limited, RESERVING THEREOUT, to the extent they apply to the interest acquired, the interests designated A in Schedule 4.

Also, all that piece or parcel of land situate at Eastern Creek in the Local Government Area of Blacktown, Parish of Melville, County of Cumberland and State of New South Wales, being that part of the land comprised within Lot 302 of Deposited Plan 1133621, shown as Lot 22 in Lease Acquisition Sketch 0693 358 55 4003, attached in Schedule 5, and said to be in the possession of Jacfin Pty Limited, RESERVING THEREOUT, to the extent they apply to the interest acquired, the interests designated B in Schedule 4.

Also, all that piece or parcel of land situate at Eastern Creek in the Local Government Area of Blacktown, Parish of Melville, County of Cumberland and State of New South Wales, being that part of the land comprised within Lot 302 of Deposited Plan 1133621, shown as Lot 23 in Lease Acquisition Sketch 0693 358 55 4003, attached in Schedule 5, and said to be in the possession of Jacfin Pty Limited, RESERVING THEREOUT, to the extent they apply to the interest acquired, the interests designated B in Schedule 4.

SCHEDULE 4

(Reservations)

The following interests are designated A:

- (i) AE826003 - Easement for overhead power line(s) 126.61 wide & variable affecting the site shown as "Proposed easement for transmission lines 126.61 and variable width" in DP647320. Easement is designated [A] in DP1157491.
- (ii) AE826003 - Easement for overhead power line(s) variable width affecting the site shown as "proposed easement for transmission line variable width" in DP647320. Easement is designated [R] in DP1157491.

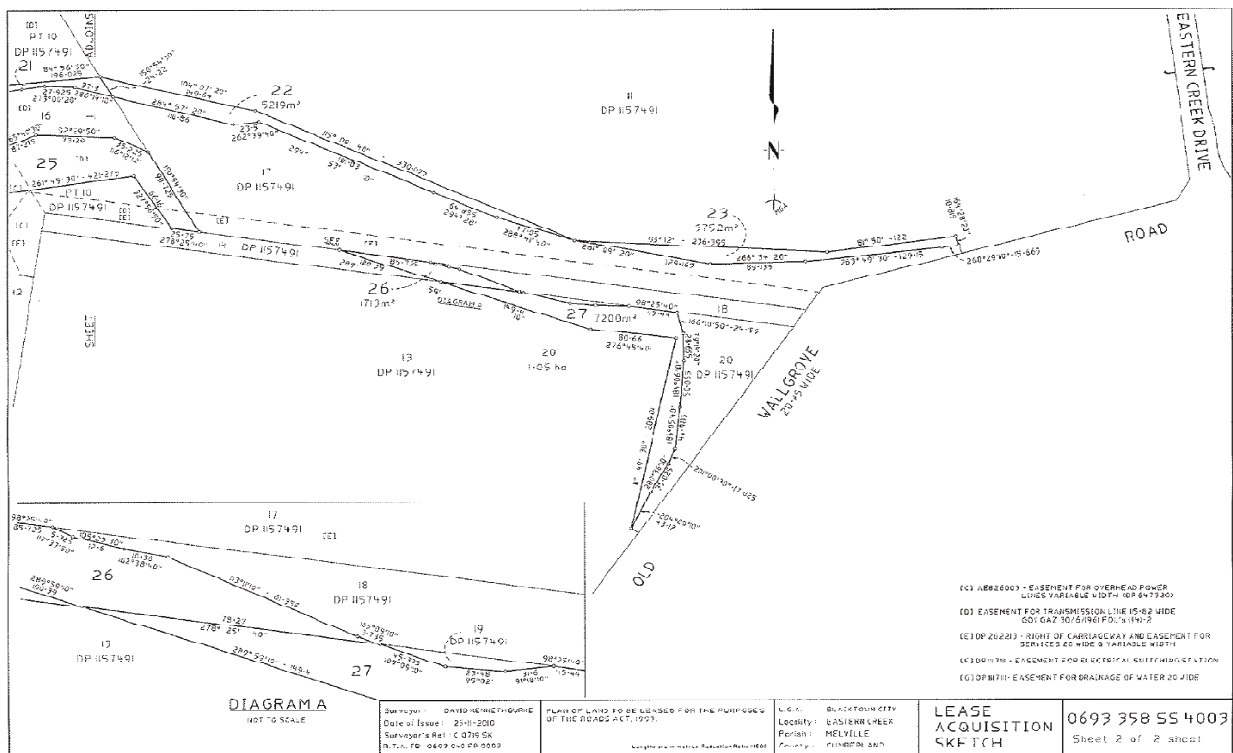
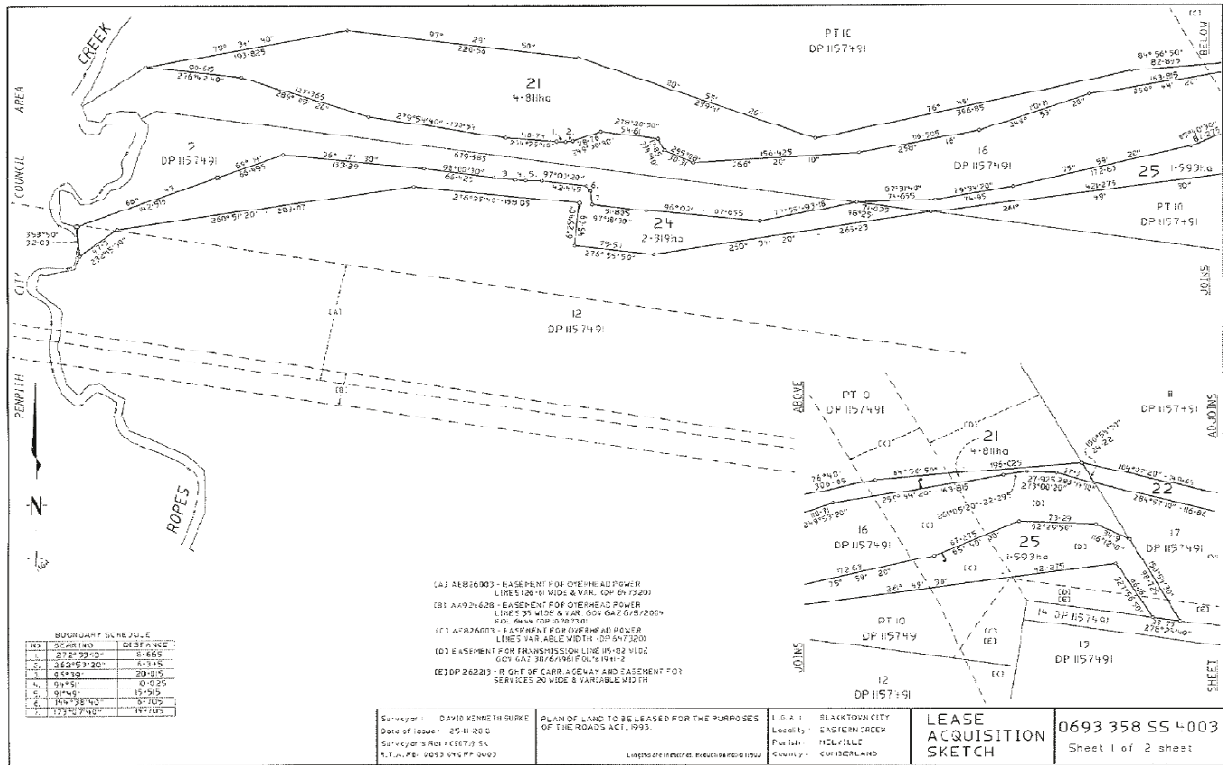
- (iii) AA924628 Note: Easement for overhead powerlines 35 wide & var shown as (A) in DP1070730 acquired vide GAZ 6/8/2004 FOL 6444. Easement is designated [B] in DP1157491.

The following interests are designated B:

- (i) DP1117111 - Easement for electrical switching station affecting the part(s) shown so burdened in the title diagram. Easement is designated as [F] in DP1157491.
- (ii) DP1117111 - Positive covenant referred to and numbered (4) in the s88B instrument. Positive covenant is designated [I] in DP1157491.
- (iii) DP1117111 - Positive covenant referred to and numbered (16) in the s88B instrument. Positive covenant is designated [J] in DP1157491.

SCHEDULE 5

(Lease Acquisition Sketch 0693 358 55 4003)



Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Direction 2011

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 94EF of the *Environmental Planning and Assessment Act 1979*, give the following Direction.

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

Dated: 14th January, 2011.

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Direction 2011*.

2 When Direction takes effect

This Direction takes effect on 24 January 2011.

3 Councils to which Direction is given

- (1) This Direction is given to the following councils (“relevant councils”):
 - (a) Blacktown City Council,
 - (b) Camden Council,
 - (c) Campbelltown City Council,
 - (d) Hawkesbury City Council,
 - (e) The Hills Shire Council,
 - (f) Liverpool City Council.
- (2) This Direction also applies to Sydney West Joint Planning Panel and any other joint regional planning panel (“relevant panel”) when exercising consent authority functions of one or more of the relevant councils.

4 Condition that must be imposed

A relevant council (or relevant panel) must impose the following condition on the grant of development consent to any development within the Western Sydney Growth Areas Special Contributions Area for which a special infrastructure contribution is required to be made under the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011*:

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment.

5 Pending development applications

This Direction extends to development applications made to a relevant council, but not finally determined, before this Direction takes effect.

6 Revocation of existing directions

- (1) Any direction that was given, before this Direction takes effect, to a relevant council under section 94EF of the *Environmental Planning and Assessment Act 1979* in relation to development on land within the Western Sydney Growth Areas Special Contributions Area is revoked.

Note. The Western Sydney Growth Areas Special Contributions Area includes the land that comprised the former Special Contributions Areas for the North West and South West Growth Centres.

- (2) The revocation of a direction does not affect:
 - (a) the operation of any condition of a development consent imposed in accordance with the terms of the direction, and
 - (b) anything done in accordance with such a condition or a determination under section 94EE of the *Environmental Planning and Assessment Act 1979* to which the condition refers, and
 - (c) the power of the Minister to impose a condition under section 94EF (3) of the *Environmental Planning and Assessment Act 1979* on the grant of development consent in accordance with the terms of the direction.
- (3) Section 94EF of the *Environmental Planning and Assessment Act 1979* continues to apply with respect to a condition of a development consent that is imposed in accordance with the terms of a direction revoked by this clause.

7 Definitions

In this Direction:

Sydney West Joint Planning Panel means the joint regional planning panel constituted by the *Joint Regional Planning Panels Order 2009* with the name "Sydney West Joint Planning Panel".

Western Sydney Growth Areas Special Contributions Area means the land described in Schedule 5A to the *Environmental Planning and Assessment Act 1979* as the land shown edged heavy black on the map marked "Western Sydney Growth Areas – Special Contributions Area" deposited in the head office of the Department.

Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 94EE of the *Environmental Planning and Assessment Act 1979*, make the following Determination.

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

Dated: 14th January 2011.

1 Name of Determination

This Determination is the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011*.

2 Commencement

This Determination takes effect on 24 January 2011.

3 Revocation of previous Determinations

- (1) Any determination that was made before this Determination takes effect, under section 94EE of the Act, in relation to development in the special contributions area for the North West Growth Centre and South West Growth Centre is revoked.
- (2) The revocation of any such determination does not affect:
 - (a) the operation of any condition of a development consent, or approval under Part 3A of the Act, imposed in accordance with the determination, and
 - (b) anything done in accordance with the determination or any such condition, and
 - (c) the power of the Minister to impose, in accordance with the determination, a condition under section 94EF (3) that a council (or a joint regional planning panel exercising the consent authority functions of the council) or other consent authority has failed to impose as required by a direction under section 94EF (1) of the Act.

- (3) Section 94EF of the Act, and any other provision of the Act, continue to apply with respect to a condition of a development consent (or approval under Part 3A of the Act) imposed in accordance with a determination that is revoked.

4 Definitions

- (1) In this Determination:

Balmoral Road Area means the area identified as Balmoral Road on the map marked “Western Sydney Growth Areas – Special Contributions Area”.

contribution rate – see clauses 8 and 9.

deferred payment arrangement – see clause 18.

developer means the person having the benefit of a development consent for the time being.

Elderslie Area means the area identified as Elderslie on the map marked “Western Sydney Growth Areas – Special Contributions Area”.

Growth Centres SEPP means *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

industrial land means:

- (a) land within any of the following land use zones specified in the Standard Instrument:
- (i) Zone B5 Business Development,
 - (ii) Zone B7 Business Park,
 - (iii) Zone IN1 General Industrial,
 - (iv) Zone IN2 Light Industrial,
 - (v) Zone IN3 Heavy Industrial, and
- (b) land within a land use zone that is equivalent to any such land use zone, and
- (c) land within any land use zone:
- (i) that adjoins industrial land described in paragraph (a) or (b), and
 - (ii) on which development for a purpose permitted on the adjoining industrial land is authorised to be carried out under a development consent that is granted pursuant to a provision of an environmental planning instrument that is in the same terms, or substantially the

same terms, as clause 5.3 (Development near zone boundaries) of the Standard Instrument.

Note. See, for example, clause 5.3 (Development near zone boundaries) in the Precinct Plans set out in the Appendices to the *Growth Centres SEPP*.

infrastructure has the same meaning as it has in Subdivision 4 of Division 6 of Part 4 of the Act.

relevant development means development for which a special infrastructure contribution must be made under this Determination.

residential land means:

- (a) land within any of the following land use zones specified in the Standard Instrument:
 - (i) Zone R1 General Residential,
 - (ii) Zone R2 Low Density Residential,
 - (iii) Zone R3 Medium Density Residential,
 - (iv) Zone R4 High Density Residential,
 - (v) Zone R5 Large Lot Residential,
 - (vi) Zone RE2 Private Recreation,
 - (vii) Zone E4 Environmental Living, and
- (b) land within a land use zone that is equivalent to any such land use zone, and

Note. Examples of land use zones equivalent to those specified in the Standard Instrument are Zone 2 (c) Higher Density Residential and Zone 6 (c) Private Open Space, as provided by *Campbelltown (Urban Area) Local Environmental Plan 2002*. Certain land within Edmondson Park precinct is zoned under that instrument.

- (c) land within any land use zone:
 - (i) that adjoins residential land described in paragraph (a) or (b), and
 - (ii) on which development for a purpose permitted on the adjoining residential land is authorised to be carried out under a development consent that is granted pursuant to a provision of an environmental planning instrument that is in the same terms, or substantially the same terms, as clause 5.3 (Development near zone boundaries) of the Standard Instrument.

special infrastructure contribution means a development contribution that is determined under section 94EE of the Act.

special infrastructure contribution works-in-kind agreement - see clause 26.

Spring Farm Area means the area identified as Spring Farm on the map marked “Western Sydney Growth Areas – Special Contributions Area”.

Standard Instrument means the standard instrument for a principal local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

strata certificate means a strata certificate within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.

strata lot means a lot within the meaning of section 5 (1) of the *Strata Schemes (Freehold Development) Act 1973* or section 4 (1) of the *Strata Schemes (Leasehold Development) Act 1986*.

Sydney CPI number means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

the Act means the *Environmental Planning and Assessment Act 1979*.

the map marked “Western Sydney Growth Areas – Special Contributions Area” means the map marked “Western Sydney Growth Areas – Special Contributions Area” referred to in Schedule 5A to the Act.

Western Sydney Growth Areas Special Contributions Area means the land described in Schedule 5A to the Act as the land shown edged heavy black on the map marked “Western Sydney Growth Areas – Special Contributions Area”.

Western Sydney growth centre means a growth centre within the meaning of the *Growth Centres SEPP* (being the North West Growth Centre and the South West Growth Centre).

Western Sydney growth centre precinct not subject to a precinct plan means a precinct in a Western Sydney growth centre other than a Western Sydney growth centre precinct subject to a precinct plan.

Western Sydney growth centre precinct subject to a precinct plan means either of the following precincts:

- (a) a precinct to which a precinct plan set out in an appendix to the *Growth Centres SEPP* applies,
 - (b) a precinct referred to in clause 7A of the *Growth Centres SEPP*.
- (2) A word or expression used in this Determination has the same meaning as it has in the Act, unless otherwise defined.

Note. See section 4B of the *Environmental Planning and Assessment Act 1979* for the meaning of **subdivision of land**. Subdivision of land includes community title subdivision under the *Community Land Development Act 1989*.

- (3) The following words or expressions have the same meanings as they have in the Standard Instrument:
 - (a) dual occupancy,
 - (b) dwelling house,
 - (c) emergency services facility,
 - (d) health services facility,
 - (e) neighbourhood shop,
 - (f) passenger transport facility,
 - (g) public utility undertaking,
 - (h) recreation area,
 - (i) shop top housing.
- (4) A reference in this Determination to the Minister in relation to a deferred payment arrangement or special infrastructure contribution works-in-kind agreement includes a reference to the Director-General, or other officer of the Department of Planning, acting for and on behalf of the Crown in right of the State of New South Wales.
- (5) Notes in this Determination are provided for guidance only.

5 Development for which SIC must be made

- (1) Subject to this clause, a special infrastructure contribution must be made for development on the following land within the Western Sydney Growth Areas Special Contributions Area:
 - (a) residential land within a Western Sydney growth centre precinct subject to a precinct plan,
 - (b) residential land within Balmoral Road Area, Elderslie Area or Spring Farm Area,
 - (c) industrial land within a Western Sydney growth centre precinct subject to a precinct plan,
 - (d) any land within a Western Sydney growth centre precinct not subject to a precinct plan.

Note. A special infrastructure contribution may be imposed only as a condition of development consent. Accordingly, such a contribution can be required only in respect of development that may be carried out with development consent. A special infrastructure contribution cannot be imposed as a condition of consent if a planning agreement made in accordance with section 93F of the *Environmental Planning and Assessment Act 1979* excludes the application of section 94EF.

- (2) A special infrastructure contribution is not required to be made for development for the purpose of any of the following:
 - (a) government school (within the meaning of the *Education Act 1990*),

- (b) TAFE establishment,
- (c) emergency services facility,
- (d) health services facility owned or operated by a public authority,
- (e) golf course (but not including any associated building such as a club house),
- (f) neighbourhood shop,
- (g) passenger transport facility,
- (h) public utility undertaking,
- (i) bus depot, whether or not owned or operated by a public authority,
- (j) recreation area,
- (k) shop top housing,
- (l) roads, or other public amenities or public services, in connection with which development contributions have been imposed under section 94 or section 94A of the Act or may be imposed in accordance with a contributions plan approved under section 94EA of the Act,
- (m) roads or other infrastructure in connection with which special infrastructure contributions have been, or may be, imposed in accordance with this Determination or an earlier determination of the Minister under section 94EE of the Act.

Note. See Appendix 1 to this Determination for the items of infrastructure in connection with which a special infrastructure contribution is required to be made under this Determination.

- (3) If a special infrastructure contribution has been required to be made for development on land (whether in accordance with this Determination or an earlier determination under section 94EE), a further special infrastructure contribution is not required to be made for other development on that land.
- (4) A special infrastructure contribution is not required to be made for development on land within a Western Sydney growth centre (other than land within Colebee precinct or Edmonson Park precinct) that was zoned for residential, business, commercial or industrial purposes immediately before 28 July 2006 (being the date on which the *Growth Centres SEPP* commenced).
- (5) A special infrastructure contribution is not required to be made for any of the following kinds of development:
 - (a) subdivision for the purpose only of creating a lot (no more than 0.1 hectare in area) to contain an existing lawful habitable dwelling,
 - (b) subdivision for the purpose only of rectifying an encroachment on any existing lot,
 - (c) development on land in relation to which the Director-General has certified to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (“interim transport levy”).

- (6) A special infrastructure contribution is not required to be made for development that satisfies both of the following:
- (a) the development comprises the subdivision of land (other than a strata subdivision or a subdivision that is only for the purpose of creating a lot to contain an existing habitable dwelling),
 - (b) the Director-General has, having regard to relevant planning controls, certified to the consent authority that each lot resulting from the subdivision is a lot that will be further subdivided in accordance with a further development consent (or approval under Part 3A of the Act) for the purpose of the orderly development of the land for urban purposes in the future.

Note. A lot referred to in paragraph (b) is commonly referred to as a super lot.

- (7) A special infrastructure contribution is not required to be made for any of the following kinds of development on land within a Western Sydney growth centre precinct not subject to a precinct plan:
- (a) development for the purpose of a single dwelling house or dual occupancy,
 - (b) development that is ancillary to an existing development for a lawful purpose (that is, development that is subordinate or subservient to that existing development and would not, but for the existing development, be carried out),
 - (c) development that the Director-General has, having regard to the following matters, certified to the consent authority to be development that is not for an urban purpose and will not adversely affect the potential of the land concerned (or surrounding land) to be developed (in an orderly manner) for urban purposes in the future:
 - (i) whether the proposed development is of a kind that is unlikely to be carried out in an urban area,
 - (ii) whether the period during which the development is to be carried out is limited,
 - (iii) whether the development has a limited capital investment value,
 - (iv) whether the development will compromise the future urban development of the land (or surrounding land) for the uses generally identified in the relevant growth centre structure plan (within the meaning of the *Growth Centres SEPP*),
 - (v) any other consideration the Director-General considers relevant.
- (8) A special infrastructure contribution is not required to be made in respect of complying development for which a complying development certificate is issued.
- (9) To avoid doubt, a special infrastructure contribution is required to be made:
- (a) for any part of the land to which a development consent relates within the Western Sydney Growth Areas Special Contributions Area, even if the same development consent authorises development on land outside the Special Contributions Area, and

- (b) for any part of the land on which relevant development is authorised to be carried out by a development consent, even if the same development consent also authorises development that is not relevant development (because, for example, of land use zoning) on another part of the land.
- (10) An exclusion from the requirement to make a special infrastructure contribution provided by a subclause of this clause is not limited by the terms of an exclusion provided by any other subclause of this clause.

Note. See section 75R (4) of the *Environmental Planning and Assessment Act 1979* for the application of this Determination to a project under Part 3A of that Act.

6 Nature of contribution

- (1) The special infrastructure contribution that must be made for relevant development is:
- (a) a monetary contribution, or
 - (b) a contribution of a kind specified in a special infrastructure contribution works-in-kind agreement that is in force in relation to the relevant development (being the carrying out of works for the provision of infrastructure or the dedication or other provision of land).
- (2) The special infrastructure contribution may comprise part of the amount of the monetary contribution otherwise payable and the balance as a contribution provided by a special infrastructure contribution works-in-kind agreement.

7 Amount of monetary contribution

The monetary contribution that is payable as a special infrastructure contribution for a relevant development is the amount calculated by applying the contribution rate for the relevant development, as at the date of payment, to the net developable area for the development, that is, the monetary contribution is an amount calculated as follows:

$$\text{\$C}_p = \text{NDA} \times \text{\$C}_R$$

where:

$\text{\$C}_p$ is the monetary contribution payable

NDA is the net developable area, in hectares, for the relevant development (determined in accordance with clauses 10 to 14)

$\text{\$C}_R$ is the amount in dollars of the contribution rate, applicable at the date of payment, for the relevant development (as provided by clauses 8 and 9).

8 Contribution rates

- (1) The contribution rate that is to be used in the calculation of the monetary contribution for a relevant development is the rate specified in the table to subclause (2) for development of the class to which the relevant development belongs.

- (2) Each amount specified in the table to this subclause applies to the determination of the relevant contribution rate at any time before 1 July 2011.

Table

Class of development	Contribution rate
1. Development on residential land that is within a Western Sydney growth centre precinct subject to a precinct plan (as referred to in clause 5 (1) (a))	\$269, 649 per hectare of net developable area
2. Development on residential land within Balmoral Road Area, Elderslie Area or Spring Farm Area (as referred to in clause 5 (1) (b))	\$213, 989 per hectare of net developable area
3. Development on industrial land that is within a Western Sydney growth centre precinct subject to a precinct plan (as referred to in clause 5 (1) (c))	\$116, 899 per hectare of net developable area
4. Development on any land that is within a Western Sydney growth centre precinct not subject to a precinct plan (as referred to in clause 5 (1) (d))	\$269, 649 per hectare of net developable area

- (3) The amounts that apply to the determination of the contribution rates at any time during the 12 month period commencing 1 July 2011, and during each subsequent 12 month period, are the amounts as adjusted in accordance with clause 9.

9 Annual adjustment of amounts used in contribution rates

- (1) For the purposes of this clause, each of the amounts of \$269, 649, \$213, 989 and \$116, 899 specified in the table to clause 8 (2) is an adjustable amount.
- (2) On 1 July 2011 and on 1 July in each subsequent year, each adjustable amount is to be adjusted by multiplying the amount by the following fraction:

$$\frac{\text{latest Sydney CPI number}}{170.5}$$

where:

latest Sydney CPI number is the Sydney CPI number for the March quarter in the year in which the adjustment is made (the March quarter being the quarter commencing on and including 1 January and ending on and including 31 March in that same year).

Note. The figure **170.5** is the Sydney CPI number for the March quarter in 2010.

- (3) If an adjustable amount, as adjusted in accordance with subclause (2), is not a multiple of \$1, the amount is to be rounded to the nearest \$1.

10 Net developable area

- (1) The net developable area for a relevant development is the area of land, in hectares, to which the development consent for the development relates, subject to this Determination.
- (2) The net developable area for a relevant development includes the area of any land that the development consent authorises, or requires, to be used as a road, or reserved or dedicated as a public road (other than a road referred to in subclause (3)). The net developable area does not, however, include the area of any existing road in respect of which the development consent authorises, or requires, road work (such as road widening) to be carried out.
- (3) To avoid doubt, the net developable area does not include the area of any land that the development consent authorises, or requires, to be reserved, dedicated or otherwise set aside as, or for the purpose of, any of the following:
- (a) government school (within the meaning of the *Education Act 1990*),
 - (b) TAFE establishment,
 - (c) emergency services facility,
 - (d) health services facility owned or operated by a public authority,
 - (e) golf course,
 - (f) passenger transport facility,
 - (g) public reserve or drainage reserve (within the meaning of the *Local Government Act 1993*),
 - (h) public transport corridor (other than a road corridor),
 - (i) public utility undertaking,
 - (j) bus depot, whether or not owned or operated by a public authority,
 - (k) recreation area,
 - (l) roads, or other public amenities or public services, in connection with which development contributions have been imposed under section 94 or section 94A of the Act or may be imposed in accordance with a contributions plan approved under section 94EA of the Act,
 - (m) roads or other infrastructure in connection with which special infrastructure contributions have been, or may be, imposed in accordance with this Determination or an earlier determination of the Minister under section 94EE of the Act.
- (4) The following areas of land are also not to be included in the calculation of the net developable area for the relevant development:
- (a) any part of the land to which the development consent for the relevant development relates that is at or below the level of a 1:100 ARI (average recurrent interval) flood event, if that part of the land is unsuitable for the relevant development by virtue of it being at or below that level,

- (b) any part of the land to which the development consent for the relevant development relates that is identified as public open space in a development control plan or in a contributions plan approved under section 94EA of the Act.

11 Net developable area where large lot created to contain an existing habitable dwelling

The net developable area for a relevant development comprising subdivision of land for the purpose only of creating a lot of more than 0.1 hectare in area to contain an existing lawful habitable dwelling is taken to be reduced by 0.1 hectare.

Note. See also clause 5 (5) (a) which provides that a SIC is not required to be made for a subdivision of land the only purpose of which is to create a lot that is no more than 0.1 hectare in area so as to contain an existing habitable dwelling.

12 Net developable area not to include any residue lot or super lot

The net developable area for a relevant development comprising subdivision of land does not include any lot that the Director-General has, having regard to relevant planning controls, certified to the consent authority is a lot that will be further subdivided in accordance with a further development consent (or approval under Part 3A of the Act) for the purpose of the orderly development of the land for urban purposes in the future.

13 Reduction of net developable area where land within heritage curtilage or Environmental Living Zone

- (1) This clause applies to a relevant development if any lot of land to which the development consent for the development relates includes (wholly or partly):
 - (a) land that is within the curtilage of a building listed on the State Heritage Register, or
 - (b) land that is within Zone E4 Environmental Living.
- (2) For the purpose of calculating the net developable area for a relevant development to which this clause applies, any such lot that is more than 0.1 hectare in area is taken to be 0.1 hectare.
- (3) In this clause, *curtilage*, in relation to a building, means the curtilage of that building, or the site of that building, as specified or described in the listing of the building on the State Heritage Register.

14 Final determination of net developable area by Director-General

The Director-General may make any determination required to be made for the purpose of calculating the net developable area for a relevant development in accordance with this Determination and, for that purpose, may have regard to any information available at the time, such as construction plans and any measurements made by a registered surveyor of the land concerned.

15 When a monetary contribution for development other than subdivision is to be paid

If a special infrastructure contribution is made as a monetary contribution, the monetary contribution must be paid for relevant development (other than subdivision):

- (a) before a construction certificate is issued in relation to a building to which the development consent for the relevant development relates, and
- (b) if a construction certificate is not required for the relevant development, before any work that the development consent authorises to be carried out is physically commenced on the land.

16 When a monetary contribution for subdivision (other than strata subdivision) is to be paid

- (1) If a special infrastructure contribution for a subdivision (other than strata subdivision) is made as a monetary contribution, the monetary contribution must be paid:
 - (a) before a subdivision certificate is issued for the subdivision, or
 - (b) in accordance with clause 19 if a deferred payment arrangement is in force in relation to the monetary contribution at the time the subdivision certificate is issued for the subdivision.
- (2) For the purpose of subclause (1) (a), if a subdivision certificate is sought for a plan of subdivision that would, on registration, create only some of the lots authorised to be created by the relevant development consent, the monetary contribution for the subdivision authorised by the development consent may be paid progressively, with an amount being paid before the issue of each subdivision certificate for a plan of subdivision authorised by that consent (a *subdivision certificate for a staged subdivision*).
- (3) The amount that must be paid before the issue of each subdivision certificate for a staged subdivision is to be calculated:
 - (a) as if the subdivision of land to which the subdivision certificate relates comprised the entire subdivision authorised by the development consent, and
 - (b) on the basis that the net developable area does not include the area of any “transitional lot” in the plan of subdivision for which the subdivision certificate is sought.

A “*transitional lot*” is a lot in the plan of subdivision for which the subdivision certificate is sought that may be further subdivided in accordance with the relevant development consent.

17 When a monetary contribution for strata subdivision is to be paid

If a special infrastructure contribution for a strata subdivision is made as a monetary contribution, the monetary contribution must be paid:

- (a) before a strata certificate for the strata subdivision is issued, or
- (b) in accordance with clause 19 if a deferred payment arrangement is in force in relation to the monetary contribution at the time the strata certificate is issued.

18 Deferred payment arrangement for subdivision

- (1) For the purposes of this Determination, a deferred payment arrangement in relation to the payment of a monetary contribution for a subdivision is an arrangement described in this clause.
- (2) A deferred payment arrangement is made, in relation to a subdivision, if a deed of charge is executed by the owner of the land and the Minister, and that deed:
 - (a) grants the Minister a charge over the land to which the development consent for the subdivision relates, and
 - (b) is generally in accordance with the Memorandum of Deed of Charge Standard Terms and Conditions, executed by the Minister and registered by the Registrar-General, and
 - (c) is registered on the title to the land.

Note. A caveat may be lodged by or on behalf of the Minister to protect the interest created by the Deed of Charge over the land concerned.

- (3) A deferred payment arrangement is also made, in relation to a subdivision, if a bank guarantee is provided to the Minister and:
 - (a) the Minister has agreed in writing to the terms of the bank guarantee, and
 - (b) the bank guarantee:
 - (i) secures the payment of the monetary contribution (including the payment of any contribution amount referred to in clause 20, 21 or 22), and
 - (ii) is for 100% of the monetary contribution (or any contribution amount referred to in clause 20, 21 or 22) at the time it becomes due, and
 - (iii) the bank guarantee provides that the Minister may call upon the bank guarantee (in full or in part) in the event of a failure to pay the monetary contribution, or any contribution amount, at the time it becomes due.

19 When a monetary contribution must be paid if deferred payment arrangement in place

If a deferred payment arrangement in relation to a monetary contribution for subdivision is in force, a separate amount is payable in respect of each lot or strata lot in the

subdivision (the *contribution amount* calculated in accordance with clause 20, 21 or 22) and must be paid:

- (a) before the end of 3 years from the date of issue of the subdivision certificate or strata certificate that relates to that lot or strata lot, or
- (b) at least 21 working days before the lot or strata lot is first transferred (following its creation),

whichever is the earlier.

20 Amount payable in respect of each lot in subdivision – deferred payment arrangement

- (1) The contribution amount that is payable in respect of a lot in a subdivision (other than a subdivision to which clause 21 or 22 applies) for which a subdivision certificate has been issued is to be calculated, as at the date of payment, in accordance with the following formula:

$$\text{\$CA}_P = L/LT \times \text{NDA} \times \text{\$C}_R$$

where:

\\$CA_P is the contribution amount payable for the lot

L is the area (in hectares) of the lot

LT is the total area (in hectares) of the lots to which the subdivision certificate relates

NDA is the net developable area for the subdivision

\\$C_R is the amount in dollars of the contribution rate, applicable at the date of payment, for the subdivision (as provided by clauses 8 and 9)

- (2) If the subdivision certificate referred to in subclause (1) is a subdivision certificate for a staged subdivision (as referred to in clause 16 (2)), the net developable area for the subdivision is to be calculated:
 - (a) as if the subdivision of land to which the subdivision certificate relates comprised the entire subdivision authorised by the relevant development consent, and
 - (b) on the basis that the net developable area does not include the area of any “transitional lot” in the plan of subdivision to which the subdivision certificate relates (in which case a reference to a lot in subclause (1) does not include a reference to a transitional lot).

A “*transitional lot*” is a lot in the plan of subdivision to which the subdivision certificate relates that may be further subdivided in accordance with the relevant development consent.

- (3) A separate contribution amount is not payable in respect of a lot comprising a road, even though the area of the road is included in the calculation of the net

developable area for the subdivision and is taken into account in calculating the contribution amounts that must be paid in respect of other lots in the subdivision. (Accordingly, a reference to a lot in subclause (1) does not include a reference to a lot comprising a road.)

21 Amount payable in respect of each strata lot in a strata subdivision – deferred payment arrangement

The contribution amount that is payable in respect of a strata lot in a strata subdivision for which a strata certificate has been issued is to be calculated, as at the date of payment, in accordance with the following formula:

$$\text{\$CA}_P = \text{U}/\text{UT} \times \text{NDA} \times \text{\$C}_R$$

where:

- \\$CA_P** is the contribution amount payable for the strata lot
U is the unit entitlements of the strata lot
UT is the total (aggregate) unit entitlements of all strata lots in the strata subdivision
NDA is the net developable area for the strata subdivision
\\$C_R is the amount in dollars of the contribution rate, applicable at the date of payment, for the strata subdivision (as provided by clauses 8 and 9)

22 Amount payable in respect of a lot in a community title subdivision – deferred payment arrangement

- (1) This clause applies to a lot in a subdivision of land procured by the registration of any of the following plans of subdivision within the meaning of the *Community Land Development Act 1989* (and in respect of which there is a deferred payment arrangement in force):
- (a) community plan,
 - (b) community plan of subdivision,
 - (c) neighbourhood plan,
 - (d) neighbourhood plan of subdivision,
 - (e) precinct plan,
 - (f) precinct plan of subdivision.
- (2) The contribution amount that is payable in respect of a lot in a subdivision of land to which this clause applies (and for which a subdivision certificate has been issued) is to be calculated, as at the date of payment, in accordance with the following formula:

$$\text{\$CA}_P = \text{U}/\text{UT} \times \text{NDA} \times \text{\$C}_R$$

where:

- \$CA_P** is the contribution amount payable for the lot
U is the unit entitlements of the lot
UT is the total (aggregate) unit entitlements of the lots in the subdivision
NDA is the net developable area for the subdivision
\$C_R is the amount in dollars of the contribution rate, applicable at the date of payment, for the subdivision (as provided by clauses 8 and 9)

- (3) A separate contribution amount is not payable:
- (a) in respect of a lot shown in a community plan as community property, a lot shown in a neighbourhood plan as neighbourhood property and a lot shown in a precinct plan as precinct property, or
 - (b) in respect of a lot comprising a road,

even though the area of such a lot is included in the calculation of the net developable area for the subdivision and is taken into account in calculating the contribution amounts that must be paid in respect of the other lots in the subdivision. (Accordingly, a reference to a lot in subclause (2) does not include a reference to lot referred to in paragraph (a) or (b)).

- (4) If the subdivision certificate referred to in subclause (2) is a subdivision certificate for a staged subdivision (as referred to in clause 16 (2)), the net developable area for the subdivision is to be calculated:
- (a) as if the subdivision of land to which the subdivision certificate relates comprised the entire subdivision authorised by the relevant development consent, and
 - (b) on the basis that the net developable area does not include the area of any “transitional lot” in the plan of subdivision to which the subdivision certificate relates (in which case a reference to a lot in subclause (2) does not include a reference to a transitional lot).

A “*transitional lot*” is a lot in the plan of subdivision to which the subdivision certificate relates that may be further subdivided in accordance with the relevant development consent.

23 Payment of monetary contribution where subdivision and other development on same land

If a single development consent authorises both the subdivision of land and the carrying out of subdivision work on that land, the monetary contribution is required to be paid before the issue of the subdivision or strata certificate (or in accordance with clause 19), rather than before the issue of a construction certificate in relation to the work (even if that occurs first).

24 Payment of monetary contribution where different kinds of development on different parts of land

- (1) This clause applies if:
 - (a) a single development consent authorises different kinds of relevant development on different parts of the land to which the development consent relates, and
 - (b) this Determination would otherwise require a monetary contribution to be paid at different times in respect of each kind of development.
- (2) The special infrastructure contribution for relevant development in any such case (if made as a monetary contribution) is to be paid:
 - (a) at the earliest time by which payment would be required to be made for any of the different kinds of development, or
 - (b) as provided by subclause (3).
- (3) Separate monetary contributions may be made for each kind of relevant development as if, instead of a single development consent, a separate development consent had been granted for each kind of development. Accordingly, the monetary contributions are payable at the various times provided by this Determination in relation to the different kinds of development concerned.

25 Reduction in contribution if made by 1 July 2011

If a special infrastructure contribution is made as a monetary contribution that is paid before 1 July 2011, then the amount that would otherwise be payable under this Determination is reduced by one third.

26 Special infrastructure contribution works-in-kind agreement

- (1) For the purposes of this Determination, a special infrastructure contribution works-in-kind agreement is an agreement that meets the requirements set out in this clause.
- (2) A special infrastructure contribution works-in-kind agreement is an agreement between the Minister and the developer for the carrying out of works to provide an item of infrastructure specified in Appendix 1 to this Determination, or for the dedication or other provision of land for the purpose of any such infrastructure, in lieu (in part or in whole) of the payment of a monetary contribution for the development concerned.
- (3) A special infrastructure contribution works-in-kind agreement, in relation to the carrying out of works, is to:
 - (a) specify or acknowledge the monetary contribution that would otherwise be payable for the relevant development, and

- (b) describe the works that are to be carried out by or on behalf of the developer to contribute to the provision of a specified item or items of infrastructure, and
 - (c) specify the attributable cost of the item or items of infrastructure and provide for the adjustment of that cost due to inflation or deflation, and
 - (d) provide that the maximum amount of the liability to make the special infrastructure contribution that may be discharged by the carrying out of the works is not to exceed the attributable cost of the item or items of the infrastructure, and
 - (e) specify times by which specified stages of the works involved must be completed (“key project milestones”), and
 - (f) provide for the nature or form of security to be provided by the developer for a failure to meet obligations with respect to the special infrastructure contribution.
- (4) A special infrastructure contribution works-in-kind agreement, in relation to the dedication or other provision of land, is to:
- (a) specify or acknowledge the monetary contribution that would otherwise be payable for the relevant development, and
 - (b) specify the time by which the land is to be dedicated or otherwise provided, and
 - (c) specify the manner in which the value of that land is to be calculated, and
 - (d) provide for the nature or form of security to be provided by the developer for a failure to meet obligations with respect to the special infrastructure contribution.
- (5) In this clause, *attributable cost*, in relation to an item of infrastructure, means the amount specified in Appendix 1 to this Determination for that item.

27 Part of special infrastructure contribution is for matters referred to in section 94ED (1) (d) of Act

For the purpose of section 94EE (3A) of the Act:

- (a) no part of the special infrastructure contribution required to be made by this Determination is for the provision of infrastructure by a council, and
- (b) 2% of the special infrastructure contribution required to be made by this Determination is for matters specified in section 94ED (1) (d) of the Act.

Note. The matters specified in section 94ED (1) (d) of the *Environmental Planning and Assessment Act 1979* are the carrying out of any research or investigation, preparing any report, study or instrument, and doing any other matter or thing in connection with the exercise of any statutory function under the Act, by the Minister, the corporation, the Director-General or the Department.

28 Reasons for the level and nature of the special infrastructure contribution

For the purpose of section 94EE (5) of the Act, the reasons for the level and nature of the special infrastructure contribution required to be made by this Determination are as follows:

- (a) to assist in providing adequate funding for regional public infrastructure (described in Appendix 1 to this Determination) in the Western Sydney Growth Areas Special Contributions Area,
 - (b) to ensure that future development bears a share of the cost of the provision of such infrastructure,
 - (c) to provide for the adjustment of the special infrastructure contribution to reflect changes in economic conditions between the time of imposing the contribution and the time at which the contribution is made,
 - (d) to provide flexibility as to the manner in which the special infrastructure contribution may be made,
 - (e) to ensure that the special infrastructure contribution reflects a reasonable apportionment between the demand for infrastructure generated by existing development and the demand for that infrastructure that is likely to be generated by new development for which the contribution must be paid.
-

APPENDIX 1

AS AT 31 MARCH 2010

INFRASTRUCTURE ITEM	75% ATTRIBUTABLE COST		100% ATTRIBUTABLE COST
Roads	2,339,078,000		3,118,770,000
Rail	0		0
Bus	147,130,000		196,173,000
Education	290,834,000		387,779,000
Health	13,965,000		18,620,000
Emergency	5,177,000		6,903,000
Open Space and Conservation	447,206,000		596,274,000
Planning and Delivery	280,106,000		373,475,000
TOTAL	3,523,496,000		4,697,994,000

NET DEVELOPABLE AREA			
Estimated N D A	12,835		12,835
Allow 7% undeveloped	11,936		11,936
Employment Land (Ha)	2608	#Employment as Proportion of Residential Levy =	2608
Equivalent N D A (employment) #	1,131	43.35%	1,131
TOTAL EQUIV N D A	13,067		13,067
	\$269,649		

EDUCATION			
Description	Quantity (sites)		100% ATTRIBUTABLE COST
CAPITAL WORKS			
LAND ACQUISITION			
South West Sector			
Primary Schools	37		126,886,000
Secondary Schols	6		75,446,000
Special Schools	1		2,286,000
Tafe	1		25,720,000
Subtotal			230,338,000
North West Sector			
Primary Schools	22		106,032,000
Secondary Schols	5		48,196,000
Special Schools	1		3,213,000
Tafe	0		0
Subtotal			157,441,000
TOTAL			387,779,000
			Land Component 387,779,000
			Other 0

EMERGENCY SERVICES AND JUSTICE			
Description	Quantity (sites)		100% ATTRIBUTABLE COST
CAPITAL WORKS			
LAND ACQUISITION			
South West Sector			
Land for Ambulance Services	6		1,509,000
Land for Fire Services	5.3		1,212,000
Land for Police Services	3		1,097,000
Land for Justice Services	0		0
Subtotal			3,818,000
North West Sector			
Land for Ambulance Services	4		1,414,000
Land for Fire Services	3.6		1,157,000
Land for Police Services	1		514,000
Land for Justice Services	0		0
Subtotal			3,085,000
TOTAL			6,903,000
			Land Component 6,903,000
			Other 0

South West Sector -Major Roads			
Identifier	Description	Section	100% ATTRIBUTABLE COST
R1	Camden Valley Way Pt.1	Cowpasture Road to Bernera Road	74,375,000
R2	Camden Valley Way Pt.2	Narellan Road to Cowpasture Road	334,724,000
R3	Cowpasture Road	M7 to Geen Valley Road	106,896,000
R4	Bringelly Road Pt.1	Fourth Avenue to Camden Valley Way	61,357,000
R5	Bringelly Road Pt.2	Fourth Avenue to Western Road	57,968,000
R6	Bringelly Road Pt.3	Western Road to The Northern Road	64,911,000
R7	Hoxton Park Road	Cowpasture Road to Joadja Road	71,806,000
R8	Fifteenth Avenue Pt.1	Cowpasture Road to Kemps Creek	96,248,000
R9	Fifteenth Avenue Pt.2	Kemps Creek to Western Road	32,208,000
R10	Denham Court Road	Camden Valley Way to Campbelltown Road	6,202,000
R11	Raby Road	Camden Valley Way to Thunderbolt Drive	38,238,000
R12	Badgally Road	Camden Valley Way to Eagle Vale Road	46,493,000
R13	Campbelltown Road	M5 to St Andrews Road	146,034,000
R14	Narellan Road	Camden Valley Way to M5	41,780,000
R15	Narellan Road Extension		24,238,000
R16	The Northern Road Pt.1	Fairwater Drive to Oran Park Link Road	36,124,000
R17	The Northern Road Pt.2	Oran Park Link Road to Marylands Estate	42,148,000
R18	The Northern Road Pt.3	Marylands Estate to Bringelly Road	46,438,000
R19	Elizabeth Drive Pt.1	M7 to Edmondson Avenue	34,777,000
R20	Elizabeth Drive Pt.2	Edmondson Avenue to Western Road	64,712,000
R21	Elizabeth Drive Pt.3	Western Road to Badgerys Creek	42,944,000
R22	Edmondson Avenue Pt.1	Bringelly Road to Fifteenth Avenue	44,668,000
R23	Edmondson Avenue Pt.2	Fifteenth Avenue to Elizabeth Drive	56,973,000
R24	Western Road Pt.1	Elizabeth Drive to Watts Road	38,905,000
R25	Western Road Pt.2	Watts Road to Bringelly Road	61,946,000
R26	Rickard Road Pt.1	Bringelly Road to Heath Road	31,040,000
R27	Rickard Road Pt.2	Heath Road to Oran Park Link Road	81,142,000
R28	Eastwood Road	Eastwood Road to south of Bringelly Road	39,136,000
R29	Ingleburn Road	Camden Valley Way to Eastwood Road	33,406,000
R30	Oran Park Link Road	The Northern Road to Camden Valley Way	61,263,000
R31	Bringelly Link Road Pt.1	Oran Park Link Road to Greenway Estate	40,069,000
R32	Bringelly Link Road Pt.2	Greenway Estate to Bringelly Road	41,284,000
R33	Brooks Road	Campbelltown Road to M5	3,979,000
	Miscellaneous and Offsite Works		339,649,000
	Roads and Transport attributable to former I T L Areas		151,549,000
	LESS Funding from other sources (Direct Gov't, S 94, VPAs)		-353,222,000
TOTAL			2,142,408,000
			Land Component 303,478,000
			Other 1,838,930,000

North West Sector -Major Roads			
Identifier	Description	Section	100% ATTRIBUTABLE COST
NR 1.1	Withers Road	Mile End Road to Annangrove Road	5,542,000
NR 1.2	The Water Lane	Nelson Road to Annangrove Road	8,465,000
NR 1.3	Annangrove Road	Windsor Road to The Water Lane	5,612,000
NR 1.4	Nelson Road	Windsor Road to The Water Lane	5,648,000
NR 2	Hambledon Road	Schofields Road to Burdekin Road	22,353,000
NR 3	Stanhope Parkway	Hambledon Road to Conrad Road	29,387,000
NR 4	Burdekin Road	Unbuilt Section Walker Street to Railway Terrace	2,198,000
NR 5	Townson Road	Meadow Road east from Richmond Road	22,859,000
NR 6	Townson Road Extension	East of PGH Boundary to Burdekin Road	34,698,000
NR 7.1	Riverstone Central		36,086,000
NR 7.2	Riverstone Central		2,965,000
NR 7.3	Riverstone Central		2,038,000
NR 8.1	Richmond Road	Bells Creek to Townson Road	26,729,000
NR 8.2	Richmond Road	Townson Road to Flood Plain	56,280,000
NR 9	Quakers Hill Parkway		30,102,000
NR 10	Schofields Road	Railway Terrace to Windsor Road	131,262,000
NR 11.1	New Shanes Park Road		32,468,000
NR 11.2	New Shanes Park Road		17,050,000
NR 11.3	New Shanes Park Road		6,621,000
NR 12	Grange Avenue	East from Richmond Road to Carnarvon Road	22,081,000
NR 13	Grange Avenue Extension	Carnarvon Road to Railway Line	28,638,000
NR 14.1	Garfield Road East	Outside of Riverstone Central	44,875,000
NR 14.2	Garfield Road East	Within Riverstone Central	2,860,000
NR 15	Garfield Road West		14,893,000
NR 16	Terry Road	Windsor Road to Mason Road	12,814,000
NR 17	Underpass	Burdekin Road Underpass at Nirimba Centre South	33,534,000
NR 18	Underpass	Schofields Road Rail Crossing	33,534,000
NR 19	Underpass	Riverstone Rail Crossing at Railway Terrace / Garfield Rd.	54,143,000
NR 20.1	Railway Terrace Duplication		21,885,000
NR 20.2	Railway Terrace Duplication		16,135,000
NR 21.1	Quakers Road Link		15,923,000
NR 21.2	Quakers Road Link		4,245,000
NR 22	Loftus Street Overpass		38,647,000
	Miscellaneous and Offsite Works		137,732,000
	Roads and Transport attributable to former I T L Areas		159,624,000
	LESS Funding from other sources (Direct Gov't, S 94, VPAs)		-143,564,000
TOTAL			976,362,000
			Land Component 262,777,000
			Other 713,585,000

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 12 January 2011.

ALAN STONEHAM,
General Manager,
Penrith City Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Penrith City Council 25 Metre B-Double Route Notice No. 1/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 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>	<i>Conditions</i>
25.	Abel Street, Jamisontown.	Regentville Road, Jamisontown.	22 Abel Street.	Ingress: right turn only from Regentville Road into 22 Abel Street. Egress; left turn only from property into Abel Street and left turn into Regentville Road.

ROAD TRANSPORT (GENERAL) ACT 2005

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

SHOALHAVEN CITY COUNCIL, in pursuance of Clause 20 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 18 January 2011.

ROB DONALDSON,
Acting General Manager,
Shoalhaven City Council
(by delegation from the Minister of Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Shoalhaven City Council 25 Metre B-Double Notice No. 01/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

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

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Albatross Road, Nowra Hill.	MR92 Braidwood Road.	Main Gate, HMAS Albatross, approx 150m south of intersection with BTU Road.

ROAD TRANSPORT (GENERAL) ACT 2005

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

BALRANALD SHIRE COUNCIL, in pursuance of Clause 20 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 17 January 2011.

C. LITTLEMORE,
General Manager,
Balranald Shire Council
(by delegation from the Minister of Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Balranald Shire Council 25 Metre B-Double Notice No. 01/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

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

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	Taylor Road, Balranald.	HW14 Sturt Highway.	Entrance to grain storage facility, property description Lot 36 in DP 27364. A distance of approximately 600 metres.	Maximum permitted speed of 40 km/hr.

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

Notice of Compulsory Acquisition of Land at
Knockrow in the Ballina Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Ballina Shire Council area, Parish of Newrybar and County of Rous, shown as Lot 3 Deposited Plan 785372, being the whole of the land in Certificate of Title 3/785372, excluding any existing easements from the compulsory acquisition of the said Lot 3.

The land is said to be in the possession of Repiro Pty Limited (registered proprietor) and National Australia Bank Limited (mortgagee).

(RTA Papers: 10M2601)

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

Notice of Compulsory Acquisition of Land at
Northmead in the Parramatta City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Parramatta City Council area, Parish of St John and County of Cumberland, shown as Lot 39 Deposited Plan 1151846, being part of the land in Certificate of Title 8/6101.

The land is said to be in the possession of Doumet Zakhia Bouery (registered proprietor) and Commonwealth Bank of Australia (mortgagee).

(RTA Papers: 10M2769; RO 354.12251)

Office of Water

WATER ACT 1912

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

Gwydir River Valley

Barry Mitchell GORDON for an existing bywash dam on a unnamed watercourse on Lot 53, DP 753676, Parish of St George, County of Hardinge, for stock and domestic purposes (new licence – intended permanent transfer of an existing allocation to be purchased) (Local Office Reference: 90SL101063) (GA1813412).

Any enquiries regarding the above should be directed to (02) 6701 9608.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 550, Tamworth NSW 2340, within 28 days of the date of publication.

GEOFF CAMERON,
Manager Licensing

WATER ACT 1912

AN application for a licence under section 167 (1) of Part 8 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the said Act, has been received as follows:

Murray River Valley

Francis John MILLAR for a levee on the Murray River on Lot 7, DP 751159 and Lot 8, DP 751159, Parish Tataila, County Cadell, for the prevention of inundation by floodwaters (Reference: 50CW805714) (GA1813413).

Any enquiries should be directed to (03) 5898 3900.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 205, Deniliquin NSW 2710, within 28 days of the date of this publication.

LINDSAY HOLDEN,
Senior Licensing Officer

Other Notices

ANTI-DISCRIMINATION ACT 1977

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, an exemption is given from sections 49A-D, 51 and 53 of the Anti-Discrimination Act 1977, to the New South Wales Consumer Advisory Group - Mental Health Inc (ABN 82 549 537 349) to designate, advertise and recruit women from the following position:

Research Assistants, who are self-identified as having the experience of a mental illness.

This exemption will remain in force for a period of ten (10) years from the date given.

Dated this 12th day of January 2011.

STEPAN KERKYASHARIAN, A.M.,
President,
Anti-Discrimination Board of NSW

APPRENTICESHIP AND TRAINEESHIP ACT 2001

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

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

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

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_236.html

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 72

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

Cancellation is effective as at the date of gazettal.

National Seniors Australia Chatswood & Region Branch Incorporated – Inc9874432

New South Wales Womens Hockey Association Inc – Y0423402

Evans Head Olympic Pool Committee Incorporated – Y1654322

Emerge Youth and Family Services Incorporated – Y0276530

Australian Trail Horse Riders Association NSW Branch Inc – Y0679844

The Social Butterfly Theatre Incorporated – Inc9889027

North West Business Education Network Incorporated – Inc9875604

Willow Tree and District Landcare Incorporated – Y2965833

Copmanhurst Social Sports Club Incorporated – Inc9891055

Australia's Holiday Coast Regional Chamber of Commerce Incorporated – Inc9875565

Japan Junior Golf Club of Sydney Incorporated – Inc9884026

Ladysmith Hall Trust Incorporated – Y2682114

Saab Club of N.S.W. Incorporated – Y1603933

Dated 17th day of January 2011.

ROBYNE LUNNEY,
A/Manager, Financial Analysis,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation pursuant to Section 76

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

Cancellation is effective as at the date of gazettal.

Goori Broadcasters of Radio Nambucca Incorporated – Y2017941

Academy of St. Cecilia Incorporated – Y2251835

Aberdare Tavern Cricket Club Incorporated – Y2767102

Albanian-Australian Association (NSW) Incorporated – Y3030017

Albury District Junior Rugby Football League Inc – Y0502408

Albury Gymnastics Club Incorporated – Y2024407

Albury-Wodonga Ethnic Communities Council - Migrant Resource Centre Incorporated – Y0610209

Armidale Harlequins Hockey Club Incorporated – Y2914415

Auburn Stars Youth Sports and Social Club Incorporated – Y2439613

Astara Angels Incorporated – Inc9884784

Riverlands International Christian Centre Incorporated – Inc9876857

Sliders Softball Club Incorporated – Y2943847

Sydney Hawks Baseball Club Inc – Inc9878273

South-West Slopes School Workplace Learning Programme Incorporated – Y2826214

Seas-South East Disability Advocacy Service Incorporated – Inc9887443

Milton Ulladulla Pregnancy Support Service Incorporated – Inc9881820

Maltese Language School of NSW - Skola Tal - Malti Incorporated – Inc9888741

- The Musical Tal-Passjoni Group Incorporated – Inc9892704
- NSW Disability Bowlers Association Incorporated – Inc9881872
- New England Northwest Disability Services Group Incorporated – Inc9884161
- Ashabul Kahfi Language School Incorporated – Y2814224
- Auburn Warriors Junior Rugby League Club Inc – Inc9878042
- American Women of Sydney Incorporated – Inc9879011
- Uechi Ryu Karate Do Australia Incorporated – Y2874102
- Tobwabba Art Incorporated – Inc9876061
- St. Mary & St. John The Beloved Coptic Orthodox Church Incorporated – Inc9879193
- Soul Speak Australia Incorporated – Inc9884309
- St Albans Residents Action Group Incorporated – Inc9883002
- Smart Arts Incorporated – Inc9877614
- Paterson River Hornets Rugby League Football Club Incorporated – Inc9881350
- Paterson River Rugby League Football Club 2nd Division Incorporated – Y1492616
- New England Girls' School Foundation Incorporated – Inc9883634
- National Marine Science Centre Association Incorporated – Inc9880686
- N.S.W. Road Trauma & Grief Care Unit Incorporated – Inc9874122
- Inner West Business Community Services Incorporated – Inc9886349
- Gosford City Radio Control Car Club Incorporated – Inc9878755
- Forbes Women's Refuge Collective Inc – Y0291733
- The Cottonwood Way Hornsby Heights Homeowners Association Incorporated – Y1334639
- Broken Hill Disability Support Group Inc – Y1602005
- Callala Bay Tourism & Development Association Incorporated – Inc9876394
- Blaxland Warrimoo Netball Club Incorporated – Y2344923
- Barraba Clay Target Club Incorporated – Y2791304
- Awareness and Assistance Australia Incorporated – Inc9876662
- Australians for Constitutional Democracy Incorporated – Inc3452388
- Australian Visual and Fine Arts Artist Employers' Union Incorporated – Y2356031
- Australian Turkish Golfers Association Incorporated – Inc9875788
- Australian Taekwondo Chungdokwan Association Incorporated – Y2791647
- Australian Support Resources Incorporated – Inc9876689
- Australian Society of Lacemakers of Calais Incorporated – Y2651913
- Australian Shooting Club Incorporated – Inc9875408
- Australian School of Islamic Information Incorporated – Y2801335
- Australian Safety Equipment Industry Association Incorporated – Y1786936
- Australian Qi Gong Martial Arts Association Incorporated – Inc9876013
- Australian Orphan Fund Inc – Inc9874690
- Australian Pan Hua Cultural Association Incorporated – Inc9875898
- Australian Oztag Sports Association Incorporated – Y2045200
- Australian Native Sons Association Incorporated – Inc9876425
- Australian Positive Media Network Incorporated – Inc9875260
- Australian Nadroga/Navoha Rugby Association Incorporated – Inc9876019
- Australian Music Promotions Incorporated – Inc9875859
- Australian Listed Companies Association Incorporated – Y2198509
- Australian Lebanese Historical Society Incorporated – Inc9874543
- Australian Khmer Re-Development Organisation Incorporated – Y2867734
- Australian Kempo Association Incorporated – Inc9874735
- Australian Islamic Assistance Organisation Incorporated – Inc9874795
- Australian International Legal Exchange Association Incorporated – Inc3468354
- Australian Health Food Association Incorporated – Inc9875786
- Australian Late Model Association Incorporated – Inc9882398
- NSW Town & Country Retirement Association Incorporated – Inc9885485
- International Relief Friendship Foundation Australia Incorporated – Inc9876109
- June Area Landcare Network Inc – Inc9876423
- Kungala Community Centre Incorporated – Y1780317
- Latin American Soccer & Volley-Ball Assoc. Incorporated – Inc9879607
- Lower Hunter Wonnarua Council Incorporated – Inc9878451
- Leichhardt Tigers Womens & Girls Football Club Incorporated – Inc9884686
- Easy Riders Australia Incorporated – Inc9884239
- Emu Landcare Group Incorporated – Inc3501742
- The First Independent Samoan A.O.G at 7 Hills NSW Australia Incorporated – Inc9889324
- Fairy Dell Landcare Group Incorporated – Inc9886470
- Fairy Meadow Community Bank Steering Committee Incorporated – Inc9876175
- Georges River-Penshurst-St George Junior Cricket Association Incorporated – Inc9875177

Hawkesbury Union Incorporated – Y1933612
 Concerned Residents Against Corruption Incorporated
 – Inc9879903
 Canine Health Awareness Information Network
 Incorporated – Inc9888850
 Cronulla Girls Boardriders Club Incorporated –
 Inc9885103
 Dixon Park Coldies Winter Swimming Club
 Incorporated – Y2590709

Dated: 18 January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to
 Section 84

THE incorporation of WOOLGOOLGA ANAND ISHAR
 PUNJABI SCHOOL INCORPORATED (Y2515236)
 cancelled on 21 August 2009, is reinstated pursuant to section
 84 of the Associations Incorporation Act 2009.

Dated: 18th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to
 Section 84

THE incorporation of ROTARY CLUB OF GOSFORD
 WEST INC (Y1147244) cancelled on 5 September 2008,
 is reinstated pursuant to section 84 of the Associations
 Incorporation Act 2009.

Dated: 18th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to
 Section 84

THE incorporation of SYDNEY GYUNG HYANG
 PRESBYTERIAN CHURCH INCORPORATED
 (INC9877653) cancelled on 5 September 2008, is reinstated
 pursuant to section 84 of the Associations Incorporation Act
 2009.

Dated: 18th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to
 Section 84

THE incorporation of AUSTRALIAN HANDS ON
 HEALTH ASSOCIATION (NEWCASTLE BRANCH)
 INCORPORATED (Y1738313) cancelled on 29 October
 2010, is reinstated pursuant to section 84 of the Associations
 Incorporation Act 2009.

Dated: 18th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to
 Section 84

THE incorporation of APEX CLUB OF FORBES INC
 (Y0181546) cancelled on 22 February 2008, is reinstated
 pursuant to section 84 of the Associations Incorporation
 Act 2009.

Dated: 19th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to
 Section 84

THE incorporation of SOUTH COAST CITY CHURCH
 INCORPORATED (INC9874951) cancelled on 1 October
 2010 is reinstated pursuant to section 84 of the Associations
 Incorporation Act 2009.

Dated 19th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to
 Section 84

The incorporation of JEWISH FOLK CENTRE
 INCORPORATED (Y2309042) cancelled on 16 October
 2009 is reinstated pursuant to section 84 of the Associations
 Incorporation Act 2009.

Dated: 19th day of January 2011.

KERRI GRANT,
 A/G General Manager,
 Registry of Co-operatives and Associations,
 NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration Pursuant to Section 80

TAKE notice that THREE TREE LODGE LITHGOW INCORPORATED became registered under the Corporations Act 2001, as a company limited by guarantee on 10 January 2011 and accordingly its registration under the Associations Incorporation Act 2009, is cancelled as of that date.

Dated: 17 January 2011.

EMMA-JANE DAY,
NSW Fair Trading

CHARITABLE TRUSTS ACT 1993

Notice Under Section 15

Proposed Cy-près Scheme Relating to the Estate of
Lorna Margaret Knight

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

Lorna Margaret Knight directed her estate to the Salvation Army (New South Wales) Property Trust with the express intention that the land and residence and the furniture therein should be made available for the use of senior citizens. The Salvation Army indicated that it was unable to use the property for the benefit of senior citizens as the house and furniture were in a state of disrepair.

The Salvation Army put forward two possible alternative cy-près schemes for the application of the property. The first was to sell the property and contents and apply the proceeds to a Salvation Army aged care facility. The second proposal was that the property would be sold and that a 'Donor Designated Reserve', an account restricted in its application as defined by the donor, be set up for the social welfare benefit of senior citizens living in the Iluka district. Such services would include vouchers for food, clothing, transport, assistance with personal needs, appliance subsidies and outings which the Salvation Army would administer in concert with other churches and community welfare service providers. The estate executor made application that a cy-près scheme in these terms be established.

The Solicitor General, as delegate of the Attorney General in Charitable Trusts Act 1993 matters, has determined that this is an appropriate matter in which the Attorney General should approve a cy-pres scheme under section 12 (1) (a) of the Charitable Trusts Act 1993. The Solicitor General has approved a scheme in terms of the second alternative, namely that the estate property (land and residence at 20 Riverview Street, Iluka) and furniture, be sold and the proceeds used to establish a fund to be known as the 'Knight Legacy Reserve'. The terms of the bequest indicated that Ms Knight intended that the property in question would be used by senior citizens in the Iluka area.

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

Dated: 14 January 2011.

Laurie Glanfield,
Director General,
NSW Department of Justice and Attorney General

COMPANION ANIMALS REGULATION 2008

Order

Organisations approved by the Chief Executive, Local Government, under Clause 16 (d) of the Companion Animals Regulation 2008

PURSUANT to Clause 16 (d) of the Companion Animals Regulation 2008, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

SCHEDULE 1

<i>Name of organisation</i>	<i>Address of organisation</i>	<i>Name of contact officer for organisation</i>
Alaskan Malamutes in Need.	35 Kings Road, Vaucluse NSW 2030.	Dr Barbara TRYTKO.

SCHEDULE 2

- The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner.
- The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains appropriate records that show compliance with the Companion Animals Act 1998, Companion Animals Regulation 2008 and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16 (d) of the Companion Animals Regulation 2008.
- The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains a register that is made available to the relevant local council and the Division of Local Government, Department of Premier and Cabinet as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
- The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 expires five years from the date of this order, unless revoked or varied at an earlier time.

Dated: 17 January 2011.

ROSS WOODWARD,
Chief Executive,
Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

COMPANION ANIMALS REGULATION 2008

Order

Organisations approved by the Chief Executive, Local Government, under Clause 16 (d) of the Companion Animals Regulation 2008

PURSUANT to Clause 16 (d) of the Companion Animals Regulation 2008, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

SCHEDULE 1

<i>Name of organisation</i>	<i>Address of organisation</i>	<i>Name of contact officer for organisation</i>
ALLO Kitten Rescue.	36 Dagmar Crescent, Blacktown NSW 2148.	Ms Leonie ORCHARD.

SCHEDULE 2

1. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner.
2. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains appropriate records that show compliance with the Companion Animals Act 1998, Companion Animals Regulation 2008 and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16 (d) of the Companion Animals Regulation 2008.
3. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains a register that is made available to the relevant local council and the Division of Local Government, Department of Premier and Cabinet as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
4. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 expires five years from the date of this order, unless revoked or varied at an earlier time.

Dated: 17 January 2011.

ROSS WOODWARD,
Chief Executive,
Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

COMPANION ANIMALS REGULATION 2008

Order

Organisations approved by the Chief Executive, Local Government, under Clause 16 (d) of the Companion Animals Regulation 2008

PURSUANT to Clause 16 (d) of the Companion Animals Regulation 2008, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

SCHEDULE 1

<i>Name of organisation</i>	<i>Address of organisation</i>	<i>Name of contact officer for organisation</i>
Penrith Animal Rescue.	17 Pebworth Place, South Penrith NSW 2750.	Ms Janet WICKENS.

SCHEDULE 2

1. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner.
2. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains appropriate records that show compliance with the Companion Animals Act 1998, Companion Animals Regulation 2008 and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16 (d) of the Companion Animals Regulation 2008.
3. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains a register that is made available to the relevant local council and the Division of Local Government, Department of Premier and Cabinet as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
4. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 expires five years from the date of this order, unless revoked or varied at an earlier time.

Dated: 17 January 2011.

ROSS WOODWARD,
Chief Executive,
Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

HERITAGE ACT 1977

Direction Pursuant to Section 34 (1) (A)
To List an Item on the State Heritage Register

St. Patrick's Estate, Manly
SHR No. 1724

IN pursuance of section 34 (1) (a) of the Heritage Act 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B". The listing is subject to the exemptions from approval under section 57 (2) of the Heritage Act 1977, described in Schedule "C" and in addition to the standard exemptions.

Sydney, 20th day of December 2010.

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

SCHEDULE "A"

The item known as St Patrick's Estate, Manly, situated on the land described in Schedule B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 2, DP 1109497; Part Lot 2, DP 1032990; Lot 2, DP 544297; Lot 1556, DP 752038; part of SP 68046; part of SP 67855 and part of SP 78900 in the Parish of Manly Cove, County of Cumberland, as shown on the plan catalogued HC 1972 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"**Exemptions**

1. All Standard Exemptions
(see attached copy of guidelines and copy of Exemption Notification form)
2. Existing approved development:
All works and activities in accordance with any development consents from Manly Council or the Land and Environment Court in force at the date of gazettal for listing St Patrick's Estate on the State Heritage Register.
3. Current DAs assessed by Heritage Council:
All works and activities in accordance with a current and valid development consent from Manly Council or the Land and Environment Court.
4. DA 'Status Quo' transition period:
All works and activities in accordance with a valid development consent from Manly Council (or the Land and Environment Court) determined prior to 31 December 2010 in accordance with written comments from the NSW Heritage Branch or NSW Heritage Council.
5. Modifications to existing approvals:
All works and activities for minor modifications to a current and valid development consent in force at the date of gazettal for listing of St Patricks Estate on the State Heritage Register for land in Precincts 2, 5, 6 and 10 (Precincts as defined by Manly Local Environmental Plan 1988 – Amendment No. 24) where:

- i. The proposed works are substantially the same as the development for which consent was originally granted, before any modifications to that consent, for the purpose of this exemption only; and
 - ii. The proposed works would not incrementally or materially increase the impact of the original development consent on significant elements or characteristics of St Patrick's Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and
 - iii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP; and
 - iv. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct.
6. Excavation and Relics:
Excavation or disturbance of land within Precincts 2, 5, 6 and 10 (Precincts as defined by Manly Local Environmental Plan – 1988 Amendment No. 24) where:
- i. the land has been assessed as having No or Low archaeological potential in an Archaeological Zoning Plan with a current and valid endorsement by the NSW Heritage Council;
 - ii. the works are undertaken in accordance with the recommendations of the Heritage Council endorsed Archaeological Zoning Plan;
 - iii. there are no associated works that require consent of the NSW Heritage Council under section 57 (1) of the Heritage Act 1977; and
 - iv. the works do not affect the sites identified as A to K in the endorsed Archaeological Zoning Plan prepared by Casey and Lowe for St Patrick's Estate Manly in 2004.
 - v. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct.
7. Intrusive elements removal:
Removal of elements that have been identified as intrusive or with no essential heritage significance in a Conservation Management Plan endorsed by the Heritage Council where:
- i. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick's Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and

- ii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP; and
 - iii. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct.
8. Minor works to St Paul's College:
Minor alterations and extension to the St Pauls College buildings (excluding the Archbishops Residence) where:
- i. The additions are located on the south and south west facades of the main buildings. (Additions to the north and north west are not covered by this exemption); and
 - ii. Alterations consist of minor activities such as replacement of doors and windows, new openings, guttering, roof materials and repainting.
 - iii. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick's Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and
 - iv. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP; and
 - v. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct and the Director has provided written confirmation that the works are exempt.
9. Internal alterations and services:
Alterations to interiors, including installation of new services within Kelly House, the 1960s Convent addition and the St Paul's College Buildings (excluding the Archbishops Residence), where:
- i. The proposed works would not incrementally or materially impact the external character and fabric of the 1960s Convent addition and Kelly House; and
 - ii. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick's Estate, such as (but not limited to) its setting; and
 - iii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP;
10. Kitchens and bathrooms:
Minor modifications to all bathroom and kitchen facilities identified as having little or no significance and/or dating post 1995, including those located within Moran House, Cerretti Chapel, the Convent and the Archbishop's Residence where:
- i. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP; and
 - ii. The proposed works would not incrementally or materially impact the external character and fabric of the building or significant interiors; and
 - iii. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct, and the Director has provided written confirmation that the works are exempt.
11. New services:
Upgrading or installing new services within any building or structure in areas identified as having little or no significance in a Conservation Management Plan endorsed by the Heritage Council including with Moran House, the Cerretti Chapel, the Convent and the Archbishop's residence and where:
- i. The proposed works would not incrementally or materially impact the external character and fabric of the building or significant interiors; and
 - ii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP; and
 - iii. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct, and the Director has provided written confirmation that the works are exempt.
12. Fire safety:
Installation of fire safety measures within Kelly House and the St Paul's College buildings (excluding the Archbishop's residence) where:
- i. The proposed works would not incrementally or materially impact the external character and fabric of the building or significant interiors
 - ii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP.
13. Air conditioning:
Installation or upgrading of air-conditioning within Kelly House, 1960s addition to convent and the St Paul's College buildings (excluding the Archbishops residence) where:
- i. The proposed works would not incrementally or materially impact the external character and fabric of the building or significant interiors; and
 - ii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP.
14. Spring Cove Wall:
Reduction in height of the existing concrete block wall to Spring Cove and the introduction of a steel palisade fence where:
- i. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP; and
 - ii. The proposed works would not incrementally or materially impact the external character and fabric of the building or significant interiors; and
 - iii. The Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location

15. Temporary Parking:

The use of open space areas for temporary parking within Precincts 7, and 14 as identified in the Manly Local Environmental Plan 1988 – Amendment No. 24 and as reproduced in future LEPs where:

- i. The proposed parking is related to special events associated with the operations of the college such as graduation or other formal activities and is located to the north of Moran house or within the open space area on the east and south side of Kelly House for not more than three consecutive days per event.; and
- ii. The proposed parking would not incrementally or materially impact significant elements or characteristics of St Patrick’s Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and
- iii. The proposed parking is in accordance with a Conservation Management Plan endorsed by the Heritage Council.

16. Outdoor sporting facilities:

Maintenance and repair and minor modifications to existing outdoor sporting facilities in precinct 4 and 11 as identified in the Manly Local Environmental Plan 1988 – Amendment No. 24 and as reproduced in future LEPs where:

- i. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick’s Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and
- ii. The proposed works are consistent with the Conservation Guidelines contained in the CMP.

Note: More substantial modifications such as grandstands, lighting and new fencing are not covered by this exemption

17. Temporary Structures:

The erection of temporary structures at the site in accordance with the conservation guidelines of a Conservation Management Plan endorsed by the Heritage Council where the structures consist of:

- a) temporary site offices and other buildings associated with development activity and located within the development zone; or
- b) small free standing shade structures located within the college ICM’s grounds (precincts 7 and 14 as per LEP as identified. in the Manly Local Environmental Plan 1988 – Amendment No. 24 and as reproduced in future LEPs) for the duration of ICM’s tenure at the site; or

- c) Marquees for up to three days per event for up to 30 times per year. Precincts 7, 11 and 14 as per LEP as identified. in the Manly Local Environmental Plan 1988 – Amendment No. 24 and as reproduced in future LEPs; and

- i. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick’s Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and
- ii. In the case of temporary site offices to be present for over 6 months, the Director of the Heritage Branch has been notified in writing of the works proposed to be undertaken under this exemption prior to commencement of works, including details of the works and their location in the subject Precinct, and the Director has provided written confirmation that the works are exempt.

18. Landscape Maintenance:

Pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) of the canopy of a tree or removal of dead or dying trees, which are to be replaced by new trees of the same species in the same location where:

- i. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick’s Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance; and
- ii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP;

19. Safety and Security:

Erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric or landscape or archaeological features where:

- i. The proposed works would not incrementally or materially impact significant elements or characteristics of St Patrick’s Estate, such as (but not limited to) its setting, tree canopy, curtilage, subdivision and ownership patterns, remnant significant fabric, relics, landscape and natural features, current and historic access routes to significant elements, views to and from the item and its significant features, and the capacity for interpretation of its significance.; and
- ii. The proposed works are consistent with the conservation guidelines contained in an endorsed CMP.

HOUSING ACT 2001

Notification of Compulsory Acquisition of Land

NEW SOUTH WALES Land and Housing Corporation declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Housing Act 2001.

Dated at Ashfield, this 5th day of January 2011.

MIKE ALLEN,
Chief Executive

SCHEDULE

The land shown as Lots 14 to 17 inclusive on the plan of land at Minto, in the Local Government Area of Campbelltown City, Parish of St Peter, County of Cumberland, registered at Land and Property Management Authority NSW as Deposited Plan No. 1098759.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, part of Towarri National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 19th day of January 2011.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment.

GOD SAVE THE QUEEN!

SCHEDULE*Land District – Murrurundi; LGA – Upper Hunter*

County Brisbane, Parishes Tinagroo, 442.73 hectares, being Lot 218, DP 750955. Papers: DECCW/08/8744.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, part of Bundjalung National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 19th day of January 2011.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment.

GOD SAVE THE QUEEN!

SCHEDULE*Land District – Grafton; LGA – Clarence Valley*

County Clarence, Parish Woombah, about 86 hectares, being Lots 3 and 4, DP 732005, Crown Public Road separating lots 3 and 4, DP 732005 from the Esk River, Crown Public Road within Lots 3 and 4, DP 732005 and the Crown Public Road separating Lot 3, DP 732005 from Bundjalung National Park. Papers: DECCW/FIL08/17947.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below and assign to that land the name Doodle Comer Swamp Nature Reserve, under the provisions of section 30A (1) and section 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 19th day of January 2011.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment.

GOD SAVE THE QUEEN!

DESCRIPTION*Land District – Albury; LGA – Greater Hume*

County Hume, Parish Comer, 890.7 hectares, being Lot 3, in DP 1153177. Papers: DECCW/08/16436

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Garawarra State Conservation Area, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 19th day of January 2011.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment.

GOD SAVE THE QUEEN!

SCHEDULE*Land District – Metropolitan; LGA – Wollongong*

County Cumberland, Parishes Heathcote, about 33 hectares, being Lot 1, DP 616230 and the Crown Public Road within Lot 1, DP 616230. Papers: DECCW/FIL/09/7652.

Note: This reservation is restricted to a depth of 60 metres below the surface.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Kosciuszko National Parks, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 19th day of January 2011.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment.

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Cooma; LGA – Snowy River

County Wallace, Parish Popong, about 162 hectares, being lot 48, DP756721 and the Crown Public Road within Lot 36, DP756721. Papers: DECCW/FIL07/18419.

NATIONAL PARKS AND WILDLIFE ACT 1974**ADDENDUM**

IN the notice published in the *NSW Government Gazette* dated 17 December 2010, folio 5909, under National Parks and Wildlife Act 1974, Notice of Reservation of Wollemi National Park, in part '1.' of the Schedule description, reference to "Section 37" should now read "Section 37 DP758770".

DIRECTOR-GENERAL,
Department of Environment, Climate Change & Water

TOTALIZATOR ACT 1997

TAB Limited Totalizator Rules

IN accordance with the provision of section 54 (1) of the Totalizator Act 1997, the Minister for Gaming and Racing has approved of amendments to the Totalizator Rules. The amendments, to commence on date of gazettal, are as follows:

1.5 Definitions

Insert the following definitions:

"pool guarantee" means an amount to which TAB agrees to underwrite a dividend pool at selected times at the sole discretion of TAB in accordance with clause 4.6.

"pool guarantee shortfall" means an amount (if any) TAB must contribute to a dividend pool to satisfy the difference between the dividend pool and the pool guarantee, in accordance with clause 4.6.

4. Racing Event Totalizators – General Rules

Insert after clause 4.5 the following new clause

4.6 Pool Guarantee

For the purpose of Trifecta, First 4, Quaddie or BIG6 totalizators:

- (a) TAB may apply a pool guarantee at the sole discretion of TAB. In the case of BIG6, the pool guarantee shall apply to the major dividend pool in accordance with clause 13.3.2.

- (b) Subject to 4.6 (e) 8.2.2 (b) (ii), 8.2.2 (c) (ii), 9.3.2 (b) (ii), 9.3.2 (c) (ii), 9.3.2 (d) (ii) if a pool guarantee is in place on a totalizator where there are backed combinations; TAB is liable for that portion of the pool guarantee shortfall applicable to the backed combinations.
- (c) Subject to 4.6 (e), if a pool guarantee is in place on a totalizator where there are unbacked combinations; TAB is not liable for that portion of the pool guarantee shortfall applicable to the unbacked combinations.
- (d) Subject to 4.6 (e), if a pool guarantee is in place on a totalizator where there is less than a unit of investment on backed combinations; TAB is liable for the full unit of the pool guarantee shortfall applicable to the backed combinations.
- (e) In the event that all bets from a guarantee pool are refunded to investors, the refunds will not include any part of a pool guarantee and TAB is not liable for any pool guarantee shortfall.

8.2

Trifecta pool dividends

8.2.1 (c) (ii) Insert the words "; and" after "trifecta totalizator"

Insert the following new subclause

8.2.1 (c) (iii) the pool guarantee shortfall (if any) for that trifecta totalizator.

8.2.2

Distribution of trifecta dividend

8.2.2 (b) (ii) Insert after "the remainder of the trifecta dividend pool in accordance with clause 8.2.2 (b) (i)" the words "and excluding any pool guarantee shortfall".

8.2.2 (c) (ii) Insert after "the remainder of the trifecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2 (c) (i) ", the words "; and excluding any pool guarantee shortfall".

8.2.7

Winning combination not backed or not backed to equivalent of unit of investment.

8.2.7 (a) Insert after "Where the winning trifecta combination is not backed, di excludes any amount in the jackpot pool for that trifecta totalizator under clause 8.2.1 (c) (ii)" the words "and excludes any pool guarantee shortfall for that trifecta totalizator under clause 8.2.1 (c) (iii);".

9.3

First 4 pool dividends

9.3.1 (c) (ii) Insert after "first 4 totalizator" the words "; and".

Insert the following new subclause:

9.3.1 (c) (iii) the pool guarantee shortfall (if any) for that first 4 totalizator.

9.3.2

Distribution of first 4 dividend pool

9.3.2 (b) (ii) Insert after "the remainder of the dividend pool in accordance

with clause 9.2.3 (b) (i)” the words “and excluding any pool guarantee shortfall”.

- 9.3.2 (c) (ii) Insert after “the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2 (c) (i), the words “and excluding any pool guarantee shortfall”.
- 9.3.2 (d) (ii) Insert after “the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2 (d) (i) the words “and excluding any pool guarantee shortfall”.
- 9.3.4 Winning combination not backed or not backed to equivalent of unit of investment
- 9.3.4 (a) insert after “*di* excludes any amount in the jackpot pool for that first 4 totalizator under clause 9.3.1 (c) (ii),” the words “and excludes any pool guarantee shortfall for that first 4 totalizator under clause 9.3.1 (c) (iii).”
- 11.3 Quaddie pool dividends
- 11.3.1 (c) (ii) Insert after “quaddie totalizator” the words “; and”
- Insert the following new subclause
- 11.3.1.(c) (iii) the pool guarantee shortfall (if any) for that quaddie totalizator.
- 11.3.6 Winning combination not backed or not backed to equivalent of unit of investment.
- 11.3.6 Insert after “*di* excludes any amount in the jackpot pool for that quaddie totalizator under clause 11.3.1 (c) (ii)” the words “and excludes any pool guarantee shortfall for that quaddie totalizator under clause 11.3.1 (c) (iii).”
- 13.3 BIG6 pool dividends
- 13.3.1 (c) (ii) Insert after “BIG6 totalizator” the words “; and”
- Insert the following new subclause
- 13.3.1 (c) (iii) the pool guarantee shortfall (if any) for that BIG6 totalizator.
- 13.3.2.1 Distribution of BIG6 dividend pool
- Delete existing clause 13.3.2.1 (a) and replace with
- 13.3.2.1 (a) 90% of the amount in the dividend pool in accordance with clause 13.3.1 (c) (i) plus 100% of the jackpot pool in accordance with clause 13.3.1 (c) (ii) plus 100% of the pool guarantee shortfall (if any) in accordance with clause 13.3.1.(c) (iii) shall be the major dividend pool;
- 13.3.6 Winning combination not backed or not backed to equivalent of unit of investment.
- Insert after “*di* excludes any amount in the jackpot pool for that BIG6 totalizator under clause 13.3.1 (c) (ii)” the words “and excludes any pool guarantee shortfall for that BIG6 totalizator under clause 13.3.1 (c) (iii).”

TOTALIZATOR ACT 1997

Section 71

ORDER

Participating Jurisdiction Declaration

- 1 (a) I, Kevin Greene, being the Minister for Gaming and Racing in the State of New South Wales, hereby declare that Canada is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997 with effect from the date of publication of this Order in the *NSW Government Gazette* subject to the other provisions of this Order.
- (b) The limitation in (a) above does not exclude the making of a further order or orders in similar terms to this Order, at the discretion of the Minister.
- 2 I also declare that Canada is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997, while all of the following circumstances apply:
- 2.1 Rules of betting
- All bets processed by the Great Canadian Gaming Corporation and related transactions in respect of totalizators pooled with TAB Limited New South Wales pools are subject to the Totalizator Rules of betting as apply to TAB Limited totalizator betting in New South Wales at the time the bet has been placed by a third party and received by the Great Canadian Gaming Corporation at that time.
- 2.2 Automated Totalizator Monitoring System (ATMS) and compliance with requests
- (a) All totalizator pools pooled by the Great Canadian Gaming Corporation with TAB Limited New South Wales pools are subject to the operation of the Automated Totalizator Monitoring System, for the time being operating in New South Wales (or an approved equivalent similar system), only as follows:
- (1) in respect of collatable totalizator pools: final collations and pool totals; and
 - (2) in respect of non-collatable totalizator pools: pool totals.
- (b) That the Great Canadian Gaming Corporation complies with all reasonable requests from the NSW Minister for Gaming and Racing or the NSW Office of Liquor Gaming and Racing for information relating to any totalizator bets or cancelled totalizator bets processed by the Great Canadian Gaming Corporation or any related transactions, without unreasonable delay.
- 3 I also declare that should I form the view that any of the circumstances specified in paragraphs 2.1 and 2.2 above have ceased to apply, and I notify the Great Canadian Gaming Corporation that a 30 day review period will apply to this Order, Canada will cease to be taken to be a participating jurisdiction within 30 days of the date of the notification, unless I form the view that the circumstances once again apply and I notify the Great Canadian Gaming Corporation of that view before the expiry of the 30 day review period.

Dated this 12th day of January, 2011.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

TOTALIZATOR ACT 1997

Section 71

ORDER

Participating Jurisdiction Declaration

- 1 (a) I, Kevin Greene, being the Minister for Gaming and Racing in the State of New South Wales, hereby declare that the Isle of Man is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997 with effect from the date of publication of this Order in the *NSW Government Gazette* subject to the other provisions of this Order.
- (b) The limitation in (a) above does not exclude the making of a further order or orders in similar terms to this Order, at the discretion of the Minister.
- 2 I also declare that the Isle of Man is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997, while all of the following circumstances apply:
 - 2.1 Rules of betting

All bets processed by Phumelela Gold International Limited and related transactions in respect of totalizators pooled with TAB Limited New South Wales pools are subject to the Totalizator Rules of betting as apply to TAB Limited totalizator betting in New South Wales at the time the bet has been placed by a third party and received by Phumelela Gold International Limited at that time.
 - 2.2 Automated Totalizator Monitoring System (ATMS) and compliance with requests
 - (a) All totalizator pools pooled by Phumelela Gold International Limited with TAB Limited New South Wales pools are subject to the operation of the Automated Totalizator Monitoring System, for the time being operating in New South Wales (or an approved equivalent similar system), only as follows:
 - (1) in respect of collatable totalizator pools: final collations and pool totals; and
 - (2) in respect of non-collatable totalizator pools: pool totals.
 - (b) That Phumelela Gold International Limited complies with all reasonable requests from the NSW Minister for Gaming and Racing or the NSW Office of Liquor Gaming and Racing for information relating to any totalizator bets or cancelled totalizator bets processed by Phumelela Gold International Limited or any related transactions, without unreasonable delay.
- 3 I also declare that should I form the view that any of the circumstances specified in paragraphs 2.1 and 2.2 above have ceased to apply, and I notify Phumelela Gold International Limited that a 30 day review period will apply to this Order, the Isle of Man will cease to be taken to be a participating jurisdiction within 30 days of the date of the notification, unless I form the view that the circumstances once again apply and I notify Phumelela Gold International Limited of that view before the expiry of the 30 day review period.

Dated this 12th day of January, 2011.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

TOTALIZATOR ACT 1997

Section 71

ORDER

Participating Jurisdiction Declaration

- 1 (a) I, Kevin Greene, being the Minister for Gaming and Racing in the State of New South Wales, hereby declare that Singapore is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997 with effect from the date of publication of this Order in the *NSW Government Gazette* subject to the other provisions of this Order.
- (b) The limitation in (a) above does not exclude the making of a further order or orders in similar terms to this Order, at the discretion of the Minister.
- 2 I also declare that Singapore is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997, while all of the following circumstances apply:
 - 2.1 Rules of betting

All bets processed by the Singapore Turf Club and related transactions in respect of totalizators pooled with TAB Limited New South Wales pools are subject to the Totalizator Rules of betting as apply to TAB Limited totalizator betting in New South Wales at the time the bet has been placed by a third party and received by the Singapore Turf Club at that time.
 - 2.2 Automated Totalizator Monitoring System (ATMS) and compliance with requests
 - (a) All totalizator pools pooled by the Singapore Turf Club with TAB Limited New South Wales pools are subject to the operation of the Automated Totalizator Monitoring System, for the time being operating in New South Wales (or an approved equivalent similar system), only as follows:
 - (1) in respect of collatable totalizator pools: final collations and pool totals; and
 - (2) in respect of non-collatable totalizator pools: pool totals.
 - (b) That the Singapore Turf Club complies with all reasonable requests from the NSW Minister for Gaming and Racing or the NSW Office of Liquor Gaming and Racing for information relating to any totalizator bets or cancelled totalizator bets processed by the Singapore Turf Club or any related transactions, without unreasonable delay.
- 3 I also declare that should I form the view that any of the circumstances specified in paragraphs 2.1 and 2.2 above have ceased to apply, and I notify the Singapore Turf Club that a 30 day review period will apply to this Order, Singapore will cease to be taken to be a participating jurisdiction within 30 days of the date of the notification, unless I form the view that the circumstances once again apply and I notify the Singapore Turf Club of that view before the expiry of the 30 day review period.

Dated this 12th day of January, 2011.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

TOTALIZATOR ACT 1997

Section 71

ORDER

Participating Jurisdiction Declaration

- 1 (a) I, Kevin Greene, being the Minister for Gaming and Racing in the State of New South Wales, hereby declare that Canada is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997 with effect from the date of publication of this Order in the NSW Government Gazette subject to the other provisions of this Order.
 - (b) The limitation in (a) above does not exclude the making of a further order or orders in similar terms to this Order, at the discretion of the Minister.
- 2 I also declare that Canada is taken to be a participating jurisdiction for the purposes of section 71 of the Totalizator Act 1997, while all of the following circumstances apply:
 - 2.1 Rules of betting

All bets processed by the Woodbine Entertainment Group and related transactions in respect of totalizators pooled with TAB Limited New South Wales pools are subject to the Totalizator Rules of betting as apply to TAB Limited totalizator betting in New South Wales at the time the bet has been placed by a third party and received by the Woodbine Entertainment Group at that time.
 - 2.2 Automated Totalizator Monitoring System (ATMS) and compliance with requests
 - (a) All totalizator pools pooled by the Woodbine Entertainment Group with TAB Limited New South Wales pools are subject to the operation of the Automated Totalizator Monitoring System, for the time being operating in New South Wales (or an approved equivalent similar system), only as follows:
 - (1) in respect of collatable totalizator pools: final collations and pool totals; and
 - (2) in respect of non-collatable totalizator pools: pool totals.
 - (b) That the Woodbine Entertainment Group complies with all reasonable requests from the NSW Minister for Gaming and Racing or the NSW Office of Liquor Gaming and Racing for information relating to any totalizator bets or cancelled totalizator bets processed by the Woodbine Entertainment Group or any related transactions, without unreasonable delay.
- 3 I also declare that should I form the view that any of the circumstances specified in paragraphs 2.1 and 2.2 above have ceased to apply, and I notify the Woodbine Entertainment Group that a 30 day review period will apply to this Order, Canada will cease to be taken to be a participating jurisdiction within 30 days of the date of the notification, unless I form the view that the circumstances once again apply and I notify the Woodbine Entertainment Group of that view before the expiry of the 30 day review period.

Dated this 12th day of January, 2011.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing

Neutral or Beneficial Effect on Water Quality Assessment Guideline

2011



Disclaimer

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

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

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

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ISBN 978-1-876951-52-8

Published January 2011

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1. Introduction

1.1 Context

The 'Neutral or Beneficial Effect on Water Quality Assessment Guidelines' (the guideline) is a revised version of the guideline published in 2006. It was originally developed in response to the Sydney Water Inquiry and the Drinking Water Catchments Regional Environmental Plan No 1 (now repealed and replaced by *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP)).

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

1.2 Purpose of the Guideline

This guideline supports the implementation of the SEPP by providing clear direction on what a neutral or beneficial effect means, how to demonstrate it, and how to assess an application against the neutral or beneficial effect on water quality test using the 'Neutral or Beneficial Effect on Water Quality Assessment Tool 2011' (the NorBE Tool). The guideline also provides the decision-making framework for the NorBE Tool (Appendix 1).

1.3 Audience

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

1.4 Principles

The following principles apply to this guideline:

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

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

2. Statutory context

2.1 Environmental Planning and Assessment Act

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

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

2.2 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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

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

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

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

Although not specified in the SEPP, the neutral or beneficial effect on water quality guideline may provide a framework to consider **major infrastructure or other projects** under Part 3A of the EP&A Act. The Minister for Planning determines these projects and which water quality test will be applied.

2.3 Assumed Concurrence

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

The notice issued to councils for the purposes of the SEPP lists the types of development for which a council, as the consent authority, may assume concurrence provided the council is satisfied that the proposal will have a neutral or beneficial effect on water quality. The notice was issued to councils at the same time as the publication of the SEPP.

2.4 Other NSW legislation

Native Vegetation Act 2003

Clearing native vegetation is an action that can impact on water quality, and is therefore subject to the neutral or beneficial effect test on water quality. Clearing vegetation also requires separate consent in defined circumstances under the *Native Vegetation Act 2003*.

3. WHAT IS A NEUTRAL OR BENEFICIAL EFFECT?

3.1 Definition of neutral or beneficial effect

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

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

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

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

3.2 Applying the neutral or beneficial effect test

A proposed development or activity will be found to have a neutral or beneficial effect on water quality if it complies with and demonstrates any of the following:

1. There are no factors involved that have any potential to impact on water quality.
There will be no changes to site conditions and/or the nature and location of development that could:
 - a. directly change pollutant loads by introducing or increasing substances into the water cycle (such as waste flows, increased erosion, nutrients and sediments), or
 - b. indirectly change the quality of water in the hydrological system by changing the bio-physical characteristics of the site in any way that reduces, or significantly threatens to reduce, the capacity of the site and related hydrological/ ecological components to assimilate, treat and otherwise produce water of at least equal quality to the existing systems. Changes relate to the environmental values of the system, and may include:
 - significant changes to water flows (reductions or increases in flows)
 - clearing or degradation of watercourses or of riparian corridors, or
 - changing the path of water flows through these assimilative systems.
2. The development will not adversely affect water quality off-site because:
 - a. pollutant loads from the development / activity can be transported to acceptable downstream treatment and disposal facilities without adverse off-site water quality impacts, **or**
 - b. any water quality issues can be effectively managed on-site so that there are no adverse water quality impacts off-site, **or**

- c. there are no indirect adverse impacts on water quality caused, or likely to be caused, by changes to factors that currently affect water quality off-site such as treatment, assimilation of pollutants, or the hydrological cycle (such as changes to flow or flow paths, water courses or riparian corridors).

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

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

4. ASSESSMENT AND APPROVALS PROCESS

4.1 Roles and responsibilities

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

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

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

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

4.2 SCA involvement

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

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

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

4.3 Development type and information to be supplied with an application

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

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

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

erosion and sediment control, stormwater and wastewater. The type of report or model that must be included depends on the complexity of the development. Without this information, the council and the SCA cannot adequately assess whether the application meets the NorBE test. Information requirements are detailed in a brochure developed by the SCA: 'Developments in Sydney's drinking water catchments – water quality information requirements' (SCA, 2010a).

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

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

4.4 Steps in the assessment process

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

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

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

4.4.1 No identifiable potential impacts on water quality

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

- a change in surface imperviousness (or result in an impervious area less than 50 square metres)
- a concentration of flow of water
- the impedance of flow of water
- a substantial disturbance of soil (more than 50 square metres)
- discharge of effluent, dust pollutants or stormwater

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

Development proposals that would generally satisfy these criteria include, but are not limited to, minor boundary adjustments not involving new construction, or adding an ensuite bathroom without changing the number of bedrooms in a development. Other developments that are unlikely to have an impact on water quality may include a picket

fence, a pergola with either no roof or a shade cloth roof, or an office fit out. Many minor forms of development may actually be exempt or complying development as identified in an environmental planning instrument.

4.4.2 Exempt and complying development

Exempt development

Certain types of development may be listed as exempt development under another environmental planning instrument, such as a SEPP or a council's Local Environmental Plan. A neutral or beneficial effect on water quality assessment is not required for exempt development.

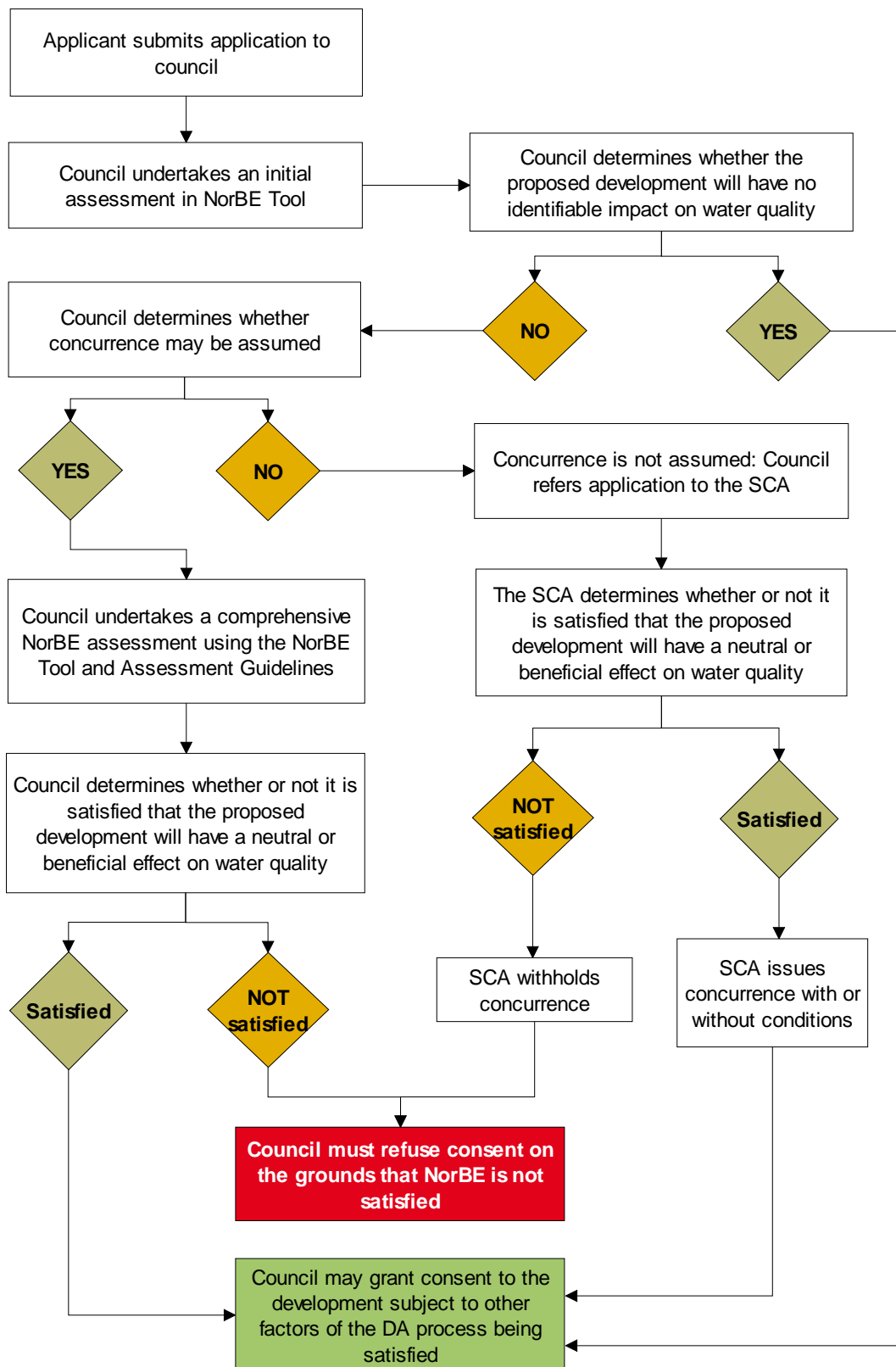
Complying development

Other development types may be classified as complying development under a SEPP or council's local environmental plan. Complying development does not require a neutral or beneficial effect on water quality assessment.

Under clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP), complying development cannot be carried out under the provisions of the General Housing Code if it is on unsewered land where the SEPP applies (ie land in the Sydney drinking water catchment).

Complying development cannot be carried out under clause 9 of *State Environmental Planning Policy No 60 – Exempt and Complying Development* if it is on unsewered land where the SEPP applies.

Figure 1 – NorBE Part 4 Assessment



4.5 The NorBE Tool for Part 4 Development Applications

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

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

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

All Module 1 development proposals must be assessed by council using the electronic NorBE Tool.

The concurrence of the SCA Chief Executive can be assumed except where the total impervious area or construction area is greater than or equal to 2,500 square metres.

Module 2 – Developments typically involve an unsewered new dwelling or dual occupancy, or alterations/additions. The main focus of this module is to assess wastewater systems, including design loadings and site risks.

All Module 2 development proposals must be assessed by council using the electronic NorBE Tool.

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

- the development proposal involves non-standard systems
- the construction area is greater than or equal to 2,500 square metres
- there are inconsistencies with any Section 88 instruments placed by the SCA under the *Conveyancing Act 1919*
- significant vegetation clearing is involved
- the dwelling site cannot meet the relevant buffer distances
- the development is proposed to be carried out on crown perpetual leasehold land.

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

All development classes that have an identifiable potential impact on water quality under Module 3 require referral to the SCA for concurrence.

Module 4 – Developments typically involve a rural subdivision with on-site wastewater disposal that may or may not involve the construction of dwellings. This module addresses standard stormwater site risks such as soils and slope, development risks,

MUSIC model evaluation, and site inspection queries as for Module 3. It also considers standard wastewater questions, and subdivision layout issues such as roads/rights-of-way, and dwelling and internal access issues. In this module, subdivision means lot layout and any construction proposed by the development application.

All development classes that have an identifiable potential impact on water quality under Module 4 require referral to the SCA for concurrence.

Module 5 – Other development.

All development classes that have an identifiable potential impact on water quality under Module 5 require referral to the SCA for concurrence.

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

4.5.1 The NorBE Tool

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

Modules 1 and 2 include a series of questions that lead to an action or conclusion which may include, but is not limited to:

- more information must be provided to determine a neutral or beneficial effect on water quality
- the development application must be referred to the SCA for concurrence
- NorBE is satisfied
- the proponent withdraws the application.

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

a. Site considerations

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

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

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

b. Assessment of stormwater impacts

Stormwater can impact on water quality, especially if the amount of impervious surface is increased by the development. For example, stormwater leaving an undeveloped lot

covered in vegetation will differ in quality and quantity from stormwater leaving a lot with a dwelling (with an impervious roof area) and other associated impervious development (such as driveways, sheds, paved areas).

To assess the impact of development on stormwater, the NorBE Tool includes questions on the proposed size of the impervious area and construction, and slope. These questions can be addressed by preparing a small scale stormwater quality model (SSSQM) for small subdivisions (less than 4 lots), impervious areas less than 2,500 square metres or less than 70 percent of the site, or where there will be less than one hectare of disturbed area, **or** a model for urban stormwater improvement conceptualisation (MUSIC) report.

MUSIC is only required for development proposals under Modules 3, 4 and 5, which require actual concurrence from the SCA.

c. Assessment of wastewater impacts

Potential impacts from wastewater on ambient water quality are a significant issue in the Sydney drinking water catchment due to the large number of existing on-site systems and proposals for unsewered development. The choice of an appropriate on-site system for a particular development proposal will be greatly influenced by site considerations. These include slope, depth and type of soil (the presence of shallow soils will automatically preclude some system types), distance from watercourses, and the area available to set aside as an effluent management area. The SCA has developed a GIS-based, effluent plume generation modelling tool (the Wastewater Effluent Model, or WEM - see Section 4.2.2) to support the design and assessment of on-site wastewater systems.

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

d. General considerations and assumptions

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

- the assessor can access certain software applications such as the SSSQM/MUSIC and the WEM (The SSSQM will be available through the SCA's website www.sca.nsw.gov.au. The WEM is embedded in the on-line NorBE Tool which can also be accessed through the SCA's website)
- the comparison between the predicted effect of the proposal on water quality with the estimated effect of the current (legal) use and condition of the site is based on conditions that, for example, exclude breaches of the *Protection of the Environment Operations Act 1997*
- consultants' reports may not match information from SCA databases
- a neutral or beneficial effect for certain low-risk developments can be satisfied by adopting current recommended practices (CRPs – see Section 3.6 below)
- any existing wastewater systems must be considered
- any effluent management area is located wholly within each lot
- any proposed roads and/or rights-of-way are defined as including roads and associated drainage works

- the number of lots fronting a watercourse in a subdivision proposal is minimised
- where there is a technical challenge to the assessment that council cannot resolve they will seek assistance from the SCA about the technical challenge (with relevant documentation)
- the site was not deliberately degraded before the development application submission to lower the neutral or beneficial effect pre-development baseline
- references to a dwelling include all associated structures and development such as garages, sheds, tennis courts, driveways
- referral to the SCA implies that the SCA's actual concurrence is required
- councils can contact the SCA for help and advice about their assessments.

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

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

4.5.2 The Electronic NorBE Tool

A web based software application has been developed for ease of use and access to the NorBE Tool. Users and assessors should refer to the 'NorBE Assessment Tool User Guide' (SCA, 2010b) for detailed step by step instructions and illustrated examples on how to use the NorBE Tool.

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

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

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

4.6 Current recommended practices

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

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

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



The SEPP requires new developments or activities to incorporate CRPs and performance standards endorsed by the SCA or to adopt approaches that achieve the same or better water quality outcomes. This applies to public and private development.

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

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

4.7 Compliance with conditions of consent

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

5. ASSESSMENT AND APPROVALS PROCESS

5.1 Supporting tools and user guides

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

5.1.1 Wastewater effluent model

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

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

The WEM provides an objective way to determine whether a proposal will have a neutral or beneficial effect on water quality. It also reduces costs and produces consistent design and assessment.

The WEM will help designers and assessment officers in the SCA area of operations to identify and locate an appropriate on-site system.

5.1.2 MUSIC and the SSSQM

MUSIC

The model for urban stormwater improvement conceptualisation (MUSIC) is a tool to estimate stormwater pollutant generation and the performance of stormwater treatments from proposed land development. It is the preferred stormwater model to determine neutral or beneficial effect in SCA catchment areas for larger developments. These include subdivisions of more than four lots, developments where the impervious area is more than 2,500 square metres or 70 percent, where there will be more than one hectare of disturbed area, or heavily constrained lots.

These types of developments are found in Modules 3, 4 and 5 of the NorBE Tool and will all be referred to the SCA for concurrence.

SSSQM

The small scale stormwater quality model (SSSQM) estimates stormwater pollutant generation and the performance of stormwater treatments from proposed land development for smaller less complex development proposals, including:

- subdivisions of three lots or less,
- developments where the impervious area is less than 2,500 square metres or 70 percent,
- where there will be less than one hectare of disturbed area.

These types of development can be found in all modules of the NorBE Tool.

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

5.1.3 Inspection checklist for Module 2

The SCA has developed an inspection checklist for Module 2 developments, for council inspection officers to use during site inspections and neutral or beneficial effect on water quality assessments. The checklist includes questions from the NorBE Tool that cover the pre-approval site inspection - a mandatory step for councils in the NorBE assessment process. The checklist is available on the SCA's website at www.sca.nsw.gov.au.

DEFINITIONS

Note: these definitions also apply to the NorBE Tool.

Activity

Has the same meaning as in Part 5 of the EP&A Act.

Activity is:

- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 of the EP&A Act that is prescribed by the regulations for the purposes of this definition but does not include:
 - (g) any act, matter or thing for which development consent under Part 4 is required or has been obtained, or
 - (h) any act, matter or thing that is prohibited under an environmental planning instrument, or
 - (i) exempt development, or
 - (j) development carried out in compliance with an order under Division 2A of Part 6, or
 - (k) any development of a class or description that is prescribed by the regulations for the purposes of this definition

Clearing native vegetation

Has the same meaning as in the *Native Vegetation Act 2003*.

Clearing native vegetation is any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities).

Consent authority

Has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Consent authority, in relation to a development application or an application for a complying development certificate, is:

- (a) the council having the function to determine the application, or
- (b) if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.

Controlled activity

Has the same meaning as in the *Water Management Act 2000*.

Controlled activity is:

- (a) the erection of a building or the carrying out of a work (within the meaning of the *Environmental Planning and Assessment Act 1979*), or
- (b) the removal of material (whether or not extractive material) or vegetation

- from land, whether by way of excavation or otherwise, or
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source (WM Act).
- Critical habitat** Critical habitat has the same meaning as in the *Threatened Species Conservation Act 1995* or (subject to section 5C) Part 7A of the *Fisheries Management Act 1994*.
- Development** Has the same meaning as in *Environmental Planning and Assessment Act 1979*.
- Development is:
- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument,
- but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.
- Development application** Has the same meaning as in *Environmental Planning and Assessment Act 1979*
- A development application is an application for consent under Part 4 to carry out development but does not include an application for a complying development certificate.
- Drainage depression** A drainage depression is a low point that carries water during rainfall events, but dries out quickly when rainfall stops. A gully or incised drainage depression is considered to be a watercourse.
- Fill** Has the same meaning as in the *Standard Instrument – Principle Local Environmental Plan*.
- Fill is the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:
- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does significantly alter the shape, natural form or drainage of the land, or
- (b) a waste disposal landfill operation.
- Flood planning level (FPL)** A flood planning level (FPL) is the combinations of flood levels (derived from significant historical flood events or floods of specific annual exceedance probabilities) and freeboards selected for floodplain risk management, as determined in management studies and incorporated in management plans. FPLs replace the 'standard flood event' in the 1986 Floodplain Development

Manual. FPLs consider the full range of flood sizes, up to and including the probable maximum flood (PMF) and the risks associated with each flood, whilst noting that with few exceptions, it is not feasible or socially or economically justifiable to use the PMF as the basis for FPLs. While the local council decides the flood that will be used to determine the residential FPL, the Floodplain Development Manual highlights that FPLs for typical residential development would generally be based around the 100 year flood plus an appropriate freeboard (typically 0.5 m). Unless there are exceptional circumstances, councils should use the 100 year flood as the FPL for residential development. (Floodplain Development Manual, DIPNR, 2005).

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

Environmental Plan.

A watercourse is any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

Waterfront land Waterfront land is:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland, of the highest bank of the river, or
- (b) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance.

Waterway A waterway is the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).**Wetland** Has the same meaning as in the *Standard Instrument – Principle Local Environmental Plan*.

A wetland is:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

Water cycle management study

- A water cycle management study includes:
- a conceptual soil and water management plan or erosion and sediment control plan for the construction phase
 - an on-site effluent management plan if unsewered
 - water sensitive design features, and
 - a determination of pre-and post-development loads.

ACRONYMS

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

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APPENDIX 1

Neutral or Beneficial Effect on Water Quality Assessment Tool 2011

This Appendix describes how to assess a neutral or beneficial effect (NorBE) on water quality for development applications made to councils (and other consent authorities) for land in the Sydney drinking water catchment, as defined in the SEPP.

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

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

- seek advice from the SCA or another agency such as NSW Health, a catchment management authority, or the Department of Environment, Climate Change and Water
- discuss the proposal with the proponent or consultant
- revise the size of the effluent management area
- amend plans or report.

The NorBE Tool will help councils to assess NorBE and identify where specialist support may be sought from the SCA, or where the design of a development proposal may need to be changed. When this happens, the assessor should pause the NorBE Tool and follow the instructions from the NorBE Tool. Once all information is provided or issues resolved, restart the assessment where the NorBE Tool was paused.

Notes for Table A1:

1. Emptying spa baths can flush out on-site systems and substantially deteriorate treatment performance. A wastewater surge tank should be installed for these systems.
2. Orchards and vineyards require buffers of 40 metres to named rivers, 20 metres to watercourses and 10 metres to drainage depressions. Named rivers include the Wingecarribee River, Wollondilly River, Nattai River, Nepean River, Coxs River, Shoalhaven River, Kangaroo River, Mongarlowe River, Tarlo River for the full length of each river as defined on topographic maps, and the Mulwaree River upstream as far as the Braidwood Road crossing.
3. Covering an unsealed car park in bitumen is construction. If the proposal involves using bitumen in a car park of area more than 2,500 square metres, it must be referred to the SCA for concurrence. All car parks, sealed or not, are considered to be impervious for assessment purposes.
4. Sheds referred to in Development Class D refer to those not primarily used for agricultural purposes.
5. Farm buildings, as defined in the standard local environmental plan (SLEP), in both sewered and unsewered areas, and sheds in sewered areas, can be included in Development Class D.
6. Retail referred to in Development Class O_{rs} and O_{ru} includes the development types of retail premises and offices premises as defined in the SLEP.

7. Where an attached dwelling is proposed, as defined under the SLEP, and the maximum number of dwellings is three it can be included as development class B or C for sewerred areas or development class G for unsewerred areas.

Table A1 – Development Classes and Module Groupings


Development Class	Description	Module Grouping
B	Existing dwelling / dual occupancy sewerer	1
C	New dwelling / dual occupancy sewerer	1
D	Building/farm building with no on-site wastewater proposal	1
E	Bed and breakfast sewerer	1
I	Bed and breakfast unsewerer	2
F _S	Swimming pool / spa pools, sewerer area ¹	1
F _U	Swimming pool / spa pools, unsewerer area ¹	2
G	Existing dwelling / dual occupancy < 8 bedrooms unsewerer	2
G _S	New dwelling / dual occupancy < 8 bedrooms unsewerer	2
G _L	Existing/new dwelling/dual occupancy ≥ 8 bedrooms unsewerer	5
J	Modifications to on-site wastewater systems under the <i>Local Government Act, 1993 (No.30)</i>	2
K	Greywater systems in unsewerer areas	2
L _{S1}	≤3 multi-dwelling housing, sewerer	1
L _{S3}	≥4 multi-dwelling housing, sewerer	3
L _U	Multi-dwelling housing, unsewerer	4
M _{S1}	Subdivision, sewerer ≤3 lots	1
M _{S3}	Subdivision, sewerer ≥4 lots	3
N _{US}	Subdivision, unsewerer ≤3 lots	4
N _{UL}	Subdivision, unsewerer ≥4 lots	4
O _{RS}	Retail premises/office premises, sewerer	1
O _{RU}	Retail premises/office premises, unsewerer	2
O _I	Industrial	5
P	Tourist / recreation / religious / education establishment or facility	5
Q	Intensive livestock	5
R	Intensive plant growing ²	5
S	Designated development	5
T	Other development – eg offensive or hazardous industry or storage establishment development, service stations	5
U _S	Earthworks / farm dams <2,500 m ² total disturbed area	1
U _I	Earthworks/farm dams >2,500 m ² total disturbed area	5
V _S	Car parks ³ <2,500 m ²	1
V _L	Car parks ³ >2,500 m ²	5
W _S	Demolitions <2,500 m ²	1
W _L	Demolitions >2,500 m ²	5
Y	Sewerage systems that have an intended processing capacity of more than 20 persons equivalent capacity or 6kL per day	5
Z	Other development	5

Pre-Assessment Checklist

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

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

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

 If any part of the application falls within the catchment, then NorBE assessment is required (for that part of the site). If it falls within more than one sub-catchment (eg a large subdivision), identify all sub-catchments but nominate the dominant sub-catchment. If wholly outside the SCA catchment assessment is not required.

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


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

2. Is the proposed development Crown perpetual leasehold land?

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

If no, continue to the next question.


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

 The criteria for determining that a proposal does not have an identifiable impact on water quality includes: less than 50 m² impervious area; involves internal refitting; no concentration of flow of water; no impedance of flow of water; no substantial disturbance of soil (ie less than 50 m²); no potential site contamination; or no activity involving discharge (effluent, dust pollutants, stormwater).

If yes, continue to the next question.


If no, **NorBE is satisfied.**

4. Which Development Class does the proposal belong to?

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

See Table A1 above.

5. Is the documentation complete?

 This is to ensure there is full documentation before beginning an assessment of the development application – see Table 2. The assessment cannot continue if full documentation is not provided.

If yes, continue to the next question.

If no, request the required information from consultant/proponent, then continue to the next question.

Table A2 – Documentation Requirements

	Module 1	Module 2	Module 3	Module 4	Module 5
Documentation					
water cycle management study³ – including specific components identified below	Y	Y	Y	Y	Y
On-site wastewater management report		Y		Y	Y – where on-site wastewater management is proposed
Conceptual erosion and sediment control plan (ESCP)	Y for construction area between 250 m ² and 2,500 m ²	Y for construction area between 250 m ² and 2,500 m ²	Y for construction area between 250 m ² and 2,500 m ²	Y for construction area between 250 m ² and 2,500 m ²	Y for construction area between 250 m ² and 2,500 m ²
Conceptual soil and water management plan (SWMP) OR Primary and Progressive ESCP for access or roadworks	Y for construction or impervious areas >2,500 m ²	Y for construction or impervious areas >2,500 m ²	Y for construction or impervious areas >2,500 m ²	Y for construction or impervious areas >2,500 m ²	Y for construction or impervious areas >2,500 m ²
Small scale stormwater quality modelling (SSSQM)	Y for <4 lots and <2,500 m ² impervious area or <70% impervious area or where there will be less than one hectare of disturbed area	Y for <4 lots and <2,500 m ² impervious area or <70% impervious area or where there will be less than one hectare of disturbed area	Y for <4 lots and <2,500 m ² impervious area or <70% impervious area or where there will be less than one hectare of disturbed area	Y for <4 lots and <2,500 m ² impervious area or <70% impervious area or where there will be less than one hectare of disturbed area	Y for <4 lots and <2,500 m ² impervious area or <70% impervious area or where there will be less than one hectare of disturbed area
MUSIC stormwater modelling (including electronic copy)			Y for >2,500m ² impervious area OR 4 lots or more OR special cases (eg heavily constrained sites) OR >70% of lot impervious OR > 1 ha total disturbed area	Y for >2,500m ² impervious area OR 4 lots or more OR special cases (eg heavily constrained sites) OR >70% of lot impervious OR > 1 ha total disturbed area	Y for >2,500m ² impervious area OR 4 lots or more OR special cases (eg heavily constrained sites) OR >70% of lot impervious OR > 1 ha total disturbed area

Contamination report	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination	Y where historical land use of the development area indicates potential contamination
Flood study	Y where the development area is within or potentially within the FPL and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the FPL and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the FPL and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the FPL and the water sensitive parts of the development are located in the flood area	Y where the development area is within or potentially within the FPL and the water sensitive parts of the development are located in the flood area
Covenant check (identify any relevant covenant on the title)	Y	Y	Y	Y	Y
Any SEPP 1 objection	Y	Y	Y	Y	Y

6. Does the water cycle management study meet SCA / council requirements?

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

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

If no, contact the applicant for a suitable wastewater report consistent with SCA / Council requirements before proceeding to appropriate module

MODULE 1

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

PROCESS:

First answer Questions 1–5 in the Pre-Assessment Checklist above. Record the subcatchment where the development proposal is located. Then continue to Q1.01 below.

Development Risks


1.01 Is the total impervious area, excluding access, more than or equal to 2,500 square metres?

If yes, refer to the SCA for concurrence.

If no, continue to the next question.

1.02 Is the size of the construction area, excluding access, less than 250 square metres?

If yes, apply standard erosion controls (as per the 'Blue Book'), then go to **Q1.05**.


 'The Blue Book' – 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004. Construction areas are the total of those disturbed during development.

If no, continue to the next question.

1.03 Is the size of the construction area equal to or more than 2,500 square metres?

If yes, refer to SCA for concurrence.

If no, the proponent must supply a conceptual erosion and sediment control plan (ESCP, as per 'the Blue Book') and then continue to the next question.

 'The Blue Book' – 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004.

1.04 Is the certificate from the small scale stormwater quality model (SSSQM; if required) consistent with the proposed development, and does it show that NorBE has been achieved for stormwater, and have the proposed management measures been shown in a suitable location for them to be practically implemented?

If yes, continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied) unless the proponent provides a valid certificate and/or identification of suitable location for the measures.

? An SSSQM certificate is required to indicate that NorBE is achieved for stormwater and that proposed management measures are being shown in a suitable location and can be practically implemented.

Site Risks (confirmed with a site inspection)

1.05 Does the area to be disturbed in the development proposal have a slope greater than 20 percent (11.4 degrees)?

If yes, include conditions, and then continue to the next question.

If no, continue to the next question.

? Include condition(s) requiring long-term stabilisation techniques to be applied to disturbed areas.

1.06 Is the area to be disturbed in the development proposal within a flood planning level (FPL) or those associated with watercourses?

If yes, condition as follows (where relevant): (1) All fixtures capable of draining to the sewer system, including the overflow relief gully, are to be above the FPL (generally the 1:100 year ARI flood event level) and fully sealed; and (2) Any required termite controls are to be physical barriers only, and chemical barriers or termite protection systems are not to be used below the FPL. **NorBE is satisfied, subject to these conditions.**

If no, **NorBE is satisfied.**

? FPL refers to flood planning level. Include conditions to minimise impact from development occurring within FPL.
The SCA opposes effluent management areas and any other part of an on-site system being located in the floodway, and encourages all parts of on-site systems being located above the FPL. If an EMA is located between these levels it should be a subsurface system. Tanks and active treatment components should be located above the FPL.

A set of Standard Conditions is required based on the answers to the above questions.

END

MODULE 2

Module 2 developments typically involve an unsewered new dwelling, dual occupancy or townhouse, or alterations/additions. The main focus of this module is to assess wastewater systems, including design loadings and site risks.

GENERAL CONSIDERATIONS:


- Where there are significant discrepancies between a consultant's wastewater report and information from the SCA's databases or site-specific soil or other information, seek clarification from the consultant then seek advice from the SCA if the discrepancy remains unresolved.
- If the proposed effluent management area is located wholly in the same lot as the existing dwelling, include setback distances as a minimum as per 'Silver Book' Table 5 'Environment and Health Protection Guidelines – On-site Sewage Management for Single Household', Department of Local Government, 1998.
- Pump out systems are not acceptable as they are not sustainable and are often the worst performing systems, except under certain circumstances such as imminent connection to reticulated sewer.
- Greywater systems are treated as wastewater systems for the purposes of this Module, except that the greywater design loading is 65 percent of the calculated design wastewater loading.
- Emerging technology or non-standard on-site wastewater systems such as membrane systems or reed beds should be referred to the SCA for concurrence.

PROCESS:

First answer Questions 1–5 in the Pre-Assessment Checklist above. Record the sub-catchment in which the development proposal is located. Then continue to question 2.01 below.

Desktop Assessment

2.01 Is the on-site wastewater system an emerging technology or non-standard system?


 Standard systems include septic tanks, evapo-transpiration-absorption (ETA) beds, sand filter systems, aerated wastewater treatment systems (AWTS, sand mounds, amended soil mounds, wet or dry composting systems, and greywater treatment systems.

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

If no, continue to the next question.

Development Risks

2.02 Does the area to be disturbed by the development proposal have a slope greater than 20 percent (11.4°)?

 The SCA strongly discourages development on sites with slopes greater than 20% because of the amount of cut and fill involved and the potential for erosion, unless the development is a low impact development specifically designed for the slope, such as a pole house, and/or incorporates long-term stabilisation techniques for steep disturbed areas.

If yes, include condition(s) requiring long-term stabilisation techniques to be applied to disturbed areas, and then continue to the next question.

If no, continue to **Q2.04**.

2.03 Is the slope greater than 32 percent (18°)?

If yes, it may be State Protected Land (see the *Native Vegetation Act 2003*) – **refuse consent on water quality grounds** (NorBE is not satisfied) unless minimal work is proposed and any potential water quality impacts can be effectively managed or the location of the proposed development can be negotiated.

If no, continue to the next question.

2.04 Is the size of the construction area less than 250 square metres?

If yes, apply standard erosion controls (as per the 'Blue Book'), then go to **Q2.06**.


 'The Blue Book' – 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004.

If no, continue to the next question.


2.05 Is the size of the construction area and/or total impervious area, excluding access, equal to or greater than 2,500 square metres?

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

If no, a conceptual erosion and sediment control plan (ESCP, as per 'the Blue Book') is required, and then continue to the next question.

 'The Blue Book' – 'Managing Urban Stormwater: Soils and Construction Volume 1, 4th edition', Landcom, 2004.

2.06 Is the proposed development consistent with the requirements of any SCA instrument on title issued under Division 4 of Part 6 of the *Conveyancing Act 1919*?

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


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

If no, **refer to the SCA for concurrence**.

Wastewater:

2.07 Does the application include a swimming pool?

If yes, apply conditions that backwash water is not disposed of to the wastewater system, or within 40 metres of a dam, waterbody, roadside drains or swales, or drainage depression, 100 metres of a watercourse, or 150 metres of a named river, or upslope or within an effluent management area (EMA). Then continue to the next question.

 Within established village areas where these buffer distances cannot be achieved on a lot, the buffer distance must instead be maximised.
Named rivers include the Wingecarribee River, Wollondilly River, Nattai River, Nepean River, Cox's River, Shoalhaven River, Kangaroo River, Mongarlowe River, Tarlo River for the full length of each river as defined on topographic maps, and the Mulwaree River upstream as far as the Braidwood Road crossing.

If no, continue to next question.

2.08 Does the application include other elements such as dwellings and on-site wastewater systems?

If yes, continue to the next question.

If no, **NorBE is satisfied**.

2.09 Is the application for the same type of system as recommended in the on-site wastewater management report?

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

If no, seek clarification from applicant, and then continue to the next question.

2.10 Is the proposed system a pump-out?

? Pump out systems are not sustainable and are often the worst performing as a result of misuse or poor practices.

If yes, continue to the next question.

If no, continue to **Q2.12**.

2.11 Is the pump-out system in an area that is proposed to be connected to a reticulated sewer in the near future?

If yes, apply conditions and continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.12 Is the use of the wastewater system intermittent (eg holiday cottage)?

If yes, is the type of system appropriate for intermittent loading - discuss with consultant/proponent/SCA and then continue to the next question.

? A septic tank is suitable for intermittent loading whereas an aerated wastewater treatment system (AWTS) is generally not suitable for intermittent loading, and in that case would require subsurface disposal.

If no, continue to the next question.

Effluent Management Area Site Risks

? These must be confirmed with a site inspection.

Lot size:

2.13 Is the lot size less than 2,000 square metres?

? 2,000 m² is considered the minimum whereby a dwelling with setbacks and a suitable EMA with setbacks and buffers may be located on a lot. However, there is no guarantee that 2,000 m² will be adequate, especially if the site is steep, or the soils are highly permeable or there are extensive rock outcrops.

If yes, surface irrigation is not suitable (effluent irrigation may not be possible at all), and a small footprint system may be required (eg an amended soil mound, a sand mound or absorption systems). Then continue to the next question.

If no, continue to the next question.

Slope:**2.14 Is the slope of the effluent management area more than 7 percent (4 degrees)?**

Amended soil mound systems are considered not suitable (and an alternate system will need to be used for effluent disposal – this will require consultation with consultants / proponent). Any irrigation will need to be subsurface.

If yes, continue to the next question.

If no, **go to Q2.17.**

2.15 Is the slope of the effluent management area more than 20 percent (11.4 degrees)?

If yes, continue to the next question.

If no, **go to Q 2.17.**

2.16 Can the proposed effluent management area be moved to avoid the slope of more than 20 percent (11.4 degrees)?

If yes, advise proponent / consultant to provide a suitable alternative location(s), and then continue to the next question.

If no, **refuse consent on water quality grounds.**

Rainfall:**2.17 Is the site located in an area with more than 1,200 millimetres annual average rainfall?**

If yes, if irrigation is proposed it should be subsurface, a water balance calculation should be undertaken, and wet weather storage may be required. Then continue to the next question.

If no, continue to the next question.

2.18 Is the site subject to severe frosts?

Some councils may require this as a standard policy. Determination of 'severe' is a subjective assessment.

If yes, surface irrigation may not be suitable, and subsurface irrigation or a hybrid winter/summer system may be required. Then continue to the next question.

If no, continue to the next question.

Soils:**2.19 For all systems other than mounds, is the soil permeability (K_{sat}) less than 100 mm/d?**

If yes, the system is considered not suitable – a mound-based system should be negotiated with the proponent / consultant. Then continue to the next question.

If no, continue to the next question.

2.20 Is the phosphorus sorption (P_{sorp}) capacity of the soil profile less than 100 milligrams per kilogram?

ⓘ Make an initial determination using the SCA database; the consultant may provide site-specific information on P_{sorp} for the soil profile (note that a P_{sorp} analysis based on the top 10 centimetres of soil is not representative of the soil profile), determined by an accredited laboratory that may be used to answer this question more accurately. **NB: this issue is only important for irrigation.**

If yes, irrigation is considered not suitable. Negotiate an amended soil mound system or absorption system or ETA beds for effluent disposal. Then continue to the next question.

If no, continue to the next question.

2.21 Do the salinity, sodicity or dispersion characteristics of the soil pose major limitations for effluent disposal, as identified in Table 6 of the 'Silver Book' (more than 8 dS/m salinity; more than 10 percent ESP, and Emerson Aggregate Test Class 1)?

ⓘ 'Environment and Health Protection Guidelines – On-site Sewage Management for Single Households', Department of Local Government, 1998 (*errata*).

If yes, **refuse consent on water quality grounds** (NorBE is not satisfied).

If no, continue to the next question.

2.22 For all systems other than mounds, is the soil depth for the effluent management area less than 0.25 metres?

If yes, continue to the next question.

If no, go to **Q2.24**.

2.23 Can the effluent management area be moved to avoid the area where the soil depth is less than 0.25 metres, or can a mound system be negotiated?

If yes, advise consultant to provide a suitable alternative location with a soil depth of more than 0.25m or a mound system, and then continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.24 Is the soil depth less than 0.75 metres or is the dominant soil type a medium or heavy clay?

ⓘ The 'C' horizon is not to be included in calculating the soil depth. Refer to AS/NZS 1547:2000 'On-site domestic wastewater management', Standards Australia, 2000.

If yes to either, absorption systems (trenches) are not suitable (and an alternative system may need to be used for effluent disposal – this may require consultation with consultants/proponent). Then continue to the next question.

If no to both, continue to the next question.

2.25 Is the soil depth less than 0.75 metres or is the dominant soil type a gravel, sand or sandy loam?

ⓘ The 'C' horizon is not to be included in calculating the soil depth. Refer to AS/NZS 1547:2000 'On-site domestic wastewater management', Standards Australia, 2000.

If yes to either, ETA systems are not suitable (and an alternative system may need to be used for effluent disposal – this may require consultation with consultants/proponent). The continue to the next question.

If no to both, continue to the next question.

2.26 Is the design wastewater loading in the consultant’s report consistent with the SCA’s requirements of loading determined per number of potential bedrooms and tank or reticulated/bore water supply?

❓ If the proposed system involves the augmentation of an existing system, all potential bedrooms must be included. Where a separate dwelling is proposed to be connected to an existing system, the design wastewater loading for each dwelling must be added up (in such a case, the design loading rate should *not* be based on the total potential bedrooms in both dwellings).

Design wastewater loading per potential bedroom	Reticulated/Bore Water	Tank Water
1-2 potential bedrooms	600 L/d	400 L/d
3 potential bedrooms	900 L/d	600 L/d
4 potential bedrooms	1200 L/d	800 L/d
More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom

If yes, continue to the next question.

If no, determine appropriate design wastewater loading using the appropriate values from table for further assessment, then continue to the next question.

2.27 Is the system a greywater system?

If yes, the greywater loading should be taken as 65 percent of the appropriate design wastewater loading. Then continue to the next question.

If no, continue to the next question.

2.28 Are the effluent design loading rates (DLR) or design irrigation rates (DIR) used in the consultant’s report consistent with the values for the identified soil description (texture and structure) as per AS/NZS 1547:2000?

❓ AS/NZS 1547:2000 ‘On-site domestic wastewater management’. For septic tanks and absorption trenches/beds, use conservative DLRs from relevant tables.

If yes, continue to the next question.

If no, use correct values as per AS/NZS 1547:2000.

2.29 Is the septic tank or aerated wastewater treatment system sized in accordance with the design wastewater load?

❓ For septic tanks, see Table 4.3A1 in AS/NZS 1547: 2000 (Note: the tank size should be based on flow, not number of bedrooms or equivalent persons); for AWTS capacity see NSW Health licence conditions.

If yes, continue to the next question.

If no, specify larger (correct) size, then continue to the next question.

2.30 Is a spa bath proposed?

If yes, add a minimum of 500 litres to any septic tank size, then continue to the next question.

If no, or not applicable (including AWTS), continue to the next question.

2.31 If the wastewater system involves absorption trenches or beds, are they correctly sized according to the appropriate design wastewater load and DLR as per AS/NZS 1547:2000?

See Table 4.2A1 in AS/NZS 1547: 2000 (Note: the calculated absorption base area is in square metres and the trench width (typically 0.6 m) must be used to determine trench length).

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

If no, determine the revised size of absorption trenches or beds, based on the correct design wastewater load, and then continue to the next question.

2.32 If the wastewater system involves irrigation, is it correctly sized according to the appropriate design wastewater load and DIR as per AS/NZS 1547:2000, and the nutrient and water balance methodology as per 'Silver Book'?

See Table 4.24 in AS/NZS 1547:2000 'On-site domestic wastewater management and Environment and Health Protection Guidelines – On-site Sewage Management for Single Households', Department of Local Government, 1998 (the 'Silver Book'). Note: phosphorus sorption values should be preferably based on site specific information, or GIS values from the SCA's Soils Database. The default value used in the 'Silver Book' must not be used.

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

If no, determine the revised size of the irrigation area, based on the correct design wastewater load, DIR and nutrient and water balance methodology, and then continue to the next question.

2.33 If the wastewater system involves a sand mound, is it correctly sized according to Converse and Tyler 2000?

Reference: Converse JC and Tyler EJ, 'Wisconsin Mound Soil Absorption System: Siting Design and Construction Manual', University of Wisconsin-Madison, 2000. Note: applying the DLRs in Table 4.2A3 of the AS/NZS 1547:2000 are not appropriate for the sizing of mounds.

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

If no, determine the correct size of the sand mound and then continue to the next question.

2.34 If the wastewater system involves an amended soil mound, is it sized correctly according to the relevant design wastewater loading and DLR for the limiting soil layer as per AS/NZS 1547:2000?

AS/NZS 1547:2000 'On-site domestic wastewater management'.

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

If no, ensure the manufacturer has sized the mound correctly. Then continue to the next question.

2.35 Does the wastewater system involve a dry composting toilet?

☐ The manufacturer often specifies the dimensions required for the absorption trench. Note that a greywater system will also be required.

If yes, then a small absorption trench is required and any compost must be disposed of as per conditions. Contact the SCA for advice about sizing trenches and specific conditions. Then continue to the next question.

If no, then continue to the next question.

General**2.36 Are there other obvious potential problems with the wastewater system as proposed?**

☐ For example, insufficient head for gravity systems (ie system higher than house) or long separation between dwelling and tank, or tank and disposal area, or where a system requiring continuous power is proposed eg AWTS and there is no mains power. For domestic wastewater systems, the SCA considers 1:40 to be the minimum gradient for untreated effluent gravity systems, and also that solar power is not suitable for AWTS. Refer to the SCA's Technical Design Guide for Onsite Effluent Management Systems in the Drinking Water Catchments (SCA, 2010c) for further information

If yes, confirm and resolve with on-site inspection/discussion with consultant and/or proponent, then continue to the next question.

If no, continue to the next question.

2.37 From the site plans and aerial photos, are there any potential issues with vegetation or watercourses (eg buffer distances) that may affect the location of the effluent management area? Are there any size, slope, construction issues or proposed dwelling site or access way that may interfere with or otherwise impact on the effluent management area?

☐ Some effluent management systems may not be appropriate, or may require special design considerations, eg pump size, pipe diameter, one way valves, etc.

If yes, confirm with on-site inspection/discuss and resolve with consultant/proponent, then continue to the next question.

If no, continue to the next question.

Groundwater:**2.38 Are there any water bores used for domestic water supply within 100 metres of the effluent management area?**

☐ Refer Table 5 'Silver Book' (DLG, 1998).

If yes, then continue to the next question.

If no, continue to **Q2.40**.

2.39 Can the effluent management area be moved outside the 100 metre buffer?

If yes, relocate then continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied) unless a consultant can ensure the effluent management area does not overlay the bore draw-down zone (determined using an appropriate methodology such as

that specified in Cromer *et al*, 2001). Advice may also be sought from the Department of Local Government and NSW Health. Then continue to the next question.

? 'An Improved Viral Die-Off Method for Estimating Setback Distances'. WC Cromer. Proceedings of On-site '01 Conference: Advancing On-site Wastewater Systems. University of New England Armidale, 15-27 September 2001.

Mandatory Council Pre-approval Site Inspection

2.40 Can the proposed effluent management area be located in the field/paddock/yard? Does it correspond to the proposed location specified and discussed in the report (map or GPS coordinates)?

? Any discrepancy between map location and GPS coordinates provided in the report need to be clarified and resolved.

If no, seek clarification from consultant/proponent, then continue to the next question.

If yes, continue to the next question.

Existing Systems:

2.41 Is there an existing wastewater system?

If yes, continue to the next question

If no, go to **Q2.44**.

2.42 Is the existing wastewater system failing?

? This requires an understanding of how system failure is manifested in the field, eg partially collapsed trenches, liquid on surface, localised muddy ground, green vegetation plumes, irrigation system broken or not connected, irrigation area located within the watercourse, waterbody or drainage depression buffer, etc. Also refer to the 'Silver Book': 'Environment and Health Protection Guidelines – On-site Sewage Management for Single Households', Department of Local Government, 1998.

If yes, notify Council Compliance Officer. Advise consultant to provide a suitable replacement system (eg based on previous standards – tank size, size of effluent management area or field, location of field), and then continue to the next question.

If no, continue to the next question.

2.43 Is the existing tank or effluent management area undersized?


? Older concrete septic tanks are typically undersized compared with contemporary standards. The minimum size for a septic tank is 3,000 litres.

If yes, advise consultant to augment or replace with a suitable system (reflected in conditions), then continue to the next question.

If no, continue to the next question.

Buffer Distances:

2.44 Is the proposed effluent management area within 40 metres, or any associated wastewater tank within 20 metres, of a drainage depression (as defined in the NorBE Assessment Guideline) or farm dam?

 The distance is the overland flow path ie the direction in which any effluent would actually flow.

If yes, continue to the next question.


If no, go to **Q2.46**.

2.45 Can the effluent management area or wastewater tank be readily moved *nearby* to meet buffer requirements?

If yes, advise consultant to provide an alternative location that avoids buffer constraints. If moved to a substantially different area, new soil information may be needed and soil questions re-addressed. Any revised location needs to be specified clearly in the conditions of consent. Then continue to the next question.

If no, and it cannot be moved, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.46 Is the proposed effluent management area within 100 metres, or any associated wastewater tank within 20 metres, of a watercourse, and/or located on river flats and/or located below the FPL or those associated with watercourses and drainage depressions?

 The distance is the overland flow path ie the direction in which any effluent would actually flow. The SCA opposes EMAs and any other part of an on-site system being located in the floodway; all parts of on-site systems should be located above the FPL. If an EMA is located between these levels it should be a subsurface system. Tanks and active treatment components should be located above the FPL.

The SCA opposes effluent management areas and any other part of an on-site system being located in the floodway, and encourages all parts of on-site systems being located above the FPL. If an EMA is located between these levels it should be a subsurface system. Tanks and active treatment components should be located above the FPL.

If yes, continue to the next question.


If no, go to **Q2.48**.

2.47 Can the effluent management area or wastewater tank be readily moved *nearby* to meet buffer requirements?

If yes, advise consultant to provide an alternative location that avoids buffer problems. If moved to a substantially different area, new soil information may be needed and soil questions re-addressed. Any revised location needs to be specified clearly in the conditions of consent. Then continue to the next question.

If no, and it cannot be moved, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.48 Is the proposed effluent management area within 150 metres, or any associated wastewater tank within 50 metres, of the bank of a named river or water supply reservoir?

 The distance is the overland flow path ie the direction in which any effluent would actually flow.

Named rivers include the Wingecarribee River, Wollondilly River, Nattai River, Nepean River, Cox's River, Shoalhaven River, Kangaroo River, Mongarlowe River, Tarlo River for the full length of each river as defined on topographic maps, and the Mulwaree River upstream as far as the Braidwood Road crossing.

If yes, continue to the next question.

If no, go to **Q2.50**.

2.49 Can the effluent management area or wastewater tanks be readily moved *nearby* to meet buffer requirements?

If yes, advise consultant to provide an alternative location that avoids buffer problems. If moved to a substantially different area, new soil information may be needed and soil questions re-addressed. Any revised location needs to be specified clearly in the conditions of consent. Then continue to the next question.

If no, and it cannot be moved, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.50 Does the effluent management area meet the ‘Silver Book’ and any other council setback requirements from buildings, boundaries and swimming pools?

Refer to ‘Silver Book’ Table 5. ‘Environment and Health Protection Guidelines – On-site Sewage Management for Single Households’, Dept. of Local Government, 1998. The distance is the overland flow path in the direction in which any effluent would actually flow.

If yes, go to **Q2.52**.

If no, the effluent management area may need to be moved - continue to the next question.

2.51 Can the effluent management area be readily moved *nearby* to meet the setbacks as well as the SCA’s buffer requirements?

If yes, advise consultant to provide an alternative location and amend plans/reports or provide a small footprint system that meets these requirements (eg a mound, absorption systems or amended soil system). New soils information may be required, and the new location specified clearly in the conditions of consent. Then continue to the next question.

If no, and it cannot be moved, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.52 Are there any other site characteristics identified during the site inspection that may pose constraints for the effluent management area?

For example, slope/gradient, vegetation, aspect, current use (including vehicle tracks), separated effluent management fields, substantial separation of tank and EMA, rock outcrops, impractical for certain systems, etc. This is especially relevant when considering the separation of wastewater tanks and the effluent disposal area.

If yes, continue to the next question.

If no, go to **Q2.54**.


2.53 Can these constraints be addressed through adjustments to or a redesign of the wastewater system or can the effluent management area be moved?

If yes, discuss with proponent/consultant and amend plans/reports to provide an alternative location and/or additional management measures. This may require the incorporation of a pump well, or protection of the proposed effluent management area. If it is moved to a substantially different area, new soil information may be needed and soil questions re-addressed. This may also

require specific conditions of consent eg sub-surface irrigation. Any revised location also needs to be specified clearly in the conditions of consent. Some effluent management systems may not be appropriate, or may require special design considerations, eg pump size, pipe diameter, one way valves. Then continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.54 Does the soil information provided in the consultant's report for the EMA generally match observations in the field and SCA soils database?

 This could relate to the precision of the soil landscape / facet boundaries or inaccurate soil description. Where significant discrepancies remain between the consultant's advice in relation to wastewater and information from the databases or site-specific information (eg soils), discuss with the consultant or seek advice from the SCA.

If no, seek clarification from consultant and/or SCA, and then continue to the next question.


If yes, go to **Q2.56**.

2.55 Can the discrepancy in soil information be resolved satisfactorily?

If yes, continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.56 Does any proposed dwelling / bed and breakfast accommodation / dual occupancy / office premises / retail premises (including for asset protection zones) or new access require significant (greater than 10,000 square metres) vegetation clearing?

 This also requires consideration of the *length* of the access. NB clearing of vegetation (including groundcover as well as trees/shrubs) may require approval from the relevant catchment management authority (CMA) under the *Native Vegetation Act 2003*.

If yes, continue to the next question.

If no, go to **Q2.58**.

2.57 Can the dwelling / bed and breakfast accommodation / dual occupancy / office premises / retail premises or access be appropriately moved to minimise vegetation clearing?

If yes, advise consultant to provide a suitable alternative location. Then continue to the next question. Any new position must be clearly reflected in the conditions of consent. If moved to a substantially different area, new soil information may be needed and soil questions re-addressed. Any revised location must be specified clearly in the conditions of consent. Note also that any clearing of vegetation may require approval from the CMA under the *Native Vegetation Act 2003*.


If no, then **refer to the SCA for concurrence** (MUSIC modelling may be required).

2.58 Is the dwelling / bed and breakfast accommodation / dual occupancy / office premises / retail premises (or works other than the effluent management area) within 40 metres of a natural watercourse or waterbody?

If yes, continue to the next question.

If no, go to **Q2.60**.

2.59 Can the dwelling / bed and breakfast accommodation / dual occupancy / office premises / retail premises be moved further than 40 metres from a natural watercourse or waterbody?


 This could involve discussions with the NSW Office of Water and SCA - a controlled activity approval under the *Water Management Act 2000* may be required from the NSW Office of Water if works are in or on waterfront land. Any new position is to be reflected clearly in the conditions of consent. NB: wastewater systems are expected to be located more than 150 metres from a named river or water supply reservoir, 100 metres from watercourses and 40 metres from drainage depressions, farm dams and waterbodies.

Named rivers include the Wingecarribee River, Wollondilly River, Nattai River, Nepean River, Cox's River, Shoalhaven River, Kangaroo River, Mongarlowe River, Tarlo River for the full length of each river as defined on topographic maps, and the Mulwaree River upstream as far as the Braidwood Road crossing.

If yes, advise consultant to provide a suitable alternative location or design. Then continue to the next question.

If no, and it cannot be moved, then **refer to the SCA for concurrence**.

2.60 Does any new access to the dwelling / bed and breakfast accommodation / dual occupancy / office premises / retail premises require significant cut and fill because of slope?

 For the purpose of defining "significant", 3 metres cut and fill to be used as the upper acceptable limit.

If yes, continue to the next question.

If no, go to **Q2.62**.

2.61 Can the access be moved to minimise the amount of cut and fill required?

If yes, advise consultant to provide a suitable alternative location or design. Then continue to the next question. Any change in location of the access must be reflected in the conditions. There is a trade-off between excessively steep access ways and those that largely follow contours and involve cut and fill – this involves a judgement call and can be discussed with the SCA.

If no, and it cannot be moved, **refuse consent on water quality grounds** (NorBE is not satisfied).

2.62 Does any new access to the dwelling / bed and breakfast accommodation / dual occupancy / office premises / retail premises require crossings of watercourses, gullies or drainage depressions?

If yes, continue to the next question.

If no, go to **Q2.64**.

2.63 Can the access be moved to avoid the need for crossings of drainage depressions, watercourses or gullies, or can suitable management measures or construction requirements be provided to mitigate any impact on water quality?

Where some (but not all) crossings can be eliminated, answer the question in the negative.

If yes, liaise with the consultant to provide a suitable alternative location(s). Then continue to the next question. Any new position or management measures or construction requirements must be clearly reflected in the consent conditions. If no, condition specific design and management measures associated with any crossing. Suitable management measures could be a bridge, concrete causeway, or a box-culvert crossing consistent with CRPs. Any revised locations must also be reflected in the conditions of consent. A watercourse crossing may also require a controlled activity approval under the *Water Management Act 2000* from the NSW Office of Water.

This could involve discussions with SCA. Relevant current recommended practice references are: 'Environmental Practices Manual for Rural Sealed and Unsealed Roads', (ARRB Transport Research Ltd, 2002) and 'Road Runoff and Drainage: Environmental Impacts and Management Options: AP-R180' (*Austroads*, 2001).

ACTION: Write a field inspection report including key site photos after inspection.

Post site-inspection / WEM evaluation / Stormwater Modelling

2.64 Is the certificate from the small scale stormwater quality model (SSSQM; if required) consistent with the proposed development, and does it indicate that NorBE has been achieved for stormwater, and have the measures been shown in a suitable location on a plan?

If yes, then continue to the next question.

If no, a valid certificate and/or identification of suitable location for the measures is required, and then continue to the next question.

An SSSQM certificate is required to indicate that NorBE is achieved for stormwater and that proposed management measures are being shown in a suitable location and can be practically implemented.

2.65 If required, can the stormwater measures be practically implemented on the ground with no overlap of any existing or proposed effluent management area?

If yes, apply requirements identified in the model and continue to the next question.

If no, **refuse consent on water quality grounds** (NorBE is not satisfied).


ACTION: Enter wastewater system data and location into the WEM.

2.66 Does the wastewater management system produce a WEM output indicating that NorBE is satisfied?

If yes, **NorBE is satisfied**.

If no, continue to the next question.

2.67 Can the wastewater system be modified or the effluent management area moved nearby (within the WEM model) to ensure WEM model outputs indicate that NorBE is satisfied?

 This revised location needs to be specified clearly in the conditions of consent.
NB: need to ensure that the revised location does not overlap the stormwater management measures and satisfies all other requirements of this Module.

If yes, **NorBE is satisfied**.

If no, consult with the applicant/consultant to determine if a suitable alternative may be possible. The SCA may be consulted for advice. If no other effluent management area site is available, then **refuse consent on water quality grounds** (NorBE is not satisfied).

ACTION: Prepare conditions of consent.

END

MODULES 3, 4 and 5

After answering the Pre-Assessment Questions, all development proposals that fall under Modules 3, 4 or 5 are automatically referred to the SCA for concurrence. These Modules include development types where there is more risk to water quality than for developments under Modules 1 and 2.

- Module 3 developments typically involve sewered urban subdivisions of four lots or more that may or may not involve the construction of dwellings. Module 3 addresses standard stormwater site risks such as soils and slope, development risks, standard sewerage questions, MUSIC model evaluation, and site inspection queries. For the purposes of this module, subdivision refers to lot layout and any proposed construction required by the development application.

Development classes in Module 3 include:

- L_{S3} Sewered multi-dwelling housing or attached dwellings where four or more dwellings are proposed
 - M_{S3} Sewered subdivisions for proposals for four or more lots.
- Module 4 developments typically involve rural subdivisions with on-site wastewater disposal that may or may not involve the construction of dwellings. This module addresses standard stormwater site risks such as soils and slope, development risks, MUSIC model evaluation and site inspection queries as for Module 3, with the addition of the standard wastewater risks, and subdivision layout issues such as roads/rights-of-way, and dwelling and internal access issues. For the purposes of this module, subdivision refers to lot layout and any proposed construction required by the development application.

Development classes in Module 4 include:

- L_U Unsewered multi-dwelling housing and attached dwelling proposals
 - N_{US} and N_{UL} all unsewered subdivisions.
- Module 5 developments include miscellaneous higher risk developments that do not involve residential development. Development classes in Module 5 are:
 - O_I Industrial
 - P Tourism / recreation / religious / education establishment or facility
 - Q Intensive livestock agriculture
 - R Intensive plant growing
 - S Designated development
 - T Other development eg offensive or hazardous industry or storage establishment development
 - U_L Earthworks / farm dams more than 2,500 m² total disturbed area
 - V_L Carparks more than 2,500 m²
 - W_L Large demolitions greater than 2,500 m²
 - Y Sewerage systems that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kL per day
 - Z Other development that has the potential to impact on water quality.

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Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The treated drilling mud exemption 2011

Name

1. This exemption is to be known as 'The treated drilling mud exemption 2011'.

Commencement

2. This exemption commences on 24 January 2011.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):

- 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
- 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 39 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Composite sample means a sample that combines 5 discrete sub-samples of equal size into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of treated drilling mud within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which treated drilling mud is applied.

Drilling fluid means a mixture of water and chemical additives including but not limited to bentonite, soda ash (sodium carbonate), sodium hydroxide, lime and polymers.

Drilling mud means a mixture of naturally occurring rock and soil, including but not limited to materials such as sandstone, shale and clay, and drilling fluid generated during drilling operations such as horizontal directional drilling or potholing. This does not include drilling mud that has been generated by:

- a) deep drilling for mineral, gas or coal exploration, or
- b) drilling through contaminated soils, acid sulphate soils (ASS) or potential acid sulphate soils (PASS).

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of treated drilling mud that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who generates, processes, mixes, blends, or otherwise incorporates treated drilling mud into a material for supply to a consumer.

Relevant waste means the treated drilling mud that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the treated drilling mud on an ongoing and regular basis.

Treated drilling mud means drilling mud that has undergone dewatering such that the resultant solid:

- a) does not have an angle of repose of less than 5 degrees above horizontal, or
- b) does not become free-flowing at or below 60 degrees Celsius or when it is transported, or
- c) is generally capable of being picked up by a spade or shovel.

Validation means ensuring that test results comply with the conditions of this exemption prior to supply to a consumer.

General conditions

7. This Notice of Exemption is subject to the following conditions:
 - 7.1. The chemical concentration or other attribute of the treated drilling mud listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 3 of Table 2, and
 - 7.1.2. the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2.
 - 7.2. The treated drilling mud can only be applied to land as engineering fill or used in earthworks.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:
 - 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. Where the treated drilling mud is generated as part of a continuous process, the processor must undertake routine sampling according to the requirements listed in Column 1 of Table 3 and test for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.3. Where the treated drilling mud is not generated as part of a continuous process, the processor must undertake once-off sampling of a batch, truckload or stockpile of treated drilling mud according to the requirements listed in Column 2 of Table 3 and test for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.4. The treated drilling mud must be appropriately stored until the test results are validated, i.e., obtained and assessed as compliant with this exemption.
 - 8.5. Processors must keep a written record of all test results for a period of three years.
 - 8.6. The processor of treated drilling mud must provide a written statement of compliance to the consumer with each transaction, certifying that the treated drilling mud complies with the relevant conditions of this exemption.
 - 8.7. The processor of treated drilling mud must make information on the latest test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:
 - 9.1. Records of the quantity of the treated drilling mud received by the consumer and the suppliers' name and address must be kept for a period of three years.
 - 9.2. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to treated drilling mud where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2 and Column 3 of Table 2, when analysed according to test methods specified in Column 4 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4
Chemicals and other attributes	Maximum average concentration (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	1	12.1
2. Cadmium	0.5	1	12.2
3. Lead	50	100	12.2
4. Arsenic	20	40	12.2
5. Chromium (total)	50	100	12.2
6. Copper	50	100	12.2
7. Nickel	30	60	12.2
8. Zinc	100	200	12.2
9. Electrical Conductivity	1.5 dS/m	3 dS/m	12.3
10. pH *	6 to 9	5.5 to 10	12.3
11. Total Polycyclic Aromatic Hydrocarbons (PAHs)	20	40	12.4
12. Benzo(a)pyrene	0.5	1	12.4
13. Total Petroleum Hydrocarbons (TPHs)	250	500	12.5
14. Total Chlorinated Hydrocarbons	0.5	1	12.6

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the treated drilling mud.

Sampling and testing requirements

11. This Notice of Exemption only applies to treated drilling mud sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Routine frequency	Batch frequency	Validation
10 composite samples per 100 tonnes (dry weight)	5 composite samples per 10 tonnes (dry weight)	Required

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in treated drilling mud:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 0.2 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 8 in treated drilling mud:
 - 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 10 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring electrical conductivity and pH in treated drilling mud:
 - 12.3.1. Sample preparation by mixing 1 part treated drilling mud with 5 parts distilled water.
 - 12.3.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.3. Report electrical conductivity in deciSiemens per metre (dS/m).
- 12.4. Test method for measuring PAHs and benzo(a)pyrene in treated drilling mud:
 - 12.4.1. Analysis using USEPA SW-846 Method 8100 Polynuclear aromatic hydrocarbons (or an equivalent analytical method).
 - 12.4.2. Calculate the sum of all 16 PAHs for total PAHs.
 - 12.4.3. Report total PAHs as mg/kg dry weight.
 - 12.4.4. Report benzo(a)pyrene as mg/kg.
- 12.5. Test method for measuring TPHs in treated drilling mud:
 - 12.5.1. Method 506 (Petroleum Hydrocarbons). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.5.2. Report as mg/kg dry weight.

- 12.6. Test methods for measuring total chlorinated hydrocarbons in treated drilling mud:
- 12.6.1. Analysis using USEPA SW-846 Method 8021B Aromatic and halogenated volatiles by gas chromatography using photoionization and/or electrolytic conductivity detectors (or an equivalent analytical method).
- 12.6.2. Calculate the total sum of carbon tetrachloride, chlorobenzene, chloroform, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethene (2 isomers), dichloromethane (methylene chloride), 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, 1,2,4-trichlorobenzene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene, vinyl chloride and hexachlorobutadiene concentrations.
- 12.6.3. Report total chlorinated hydrocarbons as mg/kg.

Exemption Granted

Christopher McElwain
Acting Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This general exemption does not apply to the liquid portion of treated drilling mud. Under the Act it is the responsibility of the owners of the waste, transporters and occupiers of land who receive waste to ensure that the waste is lawfully received at those premises.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLACKTOWN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Blacktown City Council declares with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for environmental conservation and drainage. Dated at Blacktown this 6th day of January 2011. GLENNYS JAMES, A/General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lot 60, 61, 62 Section 33 DP 1480, Victoria Street,
Riverstone. [5665]

BERRIGAN SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Roads

NOTICE is hereby given that Berrigan Shire Council in pursuance of section 162 of the Roads Act 1993 and the Roads Regulation 2008, has re-named Daysdale Road, between the Oaklands Road and the Shire boundary.

The new name is "Narrow Plains Road".

ROWAN PERKINS, General Manager, Berrigan Shire Council, PO Box 137, Berrigan NSW 2712. [5666]

FAIRFIELD CITY COUNCIL

*Station Street and Cunninghame Street, Fairfield –
Proposed Roundabout*

NOTICE is hereby given that Council proposes to install a single lane roundabout at the intersection of Station Street and Cunninghame Street to address speeding at this location.

Construction works have been programmed to be completed by February 2011.

Further information can be obtained by contacting 9725 0874.

*Canley Vale Road and Bulls Road, Wakeley – Proposed
Roundabout*

NOTICE is hereby given that Council proposes to install a single lane roundabout at the intersection of Canley Vale Road and Bulls Road to address adverse crash history at this intersection.

The proposed treatment is also expected to discourage motorists from speeding at this location. Construction works have been programmed to be completed by June 2011.

Further information can be obtained by contacting 9725 0874.

*St Johns Road and Humphries Road, St Johns Park –
Proposed Roundabout*

NOTICE is hereby given that Council proposes to install a single lane roundabout at the intersection of St Johns Road and Humphries Road to address adverse crash history at this intersection.

The proposed treatment is also expected to discourage motorists from speeding at this location. Construction works have been programmed to be completed by June 2011.

Further information can be obtained by contacting 9725 0874.

*King Road and Thorney Road, Fairfield West – Proposed
Roundabout*

NOTICE is hereby given that Council proposes to install a single lane roundabout at the intersection of King Road and Thorney Road to address adverse crash history at this intersection.

The proposed treatment is also expected to discourage motorists from speeding at this location. Construction works have been programmed to be completed by February 2011.

Further information can be obtained by contacting 9725 0874.

*St Johns Road and Gladstone Street, Cabramatta –
Proposed Speed Humps*

NOTICE is hereby given that Council proposes to install two speed humps on the northern and eastern approaches to the roundabout at the intersection of St Johns Road and Gladstone Street.

The treatment is expected to enhance the safety of road users at this location by discouraging motorists from speeding. Construction works have been programmed to be completed by June 2011.

Further information can be obtained by contacting 9725 0874.

*Bareena Street, Canley Vale – Proposed Speed Cushion at
the Marked Foot Crossing*

NOTICE is hereby given that Council proposes to install a speed cushion on the eastern approach of the marked foot crossing to enhance safety of pedestrians at this location.

Further information can be obtained by contacting 9725 0874.

*Fairfield Street, Fairfield – Proposed Raised Marked Foot
Crossing*

NOTICE is hereby given that Council proposes to upgrade the existing marked foot crossing on Fairfield Street at Vine Street to a raised marked foot crossing to enhance safety of pedestrians at this location.

Further information can be obtained by contacting 9725 0874.

ALAN YOUNG, City Manager, PO Box 21, Fairfield NSW 1860, tel.: 9725 0293.

[5667]

GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder.

<i>Description</i>	<i>Name</i>
The lane located approximately 420m north of Lemon Grove Road, Booral, on the western side of The Bucketts Way that travels in a northerly and southerly direction for approximately 370m.	Blueberry Lane, Booral.

GLENN HANDFORD, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428. [5668]

HORNSBY SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

HORNSBY SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a public road. Dated at Hornsby, this 19th day of January 2011. R. BALL, General Manager, Hornsby Shire Council, PO Box 37, Hornsby NSW 1630.

SCHEDULE

Lots 1, 2, 3 and 4, DP 1133368. [5669]

LITHGOW CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that in accordance with section 162 (1) and (2) of the Roads Act 1993, Council has named the following roads as described below:

<i>Location</i>	<i>Name</i>
Lot 503, DP 10303114, off Valley View Drive, Lithgow, as part of Development Application 362/01.	Cooper Close.

R. BAILEY, General Manager, Lithgow City Council, PO Box 19, Lithgow NSW 2790. [5670]

OBERON COUNCIL

Public Road Naming

NOTICE is hereby given that Oberon Council, in pursuance of section 162 of the Roads Act 1993 has approved the following new road names for gazettal:

<i>Description</i>	<i>New Road Name</i>
Runs west off Gingkin Road, 3.8kms from Edith Road intersection. The road is 800mtrs long, unsealed.	Mackie Road.

LEANNE E. MASH, General Manager, Oberon Council, PO Box 84, Oberon NSW 2787. [5671]

TAMWORTH REGIONAL COUNCIL

Section 162, Roads Act 1993

Naming of Public Roads

NOTICE is hereby given that Tamworth Regional Council, in pursuance of section 162 of the Roads Act 1993, has named the roads created by the subdivision of Lot 6, DP 1119377, Orley Drive, Oxley Vale, "Bottlebrush Cove" and "Brushbox Grove". PAUL BENNETT, General Manager, Tamworth Regional Council, 437 Peel Street, Tamworth NSW 2340. [5672]

TAMWORTH REGIONAL COUNCIL

Section 162, Roads Act 1993

Naming of Public Roads

NOTICE is hereby given that Tamworth Regional Council, in pursuance of section 162 of the Roads Act 1993, has named the roads created by the subdivision of Lot 4, DP 872074, Bylong Road, Hillvue, "Peak Drive" and "Sanctuary Place". PAUL BENNETT, General Manager, Tamworth Regional Council, 437 Peel Street, Tamworth NSW 2340. [5673]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Lands as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 19 October 2010, has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. M. RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE

Lots 16, 53, 84, 121 and 152 in DP 1145386. [5674]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BRIAN MCLENNAN CRAPP, late of Chatswood, in the State of New South Wales, who died on 18 July 2010, must send particulars of the claim to the executor, David Robert McLennan Crapp, c.o. A E Whatmore, G C M Gee & Co, 5, 46 Burns Bay Road, Lane Cove NSW 2066, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution the executor has notice. Probate was granted in New South Wales on 2 December 2010. A E WHATMORE, G C M GEE & Co, 5, 46 Burns Bay Road, Lane Cove NSW 2066, tel.: (02) 9427 0400. Reference: DRT:NOB:013830.

[5675]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JEAN DAPHNE PATON, late of Allambie Heights, in the State of New South Wales, retired, who died between 16 and 19 October 2010, must send particulars of his claim to the executor, Jennifer Jean Paton, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales to Jennifer Jean Paton on 14 January 2011. HPL LAWYERS, Level 1, 17 Albert Street (PO Box 705), Freshwater NSW 2096, tel.: (02) 9905 9500.

[5676]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of WILLIAM ROBERT OWENS, late of West Ryde, in the State of New South Wales, who died on 11 April 2008, must send particulars of the claim to the legal representative for the estate at care of Fordham Lawyers, Solicitors, Highbury, 12 Station Street, West Ryde NSW 2114, not more than 30 days after publication of this notice. After that time the legal representative intends to distribute the property in the estate unless an application or notice of intended application for a family provision order is received by the legal representative. Probate was granted in New South Wales on 11 January 2011. FORDHAM LAWYERS, Solicitors, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685) (DX 27551, West Ryde), tel.: (02) 9858 1533.

[5677]

COMPANY NOTICES

NOTICE of meeting of members. – LITTLE VALE PTY LIMITED (in liquidation) A.C.N. 000 558 707. – Notice is hereby given that pursuant to Section 509 of the Corporations Law the Final Meeting of Members of the abovenamed company will be held at the offices of SWL Chartered Accountants, Unit 1, 212 Auburn Street, Goulburn, NSW on the 28th February, 2011 at 2.00pm for the purpose of laying before the meeting the liquidator's final account and report and giving any explanation thereof. Dated this 18th day of January, 2011. SIMON W LANHAM, Liquidator, C/- SWL Chartered Accountants, Unit 1, 212 Auburn Street, GOULBURN NSW 2580, tel.: (02) 4822 8880.

[5678]