

COPY OF GAZETTE NOTIFICATION

16 NOVEMBER, 1979] NEW SOUTH WALES GOVERNMENT GAZETTE No. 153 5733

SCHEDULE

All that piece or parcel of land containing 1877 square metres or thereabouts in the Municipality of Windsor, Parish of St. Nicholas, County of Cumberland and State of New South Wales, being part of Crown land comprised in Reserve R. 24340 (Tray Site as a Temporary Common and being lot 1 in Deposited Plan 605209.

The above parcel of land is sold to be in the possession of the Minister for Lands under Trusteeship of the Council of the Municipality of Windsor and is shown on plan catalogue number 1079006 in the Metropolitan Water Sewerage and Drainage Board, Sydney. (123/8296) (5894)

ERRATUM

IN notification appearing in Government Gazette number 87 of 29th June, 1979, on pages 3137 and 3138 under the heading of "Valley Heights Sewerage, Acquisition of land and Encumbrances" the words "as is Crown Land" were secondly appearing for the 5th time of the preamble of the notification) are deleted.

3th November, 1979.

L. J. FERGUSON,  
Deputy Premier and Minister for Public Works and Pwts. (6986)

PIPELINES ACT, 1967

NOTIFICATION OF VESTING OF LAND AND EASEMENT

LICENCE No. 7, having been granted on the 8th day of July, 1978, under section 14 of the Pipelines Act, 1967, to Norman P. A. Connelan, the Secretary for the time being of The Australian Gas Light Company, to construct and operate a pipeline and to construct, install and use apparatus or works for the conveyance of natural gas in relation to the lands described in the First and Second Schedules to such Licence, and whereas an Application by the said Norman P. A. Connelan in such Secretary, made on the twentieth day of April, 1979, pursuant to the provisions of section 18 of the said Act for a Variation of the Licence Area specified in the said Licence No. 7 by (inter alia) including therein additional lands (hereinafter called "Variation of Licence Area No. 1") was granted on the seventeenth day of October, 1979, and by section 19 (4) of the said Act, the lands so described in section 19 (4) of the said Act, the lands so described in section 7 of the said Act, and the lands so described in section 7 of the said Act, are deemed to be lands specified in the First and Second Schedules to the said Licence No. 7. It is therefore hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, that in pursuance of the provisions of section 21 of the said Act, the easements for pipelines within the meaning of the said Act and Regulations thereunder over the lands described in the Schedules to Part 2 of the Instrument (exclusive of Item Nos. 116, 389 and 471) lodged under Deposited Plan 499011 pursuant to Regulation 29 of the Pipeline Regulations, 1968, are vested in the said Norman P. A. Connelan, the Secretary for the time being of The Australian Gas Light Company, and the lands described in the Schedules of Part 2 of the Instrument being Item Nos. 116, 389 and 471, are vested in the said Norman P. A. Connelan, the Secretary for the time being of The Australian Gas Light Company for an estate in fee simple in possession and otherwise freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way or other encumbrances whatsoever.

Signed and sealed at Sydney, this 14th day of November, 1979.

A. R. CUTLER, Governor.

By His Excellency's Command,

(6982) P. D. HILLS, Minister for Energy.

PIPELINES ACT, 1967

IT is hereby notified that His Excellency the Governor, with the advice of the Executive Council, has approved of the amendments to Licence No. 7, granted to The Australian Gas Light Company on 3th July, 1978, to construct a return gas pipeline between Plumpton (near Sydney) and Barnsley (near Newcastle).

The amendments relate to technical investigations to be carried out by the Licence to ensure pipeline stability over areas of land likely to be affected by mine subsidence.

(7033) P. D. HILLS, Minister for Energy.

FACTORIES, SHOPS AND INDUSTRIES ACT, 1963

REMUNERATION PAYABLE TO MEMBERS OF THE TUGBOY DRIVERS AND BOILER ATTENDANTS EXAMINATION BOARD

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the provisions of section 65 (2) of the Factories, Shops and Industries Act, 1963, has approved that the members, other than the Chairman, of the Tugbooy Drivers and Boilers Attendants Examination Board be entitled to receive the following remuneration for their services on and from 1st January, 1979:

Each member shall be entitled to receive a fee of thirty-eight dollars and fifty cents (\$38.50) for meetings of up to half a day and sixty-four dollars (\$64.00) for meetings extending beyond half a day on any one day. (6940) P. D. HILLS, Minister for Industrial Relations.

FACTORIES, SHOPS AND INDUSTRIES ACT, 1963

REMUNERATION PAYABLE TO MEMBERS OF THE RETAIL TRADE ADVISORY COMMITTEE

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the provisions of section 91A (2) of the Factories, Shops and Industries Act, 1963, has approved that the members, other than the Chairman, of the Retail Trade Advisory Committee be entitled to receive the following remuneration for their services, on and from 1st January, 1979:

Each member shall be entitled to receive a fee of thirty-eight dollars and fifty cents (\$38.50) for meetings of up to half a day and sixty-four dollars (\$64.00) for meetings extending beyond half a day on any one day. (6032) P. D. HILLS, Minister for Industrial Relations.

APPRENTICES ACT, 1969

REMUNERATION PAYABLE TO MEMBERS OF THE NEW SOUTH WALES APPRENTICESHIP COUNCIL

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the provisions of section 8 (9) of the Apprentices Act, 1969, has approved that the members of the New South Wales Apprenticeship Council appointed on the nomination of the Minister be entitled to receive the following remuneration for their services on and from 1st January, 1979:

Each member shall be entitled to receive a fee of thirty-eight dollars and fifty cents (\$38.50) for meetings of up to half a day and sixty-four dollars (\$64.00) for meetings extending beyond half a day on any one day. (6937) P. D. HILLS, Minister for Industrial Relations.

FACTORIES, SHOPS AND INDUSTRIES ACT, 1963

REMUNERATION PAYABLE TO MEMBERS OF THE FACTORY AND INDUSTRIAL WELFARE BOARD

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the provisions of section 62 (6) of the Factories, Shops and Industries Act, 1963, has approved that the members, other than the Chairman, of the Factory and Industrial Welfare Board be entitled to receive the following remuneration for their services on and from 1st January, 1979:

Each member and deputy member shall be entitled to receive a fee of thirty-eight dollars and fifty cents (\$38.50) for meetings of up to half a day and sixty-four dollars (\$64.00) for meetings extending beyond half a day on any one day. (6941) P. D. HILLS, Minister for Industrial Relations.

FACTORIES, SHOPS AND INDUSTRIES ACT, 1963

REMUNERATION PAYABLE TO MEMBERS OF THE HAIRDRESSERS' COUNCIL

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of section 105 (3) of the Factories, Shops and Industries Act, 1963, has approved that the members other than the Chairman, of the Hairdressers' Council be entitled to receive the following remuneration for their services on and from 1st January, 1979:

Each member shall be entitled to receive a fee of thirty-eight dollars and fifty cents (\$38.50) for meetings of up to half a day and sixty-four dollars (\$64.00) for meetings extending beyond half a day on any one day. (6939) P. D. HILLS, Minister for Industrial Relations.

*Handwritten signatures and initials:*  
P.D. Hills  
M. Banks

OFFICE USE ONLY

FIRST SCHEDULE DIRECTIONS					
DIRECTION PROP No. OF SHARES					
(A)	FOLIO IDENTIFIER	(B) No.	(C) SHARE	(D) (E)	NAME AND DESCRIPTION
SECOND SCHEDULE & OTHER DIRECTIONS					
(A)	FOLIO IDENTIFIER (No. Acc., Balance & Folio Identifier)	(B) DIRECTION	(C) QUANTITY TYPE	(D) DEALING NUMBER	(E) DETAILS



D.P. 499011

1 verify that this is sheet 20 of a plan of 22 sheets. Also verify that this is the correct plan for the project. If not, please advise the Engineer immediately.

Registered 9-11-1979  
City of London  
City of London  
City of London

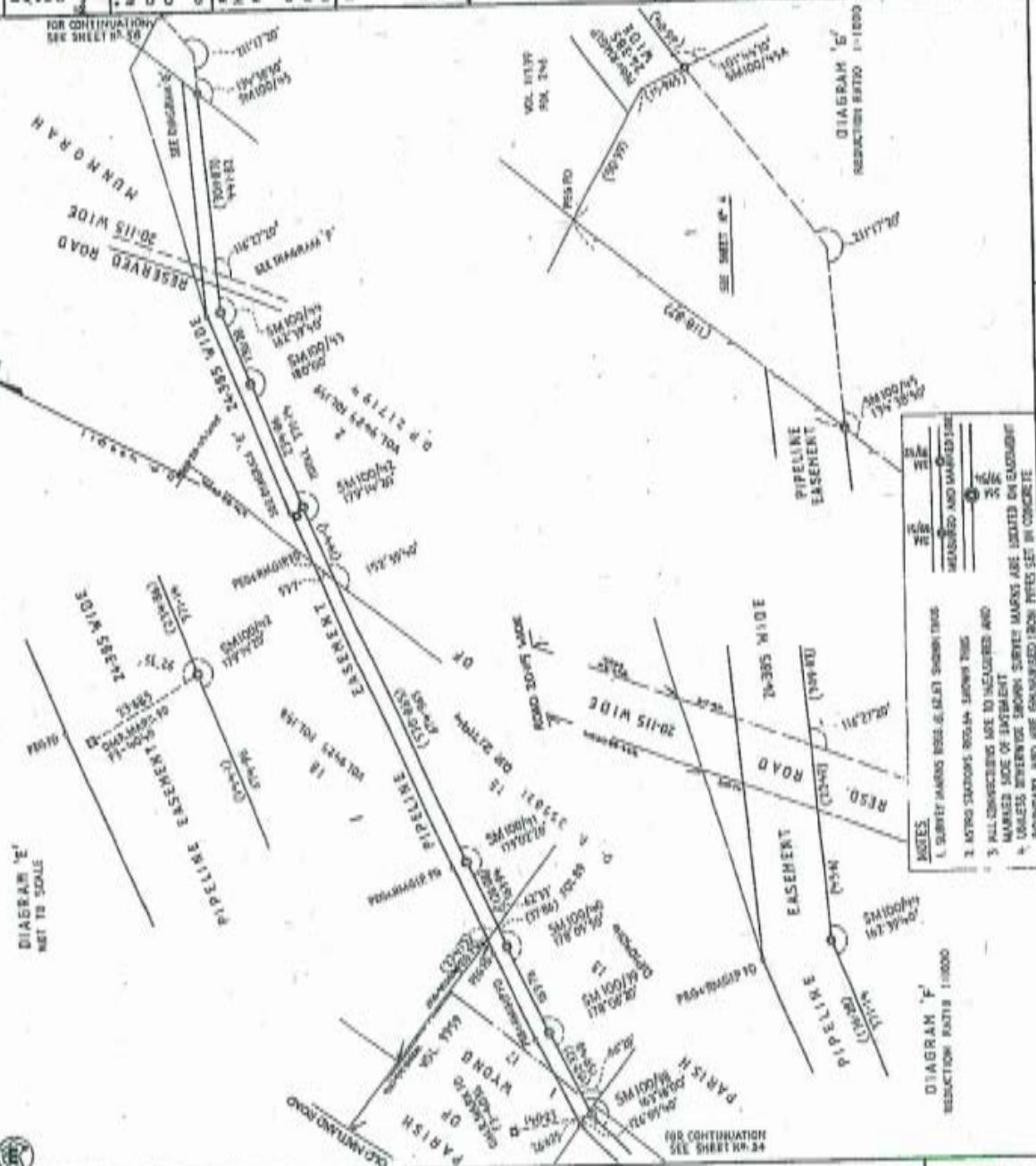
Quantity: 20000  
Scale: 1:1000  
Date: 1979  
Author: J. Smith  
Checker: J. Smith

PROJECT: WATER MAINS  
LOCATION: BARNET  
CLIENT: BARNET WATERWORKS BOARD

DATE: 1979  
BY: J. Smith  
CHECKED: J. Smith

INSTRUMENT FILED AS 155560  
COPY FILED AS BA 9567 NO 742

FOR CONTINUATION SEE SHEET NO. 21



- NOTES:
1. SURVEY MARKS (SEE 6.12.1) SHOWN THIS PLAN ARE TO BE MAINTAINED AND MARKED AS SHOWN.
  2. ALL CONDUITS ARE TO BE INSTALLED AND MARKED AS SHOWN.
  3. ALL CONDUITS ARE TO BE INSTALLED AND MARKED AS SHOWN.
  4. UNLESS OTHERWISE SHOWN SURVEY MARKS ARE LOCATED ON EXISTING BOUNDARY AND ARE ENOUGH TO BE SET IN CONCRETE.

PLAN DRAWING ONLY TO APPEAR IN THIS SCALE

WARNING: CREATING OR FOLDING WILL LEAD TO SUCCESSES

Sheet 20 of 22



OFFICE USE ONLY



**APPLICATION TO NOTE RESTRICTION  
 ON THE USE OF LAND**  
 SECTION 88D (3), CONVEYANCING ACT, 1919  
 REAL PROPERTY ACT, 1900

R	of	R
\$		/

DESCRIPTION OF LAND Note (b)	Terrans Title Reference	If part only, state Whole and give details	Location
	Folio Identifiers 11/255821 13/255821 15/255821	WHOLE	Warnervale

APPLICANT Note (b) **ROADS AND TRAFFIC AUTHORITY OF NEW SOUTH WALES**

Note (c) being the registered proprietor of the land above described hereby applies to have a recording made in the Register of the Restriction on Use, the terms of which are specified in the Order dated (a true copy of which is set out hereunder) and which affects the land above described, annexed Order by The Roads and Traffic Authority of New South Wales being the Prescribed Authority under Section 88D of the Conveyancing Act, 1919.

Office Use Only  
  
**OVER**

DATE

I hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900 and I also certify that no person or corporation has acquired an interest in the land above described.

Execution Note (e) Signed in my presence by an Authorized Officer for the applicant who is personally known to me.

*DeWise Maile*  
Signature of Witness

**DEWISE MAILE**  
Name of Witness (BLOCK LETTERS)

**260 ELIZABETH ST SURRY HILLS - CLERK**  
Address and occupation of Witness

*B. Loke*  
EXECUTED PURSUANT TO DELEGATION  
BOOK 3777 No. 27  
Signature of Authorized Officer

TO BE COMPLETED BY LODGING PARTY Note (f) and (g)

LODGED BY	Roads and Traffic Authority NSW 260 Elizabeth Street SURRY HILLS NSW 2010 DX 13 SYDNEY Phone 218 6478 Ref: CPP F3/205,1504 Delivery Box Number 555X		LOCATION OF DOCUMENTS	
	CT	OTHER		
			Herewith	
			In L.T.O. with	
			Produced by	
OFFICE USE ONLY	Checked	Passed	REGISTERED	-19
	<i>Shoals</i>	<i>RF 10</i>		
	Signed	Extra Fee	Secondary Directions	
			Delivery Directions	







THIS IS THE ORDER REFERRED TO IN THE APPLICATION TO  
NOTE RESTRICTION AS TO USER UNDER SECTION 80D(3)  
CONVEYANCING ACT, 1919, as amended

**B**

CONVEYANCING ACT, 1919  
ORDER - SECTION 80D(2) OF  
CONVEYANCING ACT, 1919

1. The Roads and Traffic Authority of New South Wales is the prescribed authority for the purposes of this Order.
2. (a) that the land described in Schedule 1 hereto will not nor will any part thereof at any time hereafter be used as a means of access or route to or from any part of the land described in Schedule 2 hereto or to or from any part of the road constructed or to be constructed over the land described in Schedule 2 hereto without the prior written consent of the prescribed authority (which consent may at any time be revoked by the prescribed authority in his absolute discretion);
- (b) that no means of access or route to or from any part of the land described in Schedule 2 hereto or to or from the road constructed or to be constructed over the land described in Schedule 2 hereto will at any time hereafter (without such consent as aforesaid being first had and obtained and which consent may be revoked as aforesaid) be opened constructed formed or laid out in over or upon the land described in Schedule 1 hereto or any part thereof and any means of access or route must be forthwith closed upon the prescribed authority revoking his consent as aforesaid.

Dated at Sydney this *7<sup>th</sup>* day of *December* 19 *92*

SIGNED by the Delegate  
of the Roads and Traffic  
Authority of New South  
Wales  
in the presence of:

*B. Loh*

EXECUTED PURSUANT TO DELEGATION  
BOOK 3799 No. 278

*D. Maile*  
Witness

SCHEDULE 1

ALL those pieces of land situate in the Shire of Wyong, Parish of Wyong and County of Northumberland, being the whole of the land comprised within Certificates of Title Folio Identifiers 11/255821, 13/255821, 15/255821 and shown as Lots 11, 13 and 15 Deposited Plan 255821 which is also numbered 6003 505 88 0094 at the Roads and Traffic Authority of New South Wales. The land is in the possession of the Roads and Traffic Authority of New South Wales.

SCHEDULE 2

All those pieces of land situate in the Shire of Wyong, Parish of Wyong and County of Northumberland, being the part of the land comprised within Certificate of Title Volume 1587 Folio 136 and the whole of the land comprised within Folio Identifiers 17/255821 and 18/255821 and shown as Lots 16, 17, 18 Deposited Plan 255821 which is also numbered 6003 505 88 0094 at the Roads and Traffic Authority of New South Wales. The land is in the possession of the Roads and Traffic Authority of New South Wales.



PLUMPTON / KILLINGWORTH

5594481



9 All: 38

APPLICATION PURSUANT TO SECTION 48C REAL PROPERTY ACT, 1900.

AP	1	of	1

Newcastle Pipe Line Co. Pty. Ltd. 1279-1288-1289

DESCRIPTION OF LAND

Terrace Title Reference	If part only, delete WHOLE and give details	Parish	County	Sheet No of Plan
	WHOLE			
VOL. 1552 FOL. 192 ✓	Part	Maroota	Cumberland	19
VOL. 10272 FOL. 240 ✓	Part	Harra Harra	Cumberland	27
VOL. 10667 FOL. 67 ✓	Part	Gosford	Northumberland	43
VOL. 2864 FOL. 10 ✓	(Residue) Part	Tuggarah	Northumberland	48
VOL. 2220 FOL. 32 ✓	(Residue) Part	Tuggarah	Northumberland	48
VOL. 3396 FOL. 87 ✓	Part	Munnorah	Northumberland	49
VOL. 13765 FOL. 218 ✓	14186-127/8 Part	Munnorah	Northumberland	49
VOL. 11012 FOL. 102 ✓	Part	Wyong	Northumberland	49

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N NIL

APPLICANT

NEWCASTLE PIPE LINE COMPANY LIMITED

(hereinafter referred to as the applicant) in consequence of the Licence granted in us under Section 14 of the Pipelines Act, 1967, hereby request the Registrar General to give effect to the vesting of the easements notified in Government Gazette No. 31 of 22 February, 1980 (folio 826) a true copy of which is annexed hereto, and make all recordings in the Registrar so far as it relates to the land shown in Deposited Plan 499014 which is comprised in the Certificates of Title referred to above, vested and on-line of the Schedule annexed.

DATE OF APPLICATION 11th June 1981

EXECUTION

I hereby certify this application to be correct for the purposes of the Real Property Act, 1900. Signed in my presence by the attorney for the applicant who is personally known to me.

*Robert Allison*  
Signature of Witness

Signed by John Bromley Sellers under Power of Attorney Book 3444 No. 620 and I have no notice of the revocation of the Power.

ROBERT EDWARD ALLISON  
18 ROSE TERRACE, PADDINGTON  
N.S.W. ENGINEER  
Address and Occupation of Witness

*J.B. Sellers*  
Signature of Applicant  
Mr Sellers

TO BE COMPLETED BY LODGING PARTY

LODGED BY <b>WILLIAMS BROTHERS - CMPS ENGINEERS</b> P.O. Box 369, Chatswood, N.S.W. 2067		LOCATION OF DOCUMENTS Herewith. In R.O.O. with _____ Produced by _____	
Delivery Box Number		<input type="checkbox"/>	<input type="checkbox"/>
Extra Fee	Checked by  Registrar General	REGISTERED 30-9-19 81	

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C/S RPTK

Continuation of Schedule of Certificates of Title in application by **NEWCASTLE PIPE LINE COMPANY LIMITED**

dated the *11th* day of **JUNE** 1987

New Part of Vol. 1478 of 1977

Totrens Title Reference	If Part Only, Delete Whole and Give Details	Parish	County	Sheet No. of Plan
	WHOLE			
VOL. 9959 FOL. 89 ✓	Part	Wyong and Hunmorah	Northumberland	51
VOL. 9425 FOL. 158 ✓	Part	Hunmorah	Northumberland	51
<del>VOL. 9425 FOL. 159</del> ✗	<i>18418/147</i> Part	Hunmorah	Northumberland	51
VOL. 14014 FOL. 68	Whole	Hunmorah	Northumberland	52
VOL. 9389 FOL. 13 ✓	Part	Mandolong	Northumberland	59
VOL. 11639 FOL. 137 ✓	Part	Mandolong	Northumberland	59
VOL. 6520 FOL. 232	Part	Mandolong	Northumberland	60
VOL. 13220 FOL. 125	Part	Mandolong	Northumberland	60/61
VOL. 13085 FOL. 47	Part	Coorumbung	Northumberland	63
VOL. 10446 FOL. 112 ✓	Part	Tuggarah	Northumberland	48
VOL. 6299 FOL. 159 ✓	Part	Coorumbung	Northumberland	61

*J.B. Jellison*



COPY OF GAZETTE NOTIFICATION

826 NEW SOUTH WALES GOVERNMENT GAZETTE No. 31 [21 FEBRUARY, 1980]

**HOUSING ACT, 1912 AS AMENDED—PUBLIC WORKS ACT, 1912, AS AMENDED**  
**ACQUISITION OF LAND FOR HOUSING PURPOSES (HOUSING SCHEME AT WARREN, NEW SOUTH WALES)**

It is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, that in pursuance of the provisions of section 4 of the Housing Act, 1912, as amended, as affected by the Housing Act, 1941, as amended, so much of the lands described in the Schedule hereunder as is Crown land is hereby appropriated, and so much of the said lands as is private property is hereby resumed, under the Public Works Act, 1912, as amended, for the purposes of the Housing Act, 1912, as amended, and that the said lands are vested in The Housing Commission of New South Wales. (L.A.8820—Schedule 8820)

**SCHEDULE**

All that piece or parcel of land situate in the Shire of Warren, Parish of Warren, County of Oxley, being allotment 7, section 18, Deposited Plan 237792, and said to be in the possession of the Tencher Housing Authority of New South Wales.

No Crown Grant issued.

Dated at Sydney, this thirteenth day of February, 1980.

A. R. CUTLER, Governor.

By His Excellency's Command,

(8767) SYDNEY D. EINFELD, Minister for Housing.

**PIPELINES ACT, 1967**

**NOTIFICATION OF VESTING OF LAND AND EASEMENT**

LICENCE No. 9, having been granted on the second day of January, 1980, under section 14 of the Pipelines Act, 1967, to the Newcastle Pipe Line Company Limited, to construct and operate a pipeline and to construct, install and use apparatus or works for the conveyance of substance specified in the Conditions of Licence annexed to the said licence in relation to the lands described in the First and Second Schedules to such licence, it is therefore hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, that in pursuance of the provisions of section 21 of the said Act, the easements for pipeline within the meaning of the said Act and Regulations thereunder over the lands described in the Schedules to part 2 of the instrument pursuant to Regulation 29 of the Pipelines Regulations, 1968 (exclusive of item 361a) lodged under Dealing No. R. 677826 in the Torrens Title Register and Book 3198, No. 445, in the General Register of Deeds at the office of the Registrar General and as shown on Deposited Plan 499014, are vested in the said Newcastle Pipe Line Company Limited, and the land described in the Schedules to part 2 of the aforesaid instrument being item 361a is vested in the said Newcastle Pipe Line Company Limited, for an estate in fee simple in possession and otherwise

freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way of other easements whatsoever.

Signed and sealed at Sydney, this 10th day of February, 1980.

A. R. CUTLER, Governor.

By His Excellency's Command,

P. D. HILLS, Minister for Energy.

(9108)

**HUNTER DISTRICT WATER, SEWERAGE AND DRAINAGE ACT, 1938**

**DECLARATION OF STORMWATER CHANNEL DARK CREEK STORMWATER CHANNEL, BIRMINGHAM GARDENS BRANCH**

(L.S.) A. R. CUTLER, Governor.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and on the recommendation of the Minister for Public Works, do hereby declare the channel described in the Schedule hereunder to be a stormwater channel for the purposes of the Hunter District Water, Sewerage and Drainage Act, 1938.

Signed and sealed at Sydney, this 13th day of February, in the year of our Lord, one thousand nine hundred and eighty.

By His Excellency's Command,

L. J. FERGUSON, Minister for Public Works.

GOD SAVE THE QUEEN!

**SCHEDULE**

Dark Creek Stormwater Channel, Birmingham Gardens Branch, commencing at chainage 00 metres and extending generally in an easterly direction to chainage 468.24 metres a total distance of 468.24 metres consisting of 2.52 metres of outlet structure, followed by 232.70 metres of 1050 x 915 millimetre box culvert section, followed by 3.66 metres of transition section, followed by 228.36 metres of 1830 x 915 millimetre box culvert section.

(S. 32-15172) (Misc. 76-6326. D)

(8560)

**METROPOLITAN WATER, SEWERAGE AND DRAINAGE ACT, 1924**

**LOANS TO THE METROPOLITAN WATER, SEWERAGE AND DRAINAGE BOARD**

IN accordance with the approval of His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the provisions of the Metropolitan Water, Sewerage, and Drainage Act, 1924, the Metropolitan Water, Sewerage and Drainage Board has been authorized to raise the following loans:

Loan No. 2165—\$40,000

Dated at Sydney, this 22nd day of February, 1980.

L. J. FERGUSON, Deputy Premier and

(8973) Minister for Public Works and Ports.

**INDECENT ARTICLES AND CLASSIFIED PUBLICATIONS ACT, 1975.**

**NOTICE UNDER SECTION 14 (1).**

I, WILLIAM FREDERICK CRAVENS, the Minister for the time being administering the Indecent Articles and Classified Publications Act, 1975, do hereby notify pursuant to section 14 (1) of the said Act that the following publications have been classified by a classification officer under section 13 of the said Act as shown hereunder:—

Title or Description	Author or Publisher	Classification
"Aggressive Women" No. 7	Swish Publications Ltd., London UK	Unrestricted
"Bizarre Review"—Madame—Vol 1 No. 12	Swish Publications Ltd., London UK	Unrestricted
"Bra Butters" Vol 4 No. 4 1980	American Art Enterprises Inc. 5th Hollywood, USA	Unrestricted
"Centerfold Girls" (Slog Special) Vol. 2 No. 1 Spring 1980.	Slog Magazine Corp. New York, U.S.A.	Direct sale
"Dominant Squinting Hustlers", No. 1	Swish Publications Ltd., London, U.K.	Unrestricted
"Eros" Vol 3 No. 9 March 1980	Eros Publications Inc. Derby, U.S.A.	Direct sale

*William Cravens*

OFFICE USE ONLY

DIRECTION: PROP No. OF NAMES					FIRST SCHEDULE DIRECTIONS
(A)	FOUO IDENTIFIER	(B) No.	(C) SHARE	(D) (E)	NAME AND DESCRIPTION
SECOND SCHEDULE & OTHER DIRECTIONS					
(F)	FOUO IDENTIFIER <small>(See Regs. 82(1)(a) &amp; 82(1)(b))</small>	(G) DIRECTION	(H) MONTH TYPE	(I) DEALING NUMBER	(K) DETAILS

*J. B. Sullivan*





AP68



OFFICE USE ONLY



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966984 K

**APPLICATION TO NOTE RESTRICTION  
ON THE USE OF LAND**  
SECTION 88D (3), CONVEYANCING ACT, 1919  
REAL PROPERTY ACT, 1900

R  of  R /  D  
\$

DESCRIPTION OF LAND Note (a)	Terrace Title Reference	If part only, define whole and give details	Location
	Folio Identifier 1/259075	WHOLE	Warnervale

**APPLICANT**  
Note (b) **ROADS AND TRAFFIC AUTHORITY OF NEW SOUTH WALES**

Note (c) being the registered proprietor of the land above described hereby applies to have a recording made in the Register of the Restriction on Use, the terms of which are specified in the Order dated (a true copy of which is set out hereunder) and which affects the land above described.  
 Note (d) annexed Order by the Roads and Traffic Authority of New South Wales being the prescribed Authority under Section 88D of the Conveyancing Act, 1919.

Office Use Only  
  
OVER

DATE

I hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900 and I also certify that no person or corporation has acquired an interest in the land above described.

Execution Note (e) Signed in my presence by an Authorized Officer for the applicant who is personally known to me.

*D. Maile*  
Signature of Witness

**DENISE MAILE**  
Name of Witness (BLOCK LETTERS)

**260 ELIZABETH ST SURRY HILLS, CLERK**  
Address and occupation of witness

*Bill Lusk*  
EXECUTED PURSUANT TO DELEGATION  
BOOK 3797 Page 278  
Signature of Authorized Officer

TO BE COMPLETED BY LOGGING PARTY Note (f) and (g)

OFFICE USE ONLY	Checked	Passed	REGISTERED - 18	Secondary Directions	LOCATION OF DOCUMENTS		
	Signed	Extra Fee			OT	OTHER	
Logged by <b>Roads and Traffic Authority NSW</b> 260 Elizabeth Street SURRY HILLS NSW 2060 DX 13 SYDNEY Phone 218 6478 GPP F3/505.1504 Ref: Delivery Box Number 556X					How it		
					In L.T.O. will		
					Produced by		
				Delivery Directions			





THIS IS THE ORDER REFERRED TO IN THE APPLICATION TO  
NOTE RESTRICTION AS TO USER UNDER SECTION 88D(3)  
CONVEYANCING ACT, 1919, as amended

CONVEYANCING ACT, 1919  
ORDER - SECTION 88D(2) OF  
CONVEYANCING ACT, 1919

**B**

1. The Roads and Traffic Authority of New South Wales is the prescribed authority for the purposes of this Order.
2. (a) that the land described in Schedule 1 hereto will not nor will any part thereof at any time hereafter be used as a means of access or route to or from any part of the land described in Schedule 2 hereto or to or from any part of the road constructed or to be constructed over the land described in Schedule 2 hereto without the prior written consent of the prescribed authority (which consent may at any time be revoked by the prescribed authority in his absolute discretion);
- (b) that no means of access or route to or from any part of the land described in Schedule 2 hereto or to or from the road constructed or to be constructed over the land described in Schedule 2 hereto will at any time hereafter (without such consent as aforesaid being first had and obtained and which consent may be revoked as aforesaid) be opened constructed formed or laid out in or upon the land described in Schedule 1 hereto or any part thereof and any means of access or route must be forthwith closed upon the prescribed authority revoking his consent as aforesaid.

Dated at Sydney this *th*

day of *December* 19*72*

SIGNED by the Delegate  
of the Roads and Traffic  
Authority of New South  
Wales  
in the presence of:

*B. Look*  
EXECUTED PURSUANT TO DELEGATION  
BOOK 3777 No. 278

*A. Maile*  
Witness

SCHEDULE 1

ALL that piece of land situate in the Shire of Wyong, Parish of Munmorah and County of Northumberland, being the whole of the land comprised within Certificate of Title Folio Identifier 1/259075, and shown as Lot 7, Deposited Plan 259075 which is also numbered 6003 505 88 0107 at the Roads and Traffic Authority of New South Wales. The land is in the possession of the Roads and Traffic Authority of New South Wales.

SCHEDULE 2

ALL that piece of land situate in the Shire of Wyong, Parish of Munmorah and County of Northumberland being part of the land comprised within Certificate of Title Volume 9425 Folio 159 and shown as Lot 6, Deposited Plan 259075 which is also numbered 6003 505 88 0107 at the Roads and Traffic Authority of New South Wales. The land is in the possession of the Roads and Traffic Authority of New South Wales.



PLAN FORM 1

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1999, IT IS INTENDED TO CREATE:

1) EASEMENT FOR GAS MAIN AND ASSOCIATED APPARATUS 5 WIDE  
 2) EASEMENT FOR GAS MAIN AND ASSOCIATED APPARATUS 5 WIDE  
 3) PIPELINE EASEMENT 24.305 WIDE (WIDE DP.499200)

The Council was HERETO AFFIRMED on 28th DAY OF FEBRUARY 2007 in ACCORDANCE WITH SECTION 88B OF THE CONVEYANCING ACT 1999, IT IS INTENDED TO CREATE:



MAYOR  
 GENERAL MANAGER

Department of Lands Approved

is applying this plan certify (Substantive Office)

that all necessary approvals in regard to this direction of the land shown hereon have been given.

Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Title: \_\_\_\_\_

Subdivision Certificate

I hereby certify that the positions of all 300 of the fundamental Planning and the Conveyancing Act 1999 have been satisfied in relation to the proposed

EASEMENT

(Name of applicant) of the land set out here

R. Hartshorne  
 National Planning Commission

Consent Authority: Wyong Shire Council

Date of endorsement: 11-10-2006

Subdivision Certificate to: 161-2006

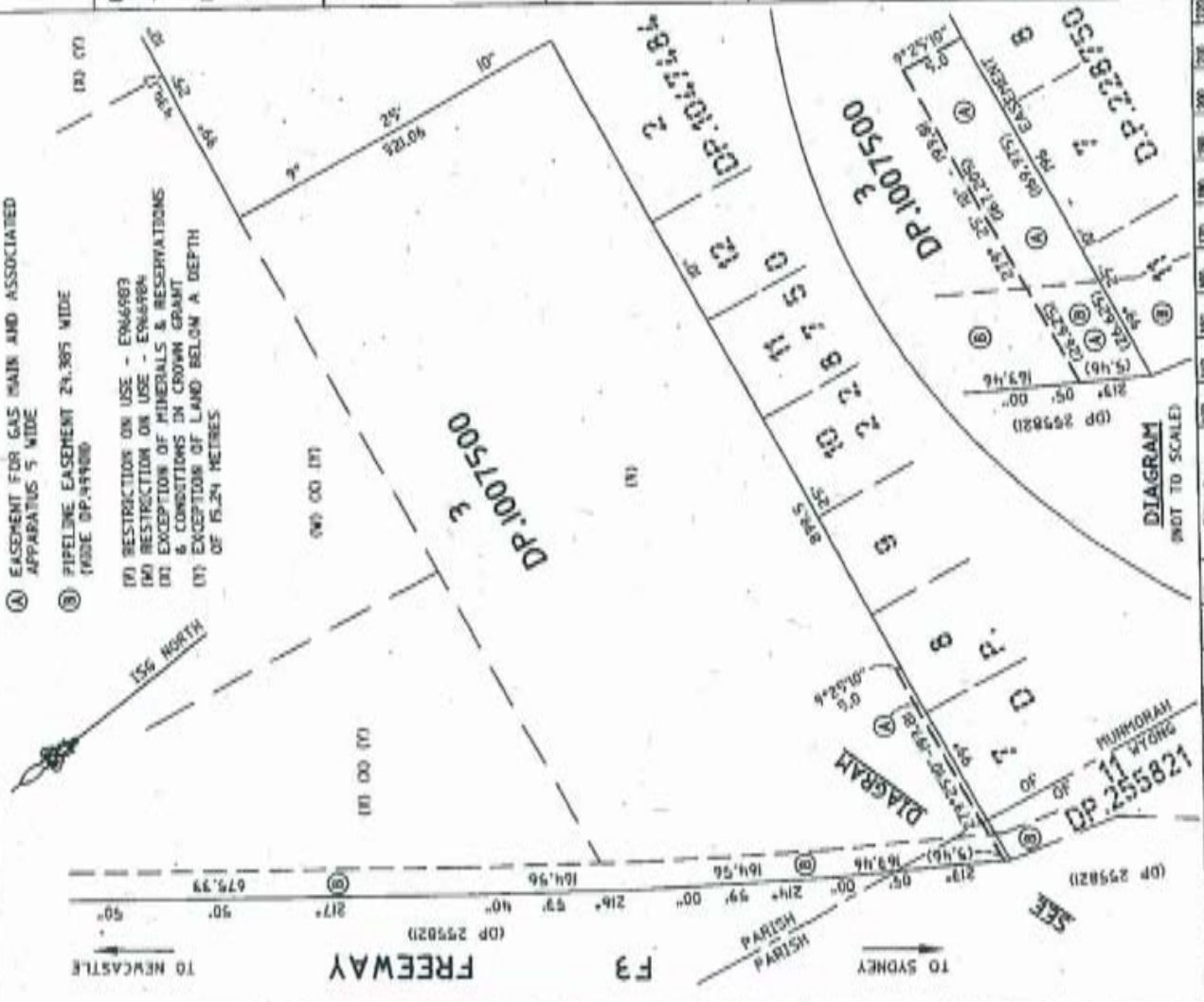
The fee: \_\_\_\_\_

Note: The plan to be lodged electronically to the Land Titles Office should include a signature in an electronic or digital format approved by the Registrar-General.

\* Public address is compulsory

WARNER: Electronic document supplied by LRS NSW for your internal use only.  
 Box: 9-1DR / Doc: DP 1130374 P / Rev: 08-sep-2008 / Res: PC OK / Pct: 09-sep-2008 03:10 / Pgs: ALL / Req: 1 of 1

Plan Drawing only to appear in this space



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

<p>DP1130374 P</p> <p>Registered  09.09.2006</p> <p>Title System: TORRENS</p> <p>Purpose: EASEMENT</p> <p>Ref. Wgs: U 0620-7</p> <p>Leaf Plan: DP.1007500</p> <p>PLAN OF EASEMENT FOR GAS MAIN AND ASSOCIATED APPARATUS 5 WIDE AFFECTING LOT 3 IN DP.1007500</p>	<p>Lengths are in metres. Reduction Ratio 1:4000</p> <p>L G A : WYONG</p> <p>Locality: WARRERVALE</p> <p>Parish: MUNIMORAH/WYONG</p> <p>County: NORTHUMBERLAND</p> <p>Plans used in preparation of completion:</p> <p>DP.228750                  DP.255821                  DP.499011                  DP.1007500                  DP.1047484                  DP.103016</p> <p>Surveying Regulation 2001</p> <p>230821.0.06206                  DMS SURVEYORS P/L                  PO BOX 403 MELB VIC 3009</p> <p>A survey registered under the Surveying Act 2002, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Act 2002 and was completed on 28th AUGUST 2006.</p> <p>The survey relates to LOT 3 IN DP.1007500</p> <p>(Plans specify the land actually surveyed, or specify any land shown in the plan which is not the subject of the survey)</p> <p>(Signature)  Dated: 5/10/2006                  Address: _____                  Title: Surveyor</p>
--	--

\*OFFICE USE ONLY

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS  
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B  
CONVEYANCING ACT, 1919  
(SHEET 1 OF 4 SHEETS)**



Plan:

**DP1130374 B**

**PART 1**

Lot 3 in DP1007500

Full name and address of  
proprietor of the land:

Wyong Shire Council of  
16 Hely Street  
Wyong NSW 2259

Identity of the Easement referred  
to in the abovementioned plan:

Easement for gas main and associated  
apparatus 5m wide

**SCHEDULE OF LOTS AFFECTED**

Lot Burdened

Lot 3 DP1007500

Authority Benefited

*Alinta AGN* *AM*  
~~AGL Gas Networks~~ Limited  
(ABN 87 003 004 322)

**PART 2**

**Terms of easement for gas main and associated apparatus firstly referred to in  
the abovementioned plans:**

1. For the purposes of this Instrument, the following words have the following meanings unless the contrary intention appears:

**"Apparatus"** means mains, pipes and other associated apparatus (including cathodic protection equipment) used for the conveyance, control, measurement and distribution of the Substances and for purposes incidental thereto.

**"Easement Site"** means that part of the Lot Burdened identified as being subject to the Easement in the Plan which accompanies this Instrument.

**"AGL"** means *Alinta AGN* *AM*  
~~AGL Gas Networks~~ Limited ABN 87 003 004 322 and its successors and its officers, agents, employees and other persons authorised by it.

**"Substances"** means natural gas, artificial gas, liquid petroleum gas, oil and other hydrocarbons whether in a gaseous, liquid or solid state and any products or by-products thereof.



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS  
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B  
CONVEYANCING ACT, 1919  
(SHEET 2 OF 4 SHEETS)**

Plan: **DP1130374**

Lot 3 in DP1007500

Full name and address of  
proprietor of the land:

Wyong Shire Council of  
16 Hely Street  
Wyong NSW 2259

Identity of the Easement referred  
to in the abovementioned plan:

Easement for gas main and associated  
apparatus 5m wide

2. Full and free right and licence for AGL to construct Apparatus on the Easement Site (including above and below the surface) for, or related to, the conveyance of Substances through, under and across the Easement Site and to use, examine, re-lay, alter, renew, maintain and remove such Apparatus TOGETHER WITH the following rights:
  - a) a right of support of the Apparatus;
  - b) to enter, pass and re-pass on the Lot Burdened with or without vehicles, to gain access to the Easement Site and to remain there for any reasonable time with or without workmen, materials and machinery;
  - c) to remove any obstructions which encroach onto the Easement Site or prevent reasonable access to the Easement Site;
  - d) to excavate the Lot Burdened within the Easement Site for the purposes of this easement.
3. In the exercise of its rights under this easement AGL shall take reasonable precautions to cause as little disturbance as possible to the surface of the Easement Site and upon completion of the work will restore the surface to its former condition as far as reasonably practicable but AGL shall not be obliged to restore or rebuild any building structure, roadway, pavement, pipeline cable or other improvement, erected upon, through or under the Easement Site.
4. The proprietor of the Lot Burdened undertakes that no structure, pipeline, cable or other improvement will be erected upon, over or under the Lot Burdened within the Easement Site without the prior consent in writing of AGL AND that the proprietor has before the execution of this easement obtained any consents and approvals required from any other person or authority which holds an easement over the Lot Burdened.

**INSTRUMENT SETTING OUT TERMS OF EASEMENT AND RESTRICTIONS  
AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B  
CONVEYANCING ACT, 1919  
(SHEET 3 OF 4 SHEETS)**

**PART 2 (cont.)**

Plan            **DP1130374**

Lot 3 in DP 1007500

Full name and address of  
Proprietor of the land:

Wyong Shire Council  
16 Hely Street  
WYONG NSW 2259

Identity of the Easement referred  
to in the abovementioned plan:

Easement for Gas Main and associated  
apparatus 5 metre wide.

THE COMMON SEAL of WYONG )  
SHIRE COUNCIL was hereunto affixed )  
on *28th* day of *FEBRUARY* 2007 )  
in accordance with Resolution dated *14th* )  
day of *FEBRUARY* 2007 and attested to by: )

  
.....  
Mayor

  
.....  
General Manager





DP1130374

**INSTRUMENT SETTING OUT TERMS OF EASEMENT AND RESTRICTION AS  
TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B  
CONVEYANCING ACT, 1919**

(SHEET 4 OF 4 SHEETS)  
PART 2 (cont)

~~THE COMMON SEAL of AGL NBS  
NETWORKS LIMITED  
(ABN: 87 003 004 322) was hereunto affixed  
in the presence of:~~

.....  
Director

.....  
Secretary

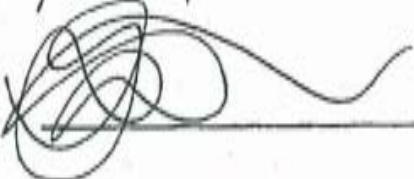
I certify that the attorney signing  
~~opposite, with whom I am personally  
acquainted, signed this instrument  
in my presence~~

) Cert Red correct for the  
) purposes of the Real  
) Property Act 1900 by the  
) Attorney named below who exercises  
) this instrument pursuant to the  
) power of attorney specified.

) 

) ALFIO RAPISARDA  
) Signing on behalf of  
) ALINTA AGN LIMITED

) Power of Attorney  
) book: 4519  
) no.: 915



\_\_\_\_\_  
CAMERON HERBERT

\_\_\_\_\_  
SOLICITOR, LEVEL 14, 1 O'CONNELL ST, SYDNEY

REGISTERED  8.9.2008

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 1 sheet(s)

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, public reserves and drainage reserves or create easements, restrictions on the use of land and positive covenants



DP1164758 S

Use Only

EASEMENT TO BE ACQUIRED

Office Use Only

Registered:  29.07.2011

Title System: TORRENS

Purpose: EASEMENT

PLAN OF PROPOSED EASEMENT TO DRAIN SEWAGE OVER LOTS 21, 22 & 23 IN DP 259530 & LOT 3 IN DP 1007500

LGA: WYONG

Locality: WARNERVALE AND HALLORAN

Parish: MUNMORAH

County: NORTHUMBERLAND

Survey Certificate

I, .....BARRY ERIC CHARLES HUNT.....

of .....BARRY HUNT ASSOCIATES.....

a surveyor registered under the Surveying and Spatial Information Act 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying and Spatial Information Regulation 2006 and was completed on: 23/3/11.....

The survey relates to EASEMENT ONLY.....

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature  Dated: 6/4/2011

Surveyor registered under the Surveying and Spatial Information Act 2002

Datum Line: "X" - "Y"

Type: Rural

If space is insufficient use PLAN FORM 6A annexure sheet

Crown Lands NSW/Western Lands Office Approval

..... in approving this plan certify

(Authorised Officer)

that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature: .....

Date: .....

File Number: .....

Office: .....

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed ..... set out herein

(insert 'subdivision' or 'new road')

\* Authorised Person/\*General Manager/\*Accredited Certifier

Consent Authority: .....

Date of Endorsement: .....

Accreditation no: .....

Subdivision Certificate no: .....

File no: .....

Plans used in the preparation of survey/compilation

- DP 259075                      DP 776142
- DP 259530                      DP716736
- DP 1007500
- DP 1030020
- DP 1091681
- DP 1142367

If space is insufficient use PLAN FORM 6A annexure sheet

\* Strike through inapplicable parts.

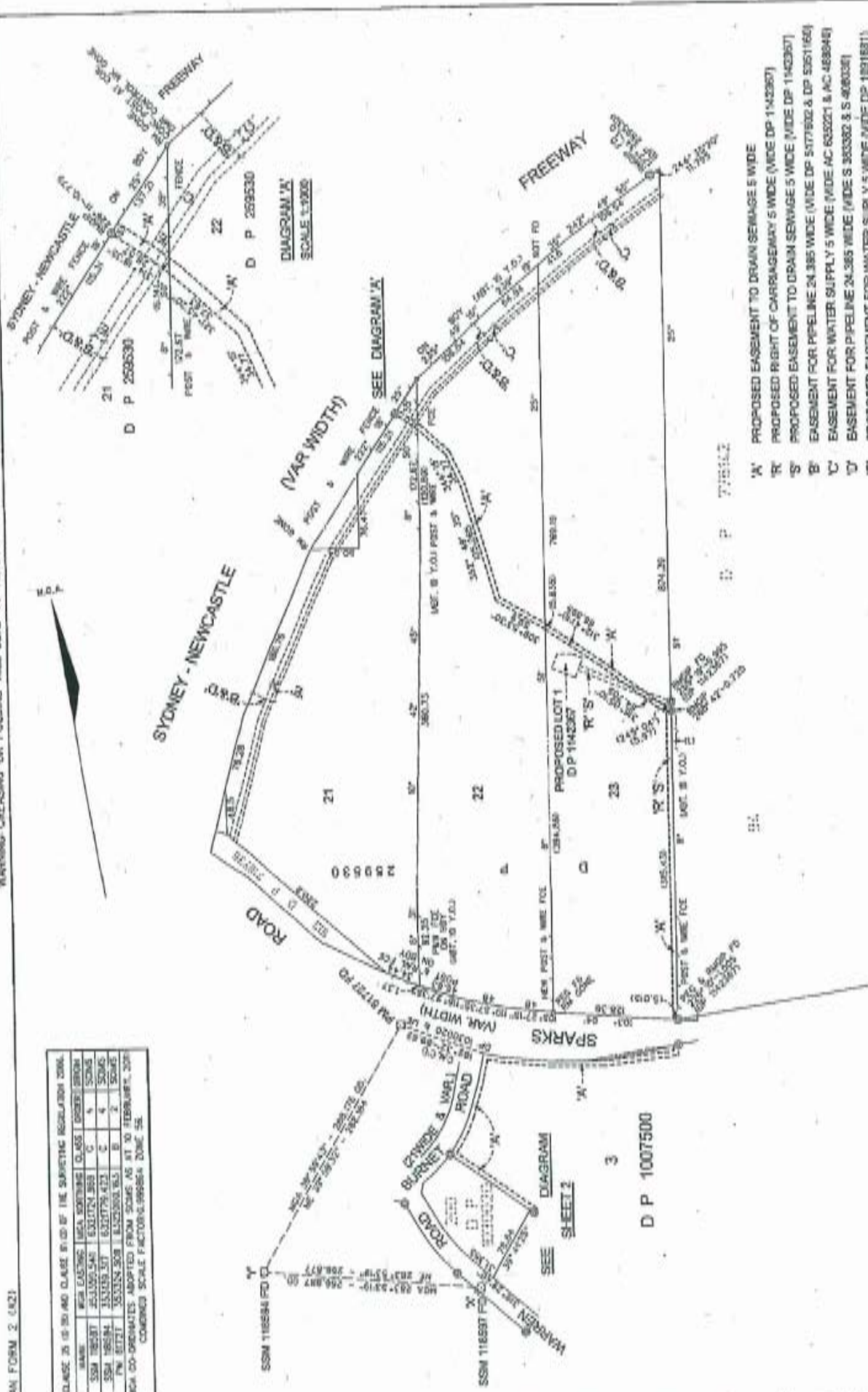


WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

CLASS	IS	SD	AD	CLASS	BY	THE	SUBJECTING	REGULATION	ZONE
NAME	REG	CARRIAGE	WAY	DRIVING	CLASS	ORDER	DRIVE	DRIVE	DRIVE
SSM 116597	24/10/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011
SSM 116598	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011
SSM 116599	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011
SSM 116600	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011	14/11/2011

MCA CO-ORDINATES ADAPTED FROM SCANS AS AT 10 FEBRUARY 2011  
CONVERTED SCALE FACTOR: 0.9999999999999999



- 'W' PROPOSED EASEMENT TO DRAIN SEWAGE 5 WIDE
- 'R' PROPOSED RIGHT OF CARRIAGEWAY 5 WIDE (WIDE DP 1142357)
- 'S' PROPOSED EASEMENT TO DRAIN SEWAGE 5 WIDE (WIDE DP 1142357)
- 'B' EASEMENT FOR PIPELINE 24.385 WIDE (WIDE DP 5477502 & DP 5261166)
- 'C' EASEMENT FOR WATER SUPPLY 5 WIDE (WIDE AC 6532271 & AC 4888948)
- 'U' EASEMENT FOR PIPELINE 24.385 WIDE (WIDE S 3033302 & S 4063301)
- 'E' PROPOSED EASEMENT FOR WATER SUPPLY 5 WIDE (WIDE DP 1891891)

DP1164758 P

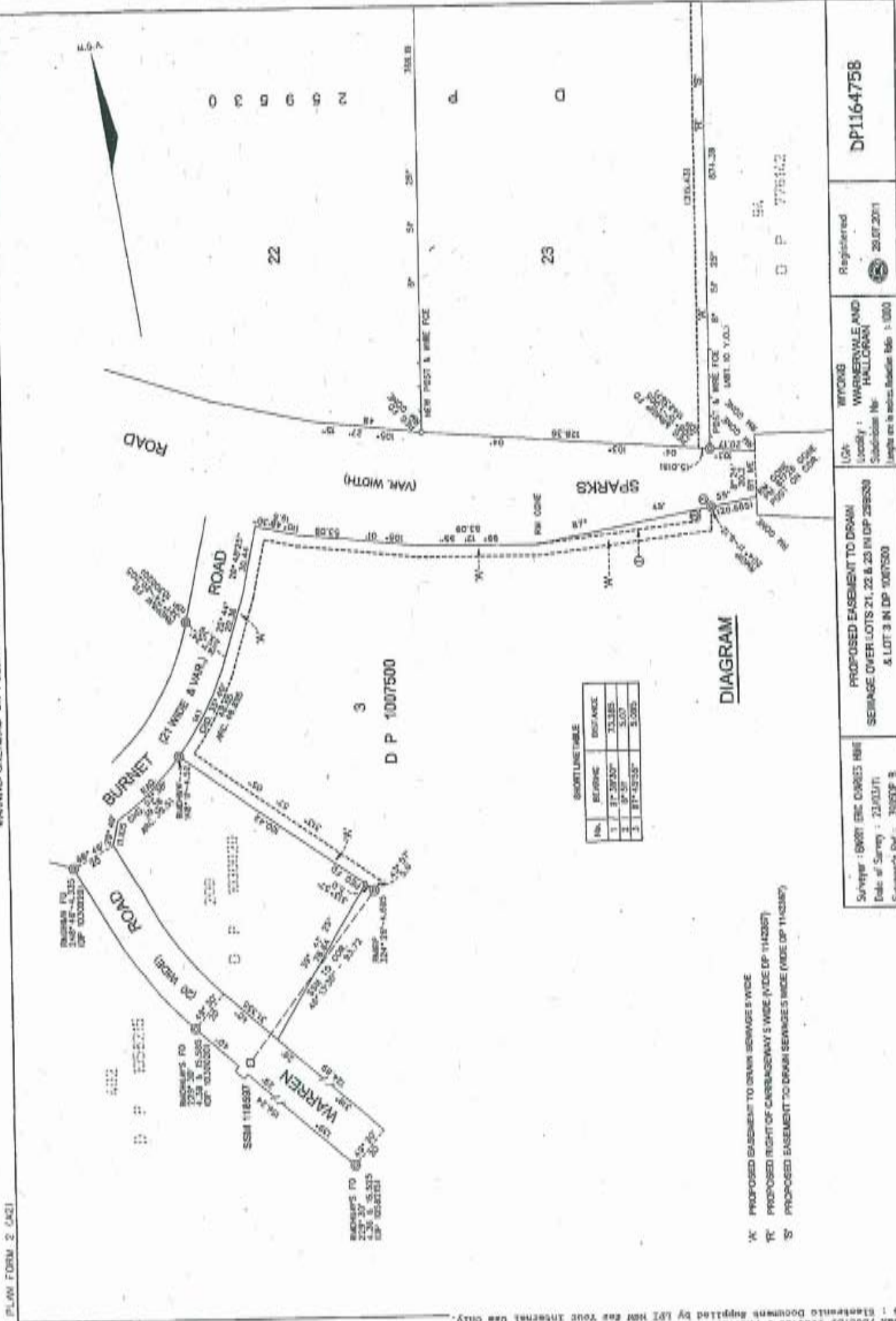
Registered  
25.07.2011

LCA: WYONG  
Locality: WYONG  
Subdivision lot: HALLORAN  
Length in metres: 125.000

PROPOSED EASEMENT TO DRAIN  
SEWAGE OVER LOTS 21, 22 & 23 IN DP 208558  
& LOT 3 IN DP 1067520

Surveyor: SMART EBC CIVILS RUMF  
Date of Survey: 11/05/11  
Surveyor's Ref: 200207-9

WARNING: CREAKING OR FOLDING WILL LEAD TO REJECTION



PLAN FORM 2 (A2)

WARNING: Electronic Documents supplied by EPI may not show your Internet Date Only.

Surveyor: ERIC CARLES HUIE  
 Date of Survey: 23/03/11  
 Surveyor's Ref: 28003P 9

PROPOSED EASEMENT TO DRAIN SEWERAGE OVER LOTS 21, 22 & 23 IN DP 259029 & LOT 3 IN DP 1007500

LOCALITY: WARMWALE AND HALLORAN  
 Substation No: 28003P 9  
 Registered: 28/07/2011

DP 1164758





Wyong  
Shire  
Council  
CENTRAL COAST

ABN 47 054 613 735  
16 November 2012



Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Sir/Madam

**Property:** Lot 3 DP 1007500  
Warnervale Airport, 150-190 Sparks Road, WARNERVALE NSW  
2259

**Your Reference:** BRIAN GLENDENNING

Reference is made to your request for a Sewer Mains Diagram.

In this regard please now find attached a copy of the relevant information showing the sewer main/s location in relation to the property.

If you have any further enquiries regarding this diagram, please contact Council's Water and Waste Section by telephoning (02) 4350 5244

Yours faithfully

Wendy Hilder  
Signed on Behalf of Council

Attach





## Wyong Shire Council Sewer Mains Diagram

Not to Scale

Lot 3 DP 1007500

### Legend

#### SEWER

Reticulation Mains  
Manhole  
Cast Iron Pipes  
Concrete Encasing  
Disused Pipes

#### RISING

Main Lines  
Concrete Encasing  
Cast Iron Pipes  
Disused Pipes  
Applicants Land



### Warning Note for Underground Plant Locations

This plan may not have been updated to take into account changes to boundaries, levels, locuses or structures subsequent to the publication of this plan. Any person who is aware of any such changes should advise the Council immediately. The Council is not responsible for any damage or injury caused by the use of this plan. The Council is not responsible for any damage or injury caused by the use of this plan. The Council is not responsible for any damage or injury caused by the use of this plan.

Shire Councillor is part of the Council's General Duties as defined in the Local Government Act 1995. Any person who is aware of any changes to the Council's General Duties should advise the Council immediately. The Council is not responsible for any damage or injury caused by the use of this plan.

MICHAEL BAKER  
Civil Engineer





Wyong  
Shire  
Council

ABN 47 054 613 735

Certificate No:40947

Reference No: BRIAN GLENDENNING



Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

## SECTION 149(2) AND (5) PLANNING CERTIFICATE

This Planning Certificate is issued on 16 November 2012 in respect to the land described below, pursuant to s.149 of the Environmental Planning and Assessment Act 1979

Fee paid:	\$133.00
Receipt No:	161112
Receipt Date:	16 November 2012

### DESCRIPTION OF LAND COUNTY OF NORTHUMBERLAND

Property Address:	Warnervale Airport, 150-190 Sparks Road, WARNERVALE NSW 2259
Property Description:	Lot 3 DP 1007500
Property Owner:	Wyong Shire Council

The information contained within this certificate relates to the land.

### 1 RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

#### 1.1 Environmental Planning Instruments which apply to the land

Wyong Local Environmental Plan 1991

State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy No 44 – Koala Habitat Protection  
State Environmental Planning Policy No 4 – Development without Consent and  
Miscellaneous Exempt and Complying Development  
State Environmental Planning Policy No 1 – Development Standards  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive  
Industries) 2007  
State Environmental Planning Policy (Affordable Rental Housing) 2009  
State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban  
Land)  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy No.14 – Coastal Wetlands  
State Environmental Planning Policy No 33 – Hazardous and Offensive Development  
State Environmental Planning Policy No 50 – Canal Estates  
State Environmental Planning Policy No 55 – Remediation of Land  
State Environmental Planning Policy (Major Development) 2005  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

**1.2 Proposed Environmental Planning Instruments which will apply to the land and is or has been the subject the subject of community consultation or public exhibition**

The land is not subject to any Draft Local Environmental Plans.

**1.3 Development Control Plans**

Development Control Plan 2005 applies to this land.

**2 ZONING AND LAND USE**

**a Identity of the Zone**

Lot 3 DP 1007500

IN1 General Industrial  
Lot 3 DP 1007500

7G Wetlands Management Zone  
Lot 3 DP 1007500

E2 Environmental Conservation

For each of the environmental planning instruments referred to in clause 1, please refer to the attached land use table to determine:

- b development that may be carried out within the zone without the need for development consent,
- c development which may not be carried out within the zone except with development consent and
- d development which is prohibited within the zone

**e Development Standards applying to the land**

Clause 15 – Development on land containing acid sulphate soils



- (1) The objective of this clause is to require special assessment of certain development on land identified as being subject to actual acid sulphate soils or potential acid sulphate soils.
- (2) A person must not, without the consent of Council, carry out works described in the following Table on land of the class or classes specified for those works in that Table and shown on the Acid Sulphate Soils Planning Map, except as provided by subclause (4).

Class of land shown on Acid Sulphate Soils Planning Map	Works
1	Any works
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered to any point beyond 1 metre below the natural ground surface.
4	Works beyond 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered to any point beyond 2 metres below the natural ground surface.
5	Works which are likely to lower the watertable in adjacent Class 1,2,3 or 4 land to any point below 1 metre AHD

- (3) For the purposes of subclause (2), works includes:
- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, agricultural-related works, the construction or maintenance of drains, engineering works, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
- (b) any other works that are likely to lower the watertable.
- (4) This clause does not require consent for the carrying out of works if:
- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the Acid Sulphate Soils Assessment Guidelines has been given to the Council, and
- (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out

pursuant to an acid sulphate soils management plan prepared in accordance with the Acid Sulphate Soils Assessment Guidelines.

- (5) The Council must not grant a consent required by this clause unless it has considered:
- (a) the adequacy of an acid sulphate soils management plan prepared for the proposed development in accordance with the Acid Sulphate Soils Assessment Guidelines, and
  - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (6) This clause requires consent for the development to be carried out by the Council and other public authorities despite:
- (a) clause 35 of, and items 2 and 11 of Schedule 1 to, the Environmental Planning and Assessment Model Provisions 1980, as adopted by this plan, and
  - (b) clause 10 of State Environmental Planning Policy No 4 – Development without Consent and Miscellaneous Exempt and Complying Development, and
  - (c) clause 24 of this plan.
- (7) Notwithstanding the provisions of subclause (6), the following types of development may be carried out without consent by the Council or another public authority:
- (a) development consisting of emergency work and remediation, subject to compliance with subclause (9),
  - (b) development consisting of routine maintenance and remediation, subject to compliance with subclause (9),
  - (c) development on class 4 or 5 land (within the meaning of subclause (2)) consisting of minor work, and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies and remediation, subject to compliance with subclause (9).
- (8) Despite subclause (7), development consisting of routine maintenance or minor work may be carried out only with consent if the development is on a site listed as a heritage item.
- (9) Where the Council or another public authority carries out development described in subclause (7) and encounters, or is reasonably likely to encounter acid sulphate soils, the Council or other public authority shall properly deal with those soils in accordance with the Acid Sulphate Soils Assessment Guidelines so as to minimise the actual or potential impact to the environment arising from disturbance of the soils.
- STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005 (AMENDMENT 21) – The aims of this Policy are:
- (a) to identify the land to which this Policy applies as a State significant site



under *State Environmental Planning Policy (Major Projects) 2005*, and

- (b) to promote economic development and the creation of employment in the Wyong Employment Zone by providing for development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, and
- (c) to provide for the co-ordinated planning and development of land within the Wyong Employment Zone, and
- (d) to rezone land to which this Policy applies for general industrial and environmental conservation purposes, and
- (e) to provide for appropriate development in the Wyong Employment Zone that satisfies the principles of ecologically sustainable development, and
- (f) to identify and conserve land within the Wyong Employment Zone that has high biodiversity values for environmental protection and conservation purposes and restrict development on flood prone land.

**f Critical Habitat**

Nil

**g Conservation Area**

Nil

**h Environmental Heritage**

Nil

**2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

Not applicable

**3 COMPLYING DEVELOPMENT**

**Whether or not the land is land on which complying development can be carried out under each of the codes for complying development because of the provisions of clause 1.17A (c) and (d) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*?**

**1. PART 3 – GENERAL HOUSING CODE**

- a Complying development under the General Housing Code **may not** be carried out on the land.
- b The land is affected by specific land conditions:
  - This land is an environmentally sensitive area being land to which State

Environmental Planning Policy No 14 – Coastal Wetlands or State  
Environmental Planning Policy No 26 – Littoral Rainforests applies.

- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

2. PART 3A – RURAL HOUSING CODE

a Complying development under the Rural Housing Code **may not** be carried out on the land unless the complying development is carried out on the part of the lot to which clause 1.19 or 1.17A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not apply.

b The land is affected by specific land conditions:

- This land is an environmentally sensitive area being land to which State Environmental Planning Policy No 14 – Coastal Wetlands or State Environmental Planning Policy No 26 – Littoral Rainforests applies.
- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

3. PART 4 – HOUSING ALTERATIONS CODE

a Complying development under the Housing Alterations Code **may not** be carried out on the land.

b The land is affected by specific land conditions:

- This land is an environmentally sensitive area being land to which State Environmental Planning Policy No 14 – Coastal Wetlands or State Environmental Planning Policy No 26 – Littoral Rainforests applies.
- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

4. PART 4A – GENERAL DEVELOPMENT CODE

a Complying development under the General Development Code **may not** be carried out on the land.

b The land is affected by specific land conditions:

- This land is an environmentally sensitive area being land to which State Environmental Planning Policy No 14 – Coastal Wetlands or State Environmental Planning Policy No 26 – Littoral Rainforests applies.
- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

5. PART 5 – GENERAL COMMERCIAL AND INDUSTRIAL CODE

a Complying development under the General Commercial and Industrial Code **may not** be carried out on the land.



b The land is affected by specific land conditions:

- This land is an environmentally sensitive area being land to which State Environmental Planning Policy No 14 – Coastal Wetlands or State Environmental Planning Policy No 26 – Littoral Rainforests applies.
- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

6. PART 6 – SUBDIVISIONS CODE

a Complying development under the Subdivisions Code **may not** be carried out on the land.

b The land is affected by specific land conditions:

- This land is an environmentally sensitive area being land to which State Environmental Planning Policy No 14 – Coastal Wetlands or State Environmental Planning Policy No 26 – Littoral Rainforests applies.
- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

7. PART 7 – DEMOLITION CODE

a Complying development under the Demolition Code **may not** be carried out on the land.

b The land is affected by specific land conditions:

- This land is an environmentally sensitive area being land to which State Environmental Planning Policy No 14 – Coastal Wetlands or State Environmental Planning Policy No 26 – Littoral Rainforests applies.
- The land is an environmentally sensitive area as it is within 100m of land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies.

4 COASTAL PROTECTION ACT 1979

This land is within the coastal zone as defined by the Coastal Protection Act however there are no notices under Sections 38 or 39 of this Act.

4A CERTAIN INFORMATION RELATING TO BEACHES AND COASTS

1. An order has not been made under Part 4D of the Coastal Protection Act 1979 on this land or on any public land adjacent to this property in relation to emergency coastal protection works. If an order has been made previously, Council is fully satisfied that the order has been complied with.

2. Council has not been notified under section 55X of the Coastal Protection Act 1979 that emergency coastal protection works have been placed on the land or public land adjacent to this property.
3. There is no information under section 56B that affects this land.

**4B ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works.

**5 MINE SUBSIDENCE**

The land is not within a proclaimed Mine Subsidence District.

**6 ROAD WIDENING OR ROAD ALIGNMENT**

1. DIVISION 2 SECTION 25 OF THE ROADS ACT 1993  
The land is not affected by road realignment or road widening under the above.
2. ENVIRONMENTAL PLANNING INSTRUMENT  
The land is not affected by road widening or road re-alignment under the above.
3. COUNCIL RESOLUTIONS  
The property is not affected by road widening or road re-alignment under the above.

However, it should be noted that this property fronts a road under the control of the Roads and Maritime Services. For further details regarding road widening please refer to that agency.

**7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES TO RESTRICT DEVELOPMENT DUE TO RISK**

This land is **not** affected by a policy that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

**7A FLOOD RELATED DEVELOPMENT CONTROLS**

Development on this land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or senior housing) and for other purposes are subject to flood related development controls.

Words and expressions in this clause have the same meaning as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*



## **8 LAND RESERVED FOR ACQUISITION**

The following environmental planning instruments and proposed environmental planning instruments make provisions for the acquisition of land by a public authority as referred to in Section 27 of the Act:

Wyong Local Environmental Plan 1991  
State Environmental Planning Policy (Major Development) 2005

## **9 CONTRIBUTION PLANS**

The land is subject to Section 94 Contributions Plan No 7A – Warnervale District.

This land is subject to the Section 94 Contributions Plan for Wyong Shire No. 11 - Shire wide Infrastructure, Services and Facilities – July 2007.

## **9A BIODIVERSITY CERTIFIED LAND**

The land is not "biodiversity certified land" within the meaning of Part 7A of the Threatened Species Conservation Act 1995.

## **10 BIOBANKING AGREEMENTS**

Council has not been notified by the Director-General of the Department of Environment, Climate Change and Water of an agreement issued under Part 7A of the Threatened Species Conservation Act 1995.

## **11 BUSHFIRE PRONE LAND**

The information currently available to Council indicates **some** of the land is shown as bush fire prone land according to the Act.

## **12 PROPERTY VEGETATION PLAN**

This land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advice provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority

## **13 ORDER UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

Council has not been notified of an Order issued under the Trees (Disputes between Neighbours) Act 2006.

NOTE: This advice is based on information provided by the Land and Environment Court.

**14 DIRECTIONS UNDER PART 3A**

Not Applicable

**15 SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning and Infrastructure in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning and Infrastructure.

**16 SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE**

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning and Infrastructure in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning and Infrastructure.

**17 SITE COMPATIBILITY CERTIFICATES FOR AFFORDABLE RENTAL HOUSING**

Council is not aware of there being a valid Site Compatibility Certificate issued by the Director-General of the Department of Planning and Infrastructure in respect of the land.

NOTE: This advice is based on information provided by the NSW Department of Planning and Infrastructure.

**18 CONTAMINATED LAND MANAGEMENT ACT 1979**

Not Applicable

**19 NATION BUILDING AND JOBS PLAN (STATE INFRASTRUCTURE DELIVERY) ACT 2009**

Nil

**20 ADVICE PROVIDED PURSUANT TO S.149(5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**20.1 Prescribed Streams**

Approval of the Department of Natural Resources, in addition to Council's Tree



Permit, is required to remove any trees within 20 metres of Ourimbah Creek, Wyong River (Wyong Creek) and tributaries, Cedar Brush (Cedar or Old Brush Creek) or Jilliby (Jilliby Creek). Contact the Department of Natural Resources for details.

## 20.2 Iconic Development Site

At its meeting held on 24 November 2010, Council identified this property as an Iconic Development Site. The future planning controls for this site are currently being reviewed with the intention of incorporating these controls into Council's Comprehensive Local Environmental Plan review project. Please contact Council's Place Management Unit for more details.

## 20.3 Wyong Employment Zone (WEZ) Report

This land is within an area identified by the Wyong Employment Zone (WEZ) Report. Council has resolved that a draft Local Environmental Plan be prepared to:

- Rezone appropriate areas within the study area to 4(c) Business Park Zone and 4(e) Regional Industrial and Employment Development with appropriate environmental zonings to reflect environmental constraints.
- Revise the provisions of Clauses 46 and 47 of Wyong Local Environmental Plan, 1991 to reflect height restrictions and sound insulation requirements required for a local airport as opposed to the current provisions which reflect the requirements of a regional airport.
- Introduce appropriate provisions to allow for the continuation of a local airport.

NOTE: Wyong Employment Zone was gazetted under SEPP Major Projects (Amendment 21), 7 November 2008. Please contact Council for further information.

## 20.4 Special Contributions Area Order

Department of Planning document - to constitute certain land in Wyong Local Government area as a Special Contributions Area (enquiries to the Department of Planning).

### Special Infrastructure Contributions Plan

Department of Planning document - outlines a proposal to fund the provision of sub-regional and regional infrastructure (enquiries to the Department of Planning).

## 20.5 Controlled Airspace

The land is within the controlled air space of the proposed Warnervale Aerodrome facility, as defined by the 51 metre AHD height limitation area pursuant to Clause 46 of Wyong Local Environmental Plan 1991. As such, restrictions may apply to buildings or structures with a height in excess of 15 metres above natural ground level. Proposals for such buildings or structures will be referred to Air Services Australia for comment on the potential to affect aircraft operations associated with the proposed upgraded aerodrome facility. Clause 46 requires that in determining such applications the Council shall take into account any comments furnished by the Authority.

- 20.6 An Approval to Operate a System of Sewage Management under section 68 of the Local Government Act, 1993 must be obtained from Council by any new owner and/or operator within 1 month of occupation of the premises. It is recommended that prior to any purchase/sale of the property, an inspection of the system be undertaken by a suitably qualified person. Further information may be obtained by contacting Council.