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OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 24 November 2004

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

Act No. 85 2004 – An Act to amend the Child Protection (Offenders Registration) Act 2000, in connection with a national reporting scheme, with respect to reporting obligations and other requirements for offenders who commit certain child-related offences; and for other purposes. [Child Protection (Offenders Registration) Amendment Bill]

Act No. 86 2004 – An Act to amend the Protected Estates Act 1983 to provide for the management of the estates of missing persons; and related matters. [Protected Estates Amendment (Missing Persons) Bill]

RUSSELL D. GROVE, PSM
Clerk of the Legislative Assembly

Proclamations



New South Wales

Proclamation

under the

**Pawnbrokers and Second-hand Dealers Amendment Act 2002
No 104**

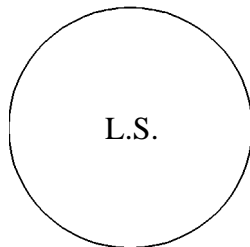
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Pawnbrokers and Second-hand Dealers Amendment Act 2002*, do, by this my Proclamation, appoint 31 March 2005 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 [15], [18], [22] and [26],
- (b) Schedule 1 [27] to the extent that it omits section 30 of the *Pawnbrokers and Second-hand Dealers Act 1996* and inserts a new section 30,
- (c) Schedule 1 [28] to the extent that it inserts section 31A into the *Pawnbrokers and Second-hand Dealers Act 1996*,
- (d) Schedule 1 [29] to the extent that it inserts section 32A (1), (3) and (5) into the *Pawnbrokers and Second-hand Dealers Act 1996*,
- (e) Schedule 1 [30].

Signed and sealed at Sydney, this 8th day of December 2004.

By Her Excellency's Command,



REBA PAIGE MEAGHER, M.P.,
Minister for Fair Trading

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The object of this Proclamation is to commence the remaining amendments to the *Pawnbrokers and Second-hand Dealers Act 1996* made by the *Pawnbrokers and Second-hand Dealers Amendment Act 2002*. The amendments that are being commenced concern the retention of goods, pawnbrokers' records of pledges, agreements to extend redemption periods, variation of pawn agreements, the simultaneous discharge of pawn agreements and re-pawning of goods, the sale of unredeemed goods, notices as to proceeds of sale, interest charges able to be debited under a pawn agreement and the implications of the sale or transfer of a business. The amendments to the *Pawnbrokers and Second-hand Dealers Regulation 1997* are not being commenced as that Regulation has been repealed.

Regulations



New South Wales

Agricultural Industry Services (Interstate Arrangements) Amendment (Murray Valley Wine Grape Industry Development) Regulation 2004

under the

Agricultural Industry Services Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Industry Services Act 1998*.

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

Explanatory note

Part 3A of the *Agricultural Industry Services Act 1998* (*the Principal Act*) enables the regulations under that Act to declare an instrument under an Act of another jurisdiction to be a **recognised foundation instrument** for the purposes of the Principal Act. The effect of such a declaration is to apply the agricultural industry services legislation of that jurisdiction to the area, the commodity and the primary producers of that commodity, described in the regulation by which the declaration is made, and to disapply the corresponding New South Wales legislation.

The object of this Regulation is declare the *Murray Valley Wine Grape Industry Development (Extra-territorial) Order 2004* made under section 8 of the *Agricultural Industry Development Act 1990* of Victoria to be such a recognised foundation instrument. One of the effects of this extra-territorial application is that instead of there being committees in both New South Wales and Victoria to deal with wine grapes, there will in future be a single committee (the Murray Valley Wine Grape Industry Development Committee referred to in the Victorian Order) which will represent the interests of producers of wine grapes grown or produced in the respective areas of both States.

This Regulation is made under the *Agricultural Industry Services Act 1998*, including sections 32D and 51 (the general regulation-making power).

Clause 1 Agricultural Industry Services (Interstate Arrangements) Amendment
 (Murray Valley Wine Grape Industry Development) Regulation 2004

Agricultural Industry Services (Interstate Arrangements) Amendment (Murray Valley Wine Grape Industry Development) Regulation 2004

under the

Agricultural Industry Services Act 1998

1 Name of Regulation

This Regulation is the *Agricultural Industry Services (Interstate Arrangements) Amendment (Murray Valley Wine Grape Industry Development) Regulation 2004*.

2 Amendment of Agricultural Industry Services (Interstate Arrangements) Regulation 2004

The *Agricultural Industry Services (Interstate Arrangements) Regulation 2004* is amended as set out in Schedule 1.

Agricultural Industry Services (Interstate Arrangements) Amendment
(Murray Valley Wine Grape Industry Development) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 5

Insert after clause 4:

5 Declaration of Murray Valley Wine Grape Industry Development (Extra-territorial) Order 2004 (Vic) as recognised foundation instrument

- (1) For the purposes of section 32D (1) of the Act, the *Murray Valley Wine Grape Industry Development (Extra-territorial) Order 2004* made under section 8 of the *Agricultural Industry Development Act 1990* of Victoria is declared to be a recognised foundation instrument for the purposes of the Act.
- (2) For the purposes of section 32D (3) of the Act, the instrument referred to in subclause (1) is declared:
 - (a) to apply in the area of New South Wales comprising the local government areas of Balranald, Wakool and Wentworth, and
 - (b) to apply to and in relation to the commodity wine grapes, being any variety of grapes grown in those areas and used or intended to be used for processing into wine, must, juice or wine spirit, and
 - (c) to apply to and in relation to primary producers of that commodity.



Conveyancing (General) Amendment (Prescribed Authorities) Regulation 2004

under the

Conveyancing Act 1919

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to prescribe Greening Australia ACT & South East NSW Limited as a prescribed authority for the purposes of section 88E of the *Conveyancing Act 1919*. This section allows a prescribed authority to impose restrictions on the use of, or public positive covenants on, any land not vested in the authority, but only where the registered proprietor and other persons with an interest in the land have given their consent.

This Regulation is made under the *Conveyancing Act 1919*, including sections 88E and 202 (the general regulation-making power).

Clause 1 Conveyancing (General) Amendment (Prescribed Authorities) Regulation
2004

Conveyancing (General) Amendment (Prescribed Authorities) Regulation 2004

under the

Conveyancing Act 1919

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (Prescribed Authorities) Regulation 2004*.

2 Amendment of Conveyancing (General) Regulation 2003

The *Conveyancing (General) Regulation 2003* is amended as set out in Schedule 1.

Conveyancing (General) Amendment (Prescribed Authorities) Regulation
2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 53 Regulation of use of land not held by a prescribed authority

Insert after clause 53 (i):

- (j) Greening Australia ACT & South East NSW Limited
(ACN 110 484 181).



Fair Trading (General) Amendment (Direct Commerce Exemptions) Regulation 2004

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

REBA PAIGE MEAGHER, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are as follows:

- (a) to make it clear that business contracts are excluded entirely from the direct commerce provisions contained in Division 3 of Part 4 of the *Fair Trading Act 1987*,
- (b) to make it clear that the exemption of consumer credit contracts from the cooling-off period requirements of the direct commerce provisions extends to a credit provider in New South Wales who enters into a credit contract with a consumer in another State or Territory.

This Regulation is made under the *Fair Trading Act 1987*, including sections 40B (2) and (2A) and 92 (the general regulation-making power).

Clause 1 Fair Trading (General) Amendment (Direct Commerce Exemptions)
Regulation 2004

Fair Trading (General) Amendment (Direct Commerce Exemptions) Regulation 2004

under the

Fair Trading Act 1987

1 Name of Regulation

This Regulation is the *Fair Trading (General) Amendment (Direct Commerce Exemptions) Regulation 2004*.

2 Amendment of Fair Trading (General) Regulation 2002

The *Fair Trading (General) Regulation 2002* is amended as set out in Schedule 1.

Fair Trading (General) Amendment (Direct Commerce Exemptions)
Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] **Clause 88B Exclusion of certain contracts from direct commerce provisions**

Insert after clause 88B (1) (c):

- (c1) a business contract,

[2] **Clause 88B (3)**

Insert after clause 88B (2):

- (3) For the purposes of subclause (1) (c1), **business contract** means a contract for the supply of goods or services other than of a kind ordinarily acquired for personal, domestic or household use or consumption.

[3] **Clause 88C Partial exclusion of certain contracts from direct commerce provisions**

Omit clause 88C (a). Insert instead:

- (a) sections 40C–40H and 40K of the Act do not apply to or in respect of a credit contract, and

[4] **Clause 88C (2)**

Insert at the end of clause 88C:

- (2) In this clause:

Consumer Credit Code means:

- (a) the provisions of the Code by that name set out in the Appendix to the Queensland *Consumer Credit (Queensland) Act 1994*, as applied and in force in any Australian jurisdiction, or
- (b) the provisions of an Act of an Australian jurisdiction that are in the same, or substantially the same, terms as that Code.

credit contract has the same meaning as in the *Consumer Credit Code*, but does not include a consumer lease within the meaning of that Code.



New South Wales

Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous) Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

REBA PAIGE MEAGHER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Pawnbrokers and Second-hand Dealers Regulation 2003* to provide for the following:

- (a) to delay (until 31 March 2005) the commencement of certain amendments to the *Pawnbrokers and Second-hand Dealers Regulation 2003* that are contained in that Regulation,
- (b) to prescribe digital cameras, digital imaging equipment and devices that play digital audio files as second-hand goods for the purposes of the *Pawnbrokers and Second-hand Dealers Act 1996*,
- (c) to exempt a licensee from the operation of certain provisions of the Act and Regulation relating to the provision of evidence of the identity of the vendor and title to goods (and associated record-keeping requirements) where the goods are being imported into Australia and the licensee retains documentation provided by the Australian Customs Service and obtains an Australian Customs Service Import Reference Number,
- (d) to exempt a licensee from the requirement to record a serial number under a provision of the *Pawnbrokers and Second-hand Dealers Act 1996* (that has not yet commenced), that requires the serial number and any other identifying number or engraving for pawned goods to be recorded, if the goods are batteries or chargers for mobile phones or power tools.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including the definition of *second-hand goods* in section 3 (1) and section 43 (the general regulation-making power).

Clause 1 Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous)
Regulation 2004

Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous) Regulation 2004

under the

Pawnbrokers and Second-hand Dealers Act 1996

1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous) Regulation 2004*.

2 Commencement

- (1) This Regulation commences on 31 March 2005, except as provided by subclause (2).
- (2) Schedule 1 [1] commences on the date of publication of this Regulation in the Gazette.

3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2003

The *Pawnbrokers and Second-hand Dealers Regulation 2003* is amended as set out in Schedule 1.

Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous)
Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Commencement

Omit “15 December 2004” from clause 2 (3). Insert instead “31 March 2005”.

[2] Clause 5 Meaning of “second-hand goods”

Insert “(including digital cameras and digital imaging equipment)” after “photographic equipment” in clause 5 (1) (e).

[3] Clause 5 (1) (n)

Insert after clause 5 (1) (m):

- (n) devices designed to play digital audio files (such as MP3 players and iPods).

[4] Clause 18AA

Insert after clause 18:

18AA Exemptions relating to overseas supplier of goods

- (1) A licensee is exempted from the operation of section 15 (1), (1A), (1B) and (3) of the Act if:
 - (a) goods that are being offered for sale to the licensee are to be or have been imported to Australia from a foreign country by the licensee, and
 - (b) an Australian Customs Service Import Reference Number in respect of the goods is obtained by the licensee.
- (2) For the purposes of section 16 (1) of the Act, a licensee must, if a transaction consists of the acquisition of goods referred to in subclause (1), keep all original documents provided by the Australian Customs Service (including the Australian Customs Service Import Reference Number) and a description of the goods or contract to which the reference number relates.

Pawnbrokers and Second-hand Dealers Amendment (Miscellaneous)
Regulation 2004

Schedule 1 Amendments

[5] Clause 22A

Insert after clause 22:

22A Exemptions relating to pawnbroker's record of pledges

A licensee is exempted from the requirement to record a serial number under section 28 (2) (a) of the Act if the pawned goods are batteries or chargers for any of the following:

- (a) mobile phones,
- (b) power tools.



New South Wales

Private Hospitals and Day Procedure Centres Amendment (Fees) Regulation 2004

under the

Private Hospitals and Day Procedure Centres Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Private Hospitals and Day Procedure Centres Act 1988*.

MORRIS IEMMA, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Private Hospitals Regulation 1996* and the *Day Procedure Centres Regulation 1996* to increase the following fees:

- (a) the application fees for licences for private hospitals and day procedure centres,
- (b) the annual licence fees for private hospitals and day procedure centres,
- (c) the application fees for the transfer of licences for private hospitals and day procedure centres.

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

This Regulation is made under the *Private Hospitals and Day Procedure Centres Act 1988*, including sections 8 (Application for licence), 17 (Annual licence fees), 18 (Transfer of licence to another licensee) and 55 (the general regulation-making power).

Clause 1 Private Hospitals and Day Procedure Centres Amendment (Fees)
Regulation 2004

Private Hospitals and Day Procedure Centres Amendment (Fees) Regulation 2004

under the

Private Hospitals and Day Procedure Centres Act 1988

1 Name of Regulation

This Regulation is the *Private Hospitals and Day Procedure Centres Amendment (Fees) Regulation 2004*.

2 Amendment of Private Hospitals Regulation 1996

The *Private Hospitals Regulation 1996* is amended as set out in Schedule 1.

3 Amendment of Day Procedure Centres Regulation 1996

The *Day Procedure Centres Regulation 1996* is amended as set out in Schedule 2.

Private Hospitals and Day Procedure Centres Amendment (Fees)
Regulation 2004

Amendment of Private Hospitals Regulation 1996

Schedule 1

Schedule 1 Amendment of Private Hospitals Regulation 1996

(Clause 2)

[1] Clause 7 Applications for licences

Omit "\$690" from clause 7 (b). Insert instead "\$710".

[2] Clause 9 Annual licence fees

Omit the Table to the clause. Insert instead:

Table	
Column 1	Column 2
Number of persons licensed to be accommodated	Licence fee \$
Fewer than 40	1,295
40–49	1,800
50–59	2,320
60–69	2,840
70–79	3,380
80–89	3,870
90–99	4,370
100 or more	4,900

[3] Clause 10 Transfer of licence

Omit "\$690" from clause 10 (b). Insert instead "\$710".

Private Hospitals and Day Procedure Centres Amendment (Fees)
Regulation 2004

Schedule 2 Amendment of Day Procedure Centres Regulation 1996

Schedule 2 Amendment of Day Procedure Centres Regulation 1996

(Clause 3)

- [1] Clause 7 Applications for licences**
Omit "\$690" from clause 7 (b). Insert instead "\$710".
- [2] Clause 9 Annual licence fees**
Omit "\$1,260". Insert instead "\$1,295".
- [3] Clause 10 Transfer of licence**
Omit "\$690" from clause 10 (b). Insert instead "\$710".



New South Wales

Public Finance and Audit Amendment (Game Council) Regulation 2004

under the

Public Finance and Audit Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Finance and Audit Act 1983*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to amend the *Public Finance and Audit Regulation 2000* to nominate officers that are to be recognised as officers of the Game Council of New South Wales for the purposes of sections 12 and 13 of the *Public Finance and Audit Act 1983*. Those sections require the accounting functions of those officers to be exercised within the limits of their delegation and in accordance with the Treasurer's directions.

This Regulation is made under the *Public Finance and Audit Act 1983*, including section 4 (1) and section 64 (the general regulation-making power).

Clause 1 Public Finance and Audit Amendment (Game Council) Regulation 2004

Public Finance and Audit Amendment (Game Council) Regulation 2004

under the

Public Finance and Audit Act 1983

1 Name of Regulation

This Regulation is the *Public Finance and Audit Amendment (Game Council) Regulation 2004*.

2 Amendment of Public Finance and Audit Regulation 2000

The *Public Finance and Audit Regulation 2000* is amended as set out in Schedule 1.

Public Finance and Audit Amendment (Game Council) Regulation 2004

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 17 Definitions of “authority” and “officer of an authority”

Insert as clause 17 (14):

- (14) For the purposes of the definition of *officer of an authority* in section 4 (1) of the Act, the persons holding the following positions in the Department of Primary Industries are prescribed as officers in relation to the Game Council of New South Wales, but only for the purposes of exercising functions under sections 12 and 13 of the Act:

Director, Finance and Administration

Director, Human Resources

Human Resources Manager

Finance Manager

Administration Operations Manager

Finance Officer, Reporting

Accounts Payable/Accounts Receivable Manager

Management Accounting Officer

Business Management Accountant

P-Card Administrator

Assistant Finance Officer

Budget Accountant



New South Wales

Public Finance and Audit Amendment (Officers) Regulation 2004

under the

Public Finance and Audit Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Finance and Audit Act 1983*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to amend clause 17 of the *Public Finance and Audit Regulation 2000* to reflect the establishment of NSWbusinesslink as a Department. This Regulation prescribes officers of NSWbusinesslink as officers of an authority with respect to the Department of Ageing, Disability and Home Care, the Department of Community Services, the Department of Housing and the Home Care Service of New South Wales, for the purposes of exercising functions under sections 12 and 13 of the *Public Finance and Audit Act 1983* (which deal with commitment of expenditure and the payment of accounts).

This Regulation is made under the *Public Finance and Audit Act 1983*, including the definition of *officer of an authority* in section 4 (1) and section 64 (the general regulation-making power).

Clause 1 Public Finance and Audit Amendment (Officers) Regulation 2004

Public Finance and Audit Amendment (Officers) Regulation 2004

under the

Public Finance and Audit Act 1983

1 Name of Regulation

This Regulation is the *Public Finance and Audit Amendment (Officers) Regulation 2004*.

2 Amendment of Public Finance and Audit Regulation 2000

The *Public Finance and Audit Regulation 2000* is amended as set out in Schedule 1.

Public Finance and Audit Amendment (Officers) Regulation 2004

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 17 Definitions of “authority” and “officer of an authority”

Omit “the persons holding the positions in NSW Businesslink, Department of Housing, that are specified in Part A of the Table to this subclause are prescribed as officers in relation to authorities specified in Part B of the Table” from clause 17 (10).

Insert instead “an officer of NSWbusinesslink is a prescribed person in relation to the Department of Ageing, Disability and Home Care, the Department of Community Services, the Department of Housing and the Home Care Service of New South Wales”.

[2] Clause 17 (10), Table

Omit the Table.

Orders



Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2004

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 220D of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 21st day of September 2004.

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

Explanatory note

Part 7A of the *Fisheries Management Act 1994* (*the Act*) deals with the conservation of threatened species, populations and ecological communities of fish and marine vegetation. For the purposes of identification and classification, provision is made for the listing:

- (a) in Schedule 4 to the Act, of endangered species, endangered populations, and endangered ecological communities and species that are presumed to be extinct, and
- (b) in Schedule 5, of vulnerable species, and
- (c) in Schedule 6, of key threatening processes.

Under the Act, listings and amendments to listings are to be made by the Minister by order on the recommendation of the Fisheries Scientific Committee (*the Committee*).

The object of this Order is to list southern bluefin tuna as an endangered species in Part 1 of Schedule 4 to the Act (Endangered species), as recommended by the Committee.

Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2004

Explanatory note

The Committee has recommended this listing because it considers that the species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

The Committee's recommendation is available for inspection on the Internet at www.fisheries.nsw.gov.au/fsc/recomend.htm.

This Order is made under section 220D of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management Amendment (Threatened Species Conservation)
Order (No 3) 2004

Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2004

under the

Fisheries Management Act 1994

1 Name of Order

This Order is the *Fisheries Management Amendment (Threatened Species Conservation) Order (No 3) 2004*.

2 Commencement

This Order takes effect on the date that it is published in the Gazette.

3 Amendment of Fisheries Management Act 1994

The *Fisheries Management Act 1994* is amended by inserting in alphabetical order in Part 1 of Schedule 4 under the heading "Fish":

Thunnus maccoyii

southern bluefin tuna



New South Wales

Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2004

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following interim Order.

Dated, this 21st day of September 2004.

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

Explanatory note

Southern bluefin tuna is listed as an endangered species under the *Fisheries Management Act 1994*.

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. As an interim measure (that is, while such a proposed order is being assessed under the Act), the Minister may make an order lasting up to 6 months to allow an existing activity to be continued.

The object of this interim Order (which has effect for 6 months, starting on the date it is published in the Gazette) is to permit recreational fishers to continue to take and possess southern bluefin tuna, subject to compliance with any applicable fishing regulatory controls (for example, the daily bag limit applying in relation to the taking and possessing of southern bluefin tuna under Division 3 of Part 2 of the *Fisheries Management (General) Regulation 2002*).

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2004

Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2004

under the

Fisheries Management Act 1994

1 Name of interim Order

This interim Order is the *Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2004*.

2 Commencement and duration

This interim Order:

- (a) takes effect on the day that it is published in the Gazette, and
- (b) ceases to have effect on the day that is 6 months after the day on which it takes effect.

3 Continuation of existing activities

Recreational fishers may continue to take and possess *Thunnus maccoyii* (southern bluefin tuna), subject to compliance with any applicable fishing regulatory controls.



New South Wales

Transport Administration (Sydney Ferries—Fares) Order 2004

under the

Transport Administration Act 1988

I, Suzanne Sinclair, Chief Executive Officer of Sydney Ferries, in pursuance of the *Transport Administration Act 1988*, make the following Order on behalf of Sydney Ferries.

SUZANNE SINCLAIR
Chief Executive Officer
Sydney Ferries

Explanatory note

Currently, the charges for public bus and ferry services in the Sydney and Newcastle Suburban Areas are set out in the *Transport Administration (State Transit Authority—Fares) Order 1991 (the 1991 Order)*. On 1 July 2004 Sydney Ferries was constituted as a statutory State owned corporation, with one of its functions being the provision of ferry services in Sydney Harbour and the Parramatta River.

The object of this Order is to set out in a new Order both the charges for ferry services operated by Sydney Ferries and the charges for multi-trip intermodal fares, periodical fares and additional concessional fares for which there is a Sydney ferry service component. The charges for the Sydney ferry services have been increased by approximately 4.2 per cent from the fares currently set out in the 1991 Order, in accordance with a recent determination by the Independent Pricing and Regulatory Tribunal.

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

Transport Administration (Sydney Ferries—Fares) Order 2004

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Transport Administration (Sydney Ferries—Fares) Order 2004

Clause 1

Transport Administration (Sydney Ferries—Fares) Order 2004

under the

Transport Administration Act 1988

1 Name of Order

This Order is the *Transport Administration (Sydney Ferries—Fares) Order 2004*.

2 Commencement

This Order commences on 12 December 2004.

3 Charges

- (1) The charges to be demanded by Sydney Ferries in respect of the Sydney ferry services (including the multi-modal services) are as set out in Schedule 1.
- (2) The *Transport Administration (State Transit Authority—Fares) Order 1991* does not apply to the charges that may be demanded for any Sydney ferry services other than the multi-modal services.
- (3) In this clause, **multi-modal services** means the Sydney ferry services that are provided by Sydney Ferries in conjunction with the rail services provided by RailCorp, the light rail services provided by Metro Transport Sydney Pty Ltd trading as Metro Light Rail and the bus services provided by the State Transit Authority.

4 Purchase of tickets

Tickets in respect of Sydney ferry services may be purchased at such locations as Sydney Ferries may from time to time determine.

5 Family fares: fare exemption for second and subsequent children

If an adult is accompanied on a Sydney ferry service journey by 2 or more children from the adult's household, and if the appropriate charges for the journey have been paid for the adult and any 1 of those children, no charge is payable for any other of those children for that journey.

Clause 6 Transport Administration (Sydney Ferries—Fares) Order 2004

6 State Transit Authority and RailCorp tickets

No charge is payable for any Sydney ferry service journey for which a ticket issued by the State Transit Authority or RailCorp is valid.

7 Validity of tickets

- (1) A single or return ticket issued by Sydney Ferries is valid only for a journey or journeys completed on the day on which it is issued or before 4 am on the next day.
- (2) A weekly ticket issued by Sydney Ferries is valid only:
 - (a) in the case of a Blue, Orange or Pittwater TravelPass, for the period of one week commencing with the day of first use specified on the ticket and until 4 am on the next day following the expiry of the one-week period, or
 - (b) in any other case, for the period of one week ending with the day of expiry stamped on the ticket at the time of purchase and until 4 am on the next day.
- (3) A quarterly ticket issued by Sydney Ferries is valid only for the period of 3 months ending with the day of expiry specified on the ticket and until 4 am on the next day.
- (4) A yearly ticket issued by Sydney Ferries is valid only for the period of 12 months ending with the day of expiry specified on the ticket and until 4 am on the next day.
- (5) A DayTripper issued by Sydney Ferries is valid only:
 - (a) for the day on which it is issued and until 4 am on the next day, if issued from a railway or ferry booking office, or
 - (b) for the day of first use specified on the ticket and until 4 am on the next day, if issued from a State Transit Authority booking office.

8 Certain services excluded from TravelPasses etc

- (1) TravelPass and BusTripper tickets are not valid for the State Transit Authority's premium services, tourist services, special (sporting) services, special (racecourse) service or JetCat services (other than a specific service indicated in the Manly ferry service timetable from time to time as having the fare rate of the Manly (Freshwater class) ferry service).
- (2) Pensioners' combined rail/bus/ferry excursion tickets are not valid for the State Transit Authority's premium services, tourist services or JetCat services (other than a specific service indicated in the Manly ferry service timetable from time to time as having the fare rate of the Manly (Freshwater class) ferry service).

9 No concessions for quarterly or yearly tickets

Concessions do not apply to quarterly or yearly tickets issued in respect of JetCat services (other than a specific service indicated in the Manly ferry service timetable from time to time as having the fare rate of the Manly (Freshwater class) ferry service).

10 Conditions for use of Blinded Soldiers Gold Pass

The holder of a Blinded Soldiers Gold Pass (issued to a blind Australian war veteran) and a person accompanying the holder as a guide are entitled to free travel on JetCat services.

11 Pro-rata charges for quarterly and yearly tickets

- (1) If this Order is amended by another order under section 85 (2A) of the Act so as to vary any matter on which the charge for a quarterly or yearly ticket is based, the charge for a quarterly or yearly ticket in respect of which an application has been made but not been dealt with before the date on which the amending order is published in the Gazette, or for which an application is subsequently made, is to be calculated:
 - (a) in respect of any period occurring before the date on which the variation takes effect—on the basis of this Order as in force when the application was made, and
 - (b) in respect of any period occurring on or after the date on which the variation takes effect—on the basis of this Order as so amended.
- (2) Subclause (1) does not apply if the application for the ticket was made more than 1 month before the date on which the variation takes effect but not more than 1 month before the date on which the ticket is to commence.

12 Refunds

A person is not entitled to a refund in respect of a periodical ticket merely because of a reduction in the charges for Sydney ferry services that occurs during the period for which the ticket is valid.

13 Definitions

- (1) In this Order:

Blue TravelPass means a ticket that allows:

 - (a) unlimited travel on the State Transit Authority's bus services in the area bounded by the section points at the following locations:
 - (i) Watsons Bay,
 - (ii) La Perouse,

Clause 13 Transport Administration (Sydney Ferries—Fares) Order 2004

- (iii) the Airport runway tunnel, General Holmes Drive, Mascot,
- (iv) Rockdale Station,
- (v) Earlwood shops,
- (vi) Canterbury Station,
- (vii) Brighton Avenue, Croydon Park,
- (viii) the intersection of Liverpool Road and Malvern Avenue, Croydon,
- (ix) the intersection of Lang Street and Parramatta Road, Croydon,
- (x) Pittwater Road, Gladesville,
- (xi) the Lane Cove River,
- (xii) East Lindfield,
- (xiii) the Spit Bridge, and

(b) unlimited travel on the Inner Harbour ferry services.

child means a person who is of or above the age of 4 years but under the age of 16 years, and includes a person who is of or above the age of 16 years and is the holder of a NSW School Pupil Identification Card—Form 202.

CityRail Area means the combined area formed by the Sydney Suburban Area, the Outer Metropolitan Area and the Newcastle Suburban Area.

concession means a reduced charge available to children and to the holders of certain concessional travel passes issued under section 88 of the Act.

DayTripper means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area, and
- (b) unlimited travel on Sydney ferry services, and
- (c) unlimited travel on RailCorp's rail services in the area bounded by Bondi Junction, Cowan, Carlingford, Richmond, Emu Plains, Macarthur (via Granville, via Regents Park or via East Hills), Otford and Cronulla.

FerryTen means a multi-trip ticket for use on Sydney ferry services on 10 occasions only.

Green TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area (except north of Narrabeen Lagoon), and

-
- (b) unlimited travel on Sydney ferry services, and
 - (c) unlimited travel on RailCorp's rail services in the area bounded by Chatswood, Bondi Junction, Kogarah, Kingsgrove, Epping and Bankstown (via Lidcombe or via Sydenham).

Inner Harbour ferry service means a Sydney ferry service other than:

- (a) a Manly ferry service, or
- (b) a service to or from a place on the Parramatta River west of the Meadowbank Railway Bridge (that is, the bridge carrying the main northern railway line between North Strathfield and Meadowbank).

Inner Harbour Zone 1 service means a Sydney ferry service other than:

- (a) a Manly ferry service, or
- (b) a service to or from a place on the Parramatta River west of the Ryde Bridge (that is, the bridge crossing the Parramatta River between Concord Road, Concord and Church Street, Ryde).

Inner Harbour Zone 2 service means any Sydney ferry service (other than the Manly ferry service) to or from a place on the Parramatta River between the Ryde Bridge and the Meadowbank Railway Bridge.

JetCat service means a Sydney ferry service provided for the conveyance of passengers by JetCats, or any other high speed ferries.

Manly ferry service means a Sydney ferry service between Circular Quay and Manly.

Manly (Freshwater class) ferry service means a Sydney ferry service (other than the JetCat service) between Circular Quay and Manly.

Newcastle Suburban Area means the area bounded by Gosford, Dungog, Muswellbrook, Toronto and Karuah.

Orange TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area (except north of Narrabeen lagoon), and
- (b) unlimited travel on Sydney ferry services.

Outer Metropolitan Area means the area beyond the Sydney Suburban Area and bounded by Nowra, Moss Vale, Lithgow and Morisset.

Parramatta City service means any Sydney ferry service (other than the Manly ferry service) to or from a place on the Parramatta River west of the wharf at John Street, Rydalmere.

pensioners' combined rail/bus/ferry excursion ticket means a ticket (available only to the holders of certain concessional travel passes issued under section 88 of the Act) that allows:

- (a) unlimited travel on the State Transit Authority's bus services, and

Clause 13 Transport Administration (Sydney Ferries—Fares) Order 2004

- (b) unlimited travel on Sydney ferry services, and
- (c) unlimited travel on RailCorp's rail services, within the City Rail Area, between Morisset and the Sydney Suburban Area or Outer Metropolitan Area and between Gosford and the Newcastle Suburban Area.

periodical ticket means a weekly ticket, a quarterly ticket or a yearly ticket.

Pink TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area (except north of Narrabeen Lagoon), and
- (b) unlimited travel on Sydney ferry services, and
- (c) unlimited rail travel on RailCorp's rail services in the area bounded by Bondi Junction, Hornsby (via Epping or via North Sydney), Sandown, Carlingford, Seven Hills, Liverpool, Holsworthy (via East Hills), Engadine and Caringbah.

Pittwater TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area, and
- (b) unlimited travel on Sydney ferry services.

premium service means a limited stop, flat fare bus service.

Purple TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area, and
- (b) unlimited travel on Sydney ferry services, and
- (c) unlimited rail travel on RailCorp's rail services in the area bounded by Bondi Junction, Cowan, Carlingford, Richmond, Emu Plains, Macarthur (via Granville, via Regents Park or via East Hills), Otford and Cronulla.

quarterly ticket means a ticket issued for a period of 3 months.

rail service means services for the conveyance of passengers by rail or road coach, but not by light rail.

Red TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services in the area bounded by the section points at the following locations:
 - (i) Watsons Bay,
 - (ii) La Perouse,
 - (iii) the Airport Terminus (General Holmes Drive), Mascot,
 - (iv) Rockdale Station,

-
- (v) the intersection of Earlwood Street, Thompson Street and Prince Edward Avenue, Earlwood,
 - (vi) Canterbury Station,
 - (vii) Brighton Avenue, Croydon Park,
 - (viii) the intersection of Liverpool Road and Malvern Avenue, Croydon,
 - (ix) the intersection of Lang Street and Queen Street, Croydon,
 - (x) Regatta Road, Canada Bay,
 - (xi) Pittwater Road, Gladesville,
 - (xii) the Lane Cove River,
 - (xiii) East Lindfield,
 - (xiv) the Spit Bridge, and
- (b) unlimited travel on the Inner Harbour ferry services, and
 - (c) unlimited rail travel on RailCorp's rail services in the area bounded by Chatswood, Bondi Junction, Rockdale, Canterbury, Bardwell Park and Croydon.

Rydalmere service means any ferry service (other than the Manly ferry service) to or from a place on the Parramatta River between:

- (a) the bridge carrying the main northern railway line between North Strathfield and Meadowbank, and
- (b) the wharf at John Street, Rydalmere.

section means the portion of a bus route between 2 section points.

section point means any point on a bus route indicated as a section point on any of the State Transit's bus stop signs.

special (racecourse) service means a bus service provided to and from race meetings on which special return fares are charged on forward journeys.

special (sporting) service means a bus service provided to and from sporting and other fixtures on which special return fares are charged on forward journeys.

Sydney Suburban Area means the area bounded by Otford, Macarthur, Emu Plains, Richmond and Cowan.

the Act means the *Transport Administration Act 1988*.

tourist services means special tourist bus services operated by the State Transit Authority or special tourist ferry services operated by Sydney Ferries.

Upper Parramatta River service means any Sydney ferry service between any two places on the Parramatta River between the Parramatta and Drummoyne wharves.

Clause 13 Transport Administration (Sydney Ferries—Fares) Order 2004

weekly ticket means a ticket issued for a period of one week.

yearly ticket means a ticket issued for a period of 12 months.

Yellow TravelPass means a ticket that allows:

- (a) unlimited travel on the State Transit Authority's bus services within the Sydney Suburban Area (except north of Narrabeen Lagoon), and
- (b) unlimited travel on Sydney ferry services, and
- (c) unlimited rail travel on RailCorp's rail services in the area bounded by Bondi Junction, Waitara (via North Sydney), Epping (via North Strathfield), Hardies, Camellia, Parramatta, Granville, Chester Hill, Panania and Jannali.

zone means a zone having such boundaries as may be determined from time to time by the State Transit Authority.

- (2) In this clause, *ticket* means a valid ticket.

Transport Administration (Sydney Ferries—Fares) Order 2004

Charges

Schedule 1

Schedule 1 Charges

(Clause 3 (1))

Part 1 Sydney Ferry Services

Single Trip Fares

	Full fare \$	Concession \$
Inner Harbour Zone 1 service	4.80	2.40
Inner Harbour Zone 2 service	5.10	2.50
Manly (Freshwater class) ferry service	6.00	3.00
JetCat service (full fare only)	7.90	—
Parramatta City service	7.40	3.70
Rydalmere service	6.00	3.00
Upper Parramatta River service	4.80	2.40

Multi-trip Fares

	Full fare \$	Concession \$
FerryTen (Inner Harbour Zone 1 service)	30.30	15.10
FerryTen (Inner Harbour Zone 2 service)	33.10	16.50
FerryTen (Manly (Freshwater class) ferry service)	45.10	22.50
FerryTen (JetCat service) (full fare only)	65.70	—
FerryTen (Parramatta City service)	51.90	25.90
FerryTen (Rydalmere service)	45.10	22.50
FerryTen (Upper Parramatta River service)	30.30	15.10

Part 2 Multi-trip Intermodal Fares

	Full fare \$	Concession \$
DayTripper	15.00	7.50

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Transport Administration (Sydney Ferries—Fares) Order 2004

Schedule 1 Charges

Part 3 Periodical Fares

	Full fare \$	Concession \$
Weekly Periodical Fares		
Blue TravelPass	29.00	14.50
Red TravelPass	32.00	16.00
Orange TravelPass	36.00	18.00
Green TravelPass	40.00	20.00
Yellow TravelPass	44.00	22.00
Pink TravelPass	47.00	23.50
Pittwater TravelPass	49.00	24.50
Purple TravelPass	54.00	27.00

Quarterly Periodical Fares

The charge for a quarterly TravelPass ticket is 11 times that for the corresponding weekly TravelPass ticket.

Yearly Periodical Fares

The charge for a yearly TravelPass ticket is 40 times that for the corresponding weekly TravelPass ticket.

Part 4 Additional Concessional Fares

	\$
Pensioner's Combined Rail/Bus/Ferry Excursion Tickets	
(a) Travel wholly within the Sydney Suburban Area, wholly within the Newcastle Suburban Area, between Gosford and the Newcastle Suburban Area or between the Newcastle Suburban Area and Gosford	1.10
(b) Travel wholly within the Sydney Suburban and Outer Metropolitan Areas, between Morisset and the Sydney Suburban and Outer Metropolitan Areas or between the Sydney Suburban and Outer Metropolitan Areas and Morisset	2.20
(c) Travel wholly within the CityRail Area otherwise than as referred to in paragraph (a) or (b)	3.30

OFFICIAL NOTICES

Appointments

BANANA INDUSTRY ACT 1987

Appointment of Member
to Banana Industry Committee

IN pursuance of the provisions of section 16 (i) of the Banana Industry Act 1987, the following person has been nominated to fill a position as regional representative for the Woolgoolga region on the Banana Industry Committee:

Paramjeet Singh BHATTI of Woolgoolga
for a term expiring on 29 September 2007.

Dated this 18th day of November 2004.

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

The Cabinet Office, Sydney
8 December 2004

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR INFRASTRUCTURE AND PLANNING AND MINISTER FOR NATURAL RESOURCES

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable F. E. Sartor, M.P., Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts, from 15 January 2005, to act for and on behalf of the Minister for Infrastructure and Planning and Minister for Natural Resources, with a view to him performing the duties of the Honourable C. J. Knowles, M.P., during his absence from duty.

BOB CARR,
Premier

CROWN LANDS ACT 1989

Appointment of Members of Local Land Boards

IN pursuance of the provisions of the Crown Lands Act 1989, the undermentioned persons have been appointed as members of the Local Land Board for the Land Districts particularised hereunder for a term expiring 31 December 2005.

Gavin Carmichael RALSTON and John William RADNIDGE, for the land district of Maitland.

Kieran Vaughan COFFEY and Peter Blaxland Douglas WALKER, for the land district of Muswellbrook.

William John Kevin KING and Frank RIGBY, for the land district of Newcastle.

TONY KELLY, M.L.C.,
Minister for Lands
The Cabinet Office, Sydney
8 December 2004

The Cabinet Office, Sydney
8 December 2004

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE FROM DUTY OF THE PREMIER, MINISTER FOR THE ARTS AND MINISTER FOR CITIZENSHIP

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable A. J. Refshauge, M.P., Deputy Premier, Minister for Education and Training and Minister for Aboriginal Affairs, to act for and on behalf of the Premier, as on and from 11 December 2004 until 29 December 2004 inclusive, with a view to him performing the duties of the office of the Premier, during my absence from duty.

BOB CARR,
Premier

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR INFRASTRUCTURE AND PLANNING AND MINISTER FOR NATURAL RESOURCES

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable R. J. Debus, M.P., Attorney General and Minister for the Environment, from 20 December 2004 to 14 January 2005, to act for and on behalf of the Minister for Infrastructure and Planning and Minister for Natural Resources, with a view to him performing the duties of the Honourable C. J. Knowles, M.P., during his absence from duty.

BOB CARR,
Premier

The Cabinet Office, Sydney
8 December 2004

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE FROM DUTY OF THE PREMIER, MINISTER FOR THE ARTS AND MINISTER FOR CITIZENSHIP

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable M. R. Egan, M.L.C., Treasurer and Minister for State Development, to act for and on behalf of the Premier, as on and from 30 December 2004, with a view to him performing the duties of the office of the Premier, during my absence from duty.

BOB CARR,
Premier

The Cabinet Office, Sydney
8 December 2004

**MINISTERIAL ARRANGEMENTS DURING
THE ABSENCE OF THE MINISTER FOR POLICE**

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. D. A. Campbell, M.P., Minister for Regional Development, Minister for the Illawarra and Minister for Small Business, to act for and on behalf of the Minister for Police, as on and from 3 January 2005, with a view to him performing the duties of the Honourable J. A. Watkins, M.P., during his absence from duty.

BOB CARR,
Premier

**STATUTORY AND OTHER OFFICES
REMUNERATION ACT 1975**

Appointment

Statutory and Other Offices Remuneration Tribunal

HER Excellency the Governor, with the advice of the Executive Council, and in pursuance of section 6 (2) of the Statutory and Other Offices Remuneration Act 1975, has approved the appointment of Ms Helen WRIGHT, as the Statutory and Other Offices Remuneration Tribunal for the period 13 December 2004 up to and including 12 December 2007.

BOB CARR, M.P.,
Premier

**POLICE REGULATION (SUPERANNUATION)
ACT 1906**

Appointment of Deputy for Member of the
Police Superannuation Advisory Committee

IN accordance with section 2H and Schedule 4 to the Police Regulation (Superannuation) Act 1906, I have approved the appointment of the following WorkCover NSW representative of the Police Superannuation Advisory Committee to serve for the period ending 31 August 2007:

Mr Kevin GILSTON as the Deputy for the Member,
Mr Trevor MacDonald.

This appointment fills a vacant position. Mr John Galvin, the previous holder, left WorkCover NSW.

Dated at Sydney, 8 December 2004.

JOHN DELLA BOSCA,
Special Minister of State,
Minister for Commerce,
Minister for Industrial Relations,
Assistant Treasurer
and Minister for the Central Coast

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



Bathurst Local Environmental Plan 1997 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/01196/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Bathurst Local Environmental Plan 1997 (Amendment No 9)

Bathurst Local Environmental Plan 1997 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bathurst Local Environmental Plan 1997 (Amendment No 9)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 1 (b) (the Market Garden Zone) to Zone No 4 (a) (the Industrial Zone) under *Bathurst Local Environmental Plan 1997*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Bathurst Regional, being part Lot 1, DP 1002282, Kirkcaldy Street, Bathurst, as shown edged heavy black on the map marked "Bathurst Local Environmental Plan 1997 (Amendment No 9)" deposited in the office of the Bathurst Regional Council.

4 Amendment of Bathurst Local Environmental Plan 1997

Bathurst Local Environmental Plan 1997 is amended by inserting in appropriate order in the definition of *land use map* in clause 28 (1) the following words:

Bathurst Local Environmental Plan 1997 (Amendment No 9)



Blacktown Local Environmental Plan 1988 (Amendment No 186)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00466/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 186)

Blacktown Local Environmental Plan 1988 (Amendment No 186)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 186)*.

2 Aims of plan

This plan aims to allow, with the consent of Blacktown City Council, certain commercial development on the land to which this plan applies.

3 Land to which plan applies

This plan applies to Lot 100, DP 1013628, Richmond Road, Glendenning, as shown edged heavy black on the map marked "Blacktown Local Environmental Plan 1988 (Amendment No 186)" deposited in the office of the Council of the City of Blacktown.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended as set out in Schedule 1.

Blacktown Local Environmental Plan 1988 (Amendment No 186)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 41A Development of certain land for additional purposes

Insert “, subject to such conditions, if any, as are specified in Column 2 of that Table” after “that Table”.

[2] Clause 41A, Table

Insert at the end of the Table:

Lot 100, DP 1013628, Richmond Road, Glendenning, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 186)”.

Medical centre (with associated pharmacy), video store, restaurant, pet supplies store and other commercial premises, subject to the condition that the gross floor area of the development does not exceed 1,674m².



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/01054/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 56)

Hurstville Local Environmental Plan 1994 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 56)*.

2 Aims of plan

This plan aims:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to rezone the land from Zone No 6 (a) (the Open Space Zone) to Zone No 4 (the Light Industrial Zone) under *Hurstville Local Environmental Plan 1994* so that the zoning of the land will be compatible with surrounding land uses.

3 Land to which plan applies

This plan applies to land within the City of Hurstville, being Lot 837, DP 13496 and known as 36 Kindilan Street, Kingsgrove, as shown edged heavy black on Sheets 1 and 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 56)" deposited in the office of the Council of the City of Hurstville.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended as set out in Schedule 1.

Hurstville Local Environmental Plan 1994 (Amendment No 56)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Hurstville Local Environmental Plan 1994 (Amendment No 56)—Sheet 1

[2] Schedule 4 Classification and reclassification of public land as operational land

Insert in alphabetical order of locality in Part 3 of the Schedule in Columns 1, 2 and 3, respectively:

Kingsgrove

36 Kindilan Street	Lot 837, DP 13496, as shown edged heavy black on Sheet 2 of the map marked “Hurstville Local Environmental Plan 1994 (Amendment No 56)”.	Nil.
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Shellharbour Rural Local Environmental Plan 2004

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W95/00097/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Shellharbour Rural Local Environmental Plan 2003

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Clause 1 Shellharbour Rural Local Environmental Plan 2003

Part 1 Preliminary

Shellharbour Rural Local Environmental Plan 2004

Part 1 Preliminary

1 Name of plan

This plan is *Shellharbour Rural Local Environmental Plan 2004*.

2 Land to which plan applies

This plan applies to land within the local government area of Shellharbour City that is shown coloured on the zoning map marked "Shellharbour Rural Local Environmental Plan 2004".

3 Aims of plan

The aims of this plan are as follows:

- (a) to provide a comprehensive rural planning framework based on the principles of ecologically sustainable development,
- (b) to establish ecologically sustainable development goals and require those goals to be taken into consideration when determining development applications,
- (c) to ensure that the primary use of prime agricultural land and other land in the 1 (a) Agriculture Zone is for sustainable agricultural pursuits and associated development that support a diversified range of agricultural uses,
- (d) to preserve and enhance the visual rural landscape character of land in the 1 (rl) Rural Landscape Zone,
- (e) to provide for the management of the extraction of mineral resources in a manner that has regard to the surrounding land uses and end-use options of the altered landscape while minimising the environmental impacts of mineral extraction,
- (f) to protect, enhance and manage environmentally important land having special aesthetic, historic, ecological or conservation values for the benefit of present and future generations.

Shellharbour Rural Local Environmental Plan 2003

Clause 4

Preliminary

Part 1

4 Relationship to other environmental planning instruments

- (1) This plan amends *Shellharbour Local Environmental Plan 2000* by inserting at the end of clause 3:
 - (2) However, this plan does not apply to land to which *Shellharbour Rural Local Environmental Plan 2004* applies.
- (2) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* is amended by inserting at the end of Schedule 1 (Ancillary or incidental development involving acid sulfate soils excepted from clause 10):

Clause 41 of *Shellharbour Rural Local Environmental Plan 2004*

5 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for clauses 4 (1), 15–23, 25, 26, 29 and 33 (1) of those provisions.

6 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

7 General restrictions on granting development consent

- (1) Before granting consent for any development, the consent authority is to consider whether it will be ecologically sustainable development.
- (2) The consent authority must not grant consent for any development unless it is satisfied that carrying out the proposed development will be consistent with achieving:
 - (a) the ecologically sustainable development goals in Schedule 1, and
 - (b) the objectives for the zone in which the proposed development will be carried out.
- (3) When taking zone objectives into account, the consent authority is to treat any primary objectives for the zone as more significant than the secondary objectives for the zone and a primary objective is to prevail over a secondary objective for the same zone to the extent of any inconsistency.

Clause 8 Shellharbour Rural Local Environmental Plan 2003

Part 1 Preliminary

8 Definitions

- (1) The Dictionary at the end of this plan contains definitions of certain terms used in this plan.
- (2) In this plan, a reference to a map is to a map kept at the office of the Council.

9 Zones indicated on the zoning map

Land is within one of the following zones for the purposes of this plan if it is shown on the zoning map in the manner specified below:

- 1 (a) Agriculture Zone—shown a light yellow colour.
- 1 (rl) Rural Landscape Zone—shown a yellow colour.
- 1 (x) Extractive Industry Zone—shown a medium grey colour.
- 5 (a) Special Uses (School) Zone—shown a dark yellow colour and lettered with the word “SCHOOL”.
- 5 (b) Special Railway Uses Zone—shown a dark grey colour.
- 6 (a) Public Open Space Zone—shown a light green colour.
- 7 (n) Nature Conservation Zone—shown a medium tan colour.
- 7 (w) Wetlands Zone—shown a rust colour.
- 9 (b) Arterial Roads Reservation Zone—shown a red colour.
- 9 (c) Local Roads Reservation Zone—shown a light grey colour.

10 Zone objectives and development control table

- (1) The objectives of a zone are set out in Part 2 (General land use controls) for the zone under the heading “Objectives of the zone”.
- (2) Except as otherwise provided by this plan, for each zone specified in a “general controls for development” clause in Part 2, the development that:
 - (a) may be carried out without development consent, and
 - (b) may be carried out only with development consent, and
 - (c) is prohibited,

is indicated in that clause under the headings “Allowed without development consent”, “Allowed only with development consent” and “Prohibited in the zone” respectively, appearing in the matter relating to the zone.

Shellharbour Rural Local Environmental Plan 2003

Clause 10

Preliminary

Part 1

- (3) Consent must not be granted to development unless the consent authority has taken into consideration:
 - (a) the aims of this plan in so far as they are relevant to the proposed development and promote the principles of ecologically sustainable development, and
 - (b) whether the proposed development is consistent with such of the objectives of the zone in which it is proposed to carry out the development as are relevant to the proposed development.

11 Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 9/98 (*Shellharbour City Council—Exempt Development Control Plan*), as amended on 18 June 2003, is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in Development Control Plan No 11/98 (*Shellharbour City Council—Complying Development Control Plan*), as in force on 11 December 2002, is **complying development**, if:
 - (a) it is local development of a kind that may be carried out with development consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by the relevant development control plan referred to in subclause (1) or (2).
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Development Control Plan No 11/98 (*Shellharbour City Council—Complying Development Control Plan*), as in force when the certificate is issued.

12 Additional development

- (1) Nothing in this plan prevents a person, with development consent, from carrying out development on land referred to in Schedule 2 if the development is specified in relation to that land in that Schedule, subject to such conditions, if any, as are specified in that Schedule.

Clause 12 Shellharbour Rural Local Environmental Plan 2003

Part 1 Preliminary

- (2) Subclause (1) does not affect the operation of any other provision of this plan (such as a development standard) that is consistent with allowing that development to be carried out subject to any such conditions.

13 Unzoned land

- (1) This clause applies to all land (including waterways) to which this plan applies that is not shown on the zoning map.
- (2) Development must not be carried out on land to which this clause applies except with development consent.
- (3) In determining a development application required by this clause, the consent authority must have regard to the objectives of any zone within which the land abutting the unzoned land is situated.
- (4) Notwithstanding subclause (2), consent is not required for development on unzoned land for the purpose of roads or utility installations (other than railway, water or air transport, wharf or river infrastructure, gas holders or generating works).

14 Suspension of restrictions on land

- (1) To the extent necessary for the purpose of enabling development to be carried out in accordance with this plan or in accordance with a consent granted under the Act, any covenant, agreement or like instrument imposing restrictions on, or prohibiting, the development shall not apply to the development.
- (2) Subclause (1) does not affect the rights of the Council or any other statutory body or public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

15 Savings

- (1) A development application relating to land to which this plan applies that was lodged with the consent authority, but that was not finally determined before the commencement of this plan, is to be determined as if this plan had been exhibited but had not been made.

Shellharbour Rural Local Environmental Plan 2003

Clause 15

Preliminary

Part 1

- (2) Nothing in Part 2 or 3 prohibits or requires development consent for an agricultural use of land to which this plan applies if that use:
- (a) was being lawfully carried out on the land without development consent at the same or a greater intensity during the period of 12 months immediately before the commencement of this plan, and
 - (b) does not involve the clearing of land, the erection of a structure, the carrying out of a work, or the demolition of any structure or work.

Clause 16	Shellharbour Rural Local Environmental Plan 2003
Part 2	General land use controls
Division 1	Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

Part 2 General land use controls

Division 1 Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

16 General controls for development in the 1 (a) Agriculture Zone

(1) Objectives of the zone

The primary objectives of the zone are as follows:

- (a) to recognise the importance and retain the productive capacity of high class agricultural land,
- (b) to encourage sustainable agricultural practices and management of rural land,
- (c) to minimise the incidence of existing and potential rural land use conflict by the appropriate separation of potentially incompatible uses,
- (d) to ensure that development and management of land within the zone has a minimal impact on:
 - (i) water quality and environmental flows of receiving streams, and
 - (ii) ecological values of the land, including habitat corridors, and
 - (iii) the amenity of surrounding landowners, and
 - (iv) rural landscape character,
- (e) to encourage habitat restoration on cleared land and rehabilitation activities that enhance the biodiversity values of the escarpment, foothills, riparian corridors, wetlands and wildlife links,
- (f) to ensure that mineral resources of State or regional significance are not sterilised by the location of inappropriate uses on adjoining land.

The secondary objective of the zone is to allow non-agricultural uses that are compatible with the environmental quality and visual rural landscape character of land within the zone and that do not adversely impact on the agricultural potential or use of surrounding lands.

Shellharbour Rural Local Environmental Plan 2003

Clause 16

General land use controls

Part 2

Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

Division 1

(2) **Allowed without development consent**

Exempt development and development for the purpose of the following may be carried out without development consent:

agriculture; approved bush fire hazard reduction; bush food plantations; home businesses; home occupations; identification signs; removal of environmental weeds; roadside stalls.

(3) **Allowed only with development consent**

Any development not included in subclause (2) or (4) may be carried out only with development consent.

(4) **Prohibited in the zone**

Subdivisions that create lots less than 40 hectares in area and development for the purpose of the following are prohibited:

advertisements not displaying the purpose for which the land is used or directional information; amusement parks; boarding houses; brothels; bulky goods; bush rock removal; caravan parks; car repair stations; child care centres; clubs; commercial premises; detached dual occupancies; educational establishments; heavy industries; helipads; hospitals; hotels; housing for older people or people with a disability; houses on lots less than 40 hectares in area; industries; junk yards; light industries; liquid fuel depots; medium density housing; mineral sand mines; mines; motels; motor showrooms; offensive or hazardous industries; passenger terminals; places of assembly; places of worship; professional consulting rooms; public buildings; racecourses; recreation facilities; road transport terminals; rural workers' dwellings; service stations; shops; warehouses.

17 General controls for development in the 1 (rl) Rural Landscape Zone

(1) **Objectives of the zone**

The primary objectives of the zone are as follows:

- (a) to protect the landform, native vegetation, habitat corridors and other environmental attributes which contribute to the scenic and ecological values of the rural landscape,
- (b) to ensure that mineral resources of State and regional significance are not sterilised from future possible extraction by the location of inappropriate uses on adjoining land,
- (c) to provide for compatible land uses adjacent to areas of present or likely future mineral resources of State or regional significance,

Clause 17	Shellharbour Rural Local Environmental Plan 2003
Part 2	General land use controls
Division 1	Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

- (d) to ensure that development and management of the land has a minimal impact on:
- (i) the availability of land containing mineral resources of State and regional significance for future extraction, and
 - (ii) water quality and environmental flows of receiving streams, and
 - (iii) ecological values of the land, and
 - (iv) the amenity of surrounding uses, and
 - (v) visual impact on the rural landscape character.

The secondary objectives of the zone are to retain the agricultural productive capacity of rural land and to encourage habitat restoration on cleared land and rehabilitation activities that enhance the biodiversity values of the foothills, riparian corridors, wetlands and habitat corridors.

(2) **Allowed without development consent**

Exempt development and development for the purpose of the following may be carried out without development consent:

agriculture; approved bush fire hazard reduction; bush food plantations; home businesses; home occupation identification signs; removal of environmental weeds.

(3) **Allowed only with development consent**

Subdivisions that create lots 40 hectares or greater in area and development for the purpose of the following may be carried out only with development consent:

aquaculture; bed and breakfast accommodation; bush food plantations; clearing of land; drainage of land; farm dams; farm sheds; filling; houses on lots of 40 hectares or greater in area; intensive animal establishments; intensive plant growing; local roads; picnic grounds; plant nurseries; roadside stalls; rural restaurants; telecommunications facilities; telecommunications networks; utility installations (other than gas holders or generating works); wetland improvement.

(4) **Prohibited in the zone**

Any development not included in subclause (2) or (3) is prohibited.

Shellharbour Rural Local Environmental Plan 2003

Clause 18

General land use controls

Part 2

Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

Division 1

18 Subdivision of land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone

- (1) Consent for the subdivision of land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone may be granted only if:
- (a) the consent authority is satisfied that:
 - (i) the land is intended and likely to be used for development that is permissible under this plan and is consistent with the ecologically sustainable development goals and objectives of this plan, and
 - (ii) each proposed lot has an area equal to or greater than 40 hectares or, if it has a smaller area, has been created in accordance with clause 24, or
 - (b) the subdivision is to adjust a boundary between two existing lots where:
 - (i) no additional lots will be created, and
 - (ii) the proposed lot configuration will not result in the creation of a lot of less than 40 hectares on which an existing house will be situated or a house is proposed to be erected.
- (2) **Requirements for subdivision of land**
Before granting consent to the subdivision of land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone, the consent authority must be satisfied that, to the fullest extent possible or practicable, allotment boundaries follow catchment, topographical or other natural features so as to facilitate long-term biodiversity conservation management and implementation of the principles of ecologically sustainable development.
- (3) Consent must not be granted for a subdivision of land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone that is wholly or partly within an area of high conservation value unless the consent authority has considered a property management plan.
- (4) Before granting consent for a subdivision of land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone, the consent authority must have regard to:
- (a) the capability of the land for agricultural use, and
 - (b) the ability to site a house and associated buildings on the land, and

Clause 18	Shellharbour Rural Local Environmental Plan 2003
Part 2	General land use controls
Division 1	Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

- (c) the visual impact that any proposed development of the land will have on the visual character and amenity of the surrounding area, including the visual impact of any clearing and fencing that will be undertaken as a consequence of the subdivision, and
- (d) whether the land is suitable for disposing of effluent, and
- (e) the impact of water usage on watercourses and environmental flows where new allotments will have riparian rights under the *Water Management Act 2000*, and
- (f) whether there will be legal and practicable vehicular access to the land, and
- (g) the potential for land use conflict between the proposed or potential agricultural use of the land and the use of any adjacent houses or any house on the property, and
- (h) whether the consequence of the subdivision or likely future development may affect the availability for extraction of mineral resources of State and regional significance.

19 Additional requirements for development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones

- (1) Before granting consent for development of land for the purpose of a house or other building on land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone, the consent authority must have regard to the following matters to the extent that they are relevant to the proposed development:
 - (a) the capability for agricultural uses of the part of the land that will not be the site of the house,
 - (b) the likely impact of the proposed development on the existing, or potential, agricultural uses of the surrounding land,
 - (c) vehicular access to the site,
 - (d) the visual impact of the house or other building and its associated buildings and the way in which services will be provided for the house or other building on the visual landscape character,
 - (e) the likely impact on the winning of mineral resources from land containing mineral resources of State and regional significance,
 - (f) the ability to dispose of effluent without adversely impacting on the water quality of nearby streams.

Shellharbour Rural Local Environmental Plan 2003	Clause 19
General land use controls	Part 2
Development in the 1 (a) Agriculture and 1 (rl) Rural Landscape Zones	Division 1

- (2) The height of any building erected on land in the 1 (a) Agriculture or 1 (rl) Rural Landscape Zone must not exceed 8 metres above natural ground level when measured vertically between any part of the building and the natural ground level directly below.

Division 2 Extractive industry

20 General controls for development in the 1 (x) Extractive Industry Zone

(1) **Objectives of the zone**

The objectives of the zone are as follows:

- (a) to identify land that contains mineral resources,
- (b) to minimise the impact of any development associated with mineral extraction on the amenity of surrounding landowners and the ongoing sustainability of any agricultural uses on adjoining land,
- (c) to avoid the sterilisation of the mineral resources from future possible extraction caused by the development of surrounding land,
- (d) to have regard to site rehabilitation and end-use options.

(2) **Allowed without development consent**

Exempt development and development for the purpose of the following may be carried out without development consent:

agriculture; approved bush fire hazard reduction; removal of environmental weeds.

(3) **Allowed only with development consent**

Subdivisions that create lots 40 hectares or greater in area and development for the purpose of the following may be carried out only with development consent:

clearing of land; drainage of land; extractive industries; filling; identification signs; mineral sand mines; mines; public utility undertakings; sand mining; site rehabilitation works; stockpiling; telecommunications facilities; telecommunications networks.

(4) **Prohibited in the zone**

Any development not included in subclause (2) or (3) is prohibited.

Clause 21 Shellharbour Rural Local Environmental Plan 2003

Part 2 General land use controls

Division 2 Extractive industry

21 Preliminary planning required for extractive industry

Before granting consent for development for the purposes of an extractive industry in the 1 (x) Extractive Industry Zone, the consent authority is to have regard to an environmental management and site rehabilitation plan that addresses the following:

- (a) best practice guidelines and other current methods for measuring and minimising all associated environmental impacts of the proposed development,
- (b) any likely social impacts of the proposed development, including the amenity of nearby residents,
- (c) the visual impact of the proposed development on the landscape, including the ability for the development to be seen from public places and nearby houses,
- (d) noise, dust and airborne pollution that may arise from the proposed development,
- (e) protection and enhancement of areas of native vegetation in the vicinity of the proposed development,
- (f) any likely seismic impacts of the proposed development on surrounding buildings,
- (g) hydrology impacts and the implications of the proposed development on the water quality and flow rates in the catchment,
- (h) if the proposed development involves quarrying operations, whether a buffer area comprised of land owned by the person who will carry out the quarrying operations has or can be established to which any measurable adverse environmental impacts that affect the amenity of any nearby residents will be confined,
- (i) if the proposed development involves quarrying operations, access for quarry vehicles and the environmental impacts associated with the transport of extractive materials,
- (j) rehabilitation of the site and co-ordination with any proposed or approved site rehabilitation on adjoining land,
- (k) staging and co-ordination of extraction to minimise environmental impacts and allow for the orderly rehabilitation of the site.

Shellharbour Rural Local Environmental Plan 2003	Clause 22
General land use controls	Part 2
Extractive industry	Division 2

22 Land containing mineral resources of State and regional significance

(1) To what land does this clause apply?

This clause applies to land containing mineral resources of State and regional significance.

(2) What must be considered in assessing a development application?

Consent must not be granted to any development on land to which this clause applies which in the opinion of the consent authority would lead to the sterilisation of mineral resources of State and regional significance from future possible extraction.

23 Buffer for extractive industry

(1) To what land does this clause apply?

This clause applies to:

- (a) land that is within one kilometre of land containing mineral resources of State and regional significance, and
- (b) land in the 1 (x) Extractive Industry Zone.

(2) What must be included in assessing a development application?

Consent must not be granted to any development on land to which this clause applies unless the consent authority has considered:

- (a) the impact the proposed development is likely to have on the availability of the particular mineral resource for future extraction, and on any current resource extraction, and
- (b) whether the development would render that mineral resource unavailable and, if so, the cost of not being able to recover the mineral resource.

24 Subdivision for the purpose of extractive industry

(1) To what land does this clause apply?

This clause applies to land that is within the planning buffer area shown on the State and Regionally Significant Mineral Resources Map.

(2) What must be considered before granting development consent?

Land to which this clause applies may be subdivided to create lots of any size but only with development consent which may be granted only if the consent authority is satisfied that:

- (a) the purpose of the subdivision is to excise land needed for an extractive industry or operational buffer to an extractive industry, and

Clause 24 Shellharbour Rural Local Environmental Plan 2003

Part 2 General land use controls

Division 2 Extractive industry

- (b) the land is or adjoins land containing mineral resources of State and regional significance, and
- (c) the proposed lot that consists of land other than the land excised as referred to in paragraph (a) will be used for an agricultural or other permitted use, and
- (d) any rural land not required for extraction of mineral resources or an operational buffer will be consolidated with other adjoining agricultural land, wherever possible.

Division 3 Development in the special uses zones

25 General controls for development in the 5 (a) Special Uses (School) Zone

(1) **Objectives of the zone**

The objective of the zone is to maintain land for certain community facilities and services.

(2) **Allowed without development consent**

Exempt development and development for the purpose of the following may be carried out without development consent:

approved bush fire hazard reduction; home businesses; home occupations; removal of environmental weeds.

(3) **Allowed only with development consent**

Development for the purpose of the following may be carried out only with development consent:

clearing of land; drainage of land; filling; educational establishments; utility installations (other than gas holders or generating works).

(4) **Prohibited in the zone**

Any development not included in subclause (2) or (3) is prohibited.

Shellharbour Rural Local Environmental Plan 2003

Clause 26

General land use controls

Part 2

Development in the special uses zones

Division 3

26 General controls for development in the 5 (b) Special Railway Uses Zone

(1) Objectives of the zone

The objective of the zone is to maintain land for railway purposes.

(2) Allowed without development consent

Exempt development and development for the purpose of the following may be carried out without development consent:

approved bush fire hazard reduction; home businesses; home occupations; removal of environmental weeds.

(3) Allowed only with development consent

Development for the purpose of the following may be carried out only with development consent:

clearing of land; drainage of land; filling; railway uses (other than advertisements, except at railway stations); utility installations (other than gas holders or generating works).

(4) Prohibited in the zone

Any development not included in subclause (2) or (3) is prohibited.

Division 4 Development in the 6 (a) Public Open Space Zone

27 General controls for development in the 6 (a) Public Open Space Zone

(1) Objectives of the zone

The objective of the zone is to make identified land available for either active or passive recreational pursuits by the general public.

(2) Allowed without development consent

Exempt development and development for the purpose of the following may be carried out without development consent:

approved bush fire hazard reduction; removal of environmental weeds.

(3) Allowed only with development consent

Development for the purpose of the following may be carried out only with development consent:

advertisements displaying the purpose for which the land is used; clearing of land; drainage of land; filling.

(4) Prohibited in the zone

Any development not included in subclause (2) or (3) is prohibited.

Clause 28	Shellharbour Rural Local Environmental Plan 2003
Part 2	General land use controls
Division 5	Development in the 7 (n) Nature Conservation Zone

Division 5 Development in the 7 (n) Nature Conservation Zone

28 General controls for development in the 7 (n) Nature Conservation Zone

(1) Objectives of the zone

The primary objectives of the zone are:

- (a) to protect and enhance native vegetation, riparian and wildlife corridors or links for the conservation of native wildlife, and
- (b) to encourage habitat restoration on cleared land in the zone and rehabilitation activities that enhance the biodiversity values of the escarpment, foothills, riparian corridors, wetlands and wildlife corridors or links, and
- (c) to minimise the impact of development on the ecological and scenic attributes of land in the zone, including:
 - (i) water quality of receiving streams, and
 - (ii) Aboriginal cultural values and places of importance to the Aboriginal peoples of the Illawarra, and
 - (iii) the ecological and biodiversity values of the land, and
- (d) to minimise the visual impact of development on landscape character, and
- (e) to minimise clearing of native vegetation for bush fire hazard reduction.

The secondary objectives of the zone are:

- (a) to allow for the development of uses that are ancillary to and directly related to nature conservation, scenic amenity and Aboriginal cultural heritage, and
- (b) to ensure that relevant natural and human-induced hazards, including bush fire hazard, are considered and adequately addressed in the use and management of the land.

(2) Allowed without development consent

Exempt development and development for the purpose of the following may be carried out without development consent:

approved bush fire hazard reduction; removal of environmental weeds.

Shellharbour Rural Local Environmental Plan 2003

Clause 28

General land use controls

Part 2

Development in the 7 (n) Nature Conservation Zone

Division 5

(3) Allowed only with development consent

Subdivision to create lots 40 hectares or greater in size and development for the purpose of the following may be carried out only with development consent:

agriculture; attached dual occupancies; bed and breakfast accommodation; bush food plantations; clearing of land; drainage of land; eco-tourism facilities; farm dams; farm sheds; farm stay establishments; filling; home businesses; home occupations; houses on lots with an area of 40 hectares or more; identification signs; local roads; public utility undertakings; sanctuaries; telecommunications facilities; telecommunications networks; tourist cabins.

(4) Prohibited in the zone

Any development not included in subclause (2) or (3) is prohibited.

29 Subdivision of land in the 7 (n) Nature Conservation Zone

(1) Consent for the subdivision of land in the 7 (n) Nature Conservation Zone may be granted only if the consent authority is satisfied that:

- (a) the land is intended and likely to be used for development that is permissible under this plan and is consistent with the ecologically sustainable development goals and objectives of this plan, and
- (b) each proposed lot has an area greater than or equal to 40 hectares, and
- (c) to the fullest extent possible or practical, allotment boundaries will follow catchment, topographical or other natural features so as to facilitate long-term biodiversity conservation management and implementation of the principles of ecologically sustainable development.

(2) Before granting consent for the subdivision of land in the 7 (n) Nature Conservation Zone, the consent authority must have regard to the following:

- (a) a property management plan, if the land is wholly or partly within an area of high conservation value,
- (b) the ability to site a house and any associated buildings on the land,
- (c) the capacity and sustainability of the land to accept effluent disposal on each new allotment,

Clause 29	Shellharbour Rural Local Environmental Plan 2003
Part 2	General land use controls
Division 5	Development in the 7 (n) Nature Conservation Zone

- (d) the cumulative impact of development including clearing and fencing, effluent disposal, rural pursuits and bush fire hazard reduction on the land and locality,
- (e) the impact of likely future development of the land and any associated clearing of the land on the biodiversity attributes of the land and surrounding area, including the conservation priority rating of the vegetation community and any wildlife corridors or links or riparian corridors,
- (f) vehicular access to the site, including access for emergency and fire fighting vehicles,
- (g) the impact on water usage from watercourses and environmental flows where new allotments will have riparian rights under the *Water Management Act 2000*,
- (h) minimising impacts on wildlife corridors or links and riparian corridors and, in particular, how the subdivision lot layout can minimise the fragmentation of those corridors and links into different ownerships,
- (i) the impact on native habitat and the possibility for environmental conservation works to enhance the native habitat or wildlife and riparian corridor value of the land,
- (j) the environmental and visual impacts of providing services to the new allotment,
- (k) the slope and stability of the land,
- (l) the environmental impacts associated with any bush fire hazard reduction works that will result from the development.

30 Additional requirements for development in the 7 (n) Nature Conservation Zone

- (1) Before granting consent for development on land in the 7 (n) Nature Conservation Zone for the purpose of a house or other building, the consent authority must have regard to the following:
 - (a) the impact of the development and any associated clearing of the land on the biodiversity attributes of the land and surrounding area, including the conservation priority rating of the vegetation community and identified wildlife or riparian corridors,

Shellharbour Rural Local Environmental Plan 2003

Clause 30

General land use controls

Part 2

Development in the 7 (n) Nature Conservation Zone

Division 5

- (b) the cumulative impact of development, including clearing and fencing, effluent disposal, rural pursuits and bush fire hazard reduction on the land and in the locality,
 - (c) vehicular access to the site, including access for emergency and fire fighting vehicles,
 - (d) environmental impacts associated with any bush fire hazard reduction works that will result from the development,
 - (e) topographic features of the land, including slope and instability,
 - (f) environmental and visual impacts of providing services to any house,
 - (g) the ability to dispose of effluent without adversely impacting on the water quality of nearby streams,
 - (h) the ability to site a house on the land, if proposed, and the impact of the house and any associated buildings, and of the provision of services to it, on the visual landscape character,
 - (i) the impact of the development on native habitat and the possibility for environmental conservation works to enhance the native habitat or wildlife and riparian corridor value of the land.
- (2) The height of any building erected on land in the 7 (n) Nature Conservation Zone must not exceed 8 metres above natural ground level when measured vertically between any part of the building and the natural ground level directly below.

Division 6 Development in the 7 (w) Wetlands Zone

31 General controls for development in the 7 (w) Wetlands Zone

- (1) **Objectives of the zone**
The objective of the zone is to protect and enhance wetland areas, the natural hydrology of their ecosystems and the important habitats for species of wetland flora and fauna that they provide.
- (2) **Allowed without development consent**
Approved bush fire hazard reduction.

Clause 31 Shellharbour Rural Local Environmental Plan 2003

Part 2 General land use controls

Division 6 Development in the 7 (w) Wetlands Zone

- (3) **Allowed only with development consent**
Development for the purpose of the following may be carried out only with development consent:
aids to marine navigation; utility installations (other than gas holders or generating works); wetland improvement.
- (4) **Prohibited in the zone**
Any development not included in subclause (2) or (3) is prohibited.

Division 7 Development in the 9 (b) Arterial Roads Reservation Zone

32 General controls for development in the 9 (b) Arterial Roads Reservation Zone

- (1) **Objectives of the zone**
The objectives of the zone are:
- (a) to identify land reserved for main or arterial roads for the purpose of its acquisition, and
 - (b) to allow use of that land for the purpose of roads.
- (2) **Allowed without development consent**
Development for the purpose of the following may be carried out without development consent:
main or arterial roads; removal of environmental weeds; widening of existing main or arterial roads.
- (3) **Allowed only with development consent**
Development for the purpose of the following may be carried out only with development consent:
clearing of land; drainage of land; extractive industries; filling; mineral sand mines; telecommunications facilities; telecommunications networks; utility installations (other than gas holders and generating works).
- (4) **Prohibited in the zone**
Any development not included in subclause (2) or (3) is prohibited.

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Clause 33

General land use controls

Part 2

Development in the 9 (b) Arterial Roads Reservation Zone

Division 7

33 Acquisition of land in the 9 (b) Arterial Roads Reservation Zone

- (1) The owner of any land within the 9 (b) Arterial Roads Reservation Zone may, by notice in writing, require the Roads and Traffic Authority (the *RTA*) to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
 - (a) the land is vacant, or
 - (b) the land is not vacant but is included in the 5-year works program of the RTA current at the time of the receipt of the notice, or
 - (c) the land is not vacant but the RTA has decided not to give concurrence under subclause (5) to an application for consent to the carrying out of development on the land, or
 - (d) the land is not vacant but the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable period of time,but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road.
- (3) Despite any other provision of this plan, development may be carried out, but only with development consent, on land within the 9 (b) Arterial Roads Reservation Zone (whether or not it has been acquired) if the development may be carried out (with or without consent) on land in an adjoining zone or if the development is compatible with any such development.
- (4) In granting any such consent, the consent authority may impose conditions:
 - (a) requiring the removal of any building or work for which it has granted consent, or
 - (b) requiring the reinstatement of the land or removal of any waste material or refuse, or
 - (c) relating to any requirement requested by the RTA to be imposed by a condition of consent when granting its concurrence to the consent.

Clause 33	Shellharbour Rural Local Environmental Plan 2003
Part 2	General land use controls
Division 7	Development in the 9 (b) Arterial Roads Reservation Zone

- (5) Consent must not be granted as referred to in subclause (3) to the development of land to be acquired by the RTA without the concurrence of the RTA. In considering whether to grant concurrence, the RTA must take into consideration the need for acquisition of the land, the effect of the proposed development on the cost of acquisition and the imminence of acquisition.

Division 8 Development in the 9 (c) Local Roads Reservation Zone

34 General controls for development in the 9 (c) Local Roads Reservation Zone

- (1) **Objectives of the zone**
The primary objective of the zone is to identify road reservations that will be needed in the future.
- The secondary objective is to permit the use of land reserved for roads while it is not required for local roads.
- (2) **Allowed without development consent**
Development for the purpose of the following may be carried out without development consent:
- local roads; removal of environmental weeds; widening of local existing roads.
- (3) **Allowed only with development consent**
Development for the purpose of the following may be carried out only with development consent:
- clearing of land; drainage of land; filling; telecommunications facilities; telecommunications networks; utility installations (other than gas holders and generating works); wetland improvement.
- (4) **Prohibited in the zone**
Any development not included in subclause (2) or (3) is prohibited.

35 Acquisition of land in the 9 (c) Local Roads Reservation Zone

- (1) The owner of land in the 9 (c) Local Roads Reservation Zone may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of such a notice, the Council must acquire the land.

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Clause 35

General land use controls

Part 2

Development in the 9 (c) Local Roads Reservation Zone

Division 8

- (3) Despite any other provision of this plan, until it is acquired, development may be carried out, but only with development consent, on land within the 9 (c) Local Roads Reservation Zone if the development may be carried out (with or without consent) on land in an adjoining zone or if the development is compatible with any such development.
- (4) In granting such a consent, the consent authority may impose conditions requiring:
- (a) the removal of any building or work for which it has granted consent, and
 - (b) the reinstatement of the land or removal of any waste material or refuse.

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Part 3 Special provisions

Division 1 Areas of high conservation value

Part 3 Special provisions

Division 1 Areas of high conservation value

36 Areas of high conservation value

(1) **Environmental management objectives**

The environmental management objectives of this clause are:

- (a) to require certain environmental issues to be considered before development is carried out on land within an area of high conservation value, and
- (b) to retain bushland in parcels of a size and configuration which will, as far as possible, enable the native flora and fauna species and communities to survive in the long term, and
- (c) to maintain and, where appropriate, revegetate habitat corridors between remnant areas of bushland, and
- (d) to ensure that any development adjacent to, adjoining or within a watercourse or wetland does not adversely impact on water quality, the natural hydrological regime or habitat value, and
- (e) to ensure that any development adjacent to, adjoining or within a riparian corridor conserves or enhances the aquatic and native vegetation of the riparian corridor, and
- (f) to protect bushland and existing landforms for their scenic values, and
- (g) to retain the unique visual identity of the landscape.

(2) **Is consent required?**

A person shall not carry out development, including the clearing of land, in an area of high conservation value except with development consent.

(3) **What must be included in an assessment by the consent authority?**

Before granting consent for development of land allowed to be carried out with consent by Part 2, the consent authority must consider the following:

- (a) the impact of the proposal on the habitat value of vegetation within riparian corridors and wildlife corridors or links,

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Clause 36

Special provisions

Part 3

Areas of high conservation value

Division 1

- (b) the potential for undertaking environmental conservation works to enhance the biodiversity values of the land, including the potential for rehabilitation works of degraded habitats or breaks in riparian corridors or wildlife corridors or links,
 - (c) whether the design and construction of any proposed fencing minimises possible limitation of fauna movement,
 - (d) whether provision has been made for the planting of appropriate native plant species on the land where the planting would visually screen the development or contribute to the restoration or enhancement of riparian and wildlife corridors or links.
- (4) **What must the consent authority be satisfied about before granting consent?**
Consent must not be granted to development of land in an area of high conservation value unless the consent authority is satisfied that:
- (a) the development has been designed to minimise disturbance to native vegetation communities, and
 - (b) opportunities to restore or enhance the biodiversity values of the land, including riparian corridors and wildlife corridors or links, have been considered.
- (5) The consent authority may decline to consent to development of land in an area of high conservation value until it has considered a site plan of an appropriate scale clearly and accurately showing the boundary of any vegetation edge and stands of remnant vegetation on the subject land to enable it to properly assess the impact of the proposed development on that vegetation and the biodiversity it supports.

Division 2 Land management issues

37 Clearing of land

(1) **Environmental management objectives**

The environmental management objectives of this clause are to ensure that the development of land has minimal impact on the biodiversity of native vegetation and to encourage environmental conservation works to enhance wildlife corridors or links and remnant stands of vegetation within the rural area.

(2) **Consent required for clearing**

A person must not clear land except with development consent.

Clause 37 Shellharbour Rural Local Environmental Plan 2003

Part 3 Special provisions

Division 2 Land management issues

(3) **Exception**

Despite subclause (2), a person may clear land without development consent if the clearing comprises a maximum of 7 trees per annum from a property for farm management and fencing purposes.

(4) **What must be included in an assessment by the consent authority?**

Consent must not be granted to clearing of vegetation on land in a rural zone unless the consent authority has taken into consideration the following:

- (a) the impact of the proposed development on the movement of native fauna,
- (b) the impact of the proposed development on any regionally or locally rare communities, populations, species or ecologically significant habitats,
- (c) the potential for undertaking environmental conservation works to enhance the biodiversity values of the land,
- (d) the impact of the proposed development on any endangered or vulnerable species, populations or ecological communities and their habitats.

(5) **What must the consent authority be satisfied about before granting consent?**

Consent must not be granted for clearing unless the consent authority is satisfied that:

- (a) there is no reasonable alternative to the removal of the vegetation to be cleared, and
- (b) the proposed development will not have an unacceptable visual impact on the scenic quality of the area, and
- (c) the amount of the vegetation proposed to be removed is minimal, and
- (d) opportunities for planting local native plant species elsewhere on the land have been considered, and
- (e) the proposed development will not threaten the integrity of any unbroken natural tree canopy cover or create smaller discrete parcels of vegetation from an existing stand.

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Clause 38

Special provisions

Part 3

Land management issues

Division 2

38 Land and water management

(1) **Environmental management objectives**

The environmental management objective of this clause is to ensure that development carried out on land adjoining a stream, creek or river:

- (a) conserves or enhances the aquatic and remnant native vegetation within the riparian corridor, and
- (b) has minimal impact on the natural hydrological regime and potential fish habitat of the watercourse.

(2) **When is consent required?**

A person must not carry out development for the purpose of earthworks, drainage, dams or land filling without development consent if the development:

- (a) will raise or lower the ground level by 50 centimetres or more, through filling or reshaping the existing ground level, or
- (b) is carried out within 40 metres of the high bank of a watercourse or edge of a wetland, or
- (c) involves land forming or filling over natural drainage lines, or
- (d) in the opinion of the consent authority, affects the flow of water across property boundaries or risks the degradation of land, riparian corridors or wetlands.

(3) **What must be included in an assessment by the consent authority?**

Consent must not be granted for the carrying out of earthworks, drainage, dams, land forming or filling, unless the consent authority has made an assessment of the following:

- (a) whether the land is flood liable land,
- (b) the likely effect of flooding or surface runoff on adjoining land or other land in the locality, as a result of the proposed land forming, filling or use of the land,
- (c) the risk of soil erosion and other land degradation,
- (d) any likely loss of, or impact on, vegetation, wildlife or riparian corridors, including threatened species,
- (e) the need for drainage easements and arrangements made with adjoining property owners to secure such easements,
- (f) the impact on environmental flows that maintain natural watercourses,

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Division 2 Land management issues

- (g) the impact of drainage discharges on the environment, including their effect on water quality and fish habitat as well as any obstruction to fish passage within an existing water course.

39 Bush fire risk assessment

(1) **Environmental management objectives**

The environmental management objectives of this clause are to minimise bush fire risk to built assets and people as well as to reduce bush fire threat to ecological assets.

(2) **What must be included in assessing a development application?**

Before granting consent to development on land that is bush fire prone land, the consent authority must take into account:

- (a) whether the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management outlined in the adopted *Bush Fire Risk Management Plan*, and
- (b) whether a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development, and
- (c) whether the increased demand for emergency services during bush fire events increased by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bush fires, and
- (d) the measures proposed to avoid or mitigate the threat from bush fire, including:
- (i) the siting of the development, and
 - (ii) the design of structures and combustible nature of materials used, and
 - (iii) the provision of an asset protection zone on the land, and
 - (iv) the provision of a two-way access that links the road and fire trail network, and
 - (v) adequate access around buildings and manoeuvring areas on site for fire fighting vehicles, and
 - (vi) adequate water supply for fire fighting purposes, and

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- (e) whether any such proposed measures meet the performance requirements of the document entitled *Planning for Bushfire Protection—2001* available from the Council and the nature of any variations from those requirements, and
- (f) the environmental and visual impacts of the clearing of vegetation for hazard reduction activities, including the conservation priority rating of the vegetation community and any wildlife corridors or links or riparian corridors.

40 Development on land known to be flood liable

(1) Ecologically sustainable development objectives

The ecologically sustainable development objectives of this clause are:

- (a) to regulate development of the flood plain so as to minimise the hazard to built assets and people, and
- (b) to allow for the natural functioning of the flood plain.

(2) What must be included in an assessment by the consent authority?

Before granting consent for development on flood liable land, or on land the consent authority considers to be potentially flood liable, the consent authority must make an assessment of the following:

- (a) the likely levels, velocity, sedimentation and debris-carrying effects of flooding,
- (b) the structural sufficiency of any building the subject of the application and its ability to withstand flooding,
- (c) the effect that the development, if carried out, will or is likely to have on the flow characteristics of floodwaters,
- (d) whether or not access to the site will be possible during a flood,
- (e) the likely increased demand for assistance from emergency services during a flood,
- (f) the cumulative impact of development on flooding within the area,
- (g) the possible effects on the development of floods in excess of the flood planning level and the significance of the risk to development posed by such floods.

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(3) **What must the consent authority be satisfied about before granting consent?**

Before granting consent to the erection of a building or the carrying out of a work on land that is known to the consent authority to be subject to flooding, the consent authority must be satisfied that the proposed development will not:

- (a) risk the safety of the community or future occupants, or
- (b) increase the community burden from flooding, including flood damage.

(4) Conditions may be imposed on such a consent that set floor levels, require filling, structural changes or other measures to mitigate the effects of flooding or otherwise assist in emergency situations.

41 Development on lands identified with potential acid sulfate soils

(1) **Ecologically sustainable development objectives**

The ecologically sustainable development objectives of this clause are to prevent or minimise the environmental consequences caused by the exposure of potentially acid sulfate soils.

(2) **Consent usually required**

Notwithstanding Part 2, a person must not, without development consent, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (4).

Class of land as shown on Acid Sulfate Soils Planning Maps	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 beyond 1 metre below the natural ground surface

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Class of land as shown on Acid Sulfate Soils Planning Maps	Works
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface
5	Works, within 500 metres of adjacent Class 1, 2, 3 or 4 land, which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

- (3) For the purposes of the table to subclause (2), **works** includes:
- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, 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) **Exception following preliminary assessment**
This clause does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate 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 proposed works confirming that the results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.
- (5) **Considerations for consent authority**
A consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and

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- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments received from the Department of Infrastructure, Planning and Natural Resources within 21 days of the consent authority having sent that Department a copy of the development application and the related acid sulfate soils management plan.
- (6) **Public authorities not excepted**
The clause requires consent for development to be carried out by councils, county councils or drainage unions despite:
- (a) clause 35 of, and clauses 2 and 11 of Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
 - (b) clauses 10 and 11 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.

42 Visual landscape character assessment

- (1) **Ecologically sustainable development objectives**
The ecologically sustainable development objectives of this clause are to ensure:
- (a) that the visual character and quality of the landscape are assessed before consent is granted for development, and
 - (b) that the visual impacts of proposed development are minimised.
- (2) **What must be included in an assessment by a consent authority?**
Before granting consent for development involving the carrying out of any works or building construction, within the rural zones, the consent authority must have regard to the likely visual impacts of carrying out the proposal, including the visual impacts of ancillary uses like driveways and fencing and of the provision of electricity and other services to the site of the development.
- (3) In assessing visual impacts, consideration must be given to the following:
- (a) important visual features and the landscape character of the site and surrounding land,
 - (b) minimising the visual impact of the proposal on views from public areas, including public roads,

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- (c) siting buildings below visually prominent ridgelines,
- (d) reducing the visual impact of driveways and the provision of services to the development,
- (e) reducing the visual impact of proposed buildings by ensuring that external finishes are non-reflective and of a colour that blends in with the surroundings,
- (f) ensuring fencing and building styles are compatible with the visual character of the area.

Division 3 Conservation of heritage

43 Heritage conservation objectives

The ecologically sustainable development objectives in relation to heritage are as follows:

- (a) to conserve the environmental heritage of the rural area of the City of Shellharbour,
- (b) to conserve the existing significant fabric, setting, relics and views associated with the heritage significance of heritage items and heritage conservation areas,
- (c) to ensure that archaeological sites and Aboriginal places which have cultural heritage significance are protected.

44 Heritage conservation incentives

- (1) Consent may be granted to the use, for any purpose, of a building that is a heritage item or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if:
 - (a) the consent authority is satisfied that the retention of the heritage item depends on the granting of consent, and
 - (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
 - (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (d) the proposed use would not adversely affect the heritage significance of the item or its setting, and

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- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.
- (2) When considering an application for consent to erect a building on land on which a building that is a heritage item is located, the consent authority may, for the purpose of determining:
 - (a) the floor space ratio, and
 - (b) the number of parking spaces to be provided on the site,
 exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item depends on it making the exclusion.

45 Protection of heritage items, heritage conservation areas and relics

(1) **When is consent required?**

The following development may be carried out only with development consent:

- (a) demolishing, damaging or moving a heritage item or a building, work or relic within a heritage conservation area,
- (b) altering a heritage item, or a building, work or relic within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) moving the whole or part of a heritage item,
- (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

(2) **What exceptions are there?**

Development consent is not required by this clause if:

- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a

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- building, work or archaeological site within a heritage conservation area, and
- (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that development consent is not required by this clause or otherwise by this plan.
- (3) **What must be included in assessing a development application?**
Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. The assessment must include consideration of a heritage impact statement that addresses at least the issues referred to in subclause (5) (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposal should be assessed with regard to such a plan.
- (5) **What extra documentation is needed?**
The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a heritage item:
- (i) the heritage significance of the item as part of the environmental heritage of the Shellharbour City local government area, and
- (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
- (iii) the measures proposed to conserve the heritage significance of the item and its setting, and

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- (iv) whether any archaeological or potential archaeological site would be adversely affected by the proposed development, and
- (v) the extent to which the carrying out of the proposed development would affect any historic subdivision pattern, and
- (b) for development that would be carried out in a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work or relic affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features which contribute to the heritage significance of the area would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

46 Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features and location of the proposed building will be compatible with the heritage significance of the heritage conservation area.

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- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
- (a) the pitch and form of the roof,
 - (b) the style, size, proportion and position of the openings for windows or doors,
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

47 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building or work in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 44 (Heritage conservation incentives).

48 Notice of demolition to Heritage Council

Before granting consent for the demolition of a heritage item identified in Schedule 4 as being of State significance, the consent authority must notify the NSW Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

49 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance, or a potential place of Aboriginal heritage significance, or that will be carried out on an Aboriginal archaeological site, or potential Aboriginal archaeological site or a relic that has Aboriginal heritage significance, the consent authority must:
- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
 - (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) and the Director-General of

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National Parks and Wildlife of its intention to do so and take into consideration any comments received from that Director-General in response within 28 days after the relevant notice was sent.

- (2) Before granting consent for development on, or in the vicinity of, an Aboriginal place or archaeological site, the consent authority must consider:
- (a) the archaeological and scientific significance of the place or site, and
 - (b) the potential impact of the development on the known Aboriginal cultural values of the place or site, and
 - (c) connectivity between individual places or archaeological sites that may represent a network of past Aboriginal activity across the landscape, and
 - (d) management issues, including monitoring and controlled access to the place or site, and
 - (e) any study or plan of management for the Aboriginal place or site, and
 - (f) the likely impact of any development during and after any proposed construction works, and
 - (g) any mitigation works to protect the heritage values of the place or site.

50 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also a site of a relic of Aboriginal heritage significance) the consent authority must:
- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the NSW Heritage Council of its intention to grant the consent and take into consideration any comments received in response within 28 days after the notice is sent.

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- (2) This clause does not apply if the proposed development:
- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

51 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape, and scale of, setbacks for, and the materials to be used in, any proposed building or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

Division 4 Miscellaneous

52 Agriculture in accordance with property management plan

- (1) Consent is not required to carry out development for the purpose of agriculture on any land if the development could be carried out with consent in the absence of this clause and is carried out in accordance

Clause 52 Shellharbour Rural Local Environmental Plan 2003

Part 3 Special provisions

Division 4 Miscellaneous

with a property management plan that has been approved for the land by the Council.

- (2) Before approving a property management plan for any land, the Council must take into consideration the objectives of the zone in which the land is situated and may decline to approve the plan unless it has been altered to make it consistent with any of those objectives to the satisfaction of the Council.

53 Controls for intensive agriculture

(1) Ecologically sustainable development objectives

The ecologically sustainable development objective of this clause is to encourage ecologically sustainable intensive agriculture undertaken in an environmentally sensitive manner and having minimal impact on both the amenity of adjoining property owners and the environment.

- (2) Consent must not be granted to development for the purpose of intensive agriculture on any site unless the consent authority has had regard to the following:
 - (a) the potential for odours to adversely impact on the amenity of residences and other land uses within the vicinity of the site,
 - (b) the potential for the pollution of surface water and ground water and, if the proposal may have an adverse impact on water quality, any water quality monitoring,
 - (c) the ability for all adverse environmental impacts associated with the intensive agriculture to be contained within the site,
 - (d) measures to mitigate potential adverse environmental impacts,
 - (e) measures for the health and welfare of animals, including how any relevant industry codes of practice for the health and welfare of animals can be enforced.

54 Horticulture uses off Illawarra Highway, Albion Park

- (1) This clause applies to Lot 1, DP 996926, Moss Vale Road, Albion Park.
- (2) Land to which this clause applies may be subdivided only with development consent and only if:
 - (a) each lot to be created will have an area of at least 12 hectares, and

Shellharbour Rural Local Environmental Plan 2003

Clause 54

Special provisions

Part 3

Miscellaneous

Division 4

- (b) the consent authority is satisfied that each of those lots will be used for a horticultural use.

55 Bush food plantation

(1) Ecologically sustainable development objectives

The ecologically sustainable development objective of this clause is to encourage bush food plantation farming in an environmentally sensitive manner which utilises native plant species on existing lawfully cleared areas.

(2) What must be included in the assessment before consent is granted?

Consent must not be granted to development for the purposes of bush food plantation unless the consent authority is satisfied that:

- (a) any trees to be planted will be planted on lawfully cleared land and will be of native species, and
- (b) the plantation will be required to be managed in accordance with a comprehensive plan of management that promotes ecologically sustainable development, and
- (c) an access road is already available to the site of the proposed development or can be provided without adversely affecting other stands of existing native forest or causing unacceptable adverse environmental impact, and
- (d) the harvesting of bush food will be carried out in an environmentally sensitive manner, and
- (e) any bush fire hazard reduction areas will be confined to identified parts of the plantation site at its inception and will not involve existing vegetated areas.

56 Eco-tourism facility

Consent must not be granted for the erection of an eco-tourism facility unless the consent authority is satisfied that the facility will be managed in an ecologically sustainable way to ensure that the facility and associated activities do not adversely impact on the environment or intentionally disturb wildlife or its habitat.

57 Development along main roads

(1) Ecologically sustainable development objectives

The ecologically sustainable development objective of this clause is to ensure safe and efficient transport and vehicle use of main roads.

Clause 56 Shellharbour Rural Local Environmental Plan 2003

Part 3 Special provisions

Division 4 Miscellaneous

- (2) **What must be included in the assessment before consent is granted?**
Consent must not be granted to the carrying out of development on land with frontage to a main road unless:
- (a) access to that land is provided by a road other than the main road wherever practicable, and
 - (b) in the opinion of the consent authority, the safety and efficiency of traffic on the main road will not be adversely affected by:
 - (i) the design of the access to the site of the proposed development, or
 - (ii) the nature, volume or frequency of vehicles using the main road to gain access to the site of the proposed development.

58 Telecommunications

- (1) **Ecologically sustainable development objectives**
The ecologically sustainable development objective of this clause is to encourage telecommunications facilities and networks:
- (a) to be provided in a manner that makes efficient use of existing infrastructure and services, and
 - (b) to be designed and located in such a way as to avoid and minimise impacts on the environment and amenity of the area in which the facilities or network are to be located, including the siting of those facilities.
- (2) **What must be included in the assessment before consent is granted?**
Before granting consent to development for the purposes of telecommunications facilities or telecommunications networks, the consent authority must have regard to the following:
- (a) whether the telecommunications facilities or telecommunications networks have been designed, and will be installed and operated, to comply with standards relating to human exposure to electromagnetic energy appearing in any applicable code or standard made under any applicable law of the Commonwealth,
 - (b) whether the telecommunications lines will be located within existing underground conduits or ducts and whether antennae (and similar structures) are to be attached to existing utility poles, towers, structures or buildings so as to minimise visual clutter,

Shellharbour Rural Local Environmental Plan 2003

Clause 58

Special provisions

Part 3

Miscellaneous

Division 4

- (c) a site analysis showing site boundaries and dimensions, existing vegetation, location of existing buildings, views to and from the site and the location of sensitive land uses within the exposure area, together with a written statement explaining how the design of the telecommunications facilities or telecommunications networks has responded to the site analysis.

59 Heavy vehicle transport route

(1) To what land does this clause apply?

This clause applies to land to the north of Albion Park that is adjacent to the western extension of Tripoli Way as shown on the zoning map.

(2) What must be included in the assessment before consent is granted?

Before granting consent for development on land to which this clause applies, the consent authority must have regard to the following:

- (a) the impact of additional access points to the transport route,
- (b) any means that are available to control or regulate the number of those access points,
- (c) any adverse impacts on the amenity of existing and future residents caused by the projected traffic volumes and associated traffic noise.

60 Roadside stalls

(1) Where can roadside stalls be located?

Development for the purpose of roadside stalls is prohibited on land that is not adjacent to a local road.

(2) What must be included in an assessment before consent is granted?

Before granting consent for a roadside stall, the consent authority must have regard to the following:

- (a) the ability for at least two cars to pull off the road pavement for the purpose of their occupants visiting the roadside stall,
- (b) the safety of the travelling public,
- (c) adequate sight distances for vehicles travelling along the road and entering and leaving the site,
- (d) the size and number of any signs used to alert the travelling public to the presence of the roadside stall.

Clause 60 Shellharbour Rural Local Environmental Plan 2003

Part 3 Special provisions

Division 4 Miscellaneous

61 Development in the vicinity of Illawarra Regional Airport

Despite any other provision of this plan, consent must not be granted to development on land affected by restrictions as indicated in the plan titled *Airport Height Limitation and Noise Exposure Forecast Plan* dated 17 April 1998 and held in the office of the Council unless:

- (a) the consent authority is satisfied that the proposal is acceptable in relation to building height, noise exposure, lighting and bird hazard management, and
- (b) where a proposal does not comply with that plan, the Civil Aviation Safety Authority has been given notice of the proposal and any comments made by it to the consent authority within 28 days of its being notified have been taken into consideration by the consent authority.

62 Dunmore Lakes Estate

- (1) This clause applies to land identified as Lots 2–30, DP 285417, Swamp Road, Dunmore, and known as the “Dunmore Lakes Estate”.
- (2) Each lot referred to in subclause (1) may, with development consent, have a house erected on it.

63 Houses on allotments not approved

Consent must not be granted for the erection of a house on an allotment created by a subdivision:

- (a) for which consent was not granted, or
- (b) that was not consented to or approved by the Council.

64 Houses on identified rural lots

- (1) This clause applies to the land identified in Schedule 3.
- (2) Notwithstanding any other provision of this plan, one house may be erected on each parcel of land identified in Schedule 3 with development consent but, in the case of the land comprised in Lot 2, DP 508735 at Albion Park, only if a strip of the land 30 metres wide along the Macquarie Rivulet frontage of the land is dedicated in favour of the Council for public open space.
- (3) Subclause (2) does not affect the operation of any other provision of this plan (such as a development standard) that is consistent with allowing that development to be carried out.

Shellharbour Rural Local Environmental Plan 2003

Ecologically sustainable development goals

Schedule 1

Schedule 1 Ecologically sustainable development goals

(Clause 7)

Agriculture

To retain productive capacity of high class agricultural land and the continued use of rural lands for sustainable agriculture.

Biodiversity

To protect and enhance valuable natural environments, including riparian and wildlife corridors or links, core conservation areas and areas of high conservation value.

Wildlife habitats

To achieve a network of representative native habitats, including wildlife and riparian links, to support native flora and fauna and enhance biodiversity conservation objectives.

Cultural heritage

To protect and preserve items and places of heritage significance, including the escarpment, which have natural and cultural heritage significance for our community.

To protect and preserve items, sacred sites and places which are important to the Aboriginal peoples of the Illawarra.

To ensure the preservation of the landscape and special scenic qualities of the rural area.

Water resources

To protect, enhance and restore the rivers, aquifers, wetlands and other water sources, their associated ecosystems, ecological processes and their water quality.

Settlement

To ensure that rural settlement that:

- (a) is ancillary to and supports other rural land uses, and
- (b) protects the agricultural potential of rural land, and

Shellharbour Rural Local Environmental Plan 2003

Schedule 1 Ecologically sustainable development goals

- (c) does not occur in locations that pose a risk to public safety due to hazards including flood, land slip and bush fire, and
- (d) is compatible with the scenic and cultural heritage of the rural landscape, and
- (e) protects or enhances, or protects and enhances, nature conservation areas and habitat corridors and their associated values, functions and processes, and
- (f) minimises and, where possible, avoids land use conflicts with agricultural uses and mineral extraction.

Mineral extraction

To carefully manage extractive industry so as to:

- (a) minimise potential conflicts with surrounding land uses, and
- (b) protect and enhance adjoining ecologically significant areas, and
- (c) avoid rendering important mineral resources unavailable for future possible extraction, and
- (d) minimise changes to the natural hydrology of the catchment, enhance the habitat values of wetlands and achieve sustainable water cycles for the catchment, and
- (e) provide transportation routes that minimise impacts on the local community and the environment, and
- (f) take into account short and long-term end-use options for extractive areas in consultation with the community, with emphasis on protecting the surrounding scenic rural character.

Rural development

To promote opportunities for appropriate rural-based economic development.

Tourism

To promote tourism and recreational opportunities which preserve natural areas, heritage values and landscapes.

Community consultation

To continue to encourage community awareness and participation in identifying and resolving planning issues and decision making.

Shellharbour Rural Local Environmental Plan 2003

Ecologically sustainable development goals

Schedule 1

Schedule 2 Additional development

(Clause 12)

Land description	Additional development allowed
Lot 1, DP 605111, Tripoli Way, Albion Park	Erection of no more than one house on the allotment.
Lot 2, DP 605111, Tripoli Way, Albion Park	Erection of no more than one house on the allotment.
Lot 1, DP 745632, Swamp Road, Dunmore	Inhabitation of the former "Peterborough" School Building as house.
Part Lot 1, DP 70380, Tongarra Road, Albion Park Rail, as shown edged with a heavy black broken line and labelled "Schedule 2" on the zoning map	Development for the purpose of a landscape supplies depot.
Lot 13, DP 658385, Croome Lane, Albion Park Rail	Development for the purpose of an earthmoving equipment depot.

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Schedule 3 Allotments less than 40 hectares

Schedule 3 Allotments less than 40 hectares

(Clause 64)

Street address	Lot	DP
Green Mountain Road, Yellow Rock	A	158505
Green Mountain Road, Yellow Rock	375	838713
Green Mountain Road, Yellow Rock	376	838713
Illawarra Highway, Albion Park	2	508735*
Illawarra Highway, Tongarra	3	3331
Illawarra Highway, Tullimbar	42	878122
Lakeview Road, Tongarra	54	751274
Mellows Road, Calderwood	72	751263
Mellows Road, Calderwood	381	839106
Princes Highway, Croom	72	837462
Swamp Road, Dunmore	100	1010931
Swamp Road, Dunmore	Part of Lot 201	865859
Terry Street, Albion Park	21	751290
Tongarra Road, Tongarra	1	158420
Tripoli Way, Albion Park	1	605111
Yellow Rock Road, Yellow Rock	720	830673
Yellow Rock Road, Yellow Rock	3	904043
Yellow Rock Road, Yellow Rock	32	751274
Yellow Rock Road, Yellow Rock	34	751274
Yellow Rock Road, Yellow Rock	10	664717

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Allotments less than 40 hectares

Schedule 3

Street address	Lot	DP
Yellow Rock Road, Yellow Rock	16	111195
Yellow Rock Road, Yellow Rock	17	111195

Note. * subject to the dedication of public open space 30 metres wide along the Macquarie Rivulet frontage.

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Schedule 4 Heritage items

Schedule 4 Heritage items

(Clause 48 and Dictionary)

Item No	Heritage item	Level of significance
Albion Park		
AP1	“Tulkeroo” Lot 1, DP 910045, 23 Calderwood Road, Albion Park	Local
AP7	“Ravensthorpe” Lot 1, DP 741745 and Parts Lot 9, 52–56 Tongarra Road, Albion Park	Local
Calderwood		
CA1	Marshall Mount Methodist Cemetery Lot 1, DP 195342, Calderwood Road, Calderwood	Local
Croom		
CR1	“The Hill” Part Lot 5, DP 3709, Dunsters Lane, Croom	State
CR2	“Kurrawong” Lot 100, DP 717430, Princes Highway, Croom	Local
CR3	Avenue of Norfolk Island Pines Princes Highway, Croom, extending 800 metres south and 1,100 metres north of the symbol on the zoning map	Local
Dunmore		
DU1	“Dunmore House” Part Lot A, DP 366905, Princes Highway, Dunmore	Regional
DU2	Station Master’s Residence State Rail Authority land fronting Shellharbour Road, Dunmore	Local

Shellharbour Rural Local Environmental Plan 2003

Heritage items

Schedule 4

Item No	Heritage item	Level of significance
DU3	Former Minnamurra School, Residence and Grounds Lot 1, DP 745632, Swamp Road, Dunmore	Regional
DU4	“Glengowrie” and Fig Trees Lot 2, DP 602557, Swamp Road, Dunmore	Local
DU5	Tree on former Peterborough Estate, Dunmore	Local
Macquarie Pass		
MP1	“Nurrewin” Lot 68, DP 751263, Illawarra Highway, Macquarie Pass	Regional
Tullimbar		
TU1	Former School Residence and Tullimbar School Lot 1, DP 905581, Tullimbar Lane, Tullimbar	Local
TU2	“Toongla” Lot 82, DP 634605, Tullimbar Lane, Tullimbar	State
Yellow Rock		
YR1	“Wairanga” and Coach House Lots 32 and 33, DP 751274, Yellow Rock Road, Yellow Rock	Local

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Dictionary

Dictionary

(Clause 8 (1))

Aboriginal relic means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous habitation either prior to or concurrent with the occupation of New South Wales by persons of European extraction, and includes Aboriginal remains.

acid sulfate soils means actual or potential acid sulfate soils as defined in the *Acid Sulfate Soils Assessment Guidelines*.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* published by the NSW Acid Sulfate Soils Management Advisory Committee, as adopted from time to time by the Director-General.

acid sulfate soils planning maps means the series of maps marked "Shellharbour City Council Potential Acid Sulfate Soils Planning Map" kept in the office of the Council.

advertised development has the same meaning as in the Act.

advertisement has the same meaning as in the Act.

agriculture means the keeping of livestock, where the stocking rate is not above that of the demonstrated carrying capacity of the land, and rain fed cropping, where fertiliser and irrigation may be applied from time to time. It may consist of or include grazing of beef or dairy cattle, deer farming or cereal cropping. It also includes pasture improvement and the like but (in Part 2) does not include a land use elsewhere defined in this Dictionary.

alter, in relation to a heritage item, building or work, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes resulting from maintenance.

amusement park means a commercially run area where amusements and mechanical entertainment equipment or structures are operated.

approved bush fire hazard reduction means reduction of fuel loads by controlled burning or any other means authorised by a bush fire hazard reduction certificate issued by the relevant authority under the *Rural Fires Act 1997*.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

archaeological site means the site of one or more relics. It includes a site known to the Council to have archaeological significance.

area of high conservation value means an area shown coloured beige on the Areas of High Conservation Value Map.

Areas of High Conservation Value Map means the map marked “Shellharbour Rural Local Environmental Plan 2004—Areas of High Conservation Value Map”, as amended by the maps, or sheets of maps, marked as follows:

asset protection zone has the same meaning as in the document entitled *Planning for Bush Fire Protection—Guidelines* available from the Council.

associated buildings, in relation to a house, means driveways, power lines, garden sheds, carports and freestanding garages.

attached dual occupancy means two houses on a single allotment of land that are physically attached and are characterised by having the appearance of a single house with identical roof pitch, external finishes and similar design features.

bed and breakfast accommodation means a lawfully erected house occupied for permanent residential use in which a maximum of three rooms are made available by the residents for temporary holiday accommodation.

biodiversity means the variety of life forms, the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form.

boarding house includes a house let in lodgings or a hostel but does not include a motel.

brothel means premises habitually used for the purposes of prostitution. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

bulky goods means large goods which are of such a size, weight or shape as to require a large area for handling, storage or display, but not food and grocery items.

bush fire means any unplanned fire in vegetation.

bush food plantation means the growing of native plants on cleared land and the erection of associated buildings to obtain bush foods for commercial gain.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

bush rock removal means the disturbance, dislodgment or removal of bush rock from land.

bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land, or, if that has been altered, is still representative of the structure and floristics of the natural vegetation.

car repair station means a building or place used for the carrying out of repairs to motor vehicles or agricultural machinery, not being:

- (a) vehicle body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

caravan park means land used as sites for tents, or caravans or other vehicles, which are movable and used for temporary accommodation by tourists.

child care centre means a building or place used for the supervision of, or caring for, children and which:

- (a) caters for 6 or more pre-school age children, whether or not those children are related to the owner or operator of the building or place, and
- (b) may include an educational function, and
- (c) may be operated for gain,

but does not include a building or place providing residential care for those children.

clearing of land means:

- (a) the cutting down, felling, thinning, logging or removal of native vegetation or non-native tree species, or
- (b) the killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation or non-native tree species, or
- (c) the severing, topping or lopping of branches, limbs, stems or trunks of native vegetation or non-native tree species, or
- (d) the substantial damaging or injuring in any way of any vegetation on protected land,

but does not include:

- (e) the destruction of any tree, shrub or plant:

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Dictionary

- (i) that is required or expressly authorised by or in pursuance of the provisions of any Act or statutory instrument or by any statutory authority in pursuance of the provisions of any Act or statutory instrument, or
 - (ii) where the destruction is necessary in an emergency to prevent the spread of fire or in circumstances where the tree, shrub or plant presents a danger to life or property, or
 - (iii) where the destruction is necessary to enable the carrying out of a development in accordance with a development consent, or
- (f) the removal of noxious weeds and trees listed under the Council's Tree Management Order in a manner that minimises soil erosion, soil compaction or damage to any surrounding native vegetation.

club means a building used by persons associated, or by a body incorporated, for social, sporting, athletic or other lawful purpose, whether or not the whole or a part of the building is the premises of a club registered under the *Registered Clubs Act 1976*.

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Dictionary.

complying development has the same meaning as in the Act.

conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

conservation priority rating of vegetation community means the conservation importance attributed to the ecological significance of the vegetation community as determined in the document entitled *Nature Conservation Study* prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

core conservation area means an area identified as a core conservation area in the *Nature Conservation Study* prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

cumulative impact of development means the accumulation of environmental and social impacts that result from either a number of developments over time or a number of developments in a given location, or both.

damage, in relation to vegetation, includes lopping, topping, ring barking, poisoning, felling, digging up, pulling out, smothering or any other form of deliberate damage.

demolish, in relation to a heritage item, or a building, work, relic, tree or place within a heritage conservation area, means total or partial destruction or dismantling of the heritage item, or the building, work, relic, tree or place.

detached dual occupancy means two houses on a single allotment of land.

development has the same meaning as in the Act.

drainage of land means the engineered flow of water from the land into natural or engineered channels or water bodies, or both.

ecological communities means an assemblage of species occupying a particular area which forms an ecosystem.

ecological processes means those processes that play an essential role in maintaining the integrity and continuity of an ecosystem.

ecologically significant habitat means habitat that is important for the survival of a rare or threatened ecological community, population or species and includes rare and threatened ecological communities, populations and species contained in the *Nature Conservation Study* prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

ecologically sustainable development means development which improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. For the purposes of this definition, the key principles of ecologically sustainable development are described in section 6 (2) of the *Protection of the Environment Administration Act 1991* and include the following (as described in greater detail in that subsection):

- (a) the precautionary principle,
- (b) inter-generational equity,
- (c) conservation of biological diversity and ecological integrity,

Shellharbour Rural Local Environmental Plan 2003

Dictionary

- (d) improved valuation, pricing and incentive mechanisms to reflect the real cost of development, including environmental factors.

ecosystem means the dynamic, complex interaction of plants, animals, micro-organisms and ecological communities and their physical environment interacting as an ecological unit.

eco-tourism facility means a facility for nature-based tourism situated on land on which a house may be lawfully constructed. It includes an accommodation facility at which education about, and interpretation of, the natural and cultural environment are provided.

educational establishment means a building used as a school, college, technical college, university, academy, training facility, lecture hall, gallery, museum, display centre or the like, but does not include a building used wholly or principally as an institution or child care centre.

endangered species, populations and ecological communities has the same meaning as in the *Threatened Species Conservation Act 1995* and includes an endangered species within the meaning of Part 7A of the *Fisheries Management Act 1994*.

environmental conservation works means work carried out to protect, rehabilitate or restore native vegetation, or riparian or wildlife corridors or links, and to enhance or restore the natural ecological systems of the land.

environmental weed means an invasive plant that spreads and invades disturbed native vegetation or pasture land.

environmental weed management means the management of noxious or environmental weeds and includes hand and mechanical removal, the use of herbicides and other chemicals to remove weeds and prevent the spread of weed seeds.

exempt development has the same meaning as in the Act.

extractive industry means:

- (a) the winning of extractive material, or
- (b) an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried out, and includes any washing, crushing, grinding, milling, stockpiling or separating into difference sizes of that extractive material on that land, or
- (c) works associated with a site rehabilitation plan.

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Dictionary

extractive material means sand, gravel, clay, soil, rock, stone or any similar substance, but does not include turf subject to turf farming operations.

farm dam means a constructed artificial water storage facility designed primarily for agricultural or domestic purposes.

farm shed means a building erected on land and used for the storage and maintenance of farm equipment associated with the agricultural use of the land.

farm stay establishment means an established farming enterprise that provides short-term self-contained accommodation (including accommodation in converted or newly constructed outbuildings or cottages) in association with a working farm or agricultural enterprise.

filling means the placement of fill independently of other development for which consent has been granted:

- (a) on an area within 40 metres of a watercourse, or
- (b) to a depth greater than 500 millimetres above the existing ground level of land, or
- (c) where natural drainage to a watercourse or an adjacent property will be affected.

flood liable land means land that is below the flood planning level.

flood planning level means 0.5 metre above the predicted water level of the 1 in 100 year flood for a particular site.

forestry means arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

fragmentation means the process of progressive loss and isolation of habitat leading to a reduction in habitat connectivity for some species.

gas holder means a container designed to hold more than 500 litres of liquid petroleum gas.

general store means a shop used for the sale by retail of general merchandise. It may include the facilities of a post office, dry cleaning agency, financial agency or the like.

generating works means a building or place used for the purpose of generating gas, electricity or other forms of energy.

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Dictionary

habitat means those parts of the environment that native flora and fauna require for different parts of their life cycle, including feeding, roosting, migrating, nesting and the rearing of young. Habitat may be occupied either permanently, periodically or occasionally by a species, population or ecological community.

health care professional means a person who renders professional health services to members of the public, and includes a podiatrist, a chiroprapist, a chiropractor, a physiotherapist and an optometrist.

heavy industry means an industry, not being an extractive, light, offensive or hazardous or rural industry.

heavy vehicle parking means the parking of large vehicles, including earth moving equipment.

helipad means an area or place for use by helicopters and includes any ancillary terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage conservation area means an area of land shown edged heavy red with diagonal hatching and marked "Heritage Conservation Area" on the Heritage Conservation Area Map. It includes natural areas, buildings, works, archaeological sites, trees and places of heritage significance situated on or within the land.

Heritage Conservation Area Map means the map marked "Heritage Conservation Area Map", as amended by the maps, or sheets of maps, marked as follows:

heritage impact statement means a statement demonstrating the heritage significance of an item, a property, an archaeological site or a place, assessing the impact that proposed development will have on that significance and explaining measures that are proposed to minimise that impact.

heritage item means a building, work, tree, place or archaeological site (which may or may not be situated on or within land that is a heritage conservation area) identified in Schedule 4 and shown edged heavy red (but not with diagonal hatching) and numbered in red on the zoning map. A heritage item includes all parts of the fabric, structure, fixtures and fittings of any such building, work, tree or place.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

high class agricultural land means land described as being of Class 1, 2 or 3 by the Department of Agriculture in the *Sydney Region Agricultural Land Classification Atlas*.

home-based child care means the provision of child care in a house erected with development consent and in accordance with the *Family Day Care and Home Based Child Care Services Regulation 1996*.

home business means a business carried on from a house for which a building approval or development consent has been granted, where:

- (a) the majority of the business is carried on away from the house, with the house and its outbuildings and curtilage being used primarily as a base or office, and
- (b) the business will not:
 - (i) interfere with the amenity of the neighbourhood by reason of traffic generation, noise or otherwise, or
 - (ii) involve the exposure to view from any adjacent premises or from any public place of any goods associated with the business or any unsightly matter, or
 - (iii) involve the parking of heavy vehicles either on or adjacent to the property, or
 - (iv) involve the employment of persons other than the permanent residents of the house at the base or office, and
- (c) the house continues to be used for permanent residential occupation by the person carrying on the business.

home occupation means an occupation or industry carried on from an allotment that is the site of a house for which a building approval or development consent has been granted, where:

- (a) the dominant use of the allotment remains that for which the land is zoned, and
- (b) the floor space of the building or the area used for the occupation or industry does not exceed 50 square metres and is located within the curtilage of the house, and
- (c) the occupation or industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste material, grit or oil, or otherwise, or

Shellharbour Rural Local Environmental Plan 2003

Dictionary

-
- (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter or any goods, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
 - (iv) involve the exhibition of any notice, advertisement or sign other than a single notice to indicate the name, occupation and contact number of the resident, or
 - (v) employ more than one person who is not a permanent resident of the house, or
 - (vi) involve the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there) and includes a shop, refreshment rooms, accommodation, research or educational facilities or a dispensary used in conjunction with that use.

hotel means premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

house means a building containing a room or rooms in which people live and which can be used or occupied as a single residence.

housing for older people or people with a disability means residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, hostel or grouping of 2 or more self-contained houses, or a combination of these, but does not include a hospital.

identification sign for a property means a sign attached to the property or within the property boundary which identifies the property name (if any) and its owners, and the occupation of its owners or the use of the property.

industry means:

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business.

institution means a penal or reformatory establishment.

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intensive agriculture means:

- (a) use of an intensive agriculture establishment for the purpose of agriculture, or
- (b) intensive plant growing.

intensive animal establishment means a building or place used to hold livestock for commercial breeding or nurturing purposes where the livestock are fed by a method other than natural grazing and includes, but is not limited to:

- (a) poultry farming, and
- (b) commercial horse training, stabling and breeding and riding schools, and
- (c) dog and cat boarding, breeding and training, and
- (d) cattle feedlots, and
- (e) pig farming, and
- (f) worm farming.

intensive plant growing means the commercial growing of plants and fungi where water is applied over and above that naturally occurring and includes (but is not limited to) the following horticultural systems:

- (a) hydroponics, and
- (b) crop protection, and
- (c) market gardening, and
- (d) orcharding, and
- (e) field flowers, and
- (f) vineyards, and
- (g) turf farming,

but does not include the growing of plants for the consumption or enjoyment of the owner or occupier of the land.

introduced species means a species that is not locally indigenous.

junk yard means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials, waste material or goods, including collecting, dismantling, storing, salvaging or abandoning of automobiles or for the sale of their parts.

land containing mineral resources of State and regional significance means land shown in hatching on the State and Regionally Significant Mineral Resources Map.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

land degradation means the decline in the quality of the land and its natural resources, commonly caused by inappropriate human usage. It includes soil degradation and the deterioration of the habitat values of native vegetation, landscapes and water resources.

landscape means the pattern of physical, natural and human-made features set on the land surface which are identifiable and may have visual aesthetic appeal.

light industry means an industry, not being an extractive, rural, heavy, offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of nearby residents by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste material, grit or oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

local road means a road that is maintained and controlled by the Council and is not a main or arterial road.

main or arterial road means a main road, State highway, freeway or tollway within the meaning of the *Roads Act 1993*.

maintenance, in relation to a heritage item, or a building, work, relic, tree or place within a heritage conservation area, means the ongoing protective care of the heritage item, building, work, relic, tree or place or heritage conservation area, but does not include alterations or the introduction of new materials or technology.

medium density housing means a building or group of buildings containing three or more houses located on a single parcel of land.

mine means any place where mining is carried out to obtain any metal or mineral by any method and any place on which the mined metal or mineral is stacked, stored, crushed or otherwise treated, but does not include a quarry.

mineral sand mine means a mine used for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar materials.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

motel means a building or buildings substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals for those travellers. A motel does not include other types of accommodation defined in this Dictionary.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans, boats or trailers, whether or not accessories are also sold or displayed there.

native fauna includes all species that are endemic to New South Wales or are known to periodically or occasionally migrate to New South Wales, whether vertebrate or invertebrate, but does not include humans.

native vegetation has the same meaning as in the *Native Vegetation Conservation Act 1997*.

natural and human induced hazards includes landslip and instability, flooding, acid sulfate soils, environmental weeds, feral and domestic animals and the like.

natural ground level means the level of the ground surface before any changes have been made by excavation or filling.

nature conservation area means a primary or supplementary conservation area identified in the *Nature Conservation Study* prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

offensive or hazardous industry means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

older people means people aged 55 years or over.

operational buffer means the area required to contain most of the adverse externalities associated with mineral extraction.

passenger terminal means a building or place used for the assembly and dispersal of travelling passengers.

people with a disability means people of any age who, as a result of having intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full and active life.

Shellharbour Rural Local Environmental Plan 2003

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picnic ground means an area of open space used for passive recreation (not being bush land) and may include tables, seating, barbecues, sunshade structures and an amenity building.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature.

Such places may include natural features such as creeks, ridges or other topographic features of long standing cultural significance as well as initiation, ceremonial, story places or areas of more contemporary cultural significance.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not.

place of worship means a building or place used primarily for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, religious training or related social events.

plant nursery means a building or area used for the growing and retail selling of plants, whether or not ancillary products are sold there.

potential Aboriginal archaeological site means a site identified as potentially containing Aboriginal relics in accordance with the Zones of Archaeological Sensitivity shown on a map held by the Council associated with the *Aboriginal Heritage Study*. It includes a site known to the Council to have archaeological potential even if the site is not so identified and shown on that map.

potential place of Aboriginal heritage significance means a place that in the opinion of the Council has the potential to have Aboriginal heritage significance.

primary conservation area means an area identified as such on mapping held by the Council associated with the *Nature Conservation Study* prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

professional consulting rooms means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a house and used by not more than three legally qualified medical practitioners or by not more than three dentists, or by not more than three health care professionals, who practise there the profession of medicine, dentistry or health care respectively and, if more than one, practice in partnership, and who employ not more than three employees in connection with that practice.

property management plan for land means a plan, prepared by or on behalf of the property owner of the land, that specifies ongoing land management goals and a program of activities and works proposed to be undertaken on the subject land to enhance or restore the natural ecosystem, areas of native vegetation and any wildlife corridors or links and may contain proposals for farm management practices. These activities and works may include, but are not limited to:

- (a) fencing riparian corridors to regulate stock access points, or
- (b) planting native species, or
- (c) fencing of remnant vegetation to exclude stock and encourage re-growth, or
- (d) environmental weed management, or
- (e) bush fire hazard reduction works for fuel or ecosystem management purposes.

protected land means land that is State protected land or regional protected land within the meaning of the *Native Vegetation Conservation Act 1997*.

public building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by authority of any Government Department or under the authority of, or in pursuance to, any Commonwealth or State Act including:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services.

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racecourse means a place used for the organised racing of animals or vehicles and includes ancillary buildings and facilities.

recreation area means:

- (a) a children's playground, or
- (b) an area used for informal outdoor recreation activities, that is made available to the general public without cost.

recreation establishment means health farms, religious retreat houses, youth camps and the like, but (in Part 2) does not include a building or place elsewhere specifically defined in this Dictionary.

recreation facility means a building or place used for indoor or outdoor recreation, including a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of like character used for recreation, whether used for the purposes of gain or not.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the Shellharbour City local government area, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the Shellharbour City local government area.

remnant native vegetation means a fragmented portion, or patch, of the former dominant native vegetation which once covered the area prior to the surrounding area being cleared for human land use.

riparian corridor means land:

- (a) within 40 metres, measured from the top of the bank of a stream, river or watercourse, or the edge of a wetland, comprising or adjacent to Marshall Mount Creek, Macquarie Rivulet or the Minnamurra River, and
- (b) shown coloured beige on the Areas of High Conservation Value Map.

roadside stall means a building or place not exceeding 20 square metres in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

road transport terminal means a building or place used mainly for the bulk handling of goods for transport, and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

rural industry means the handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

rural restaurant means a restaurant, winery, café, tearoom or the like that is associated with a rural industry or agricultural use and is situated on the same land on which the industry or use is carried out.

rural tourist facility means an establishment providing holiday accommodation and may include a souvenir shop or arts and craft gallery for the exhibition of craft articles, paintings and the like, but does not include a motel.

rural worker's dwelling means a house which is on land on which there is already a house erected and which is occupied by persons engaged in rural occupation on that land.

rural zone means the 1 (a) Agriculture, 1 (rl) Rural Landscape, 1 (x) Extractive Industry, 7 (n) Nature Conservation or 7 (w) Wetlands Zone.

sawmill means a mill handling, cutting and processing timber from logs or baulks.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating or spray painting, or suspension, transmission or chassis restoration).

shop means a building or place used for selling, exposing or offering for sale by retail goods, merchandise or materials.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

showground means an area used to present organised cultural events to the public and may include both indoor and outdoor facilities for exhibitions and festivities.

site rehabilitation plan means a plan of work, approved by the Council, and proposed to be undertaken to restore soil structures, landscape features or to regenerate native vegetation systems and native habitat potential.

species means a group of organisms capable of interbreeding freely with each other but (usually) not with members of other species, and includes any recognised sub-species and taxon below a sub-species, and any recognisable variant of a sub-species or taxon.

State and Regionally Significant Mineral Resources Map means the map marked “Shellharbour Rural Local Environmental Plan 2004—State and Regionally Significant Mineral Resources”, as amended by the maps, or sheets of maps, marked as follows:

stock and sale yard means a building or place used for offering animals for sale.

subdivision of land has the same meaning as in the Act.

supplementary conservation area means an area identified as such on mapping held by the Council associated with the *Nature Conservation Study* prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

sustainable agriculture means agriculture that implements the principles of ecologically sustainable development.

telecommunications facility means any part of the infrastructure of a telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

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

the Council means Shellharbour City Council.

threatened species, populations and ecological communities has the same meaning as in the *Threatened Species Conservation Act 1995* and includes endangered or vulnerable species within the meaning of Part 7A of the *Fisheries Management Act 1994*.

Shellharbour Rural Local Environmental Plan 2003

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timber yard means a place or building used for the storage, treatment and sale of timber products.

tourist cabin means a freestanding building used to provide short-term self-contained holiday accommodation on land on which a house may lawfully be constructed.

turf farming means the cultivation and extraction of turf.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises.

vegetation community means a group of organisms living together in a definable region or habitat defined by its vegetation.

vulnerable species has the same meaning as in the *Threatened Species Conservation Act 1995* and includes a vulnerable species within the meaning of the *Fisheries Management Act 1994*.

warehouse means a building or place used for the storage of goods, merchandise or materials.

waste material means:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause an alteration in the environment, or
- (b) any discarded, rejected, unwanted, surplus or abandoned substance, or
- (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by separate operation from that which produced the substance, or
- (d) any substance prescribed to be waste for the purpose of the *Protection of the Environment Operations Act 1997* by the regulations made under that Act.

A substance is not precluded from being waste material merely because it can be reprocessed, re-used or recycled.

watercourse includes any stream of water, whether perennial or intermittent, flowing either in a natural or artificial channel from which the stream of water flows from its headwater to a coastal bay, lake, inlet or estuary.

Shellharbour Rural Local Environmental Plan 2003

Dictionary

wetland improvement means the creation, enhancement, regeneration or maintenance of wetlands whether the wetland is natural or artificial and whether or not the wetland forms part of an integrated drainage system.

wetlands includes any land that is inundated with water cyclically, intermittently or permanently (such as a marsh, a swamp or ephemeral wetlands) comprising emergent aquatic vegetation dominated by characteristic wetland species. They may be fresh, brackish or saline and are usually shallow and slow moving or stationary.

wildlife corridors or links means an area or network of areas of native vegetation or habitat that enables migration, colonisation or interbreeding of plants and animals between two or more larger areas of habitat. Wildlife corridors or links include stands or dispersed areas of vegetation which may be used by wildlife to move from one area to another, for habitat or foraging. Wildlife corridors include, but are not limited to, those areas identified in the *Nature Conservation Study*, prepared by Kevin Mills & Associates, dated June 2000, and available at the office of the Council.

zoning map means the map marked “Shellharbour Rural Local Environmental Plan 2004—Zoning Map” as amended by the maps, or sheets of maps, marked as follows:



New South Wales

Warringah Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/01862/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Clause 1 Warringah Local Environmental Plan 2000 (Amendment No 10)

Warringah Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 10)*.

2 Aims of plan

This plan aims:

- (a) to include the land to which this plan applies within the medium density area, and
- (b) to increase the maximum building height limit for part of the land from 2 storeys and 8.5 metres to 3 storeys and 11 metres.

3 Land to which plan applies

- (1) To the extent that this plan includes land within the medium density area, it applies to land in Locality D1 Collaroy/Narrabeen in the vicinity of Pittwater Road and King, Ocean and Robertson Streets, Narrabeen, as shown edged heavy black on the map marked "Warringah Local Environmental Plan 2000 (Amendment No 10)" deposited in the office of Warringah Council.
- (2) To the extent that this plan increases the maximum building height limit for part of the land, it applies to land bounded by Pittwater Road and Narrabeen, Ocean and Robertson Streets, Narrabeen.

4 Amendment of Warringah Local Environmental Plan 2000

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

Warringah Local Environmental Plan 2000 (Amendment No 10)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Dictionary

Insert in appropriate order in the definition of *the map*:

Warringah Local Environmental Plan 2000 (Amendment No 10)

[2] Appendix D Collaroy Beach Catchment Locality Statements

Insert “, except within the area of land bounded by Pittwater Road and Narrabeen, Ocean and Robertson Streets, Narrabeen, where buildings are neither to exceed 3 storeys nor 11 metres” after “nor 8.5 metres” in the matter relating to Locality D1 Collaroy/Narrabeen under the headings **BUILT FORM** and **Building height**.

Natural Resources

WATER ACT 1912

APPLICATIONS for licences under section 10 of Part 2 of the Water Act 1912, have been received as follows:

Dennis McNULTY for a dam and pump on an unnamed watercourse on Lot 221//1070708, Parish of Wolfingham, County of Durham, for conservation of water and irrigation of 6 hectares (grape vines) (split of an existing licence) (Reference: 20SL061457).

FAME COVE THREE PTY LIMITED for a pump on Congewai Creek on Lot 7//1055477, Parish of Ellalong, County of Northumberland, for irrigation of 40.5 hectares (improved pasture) (permanent water transfer) (Reference: 20SL061439).

Robert Wayne COONEY for a pump on Wollombi Brook on Lot 8//261657, Parish of Hay, County of Northumberland, for irrigation of 4 hectares (improved pasture and vegetables) (replacement licence – permanent water transfer) (Reference: 20SL061450).

TOWER TRUST (SA) LIMITED for a dam and pump on Middle Creek on Lot 1//262076, Parish of Pokolbin, County of Northumberland, for conservation and supply of water for industrial purposes (winery) and irrigation of 40.5 hectares (grape vines) (replacement licence – addition of industrial winery to purposes) (Reference: 20SL061438).

Joan Portia VICKERS for a pump on Webbers Creek on Lot 43, DP 1070751, Parish of Tangory, County of Durham, for irrigation of 3 hectares (improved pasture) (split of existing entitlement) (Reference: 20SL061441).

Joan Portia VICKERS for a pump on Webbers Creek on Lot 41, DP 1070751, Parish of Marwood, County of Durham, for irrigation of 3 hectares (improved pasture) (split of existing entitlement) (Reference: 20SL061443).

Michelle Anne LEWIS for a pump on Webbers Creek on an easement within Lot 41, DP 1070751, Parish of Marwood, County of Durham, for water supply for stock and domestic purposes and irrigation of 1 hectare (improved pasture) (split of existing entitlement and exempt from current embargo) (Reference: 20SL061442).

John Desmond DAGG and Tracey Suzanne DAGG for a pump on the Hunter River and Stanhope Creek on Lot 101, DP 809436, Parish of Stanhope, County of Durham, for irrigation of 5 hectares (lucerne and improved pasture) (permanent water transfer – in lieu of previous notice) (Reference: 20SL061414).

Errol Leslie DUGGAN for three pumps on the Hunter River on Lot 6, DP 1048022; Lot PT1, section 18 and Lot 1, section 17 both DP 758351, all Parish of Denman, County of Brisbane, for water supply for industrial purposes (concrete batching) and irrigation of 60 hectares (lucerne and improved pasture) (to replace and combine existing licences – in lieu of previous notice) (Reference: 20SL061400).

Graeme O'BRIEN and Susanna Florence O'BRIEN for a pump on Reedy Creek on an easement within Lot 8, DP 253383, Parish of Mirannie, County of Durham, for water supply for stock and domestic purposes (exempt from current embargo) (Reference: 20SL061366).

Bruce Bernhardt FOYE and Jan May FOYE for a pump on the Isis River on Lot 9, DP 270212, Parish of Alma, County of Brisbane, for irrigation of 10 hectares (improved pasture) (permanent water transfer) (Reference: 20SL061448).

Geoffrey Richard KOPPMAN and Maureen Rose KOPPMAN for a pump on the Pages River on part Lot 7002, DP 93623, Parish of Alma, County of Brisbane, for water supply for stock and domestic purposes (exempt from current embargo) (Reference: 20SL061456).

MIDGEON PTY LIMITED for a pump on the Isis River on Lot 2, DP 408157, Parish of Isis, County of Brisbane, for irrigation of 27 hectares (improved pasture) (split of existing entitlement) (Reference: 20SL061445).

Thomas Galen JOHNSTON for a pump on the Isis River on Lot 13, DP 881449, Parish of Isis, County of Brisbane, for irrigation of 8 hectares (improved pasture) (transfer of existing entitlement) (Reference: 20SL061444).

Kenneth Gordon SMITH for a pump on Coulsons Creek on part Lot 26, DP 750962, Parish of Wentworth, County of Brisbane, for water supply for stock purposes (exempt from current embargo – pumping restrictions to apply) (Reference: 20SL061317).

John Bruce MURRAY for a pump on the Merriwa River on an easement within Lot 2, DP 855732, Parish of Watt, County of Brisbane, for water supply for domestic purposes (exempt from current embargo) (Reference: 20SL061447).

Any inquiries regarding the above should be directed to Hemantha De Silva on telephone number (02) 4929 9844.

Written objections specifying grounds thereof must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

MARK MIGNANELLI,
Resource Access Manager,
Hunter Region

Department of Infrastructure, Planning and
Natural Resources,
PO Box 2213, Dangar NSW 2309.

WATER ACT 1912

APPLICATIONS for a licence under Part 5 of the Water Act 1912, as amended, have been received from:

BUGILBONE BORE WATER TRUST for a proposed artesian bore on Lot 5, DP 752266, Parish of Tareela, County of Denham, for water supply for stock and domestic purposes within the trust district (new licence) (Reference: 90BL252404) (GA2:472182).

BURREN BORE WATER TRUST for a proposed artesian bore on Lot 11, DP 1060604, Parish of Burren East, County of Jamison, for water supply for stock and domestic purposes within the trust district (new licence) (Reference: 90BL252405) (GA2:472183).

DRILDOOL BORE WATER TRUST for a proposed artesian bore on Lot 16, DP 753938, Parish of Jamison, County of Jamison, for water supply for stock and domestic purposes within the trust district (new licence) (Reference: 90BL252406) (GA2:472184).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6764 5908).

Formal objections with grounds stating how your interests may be affected must be lodged by the twenty-eight (28) days from date of advertising, as prescribed by the Act.

GEOFF CAMERON,
Manager,
Resource Access

Department of Land and Water Conservation,
PO Box 550, Tamworth NSW 2340.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area, whose interest may be affected must be lodged with the Department's Resource Access Manager at Tamworth by 6 January 2004.

Plans showing the location of the works referred to in the above application may be viewed at the Moree or Tamworth Offices of the Department of Infrastructure, Planning and Natural Resources.

GEOFF CAMERON,
Manager,
Resource Access

Department of Infrastructure, Planning and
Natural Resources,
PO Box 550, Tamworth NSW 2340.

WATER ACT 1912

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

An application for approval of controlled works under section 167 within the proclaimed (declared) local area described hereunder has been received as follows:

Namoi River Valley

DREC NO 12 PTY LTD (Jonathon and David PHELPS), for earthen levees and storage on the Lower Namoi River Floodplain on Lots 11 and 29, DP 753944, Parish of Merah, County of Jamison, for conservation of water and prevention of inundation of land by floodwaters on the property known as "Havana", Wee Waa (Reference: 90CW810931) (GA2:472187).

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street, Armidale NSW 2350

Phone: (02) 6772 5488 Fax (02) 6771 5348

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 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 1

COLUMN 1	COLUMN 2	COLUMN 3
Marjorie Dorothy LOCKYER (re-appointment), Helen Enid Joy McKEMEY (re-appointment), Malcolm Russell MOFFATT (re-appointment), Richard Henry Francis WHITE (re-appointment), Wayne Maxwell MILLS (re-appointment).	Bald Blair Recreation Reserve Trust.	Reserve No.: 79572. Public Purpose: Public recreation. Notified: 3 May 1957. File No.: AE81 R 87/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Margaret Catherine WOLFER (new member), Jamie Maxwell ALLEN (re-appointment), Delmar Patrick PARKER (re-appointment).	Drummond Park Pre-School Reserve Trust.	Reserve No.: 88351. Public Purpose: Kindergarten. Notified: 3 September 1971. File No.: AE83 R 30/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Desmond Cecil PLUMB (re-appointment), Peter Andrew MYHILL (re-appointment), Gary Malcolm BORTHWICK (re-appointment), Ann PLUMB (re-appointment).	Inverell Speedway Reserve Trust.	Reserve No.: 97964. Public Purpose: Public recreation (speedway). Notified: 25 October 1985. File No.: AE85 R 88/1.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
Loretta Mary CAMUGLIA (re-appointment), Jennifer June CROSSMAN (re-appointment), Faye Elizabeth RICKARD (re-appointment).	Liston Children's Playground Reserve Trust.	Reserve No.: 81409. Public Purpose: Children's playground. Notified: 20 February 1959. File No.: AE80 R 72/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 5

COLUMN 1	COLUMN 2	COLUMN 3
Vicky Joy HIGGINS (new member), Gloria Jill COLLEY (re-appointment), Robin Terence PONTON (re-appointment).	Long Plain Public Hall and Recreation Reserve Trust.	Reserve No.: 88812. Public Purpose: Public recreation and public hall. Notified: 22 December 1972. File No.: AE82 R 27/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 6

COLUMN 1	COLUMN 2	COLUMN 3
Denis John WALL (re-appointment), David Andrew THOMSON (re-appointment), William Maxwell Charles HOLSTEIN (re-appointment), Brian William HOAD (re-appointment), Phyllis Yvonne HOY (re-appointment), Neal Grant SWEENEY (re-appointment).	Walcha Tennis Courts Reserve Trust.	Reserve No.: 82902. Public Purpose: Tennis courts. Notified: 11 November 1960. File No.: AE81 R 36/1.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 7

COLUMN 1	COLUMN 2	COLUMN 3
Donald John CROSS (re-appointment), Belinda Jane COLWELL (re-appointment), Jeffrey Laurence O'KEEFE (re-appointment).	Yarrowitch Public Hall and Recreation Reserve Trust.	Reserve No.: 86435. Public Purpose: Public Hall and public recreation. Notified: 15 September 1967. File No.: AE80 R 33/3.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 8

COLUMN 1	COLUMN 2	COLUMN 3
Sean Stewart BALLINGER (new member), Malcolm David ROBINSON (new member), Rodney Edwin KENT (re-appointment).	Yates Park Trust.	Reserve No.: 63329. Public Purpose: Public recreation. Notified: 6 May 1932. File No.: AE83 R 28/3.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 9

COLUMN 1	COLUMN 2	COLUMN 3
David Keith GRAHAM (new member), Ian Neville CROMPTON (new member), James Colin HARRIS (re-appointment), Maxwell William SCHAEFER (re-appointment), Thomas John HANSEN (re-appointment), Dorothy Lynne SORENSEN (re-appointment).	Armidale Tennis Courts Reserve Trust.	Reserve No.: 89699. Public Purpose: Public recreation. Notified: 24 December 1975. File No.: AE83 R 29/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 10

COLUMN 1	COLUMN 2	COLUMN 3
Wayne Keith LOCKWOOD (re-appointment), Ambrose SEAGRAVE (re-appointment), Elizabeth Precilla LOCKWOOD (re-appointment), Annie Colina MOZELEY (re-appointment), Alfred Charles MOZELEY (re-appointment), Bernard Raymond NOONAN (re-appointment), Judita Anne SEAGRAVE (re-appointment).	Tent Hill Public Hall Trust.	Dedication No.: 510035. Public Purpose: Public hall. Notified: 30 October 1959. File No.: AE80 R 67/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 11

COLUMN 1	COLUMN 2	COLUMN 3
Daniel ALTER (new member), Ian Paul Brian INMAN (new member), Margaret Anne CARSON (re-appointment), Dennis Harold CARSON (re-appointment), Jeffery Alwyn RAUE (re-appointment), Stephen AUSTIN (re-appointment).	Armidale Archery Reserve Trust.	Reserve No.: 92458. Public Purpose: Public recreation. Notified: 18 July 1980. File No.: AE80 R 157/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

SCHEDULE 12

COLUMN 1	COLUMN 2	COLUMN 3
Bruce Leonard McLADY (re-appointment), Peter Roland BONNER (re-appointment), David Gordon INCH (re-appointment), Daryl Raymond BEDDOW (re-appointment).	Liston War Memorial Reserve Trust.	Reserve No.: 86913. Public Purpose: War Memorial. Notified: 18 October 1968. File No.: AE82 R 29/2.

Term of Office

For a term commencing 1 January 2005 and expiring 31 December 2009.

FAR WEST REGIONAL OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

ERRATUM

IN the notification appearing in the *Government Gazette* of 3 December 2004, Folio 8927, under the heading **DECLARATION OF LAND TO BE CROWN LAND** the reference to folio identifiers should have read 94/262941 and 95/262941.

File No.: WL04 H 111.

**ALTERATION OF PURPOSE OF A WESTERN
LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

*Administrative District – Balranald; Shire – Balranald;
Parish – Benanee and Koorakee; County – Taila*

The purpose of Western Lands Lease 5266, being the land contained within Folio Identifiers 2/1064009 and 11/756090 has been altered from "Grazing" to "Grazing and Cultivation" effective from 7 December 2004.

As a consequence of the alteration of purpose rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The conditions have been altered by the inclusion of the special conditions following.

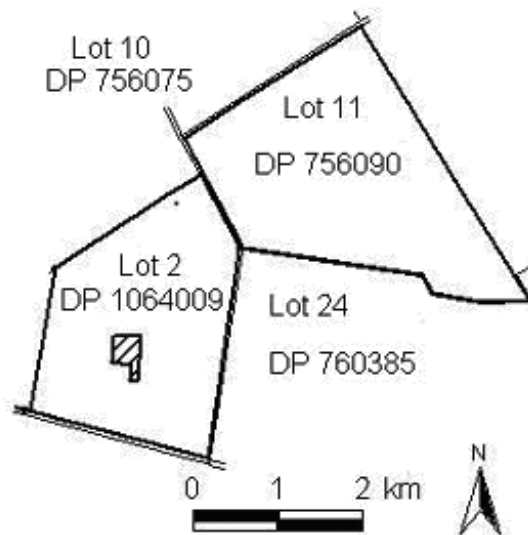
**SPECIAL CONDITIONS ATTACHED TO WESTERN
LANDS LEASE 5266**

1. The lessee shall only conduct irrigated cultivation within the area of 12 hectares indicated by hatching on the diagram hereunder. Any other cultivation outside this area will only be allowable with the consent of the Commissioner or the Minister.
2. The lessee shall not clear any native vegetation or remove any timber within the area shown hatched on the diagram hereunder unless written approval has been granted by either the Commissioner or the Minister.
3. The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997, particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
4. The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
5. Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.
6. Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.

Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment and Conservation.

If an Aboriginal site is found in this area, the subject of this consent, the activity must cease until the consent holder has notified the Department of Environment and Conservation of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environment and Conservation, Phone (02) 6883 5324 or at 58-62 Wingewarra Street, Dubbo.

7. Stubble shall be retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted and stubble burning is carried out with the approval as per requirements of the NSW Rural Fire Services.
8. The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.
9. The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
10. The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Services.
11. Irrigation water is not to be permanently transferred from the lease without the prior permission of the Western Lands Commissioner.
12. The lessee must ensure that if cotton is to be grown, only a maximum of two cotton crops can be grown on any one area in any six consecutive years. During other years the area may be fallowed or sown to pasture, fodder or grain crops.



**ALTERATION OF PURPOSE OF A WESTERN
LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of Section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

*Administrative District – Balranald; Shire – Balranald;
Parish – Benanee; County – Taila*

The purpose of Western Lands Lease 14379, being the land contained within Folio Identifier 1/1064009 has been altered from “Grazing” to “Cultivation” effective from 7 December 2004.

As a consequence of the alteration of purpose rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The lease conditions have been altered by the inclusion of the special conditions following.

**SPECIAL CONDITIONS ATTACHED TO WESTERN
LANDS LEASE 14379**

1. The lessee shall only conduct irrigated cultivation within Western Lands Lease 14379.
2. The lessee shall not clear any native vegetation or remove any timber within the Western Lands Lease 14379 unless written approval has been granted by either the Commissioner or the Minister.
3. The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997, particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
4. The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
5. Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.
6. Aboriginal sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.
Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974, with regard to Aboriginal relics. Under section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment and Conservation.
If an Aboriginal site is found in this area, the subject of this consent, the activity must cease until the consent holder has notified the Department of Environment and Conservation of the existence of the Aboriginal site. Contact details are: The Manager, Cultural Heritage Unit, Department of Environment and Conservation, Phone (02) 6883 5324 or at 58-62 Wingewarra Street, Dubbo.
7. Stubble shall be retained on the soil surface and shall not be burnt, except with the approval of the Commissioner or his delegate. Where such approval is granted and stubble burning is carried out with the approval as per requirements of the NSW Rural Fire Services.
8. The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.
9. The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
10. The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Services.
11. Irrigation water is not to be permanently transferred from the lease without the prior permission of the Western Lands Commissioner.
12. The lessee must ensure that if cotton is to be grown, only a maximum of two cotton crops can be grown on any one area in any six consecutive years. During other years the area may be fallowed or sown to pasture, fodder or grain crops.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

**PLAN OF MANAGEMENT FOR A
CROWN RESERVE UNDER DIVISION 6 OF
PART 5 OF THE CROWN LANDS ACT 1989
AND CROWN LANDS REGULATION 1990**

A draft plan of management has been prepared for the Crown reserves described hereunder, which are under the trusteeship of the Lot 490, Reserve Trust and the Tweed Coast Reserve Trust.

Inspection of the draft plan can be made at the Kingscliff Library, Pearl Street, Kingscliff or the Grafton Office of Crown Lands NSW, Level 1, 76 Victoria Street, Grafton during normal business hours.

Representations are invited from the public on the draft plan. These may be made in writing for a period of 28 days commencing from 13 December 2004 and should be sent to:

The Manager,
Crown Lands NSW,
PO Box 272,
Grafton NSW 2460.

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

Description of Reserve

*Land District – Murwillumbah; Council – Tweed Shire;
Parish – Cudgen; County – Rous*

Reserve No. 1002202 for the public purpose of tourist facilities and services, notified in the *Government Gazette* of 6 November 1998 and Reserve No. 1001008 for public recreation and coastal environmental protection, notified in the *Government Gazette* of 31 October 1997.

Description: The whole of Lot 490 and part of Lot 489, DP 47021 and part of Lot 500, DP 727420, South Kingscliff.

File No.: GF01 R 33.

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE
OF A RESERVE**

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

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

SCHEDULE

COLUMN 1

Camp Wollumbin Reserve Trust.

COLUMN 2

Reserve No.: 89580.
Public Purpose: Boy scouts.
Notified: 5 September 1975.
File No.: GF93 R 42/2.

**ALTERATION OF CORPORATE NAME OF
RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

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

SCHEDULE 1

Cudgen Lake Round Mountain Reserve Trust.

SCHEDULE 2

Reserve No.: 83495.
Public Purpose: Public recreation.
Notified: 6 October 1961.
File No.: GF93 R 42/2.

SCHEDULE 3

Camp Wollumbin Reserve Trust.

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92 (3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

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

SCHEDULE

COLUMN 1

Cudgen Lake Boy Scouts (R89580) Reserve Trust.

COLUMN 2

Reserve No.: 89580.
Public Purpose: Boy Scouts.
Notified: 5 September 1975.
File No.: GF93 R 42/2.

MAITLAND OFFICE**Cnr Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4934 2280 Fax: (02) 4934 2252****ROADS ACT 1993****ORDER**

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

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

That part of the Crown public road, being Ocean Street, Fishermans Bay, 20.115 metres wide and variable width, bounded by Lot 1, DP 1055668; Lots 3001 and 3002, DP 1004455; Lots 301 to 305, DP 753204; Lots 3061 and 3062, DP 1043197; Lot 307, DP 753204, part Tomaree National Park, Lots 293 to 298, DP 753204; Strata Plan 67724, Lots 11 and 12, DP 1038481; Lot 289, DP 753204 and Pacific Street.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****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: Warialda.
Local Government Area:
Gwydir.
Locality: Strathmore.
Reserve No.: 38854.
Public Purpose: Travelling
stock.
Notified: 8 April 1905.
File No.: ME03 H 165.

COLUMN 2

Lot 7 in DP 751126, Parish
Rocky Hole, County Burnett;
Lot 57 in DP 751132, Parish
Strathmore, County Burnett, of
an area of 424 hectares.

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Description

Land District – Bega; L.G.A. – Bega Valley

Lots 1, 2 and 3, DP 1065423 at Wallagoot, Parish Bournda and County Auckland.

File No.: NA03 H 114.

Note: On closing, the land remains vested in Bega Valley Shire Council as "Operational land".

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Description

Land District – Cowra; L.G.A. – Cowra

Road Closed: Lot 1, DP 1072773 at Cowra, Parish Cowra, County Bathurst.

File No.: OE04 H 64.

Note: On closing, the land remains vested in the Crown 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 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

COLUMN 1

Peta Margot
CONSTABLE
(re appointment),
David Sinclair
BROWN
(new member),
Kenneth Charles
NOAKES
(re appointment),
Hugh Oliver ELLIS
(re appointment).

COLUMN 2

Bedgerabong
Showground,
Racecourse, Public
Recreation and
Public Hall Trust.

COLUMN 3

Reserve No.: 85935.
Public Purpose: Racecourse,
public recreation,
showground and public hall.
Notified: 9 September 1966.
File No.: OE80 R 291/5.

Term of Office

For a term commencing this day and expiring 9 December 2009.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 9895 7657 Fax: (02) 9895 6227

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Descriptions

Land District – Windsor; L.G.A. – Hawkesbury

Lot 1, DP 1076214 at Kurrajong Heights, Parish Kurrajong, County Cook.

File No.: MN99 H 195.

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

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

NOTIFICATION OF CLOSING OF ROADS

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

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

Description

Land District – Quirindi;
Local Government Area – Liverpool Shire

Road Closed: Lot 1 in Deposited Plan 1076337 at Quirindi, Parish of Coeypolly, County of Buckland.

File No.: TH04 H 95.

Note: On closing, the land within Lot 1 in Deposited Plan 1076337 remains vested in the State of New South Wales as Crown Land.

Department of Primary Industries

NSW Fisheries

F92/1142

FISHERIES MANAGEMENT ACT 1994

Notification Under Section 11 – Fishing Closure
General Trout Closure

I, REGINA FOGARTY, amend the notification, which prohibits the taking of all species of fish from the waters specified in Schedules A-G of the General Trout closure as published in the New South Wales Government Gazette Number 154, dated 26 September 2003 and amended by Government Gazette Number 87, dated 21 May 2004.

The notification is amended by adding the words “the backed up waters between Marsden Weir and Rossi Weir on the Woolondilly River” and “the backed up waters of Coolumbooka Weir on the Coolumbooka River” to Schedule D.

Note: The word ‘Regulation’, where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

R. FOGARTY,
Acting Deputy Director-General,
Agriculture and Fisheries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE)
REGULATION 2002

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

THE Minister has granted the following Class 1 Aquaculture Lease:

AL04/025 within the estuary of Macleay River having an area of 2.8947 hectares to Grant ATTERTON and Nerilyn ATTERTON, of South West Rocks NSW, for a term of 15 years expiring on 15 November 2019.

AL04/026 within the estuary of Macleay River having an area of 0.1815 hectares to Grant ATTERTON and Nerilyn ATTERTON, of South West Rocks NSW, for a term of 15 years expiring on 15 November 2019.

Dr NICK RAYNS,
Director,
Fisheries Management,
Agriculture and Fisheries Division,
Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification – Fishing Closure

Merimbula Lake, Yowaka River, Pambula Lake/River,
Twofold Bay, Merimbula Bay and Towamba River

County of Auckland

I, Richard Sheldrake, prohibit the taking of fish as specified in Column 1 of the Schedules of this notification, from waters shown in Column 2 of the Schedules.

These prohibitions are effective for a period of five years from the date of publication, unless sooner varied or revoked by notification of the Deputy Director-General, Agriculture and Fisheries.

Note: The word ‘Regulation’, where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

Schedule 1

Merimbula Lake – All Methods

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
The taking of shellfish by means of all methods, except the taking of oysters by oyster farmers from their leases.	The whole of the waters of Merimbula Lake downstream from the causeway traffic bridge (Arthur Keyne Drive) to its confluence with the Pacific Ocean.

Schedule 2

Merimbula Lake – Netting Closure

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of nets of every description except the dip or scoop net, push or scissors net (prawns) and hand hauled prawn net as prescribed by clauses 50, 49 & 48 and the landing net , as prescribed by Regulation.	The whole of the waters of Merimbula Lake and its creeks and tributaries, upstream to its source from its confluence with the Pacific Ocean.

Schedule 3

Merimbula, and Tathra Fishing Platforms and Snug Cove – Nets

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of nets of every description except the landing net , as prescribed by Regulation.	The whole of the waters within a 200 metre radius of the Tathra and Merimbula Fishing Platforms. The waters of Snug Cove, generally east of a line drawn from the eastern extremity of Cattle Bay to a position 50 metres along the Eden breakwater in a westerly direction from the Eden unloading wharf.

Schedule 4

Yowaka River and Pambula River – Nets

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of nets of every description except the dip or scoop net, push or scissors net (prawns) and hand hauled prawn net as prescribed by clauses 50, 49 & 48 of the Regulation, and the landing net , as prescribed by Regulation.	The whole of the waters of Yowaka River (Saltwater Creek) and Pambula River upstream of a line drawn between the south-eastern foreshore boundary of oyster lease 85-175 marked with a peg displaying “FD” on the northern bank of the Pambula River to a position marked with a peg displaying “FD” on the southern bank of the Pambula River at its confluence with the Yowaka River.

Schedule 5

Twofold Bay and Merimbula Bay – Trawling

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of otter trawl net (fish) and Danish seine trawl net (fish) , as prescribed by Regulation.	The whole of the waters of Twofold Bay together with its bays and inlets west of a line drawn from Worang Point (North Head) southerly to Red Point (South Head); and again the whole of the waters of Merimbula Bay together with its bays and inlets west of a line drawn from the eastern extremity of Long Point southerly to the easternmost extremity of Haycock Point.

Schedule 6

Towamba River – All Methods

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
The taking of all fish, including shellfish, by all methods of fishing is prohibited, other than by means of a rod and line or handline , and the landing net , as prescribed by Regulation.	The whole of the waters of Towamba River and its tributaries upstream from the point where the power lines cross the Towamba River approximately 500metres upstream from the entrance to Cochrane’s Creek as indicated by white posts on either bank of the Towamba River.

Schedule 7

Towamba River – Nets

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of nets of every description except the dip or scoop net , as prescribed by clause 50 of the Regulation, and the landing net , as prescribed by Regulation.	The whole of the waters of Towamba River and its tributaries downstream from the point where the power lines cross the Towamba River approximately 500 metres upstream from the entrance to Cochrane’s Creek as indicated by white posts on either bank of the Towamba River.

Schedule 8

Towamba River – Nets

(deleted)

R. F. SHELDRAKE,
Deputy Director-General,
Agriculture and Fisheries

F99/231

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure
 Cathie Creek and Cathie Lake
 County of Macquarie

I, Richard Sheldrake, prohibit the taking of fish by the methods of fishing as described in Column 1 of the Schedules to this notification, from the waters specified in Column 2 of the Schedules, for the period specified.

This prohibition is effective for a period of five (5) years from the date of publication of this notification, unless sooner varied or revoked by notification of the Deputy Director-General of Agriculture and Fisheries.

Note: The word ‘Regulation’, where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

R. F. SHELDRAKE,
 Deputy Director-General
 Agriculture and Fisheries

Schedule 1

Cathie Lake and Cathie Creek – Nets

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of nets of every description except the dip or scoop net, hand hauled prawn net, hoop net, push or scissors net and landing net , as prescribed by Regulation.	The whole of the waters of Cathie Lake and the waters of Cathie Creek, its creeks and tributaries upwards from its confluence with the Pacific Ocean.

Schedule 2

Cathie Lake and Cathie Creek – Nets

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By means of nets of the prawn net (set pocket) as prescribed by Regulation.	From a line drawn from the southern bank of Cowarra Creek across Cathie Creek to the eastern foreshore to a line drawn across the lake, 200 meters north from the confluence of Cathie Creek with Lake Innes (‘the Drain’).
Condition: This schedule permits the use of the prawn net (set pocket) as an exception to schedule 1 of this notification.	

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure
 Doon Doon Creek
 County of Rous

I, Ian MacDonald, prohibit the taking of fish by the methods of fishing as described in Column 1 of the Schedule to this notification, from the waters specified in Column 2 of that schedule, for the period specified in the Conditions.

This prohibition is effective for a period of two (2) years from the date of publication of this notification, unless sooner varied or revoked by notification of the Deputy Director-General, Agriculture and Fisheries

Note: The word ‘Regulation’, where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

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

Schedule

Doon Doon Creek

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
By all methods	Doon Doon Creek downstream from the Clarrie Hall dam wall to the junction with the Tweed River.
Conditions: During the period from 1 August to 31 October in each year inclusive.	

Roads and Traffic Authority

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

PAUL FORWARD,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 09/2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 31 October 2009, unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

(i) Omit the following route from Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 – B-Double routes in NSW.

Type	Road No.	Road Name	Start Point	Finish Point	Conditions
25	336	The Entrance Road	George Street, East Gosford	Terrigal Drive Roundabout, Erina	

(ii) Insert the following route in Part 2, B-Double routes in New South Wales (excluding the Sydney Region) of Appendix 2 – B-Double routes in NSW.

Type	Road No.	Road Name	Start Point	Finish Point	Conditions
25	336	The Entrance Road, Gosford to Erina	George Street, East Gosford	Carlton Road Roundabout, Erina	

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

WENTWORTH SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

MICHAEL BOYD,
General Manager,
Wentworth Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Wentworth Shire Council B-Doubles Notice No. 1/2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until it is amended or repealed.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Wentworth Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
B/D	00	Delta Road, Curlwaa	Silver City Highway	Memorial Road	
B/D	00	Channel Road, Coomella	Fletchers Lake Road	Reserve Road East	
B/D	00	Grace Crescent, Buronga	Silver City Highway	Boundary, Lots 970/969, DP 756961	West bound lane access only

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

WENTWORTH SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

MICHAEL BOYD,
General Manager,
Wentworth Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Wentworth Shire Council Road Train Notice No. 1/2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until it is amended or repealed.

4. Application

This Notice applies to Road Trains with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Road Train routes within the Wentworth Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
R/T	00	Old Euston Road, (Paringi)	Sturt Highway	Wickets turn off	
R/T	00	Petro Mail Road	Wamberra Road	Arumpo Road, Full length	
R/T	00	Next to Simeon Wines Mourquong (unnamed)	Silver City Highway	Full length	Winery access
R/T	00	Link Road (Mourquong)	North of Silver City Highway	Northern most dead- end of road reserve	
R/T	00	Chapman Street	Sturt Highway (Buronga)	Caltex/Primary (School Buronga)	
R/T	00	Pooley Street	Sturt Highway (Buronga)	Southern boundary of laneway	
R/T	00	Rose Street	Sturt Highway (Buronga)	60m north of Sturt Highway	
R/T	00	Melaleuca Street	Sturt Highway (Buronga)	Southern boundary of Pitman Avenue	
R/T	00	Gunyah Road	Silver City Highway (Coomealla)	Southern boundary of Reserve Road East	
R/T	00	Hollands Lake Road	Silver City Highway (Coomealla)	Reserve Road East Citrus Drive boundary	
R/T	00	Syphon Road	Silver City Highway (Coomealla)	Southern boundary of Reserve Road East	
R/A	00	River Road	Silver City Highway (Buronga)	Northern boundary of Jindalee Road, intersection	
R/T	00	Jindalee Road	River Road (Coomealla)	Full length	

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

MAITLAND CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Mr DAVID EVANS,
General Manager,
Maitland City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Maitland City Council B-Doubles Notice No. 1/2004.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force for 5 years from date of gazettal unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Maitland City Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
19	000	Lawson Avenue, Woodberry	Maitland / Newcastle Council Boundary	Woodberry Road	
19	000	Woodberry Road, Woodberry	Lawson Avenue	Nilands Lane	
19	000	Thornton Road, Thornton	Glenwood Drive	Glenroy Street	
19	000	Glenroy Street, Thornton	Thornton Road	Haussman Drive	
19	000	Haussman Drive, Thornton	Glenroy Street	Raymond Terrace Road (MR104)	
19	000	Turners Lane, Millers Forest	Raymond Terrace Road (MR104)	Private access road	
19	000	Church Street, Maitland	New England Highway	Alan Walsh Drive	
19	000	Alan Walsh Drive, Maitland	Church Street	Ken Tubman Drive	
19	000	Ken Tubman Drive, Maitland	Alan Walsh Drive	High Street	
19	101	Belmore Road, Maitland to Bolwarra	High Street	Maitland Road	
19	101	Maitland Road, Bolwarra	Belmore Road	Paterson Road	
19	101	Paterson Road, Bolwarra Heights	Maitland Road	Tocal Road	
19	101	Tocal Road, Bolwarra Heights to Paterson	Paterson Road	Maitland / Dungog Council Boundary	
19	000	Aberglasslyn Road, Telarah to Aberglasslyn	New England Highway	Oakhampton Road	
19	000	Waterworks Road, Telarsh	Aberglasslyn Road	Entire Length	
25	000	Glenwood Drive, Thornton	Thornton Road	Maitland / Newcastle Council Boundary	
25	000	Hartley Drive, Thornton	Glenwood Drive	Entire Length	

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulations 1996

PARKES SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulations 1996, by this Notice, specify the roads and road areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

ALAN McCORMACK,
General Manager,
Parkes Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Parkes Shire Council Road Train Notice No. 1/2004.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until it is amended or repealed.

4. Application

This Notice applies to Road Trains that comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulations 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Road Train routes within the Parkes Shire Council.

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 82A	Taweni Road, Parkes Shire	Shire Road 76 (Bogan Road)	Shire Road 130 (Robertsons Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 130	Robertsons Road, Parkes Shire	Shire Road 82A (Taweni Road)	Shire Road 136 (Coradgery Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 136	Coradgery Road, Parkes Shire	Shire Road 130 (Robertsons Road)	Mingelo Street	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT		Mingelo Street, Peak Hill, Parkes Shire	Shire Road 136 (Coradgery Road)	Warrah Street, Peak Hill	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 84A	Day Lane, Parkes Shire	Shire Road 88 (Hopetoun Lane)	Shire Road 84 (Back Trundle Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 88	Hopetoun Lane, Parkes Shire	Shire Road 79A (Wyatts Lane)	Shire Road 90 (McClintocks Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 104	Adavale Lane, Parkes Shire	Shire Road 105 (Ascto Lane)	Shire Road 76 (Bogan Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 105	Ascot Lane, Parkes Shire	Shire Road 1158 (Bruie Plains Road)	Shire Road 104 (Adavale Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 122	Boor Hill Road, Parkes Shire	Main Road 350 (Bogan Gate to Tullamore Road)	Shire Road 217 (Timalldrie Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 125	Numulla Road, Parkes Shire	Main Road 350 (Bogan Gate to Tullamore Road)	Shire Road 1158 (Bruie Plains Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 125	Numulla Road, Parkes Shire	Shire Road 122 (Boorr Hill Road)	Main Road 354 (Narromine Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 126	Back Peak Hill Road, Parkes Shire	Main Road 348 (Tullamore Road)	Shire Road 142 (Curra Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 126	Back Peak Hill Road, Parkes Shire	Shire Road 144 (Belah Park Lane)	Shire Road 166 (Porters Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 166	Porters Lane, Parkes Shire	Shire Road 126 (Back Peak Hill Road)	Shire Road 126 (Back Peak Hill Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 1158	Bruie Plains Road, Parkes Shire	Shire Road 125 (Numulla Road)	Main Road 348 (Tullamore Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 142	Curra Lane, Parkes Shire	Shire Road 126 (Back Peak Hill Road)	Main Road 354 (Narromine Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 90	McClintocks Lane, Parkes Shire	Shire Road 88 (Hopetoun Lane)	Shire Road 76 (Bogan Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 128	Alagala Road, Parkes Shire	Main Road 57 (Tottenham Road)	Shire Road 162A (Terowie Road – part)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 76	Bogan Road, Parkes Shire	Goonumbla Rail Siding	State Highway 17 (Newell Highway)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) No access permitted onto Newell Highway (SH17) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 76	Bogan Road, Parkes Shire	Northparkes Mine Access	Shire Road 82A (Taweni Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 83	Middle Trundle Road, Parkes Shire	Main Road 61 (Condobolin Road)	Shire Road 1249 (Five Chain Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 1249	Five Chain Lane, Parkes Shire	Shire Road 83 (Middle Trundle Road)	Shire Road 104 (Adavale Lane)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	SR 168	Gobondery Road, Parkes Shire	Main Road 350 (Bogan Gate to Tullamore Road)	Gobondery Silo	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 221	Bulgandramine Road, Parkes Shire	Main Road 348 (Peak Hill to Tullamore Road)	Mingelo Street, Peak Hill	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT		Warrah Street, Peak Hill, Parkes Shire	Mingelo Street, Peak Hill	Bogan Street, Peak Hill	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT		Bogan Street, Peak Hill, Parkes Shire	Warrah Street, Peak Hill	Peak Hill Silo	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT		Westlime Road, Parkes Shire	Main Road 61 (Condobolin Road)	Brolgan Road	

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT		Hartigan Avenue, Parkes	Brolgan Road	Blaxland Street, Parkes	
RT		Blaxland Street, Parkes	Hartigan Avenue, Parkes	Shire Road 51 (London Road)	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	SR 51	London Road, Parkes	Blaxland Street, Parkes	Westlime Depot	Speed Restriction 80km/hr Access prohibited 7.30am to 9am and 3pm to 4.30pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT		FCL Access Road, Parkes	Hartigan Avenue, Parkes	FCL Depot	

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

DUBBO CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

TONY KELLY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Dubbo City Council B-Doubles Notice No. 1/ 2004.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 12 March 2009, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Dubbo City Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25	000	Darling Street	Mitchell Highway (Cobra Street)	Macquarie Street	
25	000	Macquarie Street	Darling Street	Old Dubbo Road at its intersection with Margaret Street	
25	000	Old Dubbo Road	Macquarie Street	“Mirambee “ Feedlot – a distance of 12kms south of the intersection of Macquarie and Margaret Streets	

ROADS ACT 1993

Notice Under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

ARMIDALE DUMARESQ COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

SHANE BURNS,
General Manager,
Armidale Dumaresq Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Armidale Dumaresq Council B-Doubles Notice No. 02/2004.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 30 June 2009, unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Armidale Dumaresq Council Area.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25m	000	Martin Street, Armidale	New England Highway (SH9)	Queen Elizabeth Drive	
25m	000	Link Road, Armidale	New England Highway (SH9)	Cluny Road	
25m	000	Cluny Road, Armidale	Link Road	Madgwick Drive	

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

Notice of Compulsory Acquisition of Land at Albury
in the Albury City Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as:

Lot 57 Deposited Plan 1005835, being part of the land in Deed of Conveyance No 475 Book 191;

Lot 5 Deposited Plan 1005404, being part of the land appropriated and resumed for railway purposes as notified in Government Gazette No 89 of 8 September 1944 on page 1555;

Lot 2 Deposited Plan 1051882, being part of the land in Certificate of Title 154/1034940;

Lot 13 Deposited Plan 1062825, being the whole of the land in Certificate of Title 13/1062825;

Lots 76, 91 and 93 Deposited Plan 1012290, being parts of the land in Deed of Conveyance No 137 Book 264;

Lots 77, 92 and 94 Deposited Plan 1012290, being parts of the land in Deed of Conveyance No 831 Book 270;

Lot 86 Deposited Plan 1012290, being part of the land in Certificate of Title 5/839936;

Lot 89 Deposited Plan 1012290, being part of the land in Certificate of Title 3/862288;

Lot 90 Deposited Plan 1012290, being part of the land in Deed of Conveyance No 818 Book 189;

Lot 52 Deposited Plan 1007315, being part of the land in Deed of Conveyance No 5 Book 267; and

Lot 402 Deposited Plan 1012722, being part of the land confirmed for railway purposes by notification in the Government Gazette of 14 July 1882 on page 3695;

excluding any existing easements from the compulsory acquisition of the land listed above.

The land is said to be in the possession of the State Rail Authority of New South Wales.

ALSO, all that piece or parcel of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as Lot 14 Deposited Plan 1062825, being the whole of the land in Certificate of Title 14/1062825, excluding any existing easements from the compulsory acquisition of the said Lot 14.

The land is said to be in the possession of the State Rail Authority of New South Wales (registered proprietor) and Mobil Oil Australia Pty Ltd (lessee).

(RTA Papers FPP 4M4014; RO 2/4.1363)

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

Notice of Compulsory Acquisition of Land at Moorebank
in the Liverpool 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 public road situated in the Liverpool City Council area, Parish of Holsworthy and County of Cumberland, shown as Lot 3 Deposited Plan 1063765, being part of Moorebank Avenue.

The land is said to be in the possession of Liverpool City Council.

(RTA Papers FPP 4M4852; RO F5/259.11038)

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

Notice of Compulsory Acquisition of Land at Calga,
Mooney Mooney Creek and Kariong in the Gosford 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 those pieces or parcels of land situated in the Gosford City Council area, Parishes of Cowan and Narara and County of Northumberland, shown as:

- Lot 10 Deposited Plan 631623;
- Lots 2 and 3 Deposited Plan 812625;
- Lots 1 and 4 to 9 inclusive, Deposited Plan 261390;
- Lots 4, 5, 8, 11 and 17 Deposited Plan 264006; and
- Lot 9 Deposited Plan 264217;

excluding any existing easements from the compulsory acquisition of the land listed above.

The Lots comprise the whole of the land revoked from Brisbane Water National Park by the National Parks and Wildlife (Adjustment of Areas) Act 2001 No. 49 and is said to be in the possession of the Minister administering the National Parks and Wildlife Act 1974.

(RTA Papers FPP 4M4730; RO F3/184.1726)

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

Notice of Compulsory Acquisition of Land at Wentworth
Falls in the Blue Mountains 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 Blue Mountains City Council area, Parish of Jamison and County of Cook, shown as Lot 28 Deposited Plan 1051521, being part of the land in Certificate of Title 10/1027881.

The land is said to be in the possession of the Minister for Education and Training.

(RTA Papers FPP 4M4666; RO 5/44.12336)

ROADS ACT 1993**Order – Section 31**

Fixing or Variation of Levels
of part of Main Road No. 217 – Five Islands Road
in the Lake Macquarie City Council area

THE Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes or varies the levels of the part of Main Road No. 217 – Five Islands Road between Booragul and Speers Point, as shown on Roads and Traffic Authority plan No. 0217 252 RC 5354.

RUSSELL GEOFFREY DRURY,
Manager, Property Services,
Roads and Traffic Authority of New South Wales,
59 Darby Street,
NEWCASTLE NSW 2300.

(RTA Papers 252.5357)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Burrawang in the Wingecarribee Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Wingecarribee Shire Council area, Parish of Yarrunga and County of Camden, shown as Lot 4 Deposited Plan 875740.

(RTA Papers: 25/495.1238)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Yarrangobilly in the Tumut Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Tumut Shire Council area, Parishes of Yarrangobilly and Boraig, County of Buccleuch, shown as Lots 1 to 5 inclusive Deposited Plan 109451.

(RTA Papers: 4/439.1104)

Other Notices

BANKS AND BANK HOLIDAYS ACT 1912

NOTICE

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 19 (3) of the Banks and Bank Holidays Act 1912, appoint the special days and parts of special days specified in Column 1 of the Schedule to be observed as public holidays and public half-holidays (as the case may be) in those parts of New South Wales specified in Column 2 of that Schedule opposite each such special day or part of a special day.

Dated at Sydney, this 2nd day of December 2004.

JOHN DELLA BOSCA,
Minister for Industrial Relations

SCHEDULE

COLUMN 1	COLUMN 2
After noon, Friday, 11 February 2005.	Walcha Council Area.
Friday, 18 February 2005.	That part of the County of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawong, Bugong, Yarrawa and Wallawa, situated within the Shoalhaven City Council Area.
Friday, 4 March 2005.	Lake Macquarie City Council and Newcastle City Council Areas.
After noon, Friday, 11 March 2005.	Village of Ardlethan within the Coolamon Shire Council Area.
After noon, Monday, 14 March 2005.	Armidale Dumaresq Council Area.
After noon, Wednesday, 6 April 2005.	Kempsey Shire Council Area.
After noon, Wednesday, 13 April 2005.	Police Patrol Districts of Maclean, Yamba and Iluka within the Clarence Valley Council Area.
After noon, Friday, 15 April 2005.	Albury City Council Area.
After noon, Monday, 18 April 2005.	Bogan Shire Council Area.
Tuesday, 19 April 2005.	That portion of the township of Yeoval which is in the Cabonne Council Area.
Wednesday, 27 April 2005.	Gilgandra Shire Council Area.
After noon, Wednesday, 4 May 2005.	Kempsey Shire Council Area.
Wednesday, 4 May 2005.	Coonamble Shire Council Area
After noon, Friday, 20 May 2005.	Districts of Aberdeen and Scone within the Upper Hunter Shire Council Area.
After noon, Wednesday, 13 July 2005.	City of Grafton within the Clarence Valley Council Area.
After noon, Thursday, 14 July 2005.	

After noon, Thursday, 4 August 2005.	Coffs Harbour City Council Area.
Wednesday, 17 August 2005.	Town of Trundle within the Parkes Shire Council Area.
Wednesday, 24 August 2005.	Town of Peak Hill within the Parkes Shire Council Area.
After noon, Tuesday, 30 August 2005.	Town of Parkes within the Parkes Shire Council Area.
After noon, Wednesday, 7 September 2005.	West Wyalong/Wyalong Town Improvement District and the Police Patrol District of Tallimba within the Bland Shire Council Area.
After noon, Thursday, 8 September 2005.	Ballina Shire Council Area.
After noon, Friday, 9 September 2005.	Forbes Shire Council Area.
After noon, Thursday, 22 September 2005.	Lismore City Council Area.
After noon, Tuesday, 27 September 2005.	Young Shire Council Area.
After noon, Tuesday, 1 November 2005.	Muswellbrook Shire Council Area.
After noon, Thursday, 3 November 2005.	City of Grafton within the Clarence Valley Council Area.

COMMERCIAL VESSELS ACT – 1979

Notice declaring that the definition of “passenger vessel” contained in Clause 4 of the Commercial Vessels (Permits) Regulation 1986 – NSW does not apply

THE Chief Executive of the WATERWAYS AUTHORITY (trading as NSW Maritime) in pursuance of section 48 of the Commercial Vessels Act 1979, declares by this Notice that:

1. the definition of “passenger vessel” contained in Clause 4 of the Commercial Vessels (Permits) Regulation 1986 DOES NOT APPLY to the vessels specified in Schedule 1; and
2. the definition of “passenger vessel” contained in the Uniform Shipping Laws Code adopted by the Australian Transport Advisory Council as published in the Commonwealth of Australia Gazette No. GN 12 of 27 March, 1991, as amended in October, 1993, will apply instead.

SCHEDULE 1

Vessels To Which This Exemption Applies

All Class 2 vessels the subject of a survey permit issued by the Waterways Authority

This Exemption Notice will remain in force until revoked by the Chief Executive of NSW Maritime.

Dated this 2nd day of December 2004

CHRIS OXENBOULD, AO,
Chief Executive

**CO-OPERATIVE HOUSING AND
STARR-BOWKETT SOCIETIES ACT 1998**

Transfer of Engagements and Dissolution

Northern Rivers Co-operative Housing Society

PURSUANT to the transfer of engagements of the abovementioned society to The Mitchell Co-operative Housing Society on 3 December 2004, the society has been dissolved in accordance with section 161 of the Co-operative Housing and Starr-Bowkett Societies Act 1998, effective from the date of transfer.

Dated this 3 December 2004.

ANNETTE HOBSON,
Delegate of the Registrar of
Co-operative Housing Societies

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day amended the suburb boundary between the address localities of Kingsford, Randwick and Maroubra in the Randwick Local Government Area as shown on map GNB3642.

The position and extent of these features is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairman

Geographical Names Board,
PO Box 143, Bathurst 2795

GEOGRAPHICAL NAMES ACT 1966

IN pursuance of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder:

Assigned Name:	Eric Evans Park
Designation:	Reserve
L.G.A.:	Ku-ring-gai Council
Parish:	Gordon
County:	Cumberland
L.P.I. Map:	Hornsby
1:100,000 Map:	Sydney 9130
Reference:	GNB 5010
Assigned Name:	Green Toad Tea Garden
Designation:	Reserve
L.G.A.:	Ku-ring-gai Council
Parish:	Gordon
County:	Cumberland
L.P.I. Map:	Hornsby
1:100,000 Map:	Sydney 9130
Reference:	GNB 5010
Assigned Name:	Mashmans Quarry Reserve
Designation:	Reserve
L.G.A.:	Ku-ring-gai Council
Parish:	Gordon
County:	Cumberland
L.P.I. Map:	Hornsby
1:100,000 Map:	Sydney 9130
Reference:	GNB 5010

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143,
Bathurst NSW 2795

HERITAGE ACT 1977

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

Vineyard Haven
Shr No. 1715

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), 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.

Dated: Sydney, 10th day of December 2004.

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

SCHEDULE "A"

The item known as Vineyard Haven, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Part Lot 2, DP 828347, in the Parish of Donaldson, County of Richmond, shown on the plan catalogued HC 1970 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

- Any works or activities in accordance with a Voluntary Conservation Agreement made between the NSW Minister for the Environment and the owner dated 29 July 1999;
- the creek channel that currently feeds into the hand-dug dam site may be diverted around the dam structure until such time as an appropriate archaeological study can be made and conservation works undertaken;
- work on existing nearby vegetation can occur where it will either not have an impact on the relic, or will have a positive impact. (eg removal of weeds, self sewn unwanted trees or dangerous trees);
- the clearing of surface water trenches for better interpretation of their purpose and extent where this will not materially affect the significance of the trenches;

5. the burial of the owner and any members of the owner's family on the site, and the erection of headstones and other grave furnishings can be carried out, provided this does not involve the destruction of any relics;
 6. the collection of meteorological and other weather recording equipment (including a Stevenson Screen, Pluviographs, Wind Vane and an Anemometer) may be moved or disposed of by the Vayo family at any time;
 7. interpretative signage may be established within the curtilage of the relics after consultation with the Heritage Office or an approved consultant;
 8. new development can occur outside the defined curtilage area, in accordance with the Voluntary Conservation Agreement.
- (b) do anything necessary for that purpose including:
 - (i) entering the lots burdened;
 - (ii) taking anything onto the lots burdened; and
 - (iii) carrying out the work.

LOCAL GOVERNMENT ACT 1993
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of an Easement

THE Richmond River County Council declares, with the approval of Her Excellency the Governor, that the easement described in the Schedule below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of a Flood Levee.

Dated at Lismore this 25th day of November 2004.

PAUL T. MULDOON,
 General Manager,
 Richmond River County Council

SCHEDULE

Easement rights as described under the heading Easement for Flood Levee in the terms set out hereunder over the site shown in:

Deposited Plan 1051709 (SB55386) as: '(L) PROPOSED EASEMENT FOR FLOOD LEVEE VARIABLE WIDTH' within Lot 5 in Deposited Plan 32568 and Lot 1 in Deposited Plan 749278.

Rights to be Acquired:

Easement for Flood Levee

1. FULL AND FREE right for the Authority benefited, its successors and assigns (being a public or local authority) its and their servants and all other persons authorised by it or them to act on its behalf, to:
 - (a) erect, construct, reconstruct, place, inspect, alter, repair, renew, maintain or remove within that part of the lots that are affected by this easement any embankment, levee, earth, concrete or rock works, culverts, pumps or devices and any supporting or ancillary works or equipment for the purposes of Flood Mitigation and to repair, inspect, alter, renew, maintain, use and remove any works, plant or equipment of the aforementioned categories which are already constructed or placed in the lots burdened (the ownership of all of which works plant and equipment is vested in the Authority benefited its successors and assigns)
2. The owners of the lots burdened must not:
 - (a) interfere with the levee or any works, plant or equipment; and
 - (b) use the affected land, or any part of the lot burdened, or any other land in a way which may detract from the stability of or likely to cause damage to the levee or any associated works, plant or equipment
 - (c) erect, place or permit the erection or placing in or on the works, plant or equipment of any building, structure or thing without the permission in writing of the Authority benefited its successors and assigns (being a public or local authority) PROVIDED THAT permission will be deemed to have been given with respect to buildings, structures or things erected thereon at the date of acquisition of this easement. Such buildings, structures or things may remain until such time as the Authority benefited its successors and assigns (being a public or local authority) need to exercise its powers conferred herein.
 3. If an owner of any of the lots burdened does or allows anything to be done which damages the levee or other works or plant and equipment or its effectiveness, the Authority benefited its successors and assigns (being a public or local authority) may give fourteen (14) days written notice to the owner of that lot burdened requiring the damage to be repaired or the impairment removed. If the owner of that lot burdened does not comply with the notice, the Authority benefited its successors and assigns (being a public or local authority) may enter and repair the damage or remove the impairment and may recover any reasonable costs from the owner of that lot burdened.
 4. In exercising the above powers under 1 and 3, the Authority benefited its successors and assigns (being a public or local authority) must:
 - (a) ensure all work is done properly;
 - (b) cause as little inconvenience as possible to the owners and occupiers of the lots burdened;
 - (c) cause as little damage as possible to the lots burdened and any improvement thereon;
 - (d) restore the lots burdened as nearly as possible to their former condition;
 - (e) make good any damage; and,
 - (f) where the works consist or will consist of earthen embankment ensure the profile of the earthen embankment will not hinder smooth mowing by either hand pushed or ride on type mowers.

LOCAL GOVERNMENT ACT 1993

Order Under Section 293 (1)

I, TONY KELLY, M.L.C., Minister for Local Government, being satisfied that:

1. It would be impractical or inconvenient to hold a by-election within three months of a vacancy occurring in the office of a councillor of the Camden Council, and

2. 12 February 2005, being an appropriate date for the holding of the delayed by-election,
do hereby appoint, in accordance with the provisions of section 293(1) of the Local Government Act 1993, a subsequent day for the holding of the Camden Council by-election to fill the vacancy, as 12 February 2005.

Dated at Sydney this 30th day of November 2004.

TONY KELLY, M.L.C.,
Minister for Local Government

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1, Chapter 9 and section 736 of the Local Government Act 1993, do, by this Proclamation, declare that the Proclamation published in a Special Supplement of *Government Gazette* No. 90 of 26 May 2004, commencing on page 3184 of that Special Supplement, constituting the new Area of Bathurst Regional is amended as follows:

Omit Clause 2(1) of Schedule A from said Proclamation and insert instead:

- (1) The date of the first election of the Councillors of the new Council is 5 March 2005.

Signed and sealed at Sydney, this 24th day of November 2004.

By Her Excellency's Command,
The Hon. TONY KELLY, M.L.C.,
Minister for Local Government
GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 207 of the Local Government Act 1993, do, by this Proclamation, declare that the Area named Eastern Capital City Regional be renamed Palerang.

Signed and sealed at Sydney, this 8th day of December 2004.

By Her Excellency's Command,
The Hon. TONY KELLY, M.L.C.,
Minister for Local Government
GOD SAVE THE QUEEN!

PUBLIC WORKS ACT 1912 LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Compulsory Acquisition

Woolgoolga Police Station

THE Minister for Commerce, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a public work and public buildings.

On publication of this notice in the *Government Gazette* the land is vested in the Minister for Commerce as Constructing Authority under section 4 of the Public Works Act 1912.

JOHN DELLA BOSCA, M.P.,
Minister for Commerce

SCHEDULE

Land

Lot 4, section 31, Deposited Plan 759113.

DoC Reference: 237.

THREATENED SPECIES CONSERVATION ACT 1995

Notice of Preliminary Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Gang-gang Cockatoo *Callocephalon fimbriatum* (Grant 1803) as a VULNERABLE SPECIES in Schedule 2 of the Act.

A copy of the Determination, which contains the reasons for the Determination, may be obtained free of charge:

On the Internet www.nationalparks.nsw.gov.au.

By contacting the Scientific Committee Support Unit,
C/- Department of Environment and Conservation,
PO Box 1967, Hurstville 2220.

Tel: (02) 9585 6940 or Fax: (02) 9585 6606.

In person at The National Parks Centre, 102 George Street, The Rocks Sydney.

Copies of the determination may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

The National Parks and Wildlife Service is part of the Department of Environment and Conservation.

Any person may make a written submission regarding the Preliminary Determination, which should be forwarded to:

Scientific Committee,
PO Box 1967,
Hurstville NSW 2220.

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 28th January 2005.

Associate Professor PAUL ADAM,
Chairperson,
Scientific Committee

**Report on the Determination of
Fares for Sydney Ferries**

From 12 December 2004

**INDEPENDENT PRICING AND REGULATORY TRIBUNAL
OF NEW SOUTH WALES**

INDEPENDENT PRICING AND REGULATORY TRIBUNAL
OF NEW SOUTH WALES

**Report on the Determination of
Fares for Sydney Ferries**

From 12 December 2004

Determination 3, 2004

ISBN 1 920987 08 8

November 2004

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The Tribunal members for this review are:

**Mr James Cox, Acting Chairman
Ms Cristina Cifuentes, Part Time Member**

Inquiries regarding this paper should be directed to:

**Colin Reid ☎ 02 9290 8414
Dennis Mahoney ☎ 02 9290 8494
Steven Tropoulos ☎ 02 9290 8403**

Independent Pricing and Regulatory Tribunal of New South Wales

Level 2, 44 Market Street, Sydney NSW 2000

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www.ipart.nsw.gov.au

All correspondence to: PO Box Q290, QVB Post Office NSW 1230

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1 INTRODUCTION

The Independent Pricing and Regulatory Tribunal of New South Wales (the Tribunal) has completed its 2004 review of fares for Sydney Ferries. Based on this review, the Tribunal has determined the maximum fares that Sydney Ferries can charge for public transport services from 12 December 2004.

1.1 Overview of determination

The Tribunal has determined that Sydney Ferries may increase all ticket types except TravelPass products by an average of 5.0 per cent. It may not increase TravelPass products (including DayTripper tickets) at all this year, after several years of sizeable increases. The average rise in Sydney Ferries' fares overall will therefore not exceed 4.2 per cent.

In reaching these decisions, the Tribunal was guided by the requirements set out in the *Independent Pricing and Regulatory Tribunal Act 1992*. It had regard to each of the factors listed in section 15 of the Act (see Appendix 1), and it is satisfied that its determination achieves a reasonable balance between them. It also took into account a letter from the Premier dated 18 May 2004 (see Appendix 2), which asked it to consider a range of matters raised in the 2003 Ministerial Inquiry into Sustainable Transport¹ as part of its fare review.

Sydney Ferries proposed a 9 per cent fare increase, but the Tribunal found that this level of increase could not be justified, as it could not be clearly related to recent increases in its efficient costs, or to a clearly defined business plan that detailed proposed service improvements and their associated costs. However, it considered that an increase above the CPI was warranted in recognition of the fact that Sydney Ferries has incurred extra expenditure in implementing the recommendations of the 2001 review of the safety of its operations (the Taylor Report²) and its low level of cost recovery.

The Tribunal's determination aims to balance the competing concerns of Sydney Ferries and its customers. In particular, its pricing decisions should prevent a further decline in the cost recovery ratio without placing excessive financial pressure on passengers. In addition, the determined average maximum fare increase of 4.2 per cent is unlikely to cause any major passenger shift from ferries to buses or cars (where the latter in particular would have adverse consequences for traffic congestion, pollution and greenhouse gas emissions).

The Tribunal is concerned about the efficiency with which Sydney Ferries delivers its services and its performance measurement criteria and reporting processes. It intends to consider these matters in detail as part of next year's fare review, and expects Sydney Ferries to address them in its submission to that review.

¹ Widely known as the Parry Report.

² Following incidents involving Sydney Ferries' vessels, the Minister for Transport directed that an independent review into the operations of Sydney Ferries be carried out by the Chief Executive of the Waterways Authority, Mr Matthew Taylor, in 2001. Waterways engaged consultants Fellows Medlock & Associates to prepare a report and make recommendations. In November 2003, Fellows Medlock & Associates were engaged to review the progress made in implementing the recommendations.

1.2 Structure of report

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

- Chapter 2 outlines the review and decision-making process the Tribunal used to reach its decisions
- Chapter 3 provides a summary of submissions made by Sydney Ferries and other stakeholders
- Chapters 4 to 7 discuss key matters the Tribunal considered in making its determination, including safety and service quality; Sydney Ferries' revenues, costs and cost recovery trends; and the implications of its decisions for Sydney Ferries, its passengers, the environment and Government funding
- Chapter 8 provides a full summary of the new maximum fares arising from this determination
- Chapter 9 outlines the areas that the Tribunal expects Sydney Ferries to address in its next submission to the next fare review in 2005.

2 TRIBUNAL'S REVIEW AND DECISION-MAKING PROCESS

The Tribunal has made this price determination in accordance with Section 11(1) of the *Independent Pricing and Regulatory Tribunal Act 1992* (the IPART Act). The scope of the determination, and the process the Tribunal followed in undertaking the review and reaching its decisions are outlined below.

2.1 Scope

The Tribunal's role in regulating Sydney Ferries is to set the **maximum fares** that it can charge for public transport services. Because the Tribunal regulates Government monopoly services only, its price determinations for Sydney Ferries explicitly exclude any services that are deemed to fall outside the definition of a Government monopoly service, such as cruises and charters.

At present, Sydney Ferries' half-fare concession prices change automatically, in line with changes to full-fare prices unless the Government alters the half-fare relationship to the full fares determined by the Tribunal. However, the Tribunal does not set the State Government's social benefit policy. Therefore, any changes to that policy that affect fares or concessions granted to pensioners, children and students are matters for the Government.

As in previous determinations, this determination includes a full schedule of maximum full-fares and corresponding concession fares for regulated Sydney Ferries services.

2.2 Review process

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

- invited Sydney Ferries and other interested parties to submit their views, and received 12 written responses (Appendix 4 lists the respondents)
- requested and received detailed financial data from Sydney Ferries
- held a public hearing on 30 September 2004 and invited some of the parties who submitted written responses to participate in a round-table discussion of issues at the hearing (Appendix 4 lists the participants and observers).

In addition, the Tribunal explicitly considered all the matters outlined in section 15 of the IPART Act. These matters, which are listed in full in Appendix 1, relate to:

- **consumer protection**—protecting consumers from abuses of monopoly power; standards of quality, reliability and safety of the services concerned; social impact of decisions; effect on inflation
- **economic efficiency**—greater efficiency in the supply of services; the need to promote competition; effect of functions being carried out by another body
- **financial viability**—rate of return on public sector assets including dividend requirements; impact on pricing of borrowing, capital and dividend requirements of agencies
- **environmental protection**—promotion of ecologically sustainable development via appropriate pricing policies; considerations of demand management and least-cost planning.

It also considered each of the issues raised in the Premier's letter dated 18 May 2004 (Appendix 2) including:

- making determinations based on 5-year price paths
- providing fare increases that reflect the rise in the Consumer Price Index (CPI) as long as the agency involved had made efficiency gains
- providing fare increases above the CPI if agencies could demonstrate improvements in service quality that were linked to specific initiatives.

Finally, it considered the information and analysis it obtained through its investigation and public consultation.

2.3 Decision making

In reaching its decisions on fares, the Tribunal had to weigh the relative interests of public transport stakeholders. For example, public transport passengers seek affordable public transport and ongoing improvements in service quality. Sydney Ferries, as a public transport agency, seeks prices that will provide a suitable level of cost recovery and the ability to enhance services. The general community seeks to minimise the public subsidy of public transport and to maximise the benefits of these services to the environment and the economy.

The diversity of these interests and concerns required the Tribunal to trade-off passenger affordability concerns, service quality expectations and social and environmental benefits against the financial viability of Sydney Ferries and public funding requirements.

The Tribunal's consideration of the matters listed in section 15 of the IPART Act is discussed throughout the report. Appendix 1 indicates where each matter is discussed in the body of the report. Further information relating to the Tribunal's review, including copies of all submissions, can be found on the Tribunal website: www.ipart.nsw.gov.au.

3 SUMMARY OF SUBMISSIONS

The Tribunal received and considered submissions from Sydney Ferries and other stakeholders as part of its review. The main matters explored in these submissions are summarised below.

3.1 Sydney Ferries submission

Sydney Ferries was established as a State Owned Corporation, independent of the State Transit Authority (STA), on 1 July 2004. The stated aim of its establishment is to achieve service and operational improvements and greater transparency and accountability. The Sydney Ferries submission to the Tribunal was the first by the new corporation. It sought a 9 per cent fare rise on the following grounds:

- the continuing decline in its level of cost recovery
- improved customer service
- passenger affordability
- the magnitude of the general government subsidy it receives relative to CityRail and STA.

3.1.1 Sydney Ferries sought a 9 per cent fare rise

Sydney Ferries sought a 9 per cent fare rise for 2004/05. In support of this request, it cited the 2003 Ministerial Inquiry into Sustainable Transport and argued:

Overall, the inquiry found that by international standards, public transport fares in Sydney were cheap, there were high levels of government subsidies and cost recovery levels were worsening. It concluded that this was not sustainable and that there was a strong case for users to contribute a greater share, linked to improvements in service quality. It also concluded that agencies could contribute to improving the financial position through improving operating efficiency and lowering costs. It recommended that the Tribunal should set fares over say a five-year price path. Of direct relevance to Sydney Ferries, it concluded that ferry services generally were costly in terms of government support [and that] modest real fare increases were warranted.³

Sydney Ferries also asserted that a 9 per cent fare increase would ensure that it could continue to provide a “financially sustainable, safe and reliable service” which patronage growth and reform of the business alone would be unable to provide.

The Tribunal notes that Sydney Ferries did not provide specific justification for a 9 per cent rise. At the public hearing, the Sydney Ferries stated:

Why 9 per cent? There is not a magic formula that says 9 per cent is the right answer. It certainly needs to be more than CPI in our view. There is a level at which it is clearly unaffordable. How you strike that balance is a difficult question.⁴

³ Sydney Ferries submission, p 12.

⁴ Transcript of public hearing, p 12, lines 23-27.

Sydney Ferries argued that CPI alone would be inadequate compensation:

...every business is unique but there have been cost increases that the ferries have borne which have been above CPI and fuel is the best example. We are aware that currently, as most of the community is aware, in the last month our fuel prices have gone up something like 4 or 5 cents a litre in one month. That has been a trend over time, so one of our issues is, and we made the point in the submission, that the CPI is a very broad-based measure of consumer spending. What Sydney Ferries spends its money on, and ferry services generally, is fuel and labour and ferry parts and so on, and that is a different basket of goods and that has been increasing at a faster rate than the general CPI and not offset by efficiencies.⁵

3.1.2 Level of cost recovery

Sydney Ferries argued that the continuing decline in its level of cost recovery indicated that a fare increase of 9 per cent is justified. It pointed out that it received around \$42m through its farebox in 2003/04, but incurred costs of close to \$100m (Table 3.1). When combined with money received from Government for carrying passengers at concessional rates, the revenue from fares represented just over 50 per cent of costs. Sydney Ferries also provided information to show that it had experienced sharp and sustained declines in cost recovery from 2001/02 onwards (Table 3.2).⁶

Table 3.1 Sydney Ferries revenue and expenses in 2003/04

Preliminary 2003/04	\$million
Farebox	42.0
Government concessions	9.3
Government CSOs	19.1
Other revenue	1.2
Total Revenue	71.6
Payroll	47.6
Fuel	4.3
Fleet running and maintenance	12.2
Depreciation	14.4
Other expenses	15.2
Interest	5.8
Total Expenses	99.5
Operating Loss	27.9

Source: Sydney Ferries submission, p 8.

Table 3.2 Sydney Ferries cost recovery ratio

1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
68.5%	63.0%	63.5%	67.7%	54.1%	47.5%	52.8%

Source: Sydney Ferries submission, p 7.

⁵ Transcript of public hearing p 11, lines 5-18.

⁶ Sydney Ferries has adopted the Tribunal's measure of revenue in the numerator of its cost recovery calculations in Table 3.2. For 2003/04, that includes \$9.3m of reimbursements from Government for passengers carried at concessional rates. This lifts cost recovery to just above 50 per cent, not the 42 per cent that might be inferred from looking at farebox revenue alone.

3.1.3 Customer service and passenger affordability

Sydney Ferries argued that a 9 per cent fare increase is warranted on the grounds of its improved customer service levels and passenger affordability. In relation to its customer service levels, it included in its submission performance statistics that showed that less than two per cent of its ferries failed to run on time and less than one per cent of its timetabled services did not run.

It also cited results of an independent survey undertaken in 2003 that asked 500 passengers to rate aspects of Sydney Ferries services out of 10. Sydney Ferries asserted that this survey found that customer satisfaction was high, ranging from 7.13 on the issue of 'timetables meeting needs' to 8.39 for 'running on time'. It claimed that in terms of overall customer satisfaction, it was ranked in the top 31 per cent of companies and the top 27 per cent of government bodies.

At the public hearing, it pointed out that it had improved services to customers by:

- increasing services up the Parramatta River, with more stops
- increasing the frequency of some of the Eastern Suburbs runs
- introducing a new service to King Street wharf at Darling Harbour.

This year, few submissions to the Tribunal made negative comment on the service quality of Sydney Ferries.

New accreditations gained by Sydney Ferries indicate that safety is improving. It is now accredited to an internationally recognised quality management system⁷ and the International Safety Management Code⁸.

In relation to passenger affordability, Sydney Ferries argued that ferry passengers' current incomes suggest that they could afford a 9 per cent rise. The personal and household incomes of its resident ferry passengers are, on average, well above the incomes of other Sydney residents (and public transport users).⁹ It also claimed that patronage growth was not likely to be affected by such a fare increase, as it had not been affected by the 7.5 per cent increase the Tribunal determined last year.

3.1.4 Magnitude of Government subsidy to Sydney Ferries

Finally, Sydney Ferries argued that a 9 per cent fare increase was justified due to the much greater size of the government subsidy it receives, relative to that received by other NSW public transport service providers such as Sydney Buses and CityRail. According to its calculations, Sydney Ferries received a subsidy of 24 cents per kilometre in 2004/05. The Ministerial Inquiry reported subsidies of 7 cents per kilometre and 20 cents per kilometre for Sydney Buses and CityRail respectively.

⁷ STA gained internationally recognised certification for its customer service delivery. The certification (ISO 9001:2000) is achieved through an independent audit, and recognised by Standards Australia.

⁸ Recognised by the International Maritime Organisation.

⁹ The Tribunal's 2003/04 determination included similar data. Updated data are in chapter 7 of this report.

At the public hearing, Sydney Ferries pointed out that the amount of public funding it receives had increased significantly for 2004/05. The general support of Government rose from \$18-\$19m in 2003/04 to \$33m.¹⁰

In addition, Sydney Ferries argued that the 9 per cent fare increase it sought for 2004/05 should be seen as an interim increase pending it developing a case for a 5-year price path. It intends to submit such a case at next year's fare review. It also acknowledged that, even with a 9 per cent fare rise, it needed to grow its business and improve efficiency through reform of its cost structure.

3.2 Other stakeholders' submissions

3.2.1 Action for Public Transport

Submissions by Action for Public Transport (APT) argued for no change in the ferry singles because the prices of these fares are high relative to bus and train fares for the same distances. It also argued that the case for a large fare rise was weak because all ferry product prices have risen rapidly over the previous eight years, except for the DayTripper ticket, which remains cheap relative to its alternatives.

In relation to this argument the Tribunal notes that the actual rise in ticket prices should be considered net of GST from the point of view of Sydney Ferries and inclusive of GST from the point of view of the passenger. To make the difference explicit, it has calculated percentage changes in both sets of prices from 1995/96 to 2003/04 (Table 3.3). This analysis shows that ferry fare rises have been sizeable, with rises in singles and TravelPasses being less than those for FerryTens.

Table 3.3 Changes in Sydney Ferries ticket prices net of, and inclusive of, GST

	1995/96	2003/04 net of GST	% ch 8 yrs to 03/04	% p.a.	2003/04 incl. GST	% ch 8 yrs to 03/04	% p.a.
Single Ride Fares							
INNER ZONE 1	\$2.80	\$4.09	46.1	4.9%	\$4.50	60.7	6.1%
MANLY	\$3.60	\$5.27	46.5	4.9%	\$5.80	61.1	6.1%
PARRAMATTA	\$4.20	\$6.36	51.5	5.3%	\$7.00	66.7	6.6%
RYDLEMERE	\$3.60	\$5.27	46.5	4.9%	\$5.80	61.1	6.1%
JETCAT	\$4.80	\$6.82	42.0	4.5%	\$7.50	56.3	5.7%
TravelTen							
INNER ZONE 1	\$16.40	\$25.91	58.0	5.9%	\$28.50	73.8	7.2%
MANLY	\$24.60	\$39.00	58.5	5.9%	\$42.90	74.4	7.2%
PARRAMATTA	\$29.00	\$44.82	54.5	5.6%	\$49.30	70.0	6.9%
RYDLEMERE	\$24.60	\$39.00	58.5	5.9%	\$42.90	74.4	7.2%
JETCAT	\$39.60	\$56.82	43.5	4.6%	\$62.50	57.8	5.9%
TravelPass - Bus and Ferry							
Blue	\$17.10	\$26.36	54.2	5.6%	\$29.00	69.6	6.8%
Orange	\$23.30	\$32.73	40.5	4.3%	\$36.00	54.5	5.6%
2 Zone	\$17.20	\$26.36	53.3	5.5%	\$29.00	68.6	6.7%
Pittwater	\$34.30	\$44.55	29.9	3.3%	\$49.00	42.9	4.6%
TravelPass - Bus, Ferry and Rail							
Red	\$20.00	\$29.09	45.5	4.8%	\$32.00	60.0	6.1%
Green	\$26.00	\$36.36	39.9	4.3%	\$40.00	53.8	5.5%
Yellow	\$30.00	\$40.00	33.3	3.7%	\$44.00	46.7	4.9%
Pink	\$33.00	\$42.73	29.5	3.3%	\$47.00	42.4	4.5%
Brown	\$38.00	\$49.09	29.2	3.3%	\$54.00	42.1	4.5%
Purple	\$45.00	\$49.09	9.1	1.1%	\$54.00	20.0	2.3%
Bus and Ferry Daily Ticket	\$12.00	\$13.64	13.6	1.6%	\$15.00	25.0	2.8%

¹⁰ "In 2004/05 the Government has allocated significant additional funding as part of the budgetary process. Last year, being 2003/04, the general support for Sydney Ferries was \$18m to \$19m. This year, 2004/05, it is \$33m, so quite a significant increase." Transcript of public hearing, p 8, lines 3-7.

In addition, rises in ferry tickets have been larger than those for buses and trains. For example, Table 3.4 shows the change in Sydney Bus tickets for singles, TravelTens and the BusTripper over the same period. The rises are much lower than the rises in ferry tickets.

Table 3.4 Changes in Sydney Buses ticket prices net of, and inclusive of, GST

	1995/96	2003/04 net of GST	% ch 8 yrs to 03/04	% p.a.	2003/04 incl. GST	% ch 8 yrs to 03/04	% p.a.
Single Ride Fares							
1-2 Sections	\$ 1.20	\$ 1.45	20.8	2.4%	1.60	33.3	3.7%
10-15 Sections	\$ 3.30	\$ 3.64	10.3	1.2%	4.00	21.2	2.4%
16-21 Sections	\$ 4.00	\$ 4.36	9.0	1.1%	4.80	20.0	2.3%
TravelTen							
1-2 Sections	\$ 8.00	\$ 10.73	34.1	3.7%	11.80	47.5	5.0%
3-9 Sections	\$ 16.00	\$ 22.27	39.2	4.2%	24.50	53.1	5.5%
10-15 Sections	\$ 24.00	\$ 30.18	25.8	2.9%	33.20	38.3	4.1%
16-21 Sections	\$ 32.00	\$ 38.00	18.8	2.2%	41.80	30.6	3.4%
BusTripper	\$ 7.80	\$ 9.91	27.1	3.0%	10.90	39.7	4.3%

Sources for Tables 3.3 and 3.4: Sydney Ferries and STA. Single ride bus tickets for sections 3-5 and 6-9 are not shown because they commenced in 1999/00 when the section 3-9 ticket was split in two.

APT also made several comments on Sydney Ferries service performance standards, vessel classes and costs. On service standards, it noted that a 99.1 per cent reliability measure on 168,000 trips a year still meant that Sydney Ferries cancelled over 1500 trips. It further suggested that "the figure looks worse if you multiply that by the number of wharves where people stood waiting and watching".¹¹

On vessel classes, Sydney Ferries has seven vessel classes in a fleet of 31 vessels and has stated that "the impact of this is a much higher cost structure than would apply to a purpose-built fleet." APT commented that it "thought the existing fleet WAS (sic) a purpose-built fleet".

On costs, at the public hearing, APT questioned the rapid increase in Sydney Ferries' costs, in particular the lack of differentiation between price and volume changes in the costs supplied by Sydney Ferries.¹² Without such differentiation, it could see no justification for any fare rise above the CPI.

3.2.2 Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) provided the Tribunal with extensive comment at the public hearing. It put the view that there was a case for a "modest increase, but certainly not something in the order of 9 per cent". It also stated that prior to any significant price increase, it would want to see details of Sydney Ferries' business case and more details on costs – essentially a "price path which will sort out the issues about cost and put the pressure back on the costs that are rising."¹³

¹¹ Action for Public Transport submission, 20 August 2004, p 5.

¹² The Tribunal made the same point: "In looking at your own projections for costs in the coming year, and coming years, do you already have an index of some sort? Do you have something that you say 'this is what we expect our costs will rise by on a unit basis'?" Sydney Ferries replied: We have done some estimates of that. ... and we would be happy to provide that to the Tribunal at some point". Transcript of public hearing, p 19, lines 24-35.

¹³ Transcript of public hearing, p 13, lines 21-34.

PIAC also argued that affordability ought not to be the deciding factor on whether a fare increase is warranted (a view also expressed by the NSW Council of Social Services in its submission). In addition, it questioned Sydney Ferries on how to define the limits of affordability and, in any case, suggested that the main focus should be on costs.

3.2.3 Other submissions and comments

Other submissions and comments by consumer groups or individuals at the public hearing covered a range of issues. These included the likely shape and nature of Tcard, interchange penalties in a transport system built around products and not journeys, definitions of subsidy and affordability, congestion at Circular Quay and the demise of double-ended ferries and Sydney Ferries' endeavours to boost patronage and control costs.

One submission noted the lack of discussion by Sydney Ferries on measures to stimulate patronage and on the issues of integrated ticketing and TravelPasses. In particular, it was urged:

If IPART and Sydney Ferries wish to enhance the cost recovery of Ferries, they need to increase patronage by increasing their catchment. This can only be achieved by integrating ferries with the transport task.¹⁴

Several submissions noted that Sydney Ferries had made few concrete proposals to lift patronage. One submission also noted that there was no mention of targeting particular customer groups with their different profiles in the across-the-board request for a fare rise.

On affordability, some stakeholders argued that it ought not to be measured solely by incomes because that did not take account of living costs in the catchment area. One observer at the public hearing also suggested that there was circularity in the argument that only the 'wealthy' use ferries and could therefore afford to pay more:

... the reason why they, the wealthy, use it is because the others can't afford it.¹⁵

On the definition of subsidy in terms of passenger kilometre, several submissions and observers at the public hearing pointed out its defects, including that:

- it is sensitive to trip distances - and ferry trips are less circuitous than bus trips
- it excludes costs that are not directly incurred by Sydney Buses but that are incurred nonetheless, such as the cost of roads and bus transit lanes.

¹⁴ Mr D. Caldwell submission, p 2.

¹⁵ Transcript of public hearing, p 21, lines 31-32.

4 SAFETY AND SERVICE QUALITY

The Tribunal notes that Sydney Ferries claims to have achieved high levels of customer satisfaction, and that few submissions to its review made negative comments about its service quality. It also notes that Sydney Ferries claims to have improved service quality in the past year, and has expressed its commitment to making further improvements to the quality and efficiency of its services as part of the 10-year business plan it is developing.

However, its current performance measurement processes do not provide the Tribunal with sufficient information for it to make a detailed assessment of service quality. In addition, it cannot justify a large fare increase on the basis of planned service or efficiency improvements in the absence of a clearly defined business plan that has been rigorously reviewed and includes specific targets and associated actions.

Nevertheless, it recognises that Sydney Ferries has incurred additional costs as a result of implementing the recommendations of the Taylor Report¹⁶. It also acknowledges that the new corporation has been in existence for only a few months, and is not yet in a position to provide detailed information on its future plans. For these reasons, it considers that a modest fare increase above the level of the CPI is warranted. But it intends to consider issues related to Sydney Ferries' performance measurement and planned improvements in service quality and efficiency in detail in the next fare review. It expects it to develop better performance criteria and reporting processes and to announce its business plans prior to then.

4.1 Additional costs relating to safety and reliability

In recent years, Sydney Ferries has incurred higher levels of expenditure on safety and quality systems due to the recommendations of the Taylor Report, which covered improvements in safety, changing manning levels, quality systems and other areas. It has stated that the great majority of those recommendations have now been implemented,¹⁷ and that the implementation has added between \$3m and \$4m (or 3 to 4 per cent) to its annual costs.

At the public hearing, it noted:

... we now are quality certified, we now have a significant training function, we now have a group that is maintaining quality systems, we have enhanced the head office safety function, we have enhanced training for our general purpose hands and so on, and that has all come at a cost. Unfortunately, while that cost has been increasing there has not been the efficiencies in the balance of the business to offset it which we would hope in future there will be. There has been increased spending on safety and quality of which the customers have the benefit.¹⁸

¹⁶ Waterways Authority, *Review of Operations of Sydney Ferries*, 2001.

¹⁷ This assertion is somewhat at odds with the March 2004 Fellows et al review of the implementation of the Taylor Report which suggested that implementation still had a considerable way to go.

¹⁸ Transcript of public hearing, p 10.

The Tribunal notes that new accreditations gained by Sydney Ferries indicate that the safety of its services is improving. It is now accredited to an internationally recognised quality management system¹⁹ and the International Safety Management Code²⁰.

4.2 Service quality and efficiency improvements

Sydney Ferries believes that it has made several improvements in its ferry services over the past year but it did not provide detailed evidence in support of its view. Instead, it listed the following as improvements to service:

- increased number of runs and more stops on Parramatta River Services
- increased frequency of service on the Eastern Suburbs routes
- a new service to King Street wharf.

It also assured the Tribunal at the public hearing that it is currently developing a 10-year financial model for the business and objectives for service, business growth and efficiency improvements. Some of its strategies for containing operating costs will include:

- making roster savings
- undertaking services currently performed by STA in-house at lower cost
- adopting a major periodic maintenance program that will minimise ad hoc corrective maintenance
- removing inefficiencies and improving quality control at the Balmain Shipyard.

The Tribunal looks forward to receiving the business plan and objectives relating to higher patronage, lower costs and better service. It also looks forward to seeing progress on the various commitments Sydney Ferries made in its submission and at the public hearing.

Last year, cost recovery was expected to improve, in part because a review by SKM²¹ identified potential efficiency gains for Sydney Ferries in:

- reducing fleet size
- improving the utilisation of crews to reduce the level of overtime at penalty rates
- re-specifying the period of operation of ticket outlets at the Circular Quay wharves
- divesting the ownership of wharves (although the savings from this could be offset by access fees charged by the new owners)
- reducing the insured value of vessels (subject to prudent risk management)
- reducing the level of inventory holdings
- developing best practice maintenance.

These recommendations, if fully achieved, were expected to reduce Sydney Ferries costs by \$3m to \$4m a year. As a consequence, the Tribunal used \$3.5m as its estimate of potential cost savings for 2003/04 in its cost recovery calculation last year.

¹⁹ STA gained internationally recognised certification for its customer service delivery. The certification (ISO 9001:2000) is achieved through an independent audit, and recognised by Standards Australia.

²⁰ Recognised by the International Maritime Organisation.

²¹ Sinclair Knight Merz, *Sydney Ferries Cost Efficiency Review Study 2003*, Final Report, 24 June 2003.

In recognition of the recent changes in Sydney Ferries' structure and management, no such adjustment has been made this year.²² However, the Tribunal expects Sydney Ferries to provide detailed information on its progress towards achieving these and related efficiency gains in its submission to the next fare review.

4.3 Performance measurement

Sydney Ferries' current performance criteria and reporting processes need to be improved so that the Tribunal can make a more detailed assessment of service quality at the next fare review. The performance statistics currently provided to the Tribunal are too broad, and the accuracy of their measurement is not quantified and they are not always relevant for passengers. The Tribunal raised similar concerns in previous years.

The Government's response to the first recommendation of the Ministerial Inquiry indicates that it also wishes to see improved performance reporting. Recommendation #1 of the Inquiry was as follows:

As part of an improved incentive structure to achieve service improvements in public transport, public transport operators should be required to demonstrate their performance against a set of carefully chosen KPIs. This requirement should be reflected in a transparent five year contract between the operators' CEO and Board and the Ministry of Transport. Failure to perform satisfactorily against the KPIs should trigger a government review at the conclusion of the contract of alternatives.

The Government responded to this recommendation by stating that it:

...does support the establishment of KPIs and annual review through the performance benchmarks established under the Statement of Corporate Intent process and from advice provided by the Independent Transport Safety and Reliability Regulator.²³

²² At the public hearing, Sydney Ferries noted: "the SKM report which was done last year ... identified savings of about \$3.5m which could be achieved. Some of that was achieved but certainly not all of it, that is clear, for a variety of reasons, partly because corporatisation was coming, changes to management, et cetera. I would have to say I think that \$3.5m is conservative. We should be looking at more than that and we will be looking at more than that, albeit it is not public yet, it is not signed off, but I think that was a good piece of work. It gives you an idea of where we are aiming. The challenge will be what time frame you get that, and I would not like to hold out that that will happen in the balance of this financial year, but it will happen." Transcript of public hearing, p 30, lines 3-16.

²³ NSW Government's Response to the Final Report of the Parry Inquiry, Ministry of Transport website.

5 SYDNEY FERRIES REVENUE, COSTS AND COST RECOVERY

The Tribunal considered Sydney Ferries' argument that a large fare increase is justified because of the continuing decline in its level of cost recovery. Although it accepts that costs have risen faster than revenues for several years, resulting in a sharp decline in its cost recovery level, it does not accept that continuing to allow significant increases in ferry fares is the only way to address the problem. Rather, the Tribunal considers that focus should also be placed on improving efficiency and controlling costs as the way to improving cost recovery.

Nevertheless, the Tribunal is concerned about the low level of cost recovery. It considers a modest fare increase above the CPI is warranted to prevent a significant further reduction over the coming year. It intends to investigate Sydney Ferries' cost control measures in detail as part of next year's fare review.

The Tribunal's approach to calculating cost recovery, cost recovery history, patronage and revenue trends, cost trends, and cost recovery outlook for 2004/05 are discussed below.

5.1 Tribunal's approach to calculating cost recovery

The Tribunal measures cost recovery by dividing relevant revenue by relevant costs. Relevant revenue includes the revenues the service provider collects from passengers (farebox plus free and concessional revenue), or is reimbursed by Government for carrying certain passengers at less than full fare, or earns from other business activities (such as advertising revenue). It does not include community service obligation (CSO) funding or general subsidies from Government that simply fund a gap when costs exceed revenues.

Relevant costs include the costs the service provider incurs in operating its passenger services – usually its cash operating costs plus depreciation and interest less the cost of asset disposals. In some cases, the Tribunal removes an amount for potential efficiency savings if an independent study has identified opportunities for saving. This is designed to estimate the **efficient costs** of the business, rather than accepting the actual costs at face value.²⁴

Cost recovery is then simply as the percentage of costs which are covered (recovered) by its revenues (Table 5.1).²⁵

Table 5.1 How the Tribunal calculates cost recovery

Relevant Revenue		Relevant Costs
<ul style="list-style-type: none"> • Farebox • Plus revenue reimbursements for free and concession fares • Plus other business revenue (except profits from asset disposals) 	Divided By	<ul style="list-style-type: none"> • Operating expenses (except costs of asset disposals) • Less efficiency savings (if identified)

²⁴ From 2005/06, the Sydney Ferries 10-year business plan, suitably reviewed by an independent consultant engaged by the Tribunal, may assist the Tribunal in its consideration of efficient costs and as a basis for considering a multi-year price path.

²⁵ Cost recovery in this report is defined differently from that used in the Ministerial Inquiry. The Inquiry only included farebox and other business revenue in the numerator. Cash operating costs and capital spending were included in the denominator. The 'cost recovery' ratios showed the size of the gap which would need to be funded in order to make public transport 'sustainable'.

5.2 Cost recovery history

Information provided by Sydney Ferries indicates that over the past six years, the annual costs of running the ferries have generally risen much faster than its revenues (Table 5.2).

Table 5.2 Growth of Sydney Ferries revenue and costs

	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Revenue	0.3%	9.5%	8.3%	-4.8%	0.2%	4.9%
Costs	9.1%	8.6%	1.5%	19.1%	8.2%	4.8%

The exception was in 2000/01, when revenues were boosted by the international, interstate and intrastate tourist inflows associated with the Sydney Olympics. Those inflows gave a big, but temporary, boost to patronage and thus to revenues.

Over the following year costs soared 19.1 per cent as staff and maintenance costs were lifted to a higher level to implement some of the 55 recommendations of the Taylor Report.

The outcome of costs rising faster than revenues is that the cost recovery ratio has deteriorated sharply since its Olympics-year peak 68 per cent to 50 per cent (Table 5.3).

Table 5.3 Sydney Ferries cost recovery

1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
63.0%	63.5%	67.7%	54.1%	50.1%	50.2%

Note: the Tribunal has not been able to reproduce the cost recovery figures cited in the Sydney Ferries submission. The calculations above are based on the Tribunal's analysis of confidential Sydney Ferries data.

5.3 Patronage and revenue trends

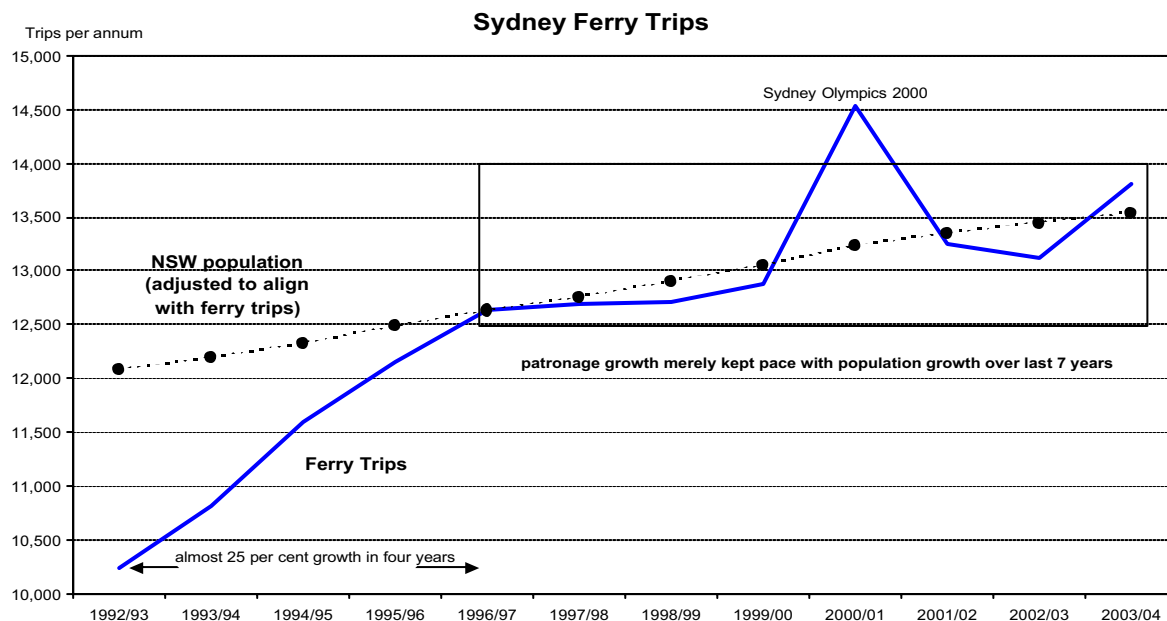
In general, the number of ferry trips taken over the last seven years (excluding SSTs) has simply kept pace with the growth in the NSW population (Figure 5.1).

However, as APT pointed out in its submission, increases in ferry fares have generally been higher than general inflation. Apart from in 2002/03, the average rise in Sydney Ferries fares has been about double the rate of household inflation over the seven years since 1996/97 (Table 5.4). For more detail on historical relationships between ferry patronage, full fares and discounts, see Appendix 3.

5.3.1 Patronage projections for 2004/05

In 2004/05, Sydney Ferries projects increases in patronage of 5 per cent on singles, FerryTens, DayTrippers and PET, 4 per cent on TravelPasses, 48 per cent on 'other' tickets and 25 per cent on the School Student Transport Scheme (SSTS).²⁶ The rise in the total number of trips projected for 2004/05 is about 7.5 per cent. This would take total annual trips (including SSTS) to their highest level in over a decade (Figure 5.2).

Figure 5.1 Annual number of trips taken, 000s



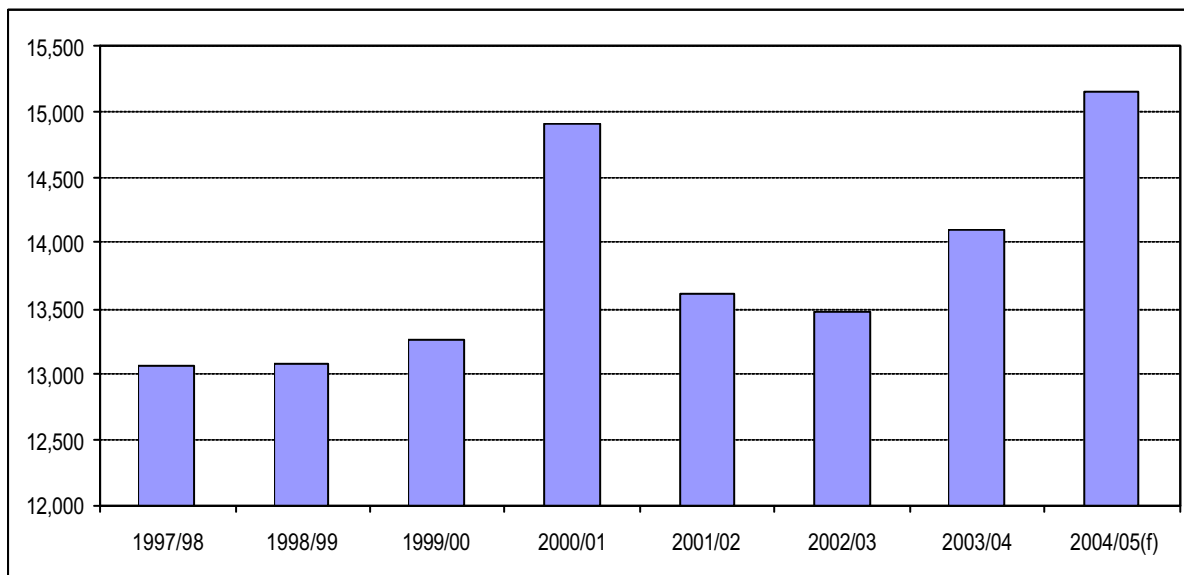
Source: Sydney Ferries and ABS. The ferry trips exclude SSTS.

Table 5.4 Average percentage fare rises

	1997/98	98/99	99/00	2000/01	01/02	02/03	03/04
Sydney Ferries	2.3	3.3	7.0	8.6	5.0	2.0	7.5
Inflation Rate (National CPI)	0.0	1.3	2.4	6.0	2.9	3.1	2.2

²⁶ The big rises in the last two categories were provided in hard-coded form in a confidential data file supplied to the Tribunal by Sydney Ferries.

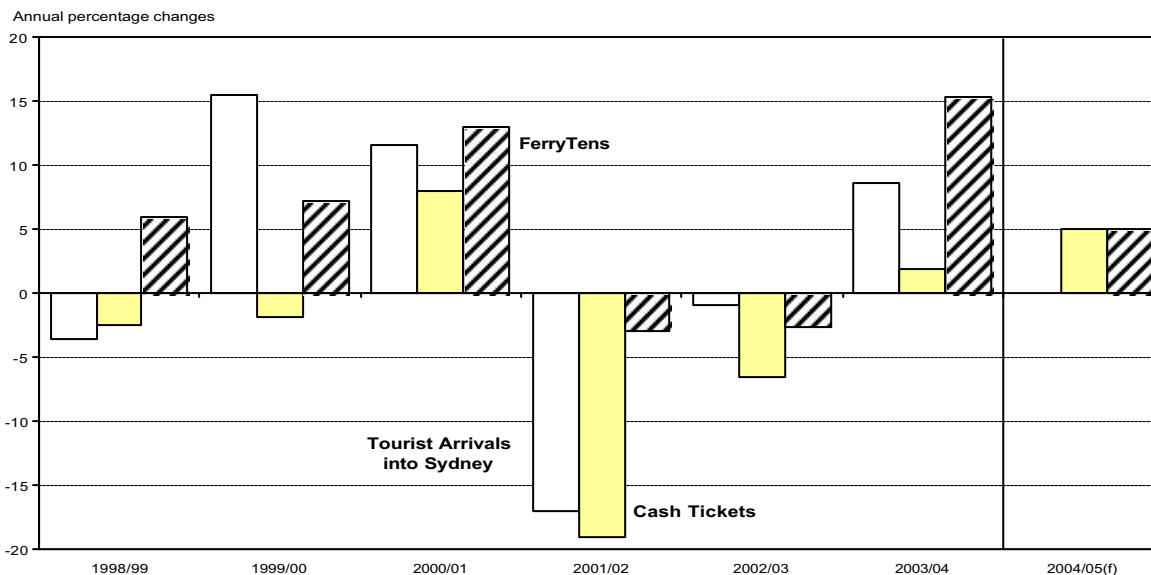
Figure 5.2 Past and forecast annual patronage, 000s



Source: Sydney Ferries. Trips include SSTs.

Sydney Ferries appears to have based its 2004/05 patronage projections largely on its 2003/04 actual patronage growth of 4.7 per cent, with some acceleration due to expected increases in international tourism inflows and a generally buoyant national economy that boosts interstate and intrastate visitor numbers. On a year-by-year basis, Sydney Ferries trip numbers do appear to be well correlated with tourist visitor numbers (Figure 5.3).

Figure 5.3 Sydney Ferries ticket sales and international visitors into Sydney



Source: Sydney Ferries adult fares and Australian Bureau of Statistics.

5.4 Cost trends

Last year, the Tribunal noted that Sydney Ferries costs had risen faster than its revenues for the previous five years. In recognition of the downtrend in cost recovery, it increased ferry fares by 7.5 per cent (compared to 5.0 per cent for the other government passenger transport services).

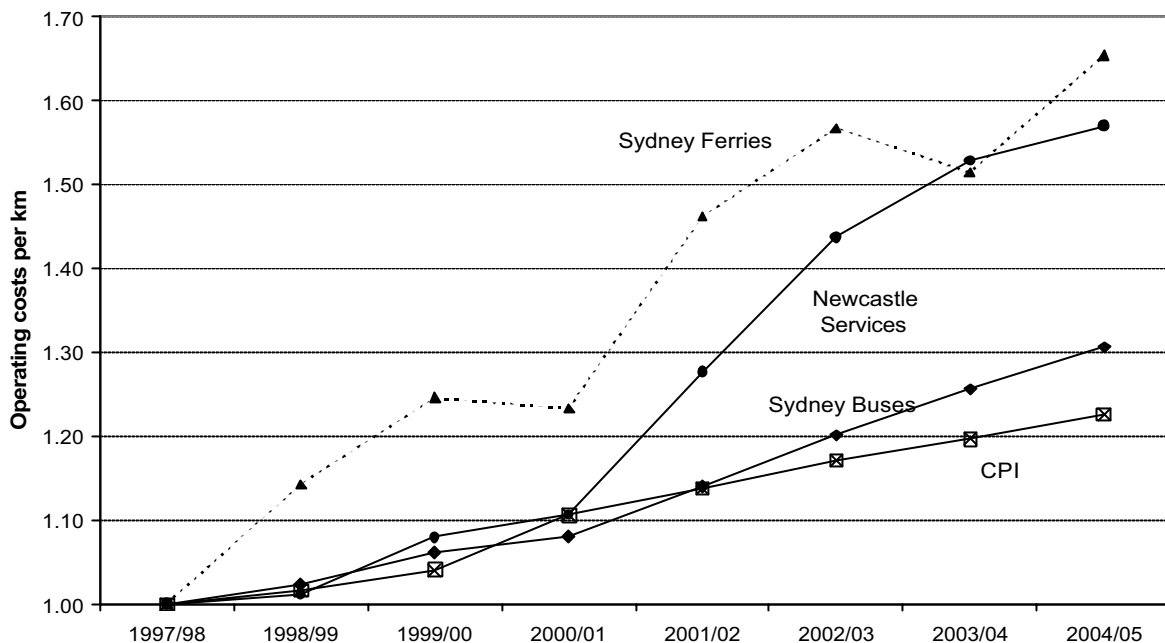
As a result of the fare rise and expected restraint in costs following Taylor Report-related rises of 19 per cent and 8 per cent in 2001/02 and 2002/03 respectively, Sydney Ferries was expected to show improved cost recovery in 2003/04. The expected improvement did not eventuate. Instead, revenue growth of 4.9 per cent was all but matched by cost growth of 4.8 per cent.

A large reduction in maintenance costs caused a fall of 3.4 per cent in operating costs in 2003/04. But total costs, which include depreciation and interest, rose 4.8 per cent. This large fall in maintenance costs is unlikely to be sustained, as it was related to the purchase of several new vessels and the retirement of old vessels. Without the fall in maintenance costs, operating costs would have risen 3.7 per cent and total costs 10.9 per cent.

At the public hearing, the Tribunal expressed its concerns about the rising trend in Sydney Ferries costs. It noted the growth in operating costs per kilometre travelled by ferries and compared this to similar measures for Newcastle Services and Sydney Buses (Figure 5.4).

The Tribunal expects Sydney Ferries to address the issue of cost control in its next submission.

Figure 5.4 Operating cost per kilometre; selected agencies



Source: IPART calculations based on data supplied by STA, Sydney Ferries and the ABS.

5.5 Cost recovery outlook

Given Sydney Ferries' projections on patronage growth for 2004/05, the Tribunal's determination of a weighted average fare rise of 4.2 per cent would result in cost recovery rising to **53.9 per cent**, provided that other assumptions on Sydney Ferries costs and patronage remain unchanged.

It is not clear what level of cost recovery is appropriate for Sydney Ferries. It does not have a public target, but at the hearing expressed a desire for the level to return to around 65 per cent.²⁷ The Ministerial Inquiry did not specify an appropriate level of cost recovery for Sydney Ferries. However, it did conclude that the balance between costs and revenues should be made more sustainable. To achieve this, it emphasised efficiency gains rather than fare increases and to this end cited several pieces of anecdotal evidence on the Manly JetCat services and staff hours and conditions.²⁸

The Tribunal also considers that pursuing efficiency gains is a crucial way for Sydney Ferries to increase its cost recovery ratio. It is also likely to be more effective. For example, in 2003/04 total farebox revenue was \$42.0m, concessions payments \$9.3m and total costs \$99.5m. If costs were reduced 5 per cent, the saving would be in the order of \$5.0m. In comparison, a 5 per cent increase in fares (assuming unchanged patronage) would yield only an extra \$2.1m (with another \$0.5m via concession payments).

Given the size of the cost base relative to the farebox, a 1 per cent reduction in costs would have an impact on cost recovery equal to a 2 per cent rise in the farebox, suggesting that cost savings, if available, would be a much more effective way of improving cost recovery – and without risking any decline in patronage.

5.6 Other grounds for a fare rise advanced by Sydney Ferries

5.6.1 Patronage unresponsive to fare increases

Sydney Ferries argued that patronage growth was not impacted following the 7.5 per cent fare rise last year. However, the Tribunal does not believe this is a justification in itself for an even higher fare rise this year.

5.6.2 Large size of Government subsidy

The Tribunal was also not persuaded by the case for a large fare rise based on the size of government subsidy. Apart from other methods of measurement that should be considered, the size of the subsidy as presently measured can fluctuate considerably from year to year, reflecting the lumpy nature of capital injections by the Government. A measure that smoothed results over a range of years would therefore be preferable to one or two annual observations.

²⁷ "If we go back seven years, on the Tribunal's data we were at cost recovery levels of the mid 65s, about 63 per cent, and we are down to about 50 per cent now. I would have thought that getting back to that level was a manageable gain. That is something we are developing at the moment but we are not in a position to table that yet". Transcript of public hearing, p 9, lines 4-10.

²⁸ Ministerial Inquiry, Final Report, p 25.

That said, with the information available to it from three public transport agencies' information returns, the Tribunal has re-calculated the subsidy per passenger kilometre (Table 5.5).²⁹

Table 5.5 Tribunal estimates of subsidy per passenger km

	CityRail	STA Buses	Sydney Ferries*
2001	23.9 cents	13.6 cents	30.4 cents
2002	23.4 cents	14.2 cents	35.7 cents

* If large Ferries Capital Replacement Grants that were provided only in 2001 and 2002 are excluded, the Sydney Ferries subsidy measure reduces to 21.6 cents and 19.8 cents respectively.

Sources: TPDC for distance and average trip length, STA, Sydney Ferries and RailCorp for value of subsidies.

The ferry subsidy was 30.4 cents for 2001, well above the subsidy for CityRail. Excluding a large Ferries Capital Replacement Grant (which fell away to zero in 2003/04) would put the subsidy at 20.6 cents per km. However, 2004/05 (when data on distances travelled by all modes become available) might well show Sydney Ferries with a much higher subsidy because of \$33m in capital funding (mentioned already in footnote 10).

²⁹ The Tribunal used the same methodology as the Ministerial Inquiry but arrived at a higher subsidy for CityRail and Sydney Buses because it used higher 'average journey distance' based on data which relates to full-fare paying passengers only and because the Inquiry incorrectly combined STA and private buses in its calculation for Sydney Buses. Details of the Tribunal's calculations are available on request.

6 FURTHER MATTERS FOR CONSIDERATION

This chapter and the next discuss other matters required to be considered by the Tribunal when making its fare determinations. This chapter discusses an appropriate rate of return on public assets, the effect of the determination on inflation, impacts on Sydney Ferries' borrowing, capital and dividend requirements and the need to promote competition, demand management and least cost planning. The Tribunal also considered matters raised in the Premier's letter. Chapter 7 considers the protection of consumers and environmental and social impacts.

6.1 IPART Act - Section 15 matters

6.1.1 An appropriate rate of return on Sydney Ferries assets

Consideration of an appropriate rate of return on Sydney Ferries' net asset base of \$80m projected for 2004/05 and the issue of appropriate dividends to Government are academic questions for as long as cost recovery runs below 100 per cent. At present levels, around 50 per cent, the urgent task is to derive better value from the existing assets. Sydney Ferries has outlined how it intends to pursue this goal. The Tribunal awaits the development and availability of the business plan to better grasp the prospects for improved cost recovery.

6.1.2 Inflationary effects

The Tribunal's determination is unlikely to affect general price inflation. Public transport spending is a very small component of the basket of goods and services that are monitored in inflation statistics, and ferry trips are few compared to all public transport trips.

6.1.3 Effect on Sydney Ferries' financial position

A 4.2 per cent average rise in fares will support the financial position of Sydney Ferries. Despite expecting a 5.4 per cent rise in its costs in 2004/05, because Sydney Ferries has a strong patronage growth forecast, the cost recovery ratio is expected to rise to 53.9 per cent in 2004/05. A ratio close to 54 is well up on 2002/03 and 2003/04, but the risks are:

- that patronage will not grow as expected at its fastest rate since the Olympics year
- that costs will not be contained to a 5.4 per cent rise as expected.

That said, even a steady cost recovery ratio should provide a base against which to judge the greater financial and operational flexibility promised by Sydney Ferries.

6.1.4 Need to promote competition

In principle, Sydney Ferries faces competition from other public transport modes and the private motor vehicle. In practice, that competition from other public transport modes is only effective where bus routes and train lines offer a genuine alternative for passengers.

In another sense, however, ferries, buses and trains may be complementary modes of transport and not direct competitors. Several submissions and participants at the public hearing made observations about an apparent disconnect that seems to have arisen between buses and ferries in particular. For example:

Brown TravelPass reduce[s] bus fares from the catchment area of the ferries which in the old days was very strong along the Mosman corridor... The STA has gone out of its way to cut feeder services, increasing fares, making it almost impossible to use ferry services as part of the system.³⁰

6.1.5 Demand management and least cost planning

These issues were discussed in Chapter 4 on Sydney Ferries' plans to improve its operations and in Chapter 5 on patronage trends. At this stage, plans to improve operations and increase patronage are not publicly available. The Tribunal expects them to become available once the Statement of Corporate Intent and 10-year planning framework have been approved by the Government.

6.2 Matters in the Premier's letter

6.2.1 Five-year price path considerations

Recommendation #18 of the Ministerial Inquiry, which primarily concerned CityRail, elicited a response from Government that:

Public transport agencies will seek fare adjustments through IPART. The Government supports a 5 year price path to give transport agencies revenue certainty.

The Tribunal has considered the possibility of implementing a 5-year or a multi-year price path for fares. The advantage of revenue certainty it may generate must be weighed against the detailed informational requirements that ought to underpin it. Those requirements may be reflected in the Statement of Corporate Intent and related business objectives on which Sydney Ferries is currently working. For the present, such information is not available. The Tribunal will consider this issue further next year.³¹

6.2.2 Fare increases up to the CPI subject to efficiency gains

The lack of detailed information on efficiency measures and the gains made in them by Sydney Ferries has made it difficult for the Tribunal to reach a view on their role in the present review. The Tribunal notes, however, that Sydney Ferries has accepted the need to make efficiency improvements and is working on plans to achieve these improvements. The Tribunal has had regard to this in developing its determination. The Tribunal expects Sydney Ferries to provide appropriate measures of efficiency and the gains made in them for detailed consideration at the next review.

6.2.3 Fare increases above CPI for service improvements

As noted above, Sydney Ferries has incurred expenditure to improve the safety and reliability of its services. The list of improvements in Sydney Ferries' submission and discussion at the hearing demonstrated that some service improvements had been made. The Tribunal has had regard to these factors and the high level of customer satisfaction with Sydney Ferries services in considering this year's price determination. It intends to consider these issues further next year on the basis of a detailed submission from Sydney Ferries.

³⁰ Transcript of public hearing, p 21, lines 38 to p 22 line 12.

³¹ "Sydney Ferries is not in a position to make a detailed submission based on five years of prospective data at this time. However, Sydney Ferries will make a solid, well-reasoned and substantiated submission in support of a five-year determination from 1 July 2005." Sydney Ferries submission, p 11.

7 IMPLICATIONS FOR PASSENGERS, THE ENVIRONMENT AND GOVERNMENT FUNDING

7.1 Implications for passengers

The Tribunal is sensitive to the financial burden of fares on public ferry passengers. In particular, its fare decisions are to have regard to social impacts. It should be noted that part of the price increase is an allowance for inflation, which was around 2.2 per cent in 2003/04.

In assessing the likely impact of the fare increases, the Tribunal examined the incomes of Sydney residents who use ferries. The income range for passengers is very wide, in part because ferries are used by both commuters and non-commuters.

Table 7.1 presents the latest income profile available from the Transport Population and Data Centre (TPDC) of users who pay full adult fares on Sydney public transport services. Three measures of income are shown in the tables, mean personal and household incomes and median household incomes.

Table 7.1 Income profile of full-fare paying resident public transport users, 2002

Mode	No. of trips (average weekday)	Average Personal Income	Average Household Income	Median Household Income
Priv Bus Sydney	70,524	\$32,423	\$66,781	\$56,212
STA Buses	257,345	\$44,581	\$86,214	\$69,524
Sydney Ferries	30,010	\$72,307	\$121,765	\$120,952
CityRail	494,730	\$46,847	\$86,842	\$71,864
Taxis	116,182	\$60,163	\$109,760	\$95,472

Source: TDPC Household Survey 2002.

Further, according to the TPDC July 2003 issues paper, the average ferry user (including non-full fare paying passengers) has an annual personal income of between \$31,200 and \$41,599, while the average Sydney resident aged 15 years and over has an annual personal income of between \$10,400 and \$20,799 per annum.³²

Clearly, resident Sydneysiders who use Sydney Ferries have higher income profiles than the users of other modes of public transport. This outcome may reflect the fact that the catchment areas for ferry users are households who can afford the more highly-priced properties along the harbour foreshores.

It may also reflect the fact that ferry fares are considerably higher than equivalent bus trips (of which three examples are shown in Table 7.2). It should not be surprising, therefore, to find residents with lower incomes using buses, trading time for money. Such an observation somewhat undermines any case for a fare rise based on the affordability of the rise as judged by the incomes of current users of the service.

³² Transport Data Centre, *Ferry Users in Sydney*, July 2003.

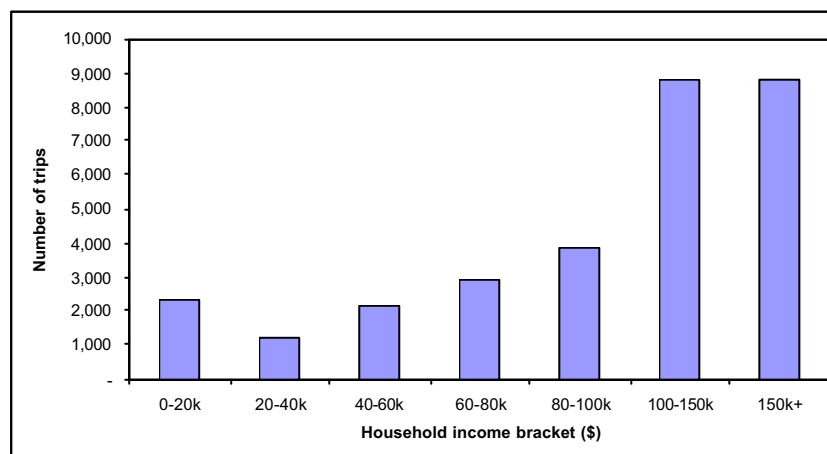
Table 7.2 Sydney Ferries and STA tickets – selected trips 2003/04

Service	Kms	2003/04	Percentage	Absolute	2003/04	Percentage	Absolute
		Single Adult fare	Premium to STA fare	Premium to STA fare	TravelTen price	Premium to STA T10	Premium to STA T10
SFC Woolwich-Circular Quay	7.3	\$4.50	66.7	\$1.80	\$28.50	44.7	\$8.80
SFC Manly-Circular Quay	13.0	\$5.80	65.7	\$2.30	\$42.90	75.1	\$18.40
SFC Parramatta-Circular Quay	26.7	\$7.00	45.8	\$2.20	\$49.30	17.9	\$7.50
STA Woolwich-Wynyard	12.6	\$2.70			\$19.70		
STA Manly-Wynyard	15.0*	\$3.50			\$24.50		
STA Parramatta-Wynyard	27.6	\$4.80			\$41.80		

* via North Sydney

Sources: STA and Sydney Ferries.

Even with the incomes data itself, an additional consideration is the *distribution* of incomes, rather than the average alone. The number of ferry trips per annum taken by Sydney residents of different household incomes is shown in Figure 7.1. The majority of frequent ferry users are in households whose income exceeds \$100,000 per annum.

Figure 7.1 Full-fare paying passengers per weekday by household income – Sydney Ferries

Almost 60 per cent of trips are made by residents belonging to households with incomes over \$100,000. Around 10 per cent are made by residents from households with incomes less than \$40,000. About 30 per cent of trips are made by passengers from \$40,000 to \$100,000 income households.

The TPDC 2003 paper notes that three largest groups of ferry users are full-time workers (49 per cent), pensioners (17 per cent) and part-time/casual workers (10 per cent)³³.

Without identifying whether he was a pensioner, part-time worker or full-time worker, one person who made a submission to the Tribunal stated that his annual income is below \$20,000 and that he relies on the ferry service for transport to the city from Manly. He argued against the case for a large fare rise based on affordability grounds.

³³ Figures are for Sydney residents only and excludes travel on Sydney Ferries by visitors and tourists.

The absolute rise in ferry singles will not exceed 40 cents. Table 7.3 provides some examples to show how the new fare increases apply across a selection of trips.

Table 7.3 Specific examples of fare changes

Ferry trip description	Single Trip		FerryTen	
	Old Fare \$	New Fare \$	Old Fare \$	New Fare \$
Woolwich to Circular Quay	4.50	4.80	28.50	30.30
Manly to Circular Quay	5.80	6.00	42.90	45.10
Parramatta to Circular Quay	7.00	7.40	49.30	51.90

7.2 Implications for the environment

Public transport is an environmentally friendly alternative to the use of private motor vehicles. The extent to which environmental benefits, notably reduced pollution, can be realised will depend on factors such as the relative cost of public versus private transport, and the propensity for private vehicle users to switch to public transport. This, in turn, will be influenced by accessibility, service quality and frequency of public transport.

The Tribunal has considered usage trends of public transport, and the extent to which fare increases may affect demand for public transport services. The TPDC collects and publishes information on Sydney household travel patterns.

This information suggests a relative shift towards the use of private vehicles, at the expense of public transport and walking. Data indicates that between 1991 and 2002, public transport's share of total trips slipped from 11.9 per cent on an average weekday (4.8 per cent on weekends) to 10.5 per cent (4.1 per cent). The (small) share of ferries was relatively stable during the week but has declined on weekends.

In contrast, the share of private vehicles trips made on weekdays increased from 66.9 per cent in 1991 to 70.2 per cent in 2002. Overall, the actual number of weekday trips undertaken by car increased by around 24 per cent, compared to around 12 per cent for rail. Bus trips fell 3 per cent between 1991 and 2002.

The majority of evidence available to the Tribunal suggests that price has only a small influence on the decision to use public transport. Other issues such as service quality, timeliness, frequency, convenience and accessibility are likely to be more important determinants of public transport demand.

During the 2001/02 Determination of Public Transport Fares, the Tribunal commissioned an independent study by the Centre for International Economics (CIE) on subsidies and the social costs and benefits of public transport.³⁴ The study indicated that changes in public transport fare levels are unlikely to have a major impact on patronage levels, and that a range of factors are considered by the traveller when determining travel mode. The study states:³⁵

³⁴ Centre for International Economics, *Subsidies and the social costs and benefits of public transport*, March 2001. Available from the Tribunal's website, www.ipart.nsw.gov.au.

³⁵ Op cit, pp 38 and 43.

The effectiveness of public transport subsidies in controlling transport externalities depends partly on the influence they have on fares, and, through these, on the relative price of travel by these modes compared with car. The influence is only partial because subsidies can also be used to change the quality of service at a given fare – through expenditure that change journey speed, frequency, reliability, comfort and safety. The EPA and NCOSS have emphasised that these factors play a significant role in inhibiting public transport patronage. Mees (2000, p 86) also points out that ‘... public transport is already cheaper than owning and operating a car. It is flexibility, convenience and door to door travel times that count most’.

The Tribunal does not expect this determination to have adverse environmental effects through a switch from public ferry transport to cars or buses.

Support for the financial health of the Sydney public transport system should be supportive of the environment. The Tribunal acknowledges the financial burden facing the various government agencies and private organisations as they aim to improve public transport standards in line with community expectations, and sees appropriate fare increases as one means of assisting in their long-term viability.

7.3 Implications for Government funding

The Tribunal is required under Section 16 of the *Independent Pricing and Regulatory Tribunal Act 1992* to report on the likely annual cost to the Government if fares were not increased to the maximum permitted, and Sydney Ferries were compensated from the Consolidated Fund for the revenue foregone.

The increase in farebox revenue for Sydney Ferries from this determination on a full year basis, assuming unchanged patronage in response to the fare increase is \$1.7m.³⁶ That amount is the maximum possible loss to Sydney Ferries if the Government were to leave fares at 2003/04 levels.

In previous years, submissions received by the Tribunal indicated varying attitudes to public subsidies of transport. Some complained that public transport is over-subsidised, while others argued that the relative subsidies for road travel are even greater (with detrimental effects such as congestion and pollution).

³⁶ These estimates do not include the higher reimbursements for free and concessional travel paid by Government whenever fares are increased.

8 FARE DETERMINATION IN DETAIL

The Tribunal has determined that Sydney Ferries single ticket and FerryTen prices are to rise by a weighted average 5.0 per cent and that TravelPass ticket prices are to remain unchanged.

The exact ticket changes that have been determined, consistent with the above, are shown in Table 8.1 along with the percentage and absolute changes and the proportion of revenue derived from each ticket type (relative to total revenue derived from singles, FerryTens and TravelPasses).

Table 8.1 Sydney Ferries fares and percentage changes

TICKET TYPE	CLASS	2003/04 Ticket Price	2004/05 Ticket Price	Percentage Change	Absolute Change	2003/04 Revenue %
SINGLE RIDE						
SINGLE INNER ZONE1	ADULT	\$4.50	\$4.80	6.7%	\$0.30	15.2%
SINGLE INNER ZONE2	ADULT	\$4.80	\$5.10	6.3%	\$0.30	0.4%
SINGLE MANLY FERRY	ADULT	\$5.80	\$6.00	3.4%	\$0.20	30.0%
SINGLE PARRAMATTA	ADULT	\$7.00	\$7.40	5.7%	\$0.40	1.7%
SINGLE RYDALMERE	ADULT	\$5.80	\$6.00	3.4%	\$0.20	1.2%
SINGLE INNER ZONE1	CONC	\$2.20	\$2.40	9.1%	\$0.20	1.4%
SINGLE INNER ZONE2	CONC	\$2.40	\$2.50	4.2%	\$0.10	0.0%
SINGLE MANLY FERRY	CONC	\$2.90	\$3.00	3.4%	\$0.10	1.9%
SINGLE PARRAMATTA	CONC	\$3.50	\$3.70	5.7%	\$0.20	0.1%
SINGLE RYDALMERE	CONC	\$2.90	\$3.00	3.4%	\$0.10	0.1%
SINGLE MANLY JETCAT	ADULT	\$7.50	\$7.90	5.3%	\$0.40	5.2%
FERRYTEN						
INNER ZONE 1	ADULT	\$28.50	\$30.30	6.3%	\$1.80	11.8%
INNER ZONE 2	ADULT	\$31.10	\$33.10	6.4%	\$2.00	0.2%
MANLY FERRY/RYDALMERE	ADULT	\$42.90	\$45.10	5.1%	\$2.20	6.7%
PARRAMATTA	ADULT	\$49.30	\$51.90	5.3%	\$2.60	0.0%
RYDALMERE	ADULT	\$42.90	\$45.10	5.1%	\$2.20	0.1%
INNER ZONE 1	CONC	\$14.20	\$15.10	6.3%	\$0.90	0.3%
INNER ZONE 2	CONC	\$15.50	\$16.50	6.5%	\$1.00	0.0%
MANLY FERRY	CONC	\$21.40	\$22.50	5.1%	\$1.10	0.3%
PARRAMATTA	CONC	\$24.60	\$25.90	5.3%	\$1.30	0.0%
RYDALMERE	CONC	\$21.40	\$22.50	5.1%	\$1.10	0.0%
MANLY JETCAT	ADULT	\$62.50	\$65.70	5.1%	\$3.20	7.0%
TRAVELPASS						16.4%
						100.0%

The overall rise in singles and FerryTens is kept to 5.0 per cent because of the small rise in the Single Manly ticket, from which Sydney Ferries derives about 30 per cent of its farebox revenue.

The fares are usually gazetted in a format different from Table 8.1. The format which is gazetted, without reference to previous fares, percentage changes or revenue shares, is shown below.

8.1 Sydney Ferries fares schedule

The fares schedule is part of Determination No. 3 of 2004 made by the Tribunal under section 11(1) of the *Independent Pricing and Regulatory Tribunal Act 1992*.

Table 8.2 Maximum fares for Sydney Ferries services from 12 December 2004

Ferry Fares	Adult (\$)	Concession (\$)
Single		
Inner Harbour Zone 1/Upper Parramatta River	4.80	2.40
Inner Harbour Zone 2	5.10	2.50
Manly / Rydalmere	6.00	3.00
Parramatta	7.40	3.70
Manly JetCat	7.90	
FerryTen		
Inner Harbour Zone 1/Upper Parramatta River	30.30	15.10
Inner Harbour Zone 2	33.10	16.50
Manly / Rydalmere	45.10	22.50
Parramatta	51.90	25.90
Manly JetCat	65.70	

Note: all half fare concessions have been rounded down to the nearest 10 cents.

TravelPass product prices will be unchanged. These prices would, in any case, normally be determined in conjunction with fare reviews for Sydney Buses and CityRail. It is not the intention of the Tribunal to alter the prices of these products.

9 ISSUES FOR SYDNEY FERRIES TO CONSIDER PRIOR TO 2005 REVIEW

The 2004 Sydney Ferries fare determination has raised a number of issues that the Tribunal wishes to consider in more detail before making its next determination. The most significant of these issues for Sydney Ferries include:

- developing better performance criteria and reporting processes
- announcing its business plan and 10-year objectives
- defining cost control measures and channels of accountability (possibly a subset of the business plan)
- detailing how Sydney Ferries intends to encourage growth in passenger volumes.

It would also be useful to the Tribunal to have discussions with Sydney Ferries before the next review concerning the development of the unit cost index on which Sydney Ferries has already done some work.³⁷

The proposed introduction of integrated ticketing will also have implications for the Tribunal's future determinations, primarily with regard to fare structures. Issues facing Sydney Ferries (in conjunction with other agencies) that may be affected by integrated ticketing include:

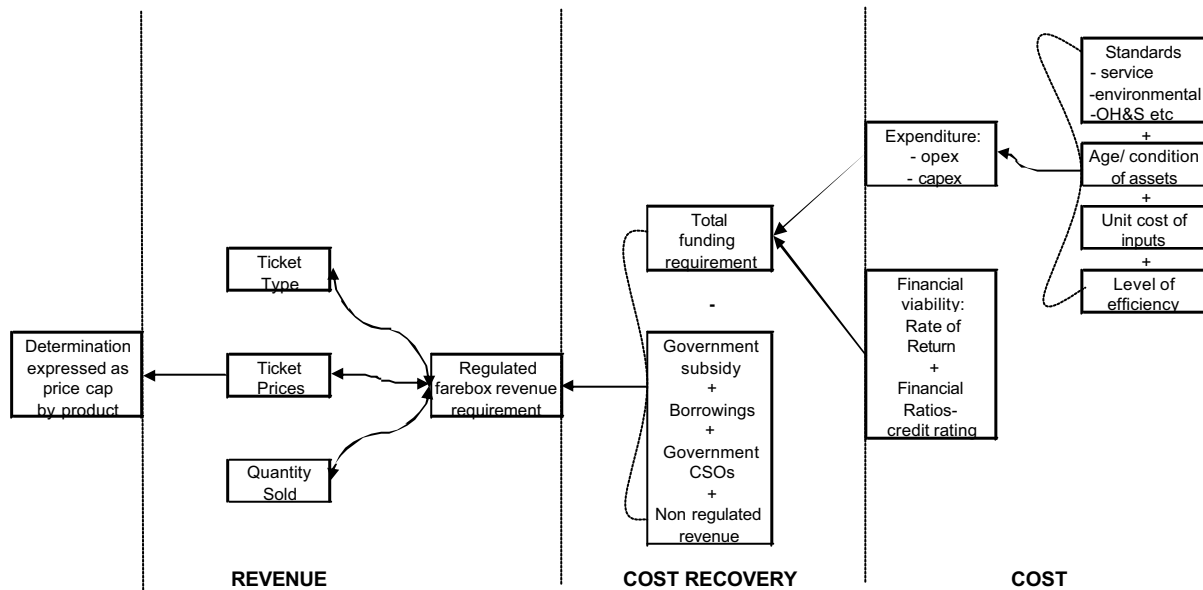
- deciding on an appropriate level of discount that should apply to multi-trip and periodical fares, especially in the light of the uniform percentage discount being proposed by the Ministry of Transport across the whole of the metropolitan bus network
- defining TravelPass zones that may not be based on distance from the CBD (eg, it is not possible to purchase a pass that radiates from Parramatta)
- considering the removal of multiple flagfalls from multi-modal tickets.

An overview of the key areas which the Tribunal would like to consider in any future fare determination is shown in Figure 9.1.

It would be highly desirable for the submission of Sydney Ferries to the next fare review to address each of the areas highlighted in Figure 9.1. One added incentive for submitting such detail is that it would help support any case Sydney Ferries may mount for a multi-year fare path.

³⁷ Transcript of public hearing, p 19, lines 24-35, as quoted in footnote 12 on p 9 of this report.

Figure 9.1 Overview of key areas



In particular, Sydney Ferries should:

- indicate expenditure trends and what is driving them eg, mandatory standards, patronage growth, vessel selection, condition of assets, service quality
- demonstrate that only the costs of the regulated businesses are being included for consideration in the regulated fare determination
- nominate its targeted credit rating and what that implies for borrowings and fare increases
- assess its total funding requirement broken down by component (eg, non-regulated revenue, Government Community Service Obligations, farebox and other revenue)
- provide an analysis of its passenger market segments and implications for fare structure and fare levels
- analyse the costs and benefits of multi-ride and multi-modal ticket discounts relative to single fares.

APPENDIX 1 IPART ACT REQUIREMENTS

Section 15 requirements

Section 15 of the IPART Act 1992 details the matters to be considered by the Tribunal when making a determination. The section is reproduced in full below.

(15) Matters to be considered by Tribunal under this Act

- (1) In making determinations and recommendations under this Act, the Tribunal is to have regard to the following matters (in addition to any other matters the Tribunal considers relevant):
 - (a) the cost of providing the services concerned,
 - (b) the protection of consumers from abuses of monopoly power in terms of prices, pricing policies and standard of services,
 - (c) the appropriate rate of return on public sector assets, including appropriate payment of dividends to the Government for the benefit of the people of New South Wales,
 - (d) the effect on general price inflation over the medium term,
 - (e) the need for greater efficiency in the supply of services so as to reduce costs for the benefit of consumers and taxpayers,
 - (f) the need to maintain ecologically sustainable development (within the meaning of section 6 of the [Protection of the Environment Administration Act 1991](#)) by appropriate pricing policies that take account of all the feasible options available to protect the environment,
 - (g) the impact on pricing policies of borrowing, capital and dividend requirements of the government agency concerned and, in particular, the impact of any need to renew or increase relevant assets,
 - (h) the impact on pricing policies of any arrangements that the government agency concerned has entered into for the exercise of its functions by some other person or body,
 - (i) the need to promote competition in the supply of the services concerned,
 - (j) considerations of demand management (including levels of demand) and least cost planning,
 - (k) the social impact of the determinations and recommendations,
 - (l) standards of quality, reliability and safety of the services concerned (whether those standards are specified by legislation, agreement or otherwise).
- (2) In any report of a determination or recommendation made by the Tribunal under this Act, the Tribunal must indicate what regard it has had to the matters set out in subsection (1) in reaching that determination or recommendation.
- (3) To remove any doubt, it is declared that this section does not apply to the Tribunal in the exercise of any of its functions under section 12A.
- (4) This section does not apply to the Tribunal in the exercise of any of its functions under section 11 (3).

Table A1.1 indicates where the matters have been considered throughout the report by the Tribunal in making this determination.

Table A1.1 Tribunal consideration of section 15 matters and Premier's letter

Section 15	Report reference
(a) cost of providing the service	Sections 3.1, 4.1, 5.4
(b) protection of consumers from abuse of monopoly power	Section 5.6.1, 7.1
(c) appropriate rate of return and dividends	Section 6.1.1
(d) effect on general price inflation	Section 6.1.2
(e) improved efficiency in supply of services	Section 4.3
(f) ecologically sustainable development	Section 7.2
(g) impact on borrowing, capital and dividend requirements	Section 6.1.1, 6.1.3
(h) additional pricing policies	Section 6.2
(i) need to promote competition	Section 6.1.4
(j) considerations of demand management	Section 6.1.5
(k) the social impact on customers	Section 7.1
(l) standards of quality, reliability and safety of the services	Section 4
Premier's letter	
1. a 5-year price path	Section 6.2.1
2. CPI increase subject to efficiency gains	Section 6.2.2
3. Above CPI increase if customer benefits through improvements in service quality linked to specific initiatives	Section 6.2.3

Section 16 requirements

Section 16 of the IPART Act requires the Tribunal to report on the likely impact to the Consolidated Fund if fares were not increased to the maximum permitted. This information is contained in Section 7.3.

APPENDIX 2 PREMIER'S LETTER



Premier of New South Wales
Australia

18 May 2004

Mr James Cox
Acting Chairman
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office
NSW 1230

Dear Mr Cox

I am writing in relation to IPART's forthcoming review processes with respect to passenger transport fares for 2004-2005, in the context of the Government's recently announced transport reforms.

In light of recent performance issues on the CityRail network, I direct under section 7(1) of the *Independent Pricing and Regulatory Tribunal Act 1992* ('the Act') that the 2004-05 IPART fare review process for CityRail be deferred until further notice. However, fare reviews of other public transport modes should proceed.

Following the Ministerial Inquiry into Sustainable Transport, the NSW Government has committed to delivering parity in fare structures and consistent service levels across public and private bus and ferry transport operators.

I therefore request under section 13(l)(c) of the Act that, when making its investigations into passenger transport fares for all public transport modes, the Tribunal consider the following matters that arise from the Inquiry's recommendations:

- the making of a determination based on a 5-year price path;
- providing that fare increases up to the Consumer Price Index (CPI) should be subject to efficiency gains; and
- providing for fare increases above the CPI to clearly demonstrate customer benefits through improvements in service quality linked to specific initiatives such as bus priority measures.

In respect of the Tribunal's section 9 investigations of privately owned public transport fares, I would ask that you also have regard to the above matters.

Bus Services:

In order to progress with a consistent fare structure for the bus industry and to implement reforms arising from the Unsworth Review of Bus Services, several changes to the existing arrangements, including legislation and the role of IPART, are being considered by the

Government. The proposed legislative amendments will not commence in the first half of 2004.

When calling for public and industry submissions I request, pursuant to section 13(l)(c) of the Act, that IPART consider the Government's preferred approach of moving to a single fare review, including moving to a single fare change applicable to all bus operators.

I also request that IPART consider whether any State Transit fare increase for 2004-05 and later years should be applied on a "weighted average" basis aimed at better aligning Government and private operator fares. Such an approach would result in IPART determining an overall price change for bus fares. Individual fare products may be adjusted to varying degrees but the changes must, in aggregate, be less than or equal to the overall adjustment determined by IPART.

For non-commercial bus services, the Government is developing a new funding approach along the lines recommended by the Unsworth Review of Bus Services (see p.70 of the Final Report), but this may not be completed for 2004-05. Therefore it may be appropriate that the process used for the 2003-04 review be used in 2004-05.

Ferry Services:

In respect of ferry services, under section 13(l)(c) of the Act, I also request that IPART consider adopting the same process outlined above (i.e. single fare increase figure for both private and public operators). As there are no relevant legislative changes planned in relation to ferries, I request that in all other respects IPART consider following existing processes for 2004-2005.

I have no objection to the contents of this letter being made publicly available, if you consider it appropriate.

If your officers wish to discuss these matters, they should contact Ms Zoe de Saram, Policy Manager, Economic Development Branch, at The Cabinet Office on (02) 9228 4930.

Yours sincerely

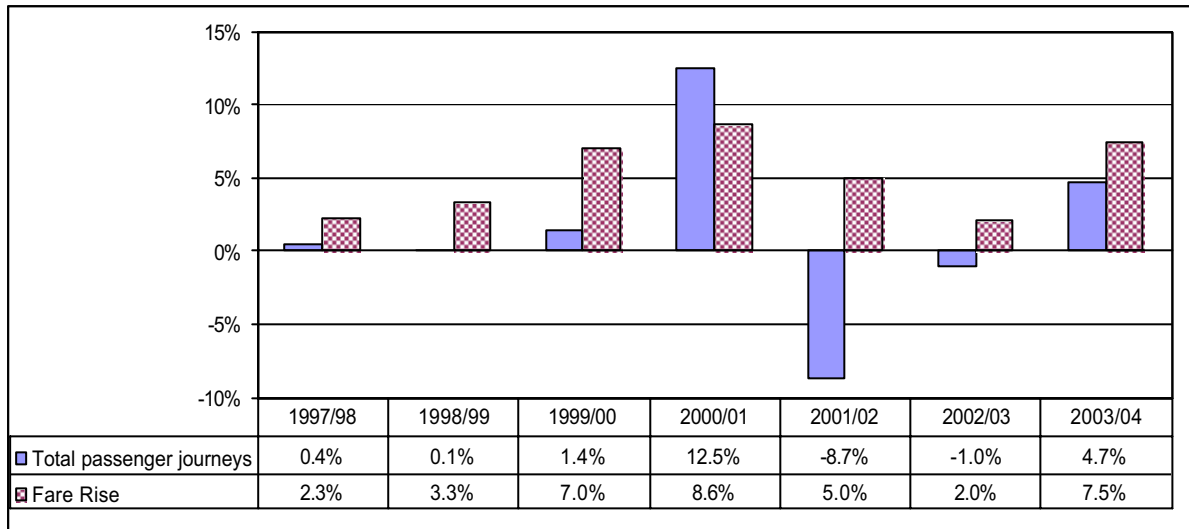
Bob Carr
Premier

APPENDIX 3 CURRENT SYDNEY FERRIES PATRONAGE, FARES AND DISCOUNTS

Patronage and fares

Revenue growth for Sydney Ferries has been driven more by fare increases than patronage growth over the past seven years, as indicated by Figure A3.1.

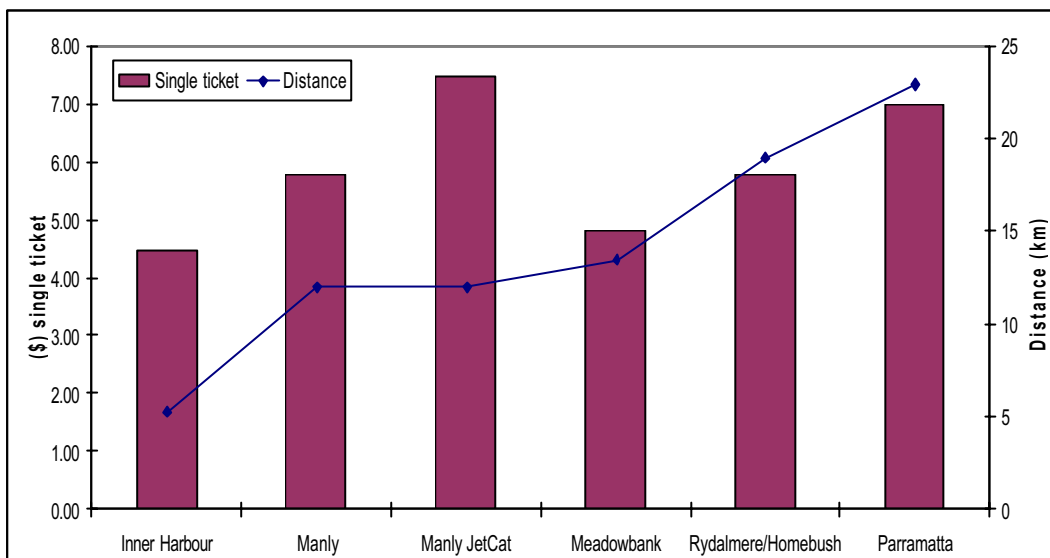
Figure A3.1 Annual patronage and fare changes



Fares and distance

There is a broad relationship between Sydney Ferries fares and distance travelled, after adjusting for the Manly JetCats (Figure A3.2).

Figure A3.2 Sydney Ferries single ticket fares and distance travelled

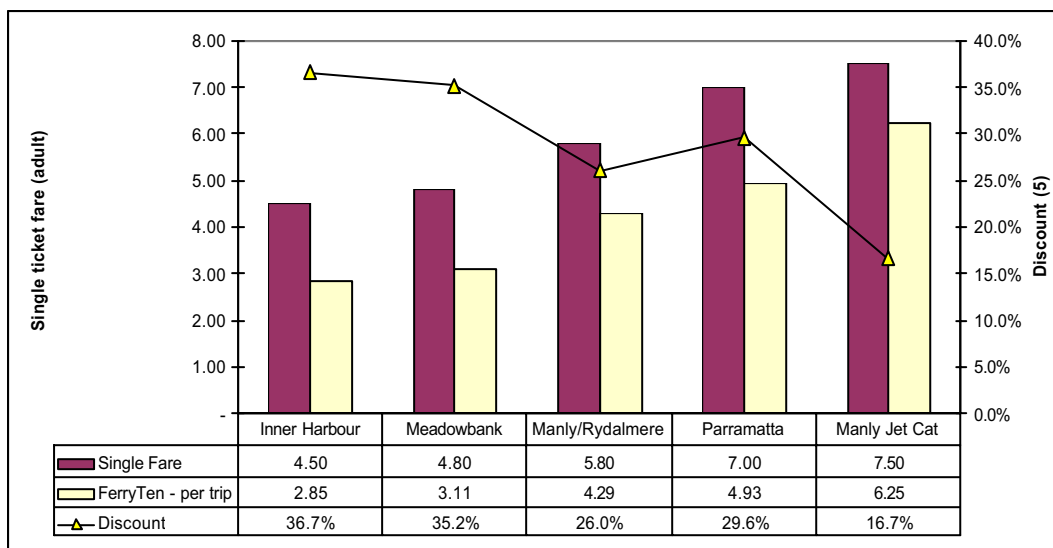


Singles and FerryTens

The major revenue earners for Sydney Ferries are singles and FerryTens, especially Inner Harbour trips and trips to Manly. Figure A3.3 illustrates the relative prices currently charged on singles and FerryTens and makes explicit the discount on the FerryTens relative to ten single trips.

No case was made by Sydney Ferries or participants in submissions or at the public hearing to alter the relativities between these fares and the Tribunal could see no reason to suggest that these should be altered at different rates in 2004/05.

Figure A3.3 Prices of ferry singles and FerryTens



There does appear to be significant divergences in the size of the discounts and the Tribunal expects Sydney Ferries to comment on the appropriate level of discount in the light of discounting changes in the metropolitan bus industry and address any anomalies in its next submission.

APPENDIX 4 LIST OF SUBMISSIONS, PARTICIPANTS AT HEARING

The Tribunal received submissions from the following organisations and individuals:

Organisations

Action for Public Transport
Council of Social Service of New South Wales (NCOSS)
Independent Transport Safety and Reliability Regulator (ITSRR)
Manly Council
Sydney Ferries

Individuals

Ms Loma Bridge
Mr David Caldwell
Mr Chris Dickson
Mr Mitchell Geddes
Ms Estalle Lazer
Mr Peter Mills
Ms Leyla Spencer

The participants at the public hearing on 30 September were:

Representatives of IPART:

Mr James Cox, Acting Chairman
Ms Cristina Cifuentes, Part-time Member
Dr Dennis Mahoney, Program Manager, Transport
Mr Steven Tropoulos, Analyst Transport

On the round-table:

Sydney Ferries (Ms Sue Sinclair and Mr Gary Pedersen)
Matilda Cruises (Mr Larry King and Ms Kate Morressey)
Action for Public Transport (Mr Allan Miles)
Public Interest Advocacy Centre (Mr Jim Wellsmore)

Observers who made comment during proceedings:

Mr David Caldwell
Mr Robert Caldwell
Mr Peter Mills
Mr Mitchell Geddes

Also in attendance were:

Mr Richard Langereis (Ministry of Transport)
Mr Andrew Nicholls (Ministry of Transport)
Ms Elizabeth Reedy (ITSRR)

APPENDIX 5 ABBREVIATIONS USED IN THIS REPORT

ABS	Australian Bureau of Statistics
HTS	Household Travel Survey; collected and published by TPDC
KPIs	Key performance indicators
MoT	The Ministry of Transport, formerly the Transport Co-ordination Authority, formerly the Department of Transport
SFC	Sydney Ferries Corporation, a business name for Sydney Ferries
SSTS	SSTS or School Student Transport Scheme provides subsidised travel for eligible school students on government rail, government and private bus and ferry services and long distance coaches. The scheme can only be used for travel between home and school.
STA	State Transit Authority
TPDC	The Transport Population and Data Centre. It is the major source of transport data for the Sydney Statistical District (Sydney, Wollongong, Blue Mountains, Central Coast and Newcastle). The TDC is a division of the Department of Infrastructure, Planning and Natural Resources.



I N D E P E N D E N T P R I C I N G A N D R E G U L A T O R Y T R I B U N A L
O F N E W S O U T H W A L E S

**DETERMINATION UNDER SECTION 11 (1) OF THE INDEPENDENT PRICING AND
REGULATORY TRIBUNAL ACT, 1992**

Reference No.:	04/259
Determination:	No. 3, 2004
Government agency:	Sydney Ferries
Government monopoly services:	Regular passenger services (within the meaning of the <i>Passenger Transport Act, 1990</i>) supplied by Sydney Ferries, excluding services supplied via the ticket "SydneyPass".

The Government monopoly services were declared by the Independent Pricing and Regulatory Tribunal (Passenger Transport Services) Order 1998, made on 24 February 1998 and published in Gazette No. 38 dated 27 February 1998 at page 1015. The order applies to Sydney Ferries by operation of clause 135, Schedule 7 of the Transport Administration Act 1988.

The price of any type of Sydney Ferries ferry ticket must not exceed the price set out for that type of ticket in the table which forms part of this Determination.

James Cox
Acting Chairman
22 November 2004

Maximum fares table for Sydney Ferries from 12 December 2004

Ferry Fares	Adult (\$)	Concession (\$)
Single		
Inner Harbour Zone 1/Upper Parramatta River	4.80	2.40
Inner Harbour Zone 2	5.10	2.50
Manly / Rydalmere	6.00	3.00
Parramatta	7.40	3.70
Manly JetCat	7.90	
FerryTen		
Inner Harbour Zone 1/Upper Parramatta River	30.30	15.10
Inner Harbour Zone 2	33.10	16.50
Manly / Rydalmere	45.10	22.50
Parramatta	51.90	25.90
Manly JetCat	65.70	

Note: all half fare concessions have been rounded down to the nearest 10 cents.



SAFE WORK ON ROOFS

PART 2 – RESIDENTIAL BUILDINGS

A large, stylized, semi-transparent 'W' graphic in shades of blue and purple, serving as a background for the lower half of the page.

CODE OF PRACTICE 2004

WorkCover. **Watching out for you.**

Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.legislation.nsw.gov.au or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

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WHAT IS AN INDUSTRY CODE OF PRACTICE?

An approved industry code of practice is a practical guide to achieving the standard of health, safety and welfare required by the *Occupational Health and Safety Act 2000* (the Act) and *Occupational Health and Safety Regulation 2001* (the Regulation) for a particular area of work.

An approved industry code of practice should be followed, unless there is an alternative course of action which achieves the same or a better standard of health, safety and welfare in the workplace.

An industry code of practice is approved by the Minister for Commerce. It comes into effect on the day it is published in the NSW Government Gazette or on the day specified in the gazettal notice.

An approved industry code of practice is designed to be used in conjunction with the Act and Regulation but does not have the same legal force. A person or company cannot be prosecuted only because of a failure to comply with an approved industry code of practice.

However, in proceedings under the Act or Regulation, failure to observe a relevant approved industry code of practice can be used as evidence that a person or company has contravened or failed to comply with the provisions of the Act or Regulation.

A WorkCover Authority inspector can cite an approved industry code of practice in a direction in an Improvement or Prohibition Notice, indicating the measures that should be taken to remedy an alleged contravention or non-compliance. Failure to comply with a requirement in an Improvement or Prohibition Notice is an offence.

In summary an approved **INDUSTRY CODE OF PRACTICE**:

- ✓ gives practical guidance on how the required standard on health, safety and welfare can be achieved in an area of work
- ✓ should be followed, unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace
- ✓ can be used in support of the preventive enforcement provisions of the Act
- ✓ can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

PRELIMINARY

This industry code of practice has been produced by the WorkCover Authority of NSW to provide employers, self-employed persons and employees with practical advice on preventing injury to persons engaged in work on roofs.

This code of practice has been developed by a tri-partite industry working party and has involved extensive consultation with members of the construction industry, including specific industry sector representatives.

1 Introduction

1.1 Title

This is the *Code of Practice: Safe Work on Roofs, Part 2 – Residential Buildings 2004*.

1.2 Purpose

This code of practice sets out guidelines to prevent injury to persons engaged in work on roofs of residential buildings.

1.3 Scope

- (a) this code of practice applies to the planning, preparation and conduct of work for the installation, maintenance and removal of roof coverings and the movement of persons working on roofs of residential buildings
- (b) this code of practice does not apply to emergency service personnel, including the state emergency service, fire, police and ambulance personnel during emergency operations.

1.4 Commencement

This code of practice commences on 10 December 2004 and revokes the code of practice: *Safe Work on Roofs, Part 2 – Residential Buildings, 1997* published in on 1 March 1997 as an approved industry code of practice.

1.5 Authority

This is an industry code of practice approved by the Minister for Commerce under section 43 of the Act on the recommendation of the WorkCover Authority.

1.6 Definitions

The following definitions are used for the purposes of this code of practice:

- 1.6.1 the Act** – refers to the *Occupational Health and Safety Act 2000*.
- 1.6.2 anchorage point** – a secure point of attachment on a structure to which a fall arrest device or anchorage line may be secured.
- 1.6.3 anchorage line** – a line that extends from a fixed anchor to which a person attaches their fall arrest equipment.
- 1.6.4 construction work** means any of the following:
 - (a) excavation, including the excavation or filling of trenches, ditches, shafts, wells, tunnels and pier holes, and the use of caissons and cofferdams,
 - (b) building, including the construction (including the manufacturing of prefabricated elements of a building at the place of work concerned), alteration, renovation, repair, maintenance and demolition of all types of buildings,
 - (c) civil engineering, including the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges and tunnels, viaducts, and works related to the provision of services such as communications, drainage,

sewerage, water and energy supplies.

- 1.6.5 contractor** – the person responsible for the installation, maintenance, repair or removal of the roof coverings and any other operation involving the movement of persons working on roofs of residential buildings. Depending on the contractual arrangements which are in place, the contractor doing the work may be an employer, self-employed person or the principal contractor.
- 1.6.6 employee** – an individual who works under a contract of employment or apprenticeship.
- 1.6.7 employer** – a person who employs persons under contracts of employment or apprenticeship, and includes a self-employed person.
- 1.6.8 energy absorber** – a component, whether separate or incorporated into another item, designed to be used in connection with fall arrest equipment which reduces the shock to the body and anchorage point by absorbing some of the fall energy.
- 1.6.9 fall arrest device** – a self-locking device whose function is to arrest a fall. It can be either:
- type 1: a fall arrest device that travels along an anchorage line and, when loaded, locks to the line
 - type 2: a fall arrest device from which a spring-loaded anchorage line pays out, and which locks when loaded.
- 1.6.10 fall arrest harness (also known as safety harness)** – an assembly of interconnected shoulder and leg straps designed for attachment to a lanyard or fall arrest device.
- 1.6.11 fall arrest system** – a system consisting of a fall arrest harness and other components connecting the harness to an anchor point to minimise the distance and severity of a fall.
- 1.6.12 fall restraint** – a system that incorporates a safety line secured to an anchorage that prevents a person from reaching the edge of the roof or a defined opening within it.
- 1.6.13 high risk construction work** – any of the following:
- (a) construction work involving structural alterations that require temporary support
 - (b) construction work at a height above 3 metres
 - (c) construction work involving excavation to a depth greater than 1.5 metres
 - (d) demolition work for which a licence is not required under Chapter 10 of the Regulation to carry on the business of that work
 - (e) construction work in tunnels
 - (f) construction work involving the use of explosives
 - (g) construction work near traffic or mobile plant
 - (h) construction work in or around gas or electrical installations, and
 - (i) construction work over, or adjacent to water where there is a risk of drowning.
- 1.6.14 inertia reel** – a type 2 fall arrest device.
- 1.6.15 infill panel** – a panel, typically fabricated from steel wire mesh, connected to the top rail of an edge protection system used in place of a midrail and bottom rail or toeboard. It can be either a structural panel, which does not require backing rails, or a non-structural panel, which does require backing rails.
- 1.6.16 lanyard** – a flexible line, rope or strap, usually as part of a lanyard assembly, used to connect a fall arrest harness to an anchorage point or static line.
- 1.6.17 lanyard assembly** – the combination of a lanyard and a personal energy absorber.

- 1.6.18 must** – use of the term ‘must’ in this code of practice indicates that the requirements are mandatory under occupational health and safety legislation.
- 1.6.19 principal contractor** – in relation to construction work (or a construction project involving construction work), means a person who is, under Clause 210 of the *Occupational Health and Safety Regulation 2001* for the time being appointed or taken to be the principal contractor for the construction work
- 1.6.20 the Regulation** – refers to the *Occupational Health and Safety Regulation 2001*.
- 1.6.21 residential buildings** either:
- (a) Single dwelling-house, which means a dwelling used or adapted for use solely for habitation by not more than one family and includes a dwelling in a row of two or more dwellings attached to each other such as commonly known as semi-detached or terrace buildings, but does not include a flat.
 - (b) Residential flat building, which means a building containing two or more dwellings.
- 1.6.22 rope grab fall arrester** – an item that reduces the potential free fall distance and may absorb much of the energy of a fall while allowing mobility along the line. The rope grab fall arrester can be either manually moved along the line or locked in place, or it can be an automatic device.
- 1.6.23 self-employed person** – a person who works for gain or reward otherwise than under a contract of employment or apprenticeship, whether or not they employ others.
- 1.6.24 should** – indicates a recommendation to do something that is not a mandatory requirement under occupational health and safety legislation.
- 1.6.25 site safety plan** – means the site specific occupational health and safety management plan referred to in clause 226 of the Regulation.
- 1.6.26 static line (also known as horizontal lifeline)** – a substantially horizontal line in tension attached to two or more anchorage points to which a lanyard may be attached, and designed to arrest a fall.
- 1.6.27 safe work method statement** – a statement that:
- (a) describes how work is to be carried out;
 - (b) identifies the work activities assessed as having safety risks;
 - (c) identifies the safety risks; and
 - (d) describes the control measures that will be applied to the work activities,
- and includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.

1.7 Legal requirements for occupational health and safety

1.7.1 Statutory provisions

The following Act and Regulation apply to work on roofs:

- the *Occupational Health and Safety Act 2000*
- the *Occupational Health and Safety Regulation 2001*.

1.7.2 Employers' responsibilities

Employers must ensure the health, safety and welfare of employees at work and that other people at the

workplace are not exposed to risks to their health or safety arising from the conduct of the employers' undertaking.

1.7.3 Employees' responsibilities

Employees must take reasonable care for the health and safety of other persons in the workplace and cooperate with their employer in the interests of health, safety and welfare. Employees must use the appropriate protective equipment provided by the employer while at work to enable compliance with any requirement.

1.7.4 Self-employed persons' responsibilities

Self-employed persons must ensure that persons not in their employment are not exposed to risks to their health or safety arising from the conduct of the person's undertaking while they are at the person's place of work.

1.7.5 Responsibilities for construction work

Construction work has additional requirements in the Regulation for control and documentation, including the need for the appointment of a principal contractor in many instances, and the requirement for the provision of a site safety plan and safe work method statements.

1.7.6 Responsibilities of the principal contractor

Most activities associated with working on roofs are considered to be construction work. When construction work is being undertaken there are special provisions when the value of the project is more than \$250,000 or when it is high-risk construction work. In both cases, a principal contractor must be appointed, and be capable of meeting their defined obligations. The responsibilities of the principal contractor are in addition to their responsibilities as an employer or self employed person and may include the provision of a site safety plan, safe work method statements, hazardous substances registers and the like. Refer to Chapter 8 of the Regulation for more information.

1.7.7 Responsibilities of designers, manufacturers and suppliers of plant and substances

Designers, manufacturers and suppliers of plant and substances for use at work must ensure that the plant or substance is safe and without risk to health when properly used and that adequate information is provided to the persons to whom it is supplied to ensure its safe use.

1.7.8 Other documents

The documents listed below are mentioned in this code of practice. Those marked † are referred to in the Regulation and must be complied with, while those marked ‡ are called up under the Act as an industry code of practice. Those unmarked have no legislative standing but reflect good practice. Readers should refer to them where necessary to ensure compliance with their regulatory obligations or to obtain advice in helping to establish a safe workplace.

- ‡ AS 1337 *Eye protectors for industrial applications*
- † AS 1418.7 *Cranes (including hoists and winches) Part 7: Builders hoists and associated equipment*
- † AS/NZS 1576 *Scaffolding*
- ‡ AS 1657 *Fixed Platforms, walkways, stairways and ladders – Design construction and installation*

- ‡ AS1891.1 *Industrial fall arrest systems and devices Part 1: Industrial safety belts and harnesses*
- ‡ AS/NZS 1891.2 *Industrial fall arrest systems and devices Part 2: Horizontal lifeline and rail systems*
- ‡ AS 1891.3 *Industrial fall arrest systems and devices Part 3: Fall arrest devices*
- ‡ AS 1891.4 *Industrial fall arrest systems and devices Part 4: Selection, use and maintenance*
- AS 1892.5 *Portable ladders Part 5: Selection, safe use and care*
- AS 2050 *Installation of roof tiles*
- AS 2210 *Occupational protective footwear*
- AS/NZS 4040.4 *Methods of testing sheet roof and wall cladding Part 4: Resistance to impact (sandbag) for sheet roof materials*
- AS/NZS 4200.2 *Pliable Building Membranes and Underlays: Installation requirements*
- AS/NZS 4389 *Safety Mesh*
- AS 4994.1 *Temporary roof edge protection Part 1 General requirements*
- AS 4994.2 *Temporary roof edge protection Part 2 Installation and dismantling*
- ‡ The NOHSC *guide to the Control of Asbestos Hazards in Buildings and Structures*
- NOHSC Australia Code of Practice for the *Safe removal of Asbestos*
- ‡ WorkCover Code of Practice *Consultation*
- ‡ WorkCover Code of Practice *Electrical practices for construction work*
- ‡ WorkCover Code of Practice *Risk Assessment*
- WorkCover Guide *Portable ladders*
- WorkCover Guide *Your Guide to Working with Asbestos*
- WorkCover Position Paper *Working off stepladders*

2 Consultation

The Act and the Regulation require employers to address workplace health and safety through a process of risk management and consultation.

To effectively implement this code, employers need to be aware of these requirements and have procedures in place to apply them.

Employers are advised to consult the Act and the Regulation as well as the Code of Practice: *Occupational Health and Safety Consultation* and the Code of Practice: *Risk Assessment* for details of these requirements and how they can be met. The following provides an overview of consultation requirements; risk assessment is covered throughout the other sections of this code.

2.1 Consultation at the workplace

Employers must consult with employees when taking steps to assess and control workplace risks.

In order to consult with employees, employers are required to set up consultation arrangements and develop consultation procedures.

2.1.1 Consultation arrangements

The Act provides three options for consultation arrangements:

Arrangement	Workplace	Requirement
OHS committee	20 or more employees	requested by a majority of employees or direction by WorkCover
OHS representative	any size	at least one employee requests an election or directed by WorkCover
Other agreed arrangements	any size	agreed by both the employer and employees (in a small workplace it may be a regular safety meeting with employees)

Before using this Code, an employer should ensure that consultation arrangements are in place. An employer may initiate the establishment of an OHS committee or the election of an OHS representative if the employees have not made such a request. When the consultation arrangements have been decided, employers are required to record them and advise all existing and new employees.

2.1.2 Consultation procedures

After setting up the consultation arrangements, employers need to consider when and how these consultation arrangements need to be applied.

2.1.3 When should consultation be undertaken?

Under the Act, employers have the general duty to consult employees when decisions are being considered that may affect their health, safety and welfare at work. Therefore, employers are required to consult with their OHS committee, OHS representative or other agreed arrangement when such decisions are being considered. Decisions, which could affect health and safety include:

- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents or accidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements
- assessing, reviewing and monitoring risks to health and safety from work
- eliminating or controlling risks to health and safety from work.

Note: Any procedures that are developed to encompass these activities should incorporate consultation.

It may not be practical or reasonable to involve the OHS committee or the OHS representative in every purchase decision or task change. However, the employers and committee or representative should agree on what process is needed to ensure that affected employees are consulted.

2.1.4 How should consultation be undertaken?

When engaged in consultation, the Act requires employers to:

- (a) Share all relevant information with employees – for example, if an employer is going to change a work task, employees need to be told of any risk to health and safety that may arise and what will be done to eliminate or control these risks.
- (b) Give employees reasonable time to express their views – employees need adequate time to assess the information given to them, obtain relevant safety information and consult with fellow employees to enable them to form their views.
- (c) Value the views of employees and take them into account when the decision is made to resolve the matter – in many cases, agreement will be reached on how the safety issues are to be addressed. When agreement cannot be reached, the employer should explain how the employees' concerns have been addressed.

3 Planning and preparation

Careful planning and preparation is the first essential step to ensure that work is done safely. Planning and preparation must involve consultation with all those engaged in the work, and include the risk assessment and control process.

3.1 Planning by designer

Architectural and engineering designs of roofs and roof framing should take into account whether the work practices necessary to carry out the installation and maintenance of the designs are safe.

Matters to be considered should include at least the following:

- (a) the use of fall prevention equipment, such as guardrails or guardrail attachments at the perimeter, where appropriate
- (b) measures to prevent falls through the roof, such as roof member spacing, safety mesh, fall prevention sarking and trafficable roof cladding
- (c) providing anchorage points for a fall arrest system, where required for use during installation, subsequent work on the roof and maintenance. To determine where these are required see Appendix A of this code of practice
- (d) the strength of roof members to which guardrails are attached or which act as an anchorage point for a fall arrest system
- (e) the distribution of materials on the structure, and
- (f) provisions to provide safe access to or through the roof space.

3.2 Planning by the principal contractor

A principal contractor must be appointed in the following circumstances:

- (a) where the cost of the construction work is over \$250,000
- (b) where the work involves high risk construction work (this includes work at a height above 3 metres)
- (c) demolition work or asbestos removal work for which a licence is required under Chapter 10 of the Regulation.

In the case of (a) the principal contractor must prepare and implement an OHS management plan in accordance with Clause 226 of the Regulation. The principal contractor must also ensure that each sub-contractor supplies a written safe work method statement for the work to be carried out by the subcontractor.

In cases (b) and (c) the principal contractor must ensure that each sub-contractor supplies a written safe work method statement for the work to be carried out by the sub-contractor.

In cases (a) and (b) if a principal contractor is not appointed the owner is taken to be the principal contractor and in case (c) the employer carrying out the work is taken to be the principal contractor.

Before roof operations start, the principal contractor, in consultation with the contractors doing the work, should undertake an assessment of the risks involved in carrying out the work (see 3.4 and 3.5) and should consider:

- the type and placement of scaffolding required for access and falls prevention
- the most effective methods of controlling the risk of falls and injury (see section 5)
- using building methods that reduce work at heights
- that the roof framing is complete and braced
- that the strength of the roof members is adequate to support the system to be used for controlling the risks of fall injury
- providing suitable and safe access to and from the construction site including the place of work
- placing roofing materials being delivered in the most favourable position at the site to access the roof
- electrical safety, including the location of nearby overhead power lines or electrical service cables and providing systems of work which comply with the recommendations in the WorkCover Code of Practice: *Electrical Practices for Construction Work*
- that all persons carrying out the work have received appropriate training and instruction (see section 11)
- that all contractors and sub contractors have been provided with the parts of the site safety management plan that are relevant to their work on the roof.

3.3 Planning by contractors

The contractors doing the work have a duty under the Act to provide and maintain a safe workplace that is without risk to the health of the workers and others at the workplace in relation to those matters over which he or she has control.

In addition to consultation with the principal contractor, the contractors doing the work must

- (a) undertake an assessment of the risk involved in carrying out the work (see 3.4 and 3.5). This must include an assessment of all manual handling risks arising when carrying out the work
- (b) determine the most effective methods of controlling the risk of falls and injury (see Sections 5, 6, 7 and 8)
- (c) provide a written safe work method statement, describing how the work is to be done safely. This safe work method statement should take into account an assessment of the risk involved in carrying out the work
- (d) provide suitable and safe access to and from the roof
- (e) install roof edge protection, anchor points or other fall protection measures resulting from (b) above
- (f) ensure all persons carrying out the work are provided with appropriate training and instruction (see Section 11).

The contractor should also consider:

- the placing of roofing materials in the most appropriate position to assist manual handling
- the distribution of materials or other equipment to avoid excessive point loading on the roof structure
- the duties of the crew – the more hazardous tasks should be allocated to persons with experience in the task in order to minimise the risks

- the use of appropriate tools on the roof – the use of certain tools such as angle grinders should be limited
- electrical safety, including the location of nearby overhead power lines or electrical service cables and providing systems of work which comply with the recommendations of the WorkCover Code of Practice: *Electrical Practices for Construction Work*
- special health and safety issues if slippery, brittle or fragile roofing materials are encountered or the work involves removal of asbestos cement sheets
- the transferring of old roofing material from point of removal to the ground
- preventing persons entering the area below the roof where there is a danger they may be struck by falling objects.

3.4 Risk assessment and control measures

A hazard identification and risk assessment process must be carried out at the planning and preparation stage by the employer/contractors doing the work to determine what risks may arise when the work is being carried out. Safe systems of work must then be put in place to eliminate or control these risks. The safe system of work must be documented in the safe work method statement.

The process of risk assessment and control is made up of the following steps:

- identify the hazards
- assess the risk(s) from the hazards
- use appropriate control measures to eliminate or control the risk
- reviewing the control measures from time to time, to ensure their continued effectiveness.

3.5 Hierarchy of control measures

The Regulation prescribes the following hierarchy of controls that must be used when to eliminate or minimise a risk to health and safety in the workplace. Refer to Section 5 of this code of practice to see how this must be applied to working on residential roofs

1. eliminate the risk (eg. discontinue the activity or not use the plant)
2. minimise the risk by:
 - substituting the system of work or plant (with something safer)
 - isolating the hazard (eg. introduce a restricted work area),
 - introducing engineering controls (eg. guardrails or scaffolding)
 - adopting administrative controls, by example, safe work practices such as hazard warning signs (eg. 'persons working above', 'nail gun in use') and specific training and work instructions (eg. for brittle or fragile roofs) and
 - using personal protective equipment (PPE) (eg. fall arrest equipment, safety footwear, eye protection).

The control measures at level 1 give the best results and should be adopted where possible. The level 2 measures apply in descending order of effectiveness and require more frequent reviews of the hazards and systems of work. In some situations a combination of control measures may be used such as engineering means and PPE.

The risk control measures identified by the contractors must be incorporated in safe work method statements and supplied to the Principal Contractor who must include them in the OHS site management plan. (see Appendix B for a general safe working on roofs risk assessment checklist).

3.6 Preparation for work to commence

When preparing for the commencement of work all controls indicated by the site safety plan; safe work method statement(s); and the risk assessment(s) as applicable must have been put in place and that no new hazards exist, or have been created.

Preparation should include:

- an assessment of climatic/environmental conditions (eg moisture, lichen or dust on the roof, wind)
- fall prevention equipment (scaffolding, guardrails, fall prevention sarking, etc)
- access to and from the workplace including through edge protection systems
- PPE
- specific instructions for employees
- safety switches on portable electric powered tools
- emergency and rescue procedures in the event of an accident, injury or other emergency (including the means of rescuing persons from fall arrest harnesses following arrested falls), and
- allocation of dedicated area to erect and operate plant such as a tile elevator or builders hoist.

4 Access

The following is applicable:

- access to the work area and to the roof must be safe and without risks to health
- access requirements should take into account any tools and equipment the person may be required to carry to and from the roof
- if ladders are used for access:
 - the ladder should have non-slip feet and be secured against movement
 - persons should have a safe landing place when stepping off the ladder
 - the ladder should extend at least one metre above the landing place
 - the clearance between metal or wire reinforced ladders and any electrical conductor wires (powerlines) should be at least 3 metres. Otherwise non-conducting ladders should be used, and
 - it must not require the person to climb over the top guardrail.

For further information on the safe use of ladders, reference should be made to the WorkCover Guide *Portable ladders*, the Position Paper *Working off stepladders* and AS 1892.5 *Portable ladders – Part 5: Selection, safe use and care*.

5 Safeguards from working at heights

5.1 Legislative requirements

Clause 56(1)(a) of the Regulation requires that an employer must ensure that risks associated with falls from a height are controlled by use of one of the following measures, being the provision and maintenance of:

- (i) a stable and securely fenced work platform (such as scaffolding or other form of portable work platform), or
- (ii) if compliance with subparagraph (i) is not reasonably practicable – secure perimeter screens, fencing, handrails or other forms of physical barriers that are capable of preventing the fall of a person, or
- (iii) if compliance with subparagraph (ii) is not reasonably practicable – other forms of physical restraints that are capable of arresting the fall of a person from a height of more than 2 metres.

Unlike many other areas of the Regulation, these control measures are not dependant on a risk assessment. Instead, they are a “hierarchy of controls”, which means that a particular control measure can only be applied where it is not reasonably practicable to apply one above it in the hierarchy. So, an employer must try and apply the first control measure listed, and can only use the next one if it is not reasonably practicable to do so.

These specific requirements are in addition to those more general duties on employers under the Act and Regulation.

It is important to be aware that the Regulation does not specify a minimum height at which the control measures must be implemented. This is because there are risks associated with working from any elevated position. However, it does require a restraint or a fall arrest device be used where it has been not reasonably practicable to employ the higher measures in the hierarchy of controls, and a person can more than fall two metres. *Control measures are required at any height where there is a risk of falling.*

The Regulation defines a scaffold as *a temporary structure, specifically erected to support access or working platforms*. In this regard, scaffolding may have limited application for persons working on a roof as most places on the roof cannot be reached from the scaffold's working platform. Instead, in many instances, the roof itself is the working platform and the scaffold becomes a form of edge protection.

In practical terms this means that when working on a roof, the first two control measures in the hierarchy tend to merge where the roof is the working platform that requires fencing, subject to the roof being stable. The use of scaffolding as the fencing is one option, but it may not be reasonably practicable, and other forms of edge protection are then equally valid.

However, where scaffolding has already been provided on a site for other trades to work from prior to the roof being installed, such as bricklayers and fascia and guttering installers, it should be modified to form the necessary edge protection. Scaffolding should also be used where the slope of the roof exceeds 45°. The particular requirements for the use of scaffolding as edge protection is given in section 5.2.2 below.

In determining the control measure to use to protect persons when working on roofs, an employer can only use restraints or fall arrest devices where it is not reasonably practicable to use either a scaffold or guardrail system. Where restraints or fall arrest devices are used, the reasons for it not being reasonably practicable to apply scaffolding or guardrails should be documented. In some cases it may be necessary to use more than one control. Whatever control is used, it must safeguard persons from the risks associated with falls from a height.

5.2 Protection at the edge of a roof

5.2.1 General requirements for scaffolding and guardrail systems

There are many types of purpose-designed roof edge protection systems available, including scaffolding modified for this purpose. The Australian Standard AS 4994.1 *Temporary roof edge protection Part 1 General requirements* specifies the design requirements for these, including the necessary strength they must have to withstand the impact of a person falling against them. Roof edge protection systems, including scaffolding configured as roof edge protection, should comply with the requirements of this Australian Standard.

Australian Standard, AS 4994.2 *Temporary roof edge protection Part 2 Installation and dismantling* provides guidance on determining the appropriate type of roof edge protection to use and how to use it to ensure the safety of persons working on roofs. This standard should be used at the planning stages to make sure the most appropriate type of edge protection is used for the pending job.

The scope of these standards is limited to roofs with a 35° pitch. Refer to section 5.2.4 for the requirements for steeper pitched roofs.

In determining the type of roof edge protection to be used, it is necessary to make sure that it will be strong enough to withstand the forces exerted on it should a person fall. These forces are dependent upon the momentum of the falling person, which in turn depends upon a number of factors, including:

- the type of roof surface – a person is likely to generate more momentum in falling down a roof with a slippery surface such as glazed roof tiles than one with unglazed tiles
- the pitch of the roof – the steeper the pitch, the more speed that is generated
- the length of the rafter – a person can generate more speed the further they fall.

Guardrails, including those on scaffolding, must have a top rail, mid-rail and a toeboard, or a top rail and an infill panel that serves the function of a midrail and toeboard. Infill panels should be used in addition to midrails and toeboards when the slope of the roof exceeds 26° to spread the load of a person falling against the guardrail and being injured by striking the midrail or toeboard.

The top rail of the guardrail should be at least 900mm in height above the working surface. Care is required to ensure that this height is maintained when the guardrails are erected at the exact edge of a sloping roof.

An advantage in using a form of roof edge protection that incorporates a platform, including scaffolding, is that it provides a firm surface from which to work when installing the roof trusses. In such circumstances, planning must allow for the installation of the guardrail system, or the modification of scaffolding prior to the trusses being installed.

5.2.2 Particular requirements for scaffolding

Scaffolding must comply with the appropriate parts of AS/NZS 1576 *Scaffolding*.

Where scaffolding has been used in the construction of the lower levels of the house, it often makes economic sense to use it as a form of edge protection for persons installing the roof cladding or carrying out other work on the roof. It is important to realise that a scaffolding system intended to be used as roof edge protection may have different performance requirements than when used to support a working or access platform. The platform level must be brought as close as possible to the underside of the eaves so that a person cannot fall from the roof onto it, which should be no lower than 500mm beneath the edge of the roof. This may require lifting the platform level or installing an intermediate hop-up platform between the platform and the edge of the roof.

A person who erects or alters a scaffold from which a person or object can fall four metres or more must hold a scaffolding certificate of competency or hold an appropriate rigging certificate of competency. There are three levels of Certificate, and the type needed depends upon the complexity of the scaffolding.

Figure 1 shows a scaffold that has been adapted as a form of roof edge protection.

5.2.3 Particular requirements for guardrail systems

Prior to installing a guardrail system at the edge of a roof, it is imperative to check that it is suitable for that roof. Particular attention should be given to ensuring that the supporting members, including the rafters where the system is connected to them, can support the load of a person falling against the rails. This should be checked with the rafter supplier or engineer before committing to the type of system chosen. (Some types of guardrail systems use brackets that are fixed to the roof trusses at their point of fabrication).

It is also important to ensure that the system can be erected to follow the roof's profile, and does not result in any gaps through which a person can fall. This is a potential problem on buildings with an unusual plan profile or roof construction. In such circumstances, if a system is not available to fully secure the edge of the roof, all gaps between the roof and the guardrail system should be infilled locally to prevent a person falling.

Where a guardrail system is used, it should be in place prior to any work commencing on the roof and should not be removed until all work on the roof or section of roof is complete. Where the guardrail system is removed from a section of roof, means must be provided to prevent persons accessing that section.

A means must be developed and used that allows the guardrail system to be safely installed. Where the system is not being used in conjunction with a scaffold, this may require using temporary work platforms, such as an elevating work platform.

Similarly, where the guardrail system is to be removed upon completion of the work, means must be developed and used that allows this to be done safely.

Some types of guardrail systems use sacrificial brackets that are left connected when the roof is completed. If it is intended to use these at a later date to carry out subsequent work on the roof, both the brackets and their fixings should be assessed by a competent person.

Guardrail systems should be erected by persons with appropriate training. A person with experience in roofing should have completed a Master Roof Tilers and Slaters Association ("MRTSA") course or equivalent on the installation of guardrail systems; a person without experience in roofing should have completed the 40 hour Basic Scaffolding course as well as the MRTSA/equivalent course.

In installing the guardrail system it is important to ensure that the rafter is sound and plate connection is secure. Figures 2, 3 and 4 indicate the use of various types of roof edge protection systems applicable to the pitch of the roof. More detailed examples of the types of roof edge protection available and their use are given in AS 4994.2 *Temporary roof edge protection Part 2 Installation and dismantling*.

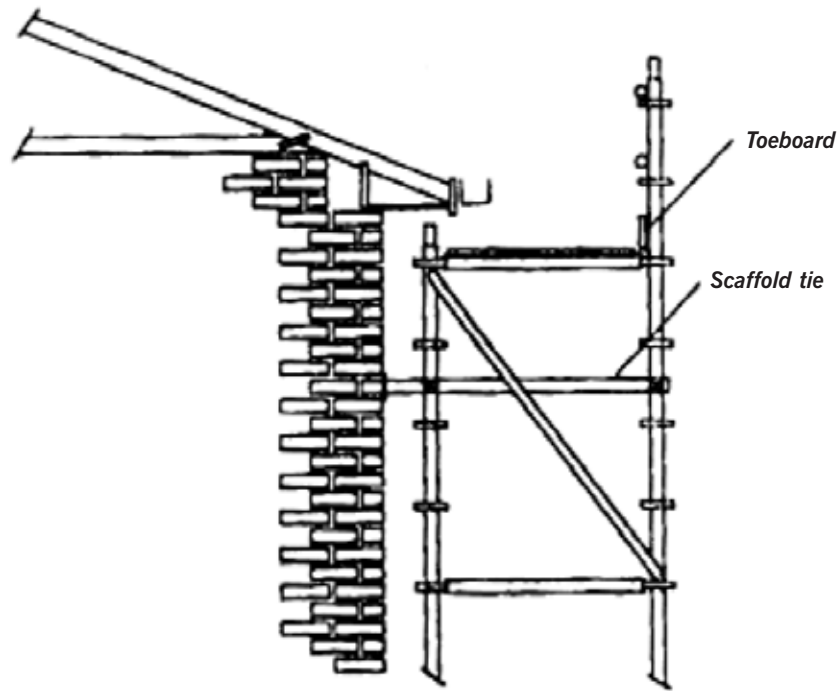


Figure 1: Scaffold as roof edge protection (End edge protection omitted for clarity)

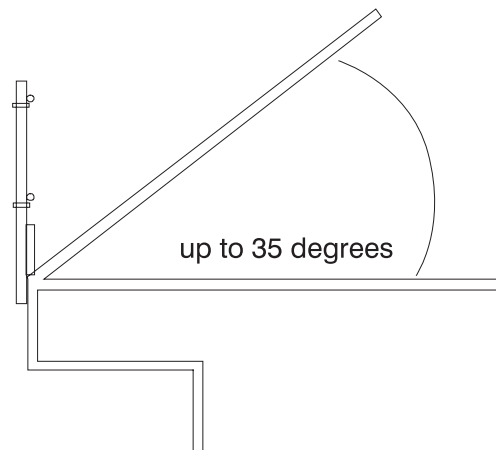


Figure 2: A guardrail system on a roof with a slope of up to 35°

Note: An infill panel should be used where the slope is greater than 26°

5.2.4 Particular requirements for roofs with a pitch greater than 35 degrees

Where the pitch of the roof exceeds 35° but is less than 45°, a platform should be constructed in order to minimise the likelihood of a person falling onto the top rail, or over the guardrailing system. The platform should be a minimum of 450mm wide (2 scaffold planks) and include guardrails and infill panel on its outside perimeter. The platform should not be used for any other purpose. Misuse of the platform in this manner may lead to the creation of additional hazards in relation to trips and slips, persons falling onto materials, or collapse of the platform.

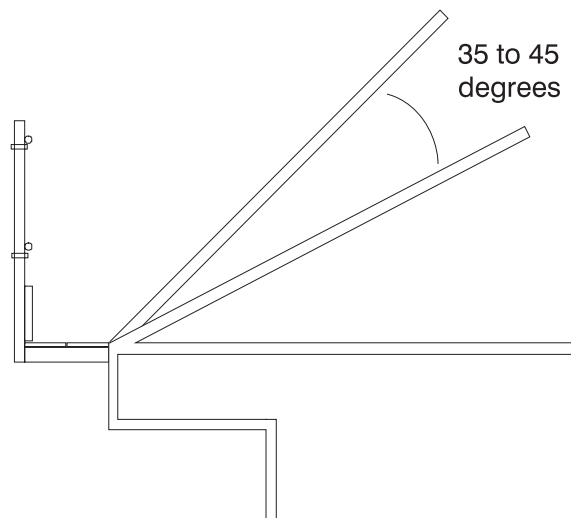


Figure 3: A roof with a slope greater than 35° and up to 45° with a guardrail system requires a two-plank platform.
(Infill Panel has been omitted for clarity)

Where the pitch of the roof exceeds 45°, a risk assessment should be used to determine the additional safeguards required. Additional safeguards that should be considered include the use of wider platforms, higher guardrails, mesh infill panels, fall arrest systems, perimeter scaffolding (see Figure 4) or the use of boom-type elevating work platforms (cherry pickers).

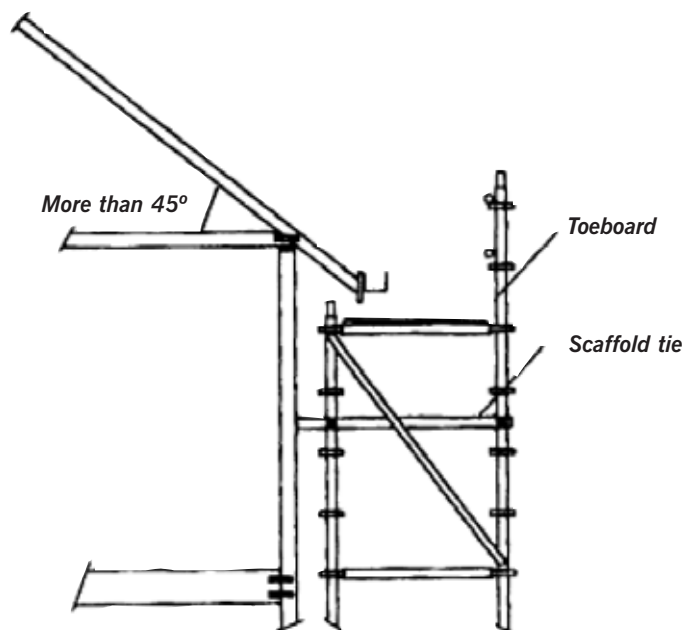


Figure 4: Scaffolding as edge protection for roofs greater than 45° pitch.
(End edge protection omitted for clarity).

5.2.5 Particular requirements for restraints and fall arrest devices

Although the use of fall restraint and fall arrest devices is the lowest control measure on the hierarchy of controls, there may be occasions where this is the only practicable means to safeguard persons working on a roof or an area of a roof. For example, there may be insufficient room to erect a scaffold, it may not be possible to effectively erect a scaffold or guardrail along part of the roof such as along a gable end, or when working on a brittle or fragile roof (refer to Section 6).

Where restraints or fall arrest devices are used, they should comply with Appendix A of this code of practice. Particular attention should be given to the following:

- a means must be developed and used to safely install the necessary anchorage to the supporting structure
- if the anchorage is to be removed upon completion of the work, means must be developed and used that allows this to be done safely
- the supporting structure must be capable of withstanding the force of a falling person. This needs to be verified both at the planning stage, including, where necessary, gaining approval from the truss supplier or engineer, and prior to connecting to it to ensure that it has been installed properly
- if the work is to be done on an existing roof that was constructed with a sacrificial anchorage point for future use, the condition of the anchor and the supporting structure must be assessed by a competent person prior to its use, and
- means must be developed and implemented to allow workers to safely access, connect and disconnect to the anchorage point(s).

5.3 Protection on a roof

Persons working on the roof itself, away from its edge, must also be safeguarded against the risks of falling through an incomplete or fragile roof, or openings in the roof.

There are a number of ways of controlling these risks. These include:

- designing the roof with the trusses spaced to prevent a person from falling through the gaps between them, which should be no more than 600mm. However, this could still result in an injury being sustained by the impact of the rafters against a person falling and effectively being wedged between them or striking a limb or other part of their body against them. To minimise potential injuries to a person falling on a roof, fall prevention sarking or safety mesh (see below) should be installed over rafters irrespective of their spacing.
- the use of sarking that is strong enough to support the weight of a person in the event of them walking on it or falling on to it from the roof (i.e. the same level). Such sarking should have passed the tests specified in Appendix C to ensure it can act as fall prevention sarking, and should be stamped with the symbol shown in Figure 5. The sarking is not to be considered a work platform, and persons must be discouraged from walking on it. Where it is intended to use fall prevention sarking, it must be compatible with the roof. In particular, the layout of the roof must allow it to be installed so it can serve the purpose of fall prevention sarking, for example, the rafters are not too far apart to reduce its performance. It is important to check the sarking manufacturer's specifications prior to using this form of control. Where fall prevention sarking is used, it must be installed in a safe manner.
- the use of safety mesh that is strong enough to support a person who may fall onto it, and is installed in a manner to maintain this strength. The mesh should comply with the Australian Standard AS/NZS 4389 *Safety Mesh*. Particular care is required to ensure that the mesh is securely connected to the structure and the overlap between adjacent sections of mesh is sufficient to generate the necessary strength to resist the force of a person falling onto it.

Where guardrails are used to provide a barrier to openings in the roof, they must have a top rail, mid-rail and a toeboard, or a top rail and an infill panel that serves the function of a midrail and toeboard. The top rail should be at least 900mm in height above the working surface.

Additional information on requirements for brittle roofs and removing asbestos cement roofing materials is given in Sections 6 and 7 respectively.



Figure 5: Symbol for Fall Prevention Sarking

5.4 Protecting persons beneath the roof

The Regulation also requires that employers control the risks associated with objects falling from heights. Clause 57 sets out the requirements for controlling the risks associated with falling objects, and specifies that a secure physical barrier should be provided to prevent objects freely falling from buildings or structures, in or in the vicinity of the workplace. Where it is not possible to provide such a barrier, then measures should be provided to arrest the fall of objects.

Where the method used to safeguard persons working on the roof does not effectively retain materials on the roof – for example, if a fall restraint or fall arrest device is used, or where there is a gap between the top of the roof cladding and the bottom of a toeboard or infill panel, eg. to slide metal roofing cladding units onto the roof or the tiles are used that have a deep notch in their profile – then other means must also be used to protect persons working under or near the roof. These include the provision of a screen or an overhead protective structure that catches falling objects, or the establishment of a no-go zone with the necessary barriers and training of personnel in its observation. This last method represents administrative means to control the identified risk and, in accordance with the principles of risk management, must only be used if it is not reasonably practicable to use others.

6 Brittle and fragile roofs

If a roof or part of a roof covering is comprised of fragile or brittle material, the owner or controller of the building must maintain a warning sign at any place provided as an access to the roof.

The warning sign should be at least 375mm by 330mm and made of a strong and rigid material. It should be securely fixed in an upright position where it can be seen clearly by persons wanting to gain access to the roof.

The example of a warning sign should incorporate the symbol shown in figure 6 and contain the following words: **DANGER – BRITTLE AND FRAGILE ROOF – KEEP OFF!**



Figure 6: Warning sign to be used on brittle and fragile roofs

Before carrying out any work on a roof covered with brittle or fragile materials, the employer must ensure the following are provided:

- permanent walkways, or if this is not practicable;
- scaffolding (see figure 7) and fall arrest systems including anchorages for every person working on a roof with brittle or fragile cladding, and
- temporary roof ladders for any person working on any part of a sloping roof with brittle or fragile cladding.

If the work involves removal of all or part of a roof with brittle or fragile cladding, a fall arrest system should be used.

If any of the brittle or fragile cladding contains asbestos, all work practices and procedures must be in accordance with the Regulation and the NOHSC Australia *Guide to the Control of Asbestos Hazards in Building and Structures* and the NOHSC Australia *Code of Practice for the Safe Removal of Asbestos*. Additional information is given in the WorkCover guide: *Your Guide to Working with Asbestos*.

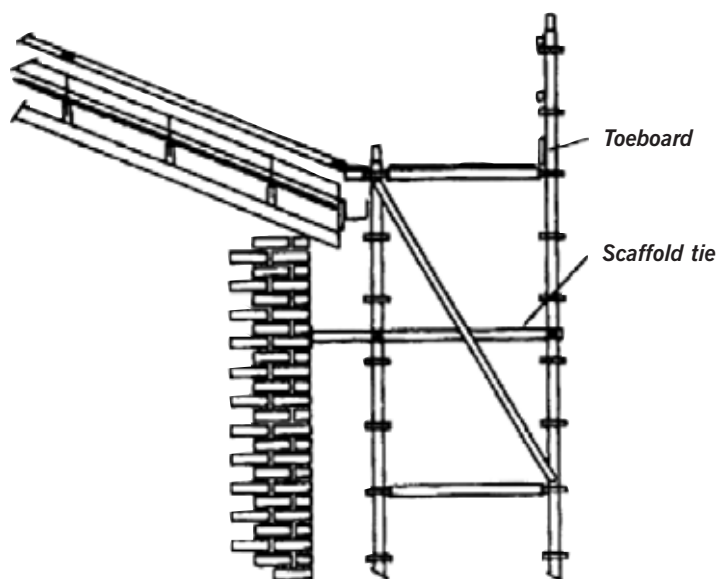


Figure 7: Scaffolding for the decking out of a brittle roof.
(End edge protection omitted for clarity).

7 Asbestos cement roof removal

When removing asbestos roof cladding the following apply:

(a) fall protection

- procedures to prevent falls during the removal of asbestos cement roofing should be in accordance with Section 5 and Appendix A

(b) handling of materials containing asbestos

- all work practices and procedures adopted for the handling of materials containing asbestos must be in accordance with the Regulation and the NOHSC Australia Code of Practice *for the Safe Removal of Asbestos*.

8 Mechanical lifting equipment

Mechanical lifting equipment such as tile elevators and builders hoists should be provided where appropriate. Where tile elevators and builders hoists are used, the following should be considered:

- the risk of manual handling injuries during installation and removal
- the risk of injury during use, for example, such as the drive mechanisms and nip points on elevator belts should be guarded
- the area around the equipment should be barricaded to prevent access and risk of injury to persons below from falling objects or the operation of the machine
- a method of installation that maintains the effectiveness of any edge protection that is in place. Edge protection should be restored immediately after removal of lifting equipment.

Note: A person must hold the appropriate certificate of competency to operate certain types of plant, including a builders hoist.

9 Electrical Safety

9.1 Overhead Power Lines

Overhead power lines located nearby are a potential fatal hazard to persons working on roofs. Where power lines are in close proximity, the following clearances should be observed:

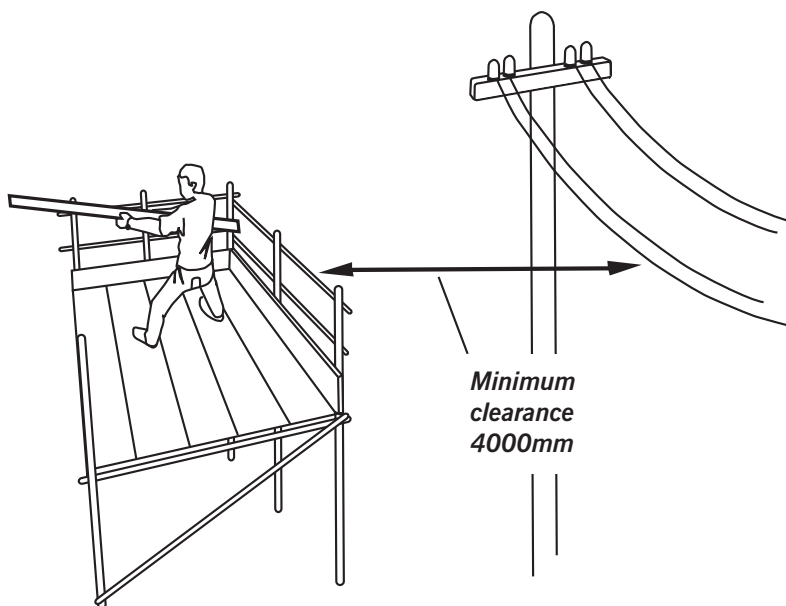
- (a) 4.0 metres where any metal material is being handled (see figure 8)
- (b) 1.5 metres where only non-conductive material such as dry timber battens is being handled.

It is important when carrying objects to maintain these distances.

However, guidance should be obtained from the local electricity supply authority where there is a risk that the above clearances may not be established (eg. supply lines installed close to the building), or maintained eg. accidental contact with long conductive materials being used such as guttering, scaffold or guardrail poles etc. Power lines or service lines (connecting the power supply to the building) may need to be disconnected or insulated. Overhead power line insulating covers may be used. In this regard, 'Tiger Tails' are not to be considered as providing insulation to power lines, and are only a means to identify the hazard.

9.2 Residual current devices

Extension leads for power tools can be cut on sharp edges. As such, residual current devices (earth leakage devices/safety switches) should be used at all times.



*Figure 8 – minimum clearance between scaffolding and electrical powerlines.
(End edge protection omitted for clarity)*

10 Personal protective equipment (PPE)

10.1 Provision of PPE

Before commencing work on roofs, the contractors doing the work should assess all foreseeable conditions likely to affect the health and safety of the employees or themselves, as identified during the risk assessment procedure, and arrange for the provision and use of appropriate PPE. A fall arrest system is a form of PPE.

The following are examples of PPE often associated with roof work. Appropriate PPE, whether listed below or not, should be provided when required:

(a) fall arrest equipment

- fall arrest harnesses, lanyard assemblies and associated equipment should be selected to protect the wearer, yet allow them access to the areas they need to work, allow freedom of movement and be comfortable. For further information refer to Appendix A of this code of practice

(b) footwear

- to reduce the risk of falls resulting from slips, rubber soled shoes with herring bone or similar non-slip tread pattern, and with or without a steel toe cap, are recommended for work on roofs. Where footwear with a steel toe cap is used, it should comply with AS 2210 *Occupational protective footwear*. However, in choosing the type of footwear, it is important it has good gripping properties

(c) eye protection

- to reduce the risk of eye injury, eye protection complying with AS1337 *Eye protectors for industrial applications* should be provided and used

(d) protection from sun

- workers should be protected from sunlight/UV radiation by using a sunscreen with a sun protection factor (SPF) rating of at least 30+ and by wearing hats, shirts with long sleeves and long trousers. If short sleeved shirts and shorts are worn, the exposed parts of the body should be protected by using the appropriate sunscreen. Even with protection, there should be sufficient supervision and monitoring conducted to ensure that workers do not have extensive exposure to strong sunlight, including reflection from glazed tiles and metal roofing material. Administrative means, such as starting and finishing work early, can assist in achieving this.

10.2 Clothing

Clothing should be comfortable and be suitable for the work being done, and the prevailing weather conditions. Loose clothing which may snag or create a trip hazard should be avoided.

10.3 Maintenance of PPE

All personal protective equipment should be regularly cleaned, maintained and inspected, and replaced as necessary. For specific maintenance of fall arrest equipment refer to AS 1891.4 *Industrial fall arrest systems and devices* Part 4 *Selection use and maintenance*.

10.4 Special situations

Before carrying out work on roofs involving hazardous materials or near hazardous materials (such as asbestos removal or exposure to toxic fumes), the contractors should refer to the appropriate section of the Regulation, relevant Codes of Practice and material safety data sheets relating to the specific situation or hazard. The contractors may also consult the suppliers of PPE to determine the most suitable PPE and any other control measures.

11 Training and instruction

Under section 8(1) of the Act, employers must provide safe systems of work, training, instruction, information and supervision to ensure the health and safety of their employees.

The Regulation places further, more specific requirements upon employers to help ensure the health and safety of employees performing construction work on construction sites and in particular performing high risk construction work on roofs.

All persons involved in work on roofs should be trained to follow systems of work and work practices that enable them to perform their work in a manner that is safe and without risks to health. Only those persons who have received training and instruction should carry out work on roofs.

The employer should monitor workers and the systems of work and provide refresher training to ensure that safe systems and work practices are being followed. The training should include understanding safe work method statements and the correct use of PPE.

Work activity and site inductions must be carried out for persons undertaking construction work, and should be provided for persons undertaking other work. Training provided and the instruction given should at least include:

- work activity and site inductions (for persons performing construction work)
- measures contained in the safe work method statement devised for their work on the roof, including:
 - the methods to be used in loading materials on the roof, handling, positioning and fixing of materials including the control measures, based on the risk assessment and safe work method statement, to prevent injury or falls
 - the control measures, based on the risk assessment and any safe work method statement, to prevent injury or falls
 - the methods of gaining access to the roof and all areas of the roof
 - the use, care and storage in accordance with the manufactures' recommendations of PPE, including fall arrest systems, and tools and equipment to be used
 - the use of plant and associated equipment including electrical safety
 - the use of or dealing with hazardous substances
- procedures to be adopted in the event of an incident, injury or other emergency.

12 More information

For more guidance refer to the following codes and standards.

12.1 WorkCover NSW publications:

WorkCover Code of Practice: *Consultation*

WorkCover Code of Practice: *Electrical practices for construction work*

WorkCover Code of Practice: *Occupational health and safety induction training for construction*

WorkCover Guide *Portable ladders*

WorkCover Guide *Your Guide to Working with Asbestos*

WorkCover Position Paper *Working off stepladders*

WorkCover Publication *Skin cancer and outdoor workers – a guide for workers*

WorkCover Publication *Skin cancer and outdoor workers – a guide for employers*

12.2 Standards Australia publications:

AS 1337 *Eye protectors for industrial applications*

AS/NZS 1576.1 *Scaffolding General Requirements*

AS/NZS 1576.2 *Scaffolding couplers and other accessories*

AS/NZS 1576.3 *Scaffolding prefabricated and tube-and-coupler scaffolding*

AS/NZS 1576.6 *Scaffolding tube-and-coupler scaffolding – deemed to comply*

AS 1639 *The Design and installation of corrugated fibre – Reinforced cement roofing and wall cladding,*

AS 1639 *Corrugated reinforced cement roofing*

AS 1657 *Fixed platforms, walkways, stairways and ladders, Design construction and installation*

AS 1716 *Respiratory protective devices*

AS/NZS 1891.1 *Industrial fall arrest systems and devices Part 1: Industrial safety belts and harnesses*

AS/NZS 1891.2 *Industrial fall arrest systems and devices Part 2: Horizontal lifeline and rail systems*

AS/NZS 1891.3 *Industrial fall arrest systems and devices Part 3: Fall arrest devices*

AS/NZS 1891.4 *Industrial fall arrest systems and devices Part 4: Selection, use and maintenance*

AS 1892.5 *Portable ladders Part 5: Selection, safe use and care*

AS 2050 *Installation of roof tiles*

AS 2210 *Occupational protective footwear*

AS 2424 *Plastic building sheets – General installation requirements and design of roofing systems*

AS 2604 *Sunscreen products – Evaluation and classification*

AS 2626 *Industrial safety belts and harnesses – Selection, use and maintenance*

AS/NZS 4040.4 *Methods of testing sheet roof and wall cladding Part 4: Resistance to impact (sandbag) for sheet roof materials*

AS/NZS 4200.2 *Pliable Building Membranes and Underlays: Installation requirements*

AS 4994.1 *Temporary roof edge protection Part 1 General requirements*

AS 4994.2 *Temporary roof edge protection Part 2 Installation and dismantling*

AS/NZS 4576 *Guidelines for scaffolding*

SAA HB39 *Code of Common Practice for Steel Roofing*

12.3 NOHSC Australia publications:

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Guide to the Control of Asbestos Hazards in Buildings and Structures

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Appendix A – Fall arrest systems

A.1 General

The function of a fall arrest system is to arrest a person's fall and to minimise injuries. This provides a lesser level of risk control than preventing the fall in the first place. Therefore fall arrest systems should only be used when it is not reasonably practicable to control the risk with a higher-level control measure, such as scaffolding or edge protection, or in conjunction with it, to control a remaining risk, such as falling through the roof.

The users of fall arrest systems should be competent in its set-up and use, including inspection of wear and damage during use, storage and transport.

If a fall arrest system is used then an appropriate emergency rescue plan should be drawn up for the site, as a person left suspended in a harness following a fall is likely to experience suspension trauma. Further information on suspension trauma is given in paragraph A6.

When fall arrest systems are used, they should be evaluated to ensure that they are effective, and that no new hazards are created (such as trip hazards, or a person's movements being restricted to the extent that they can not safely perform the required task).

Industrial fall arrest system components should be used in accordance with the manufacturer's instructions and comply with the relevant part of AS/NZS 1891. Parts 1 to 3 of this Australian Standard provide design, testing and marking requirements for fall arrest system components, and Part 4 provides information on the selection, use and maintenance. Purchasers of fall arrest equipment should request confirmation from the supplier that the equipment complies with the relevant part(s) of AS/NZS 1891 and that the supplier provides the manufacturer's instructions for use.

Note: Manufacturer's instructions are no substitute for training and instruction.

Anchor points should be selected or designed to resist the maximum likely impact force. For example, a single fall arrest anchor point for one person is specified in AS/NZS 1891.4 *Industrial fall arrest systems* Part 4 *Selection, use and maintenance* as requiring an ultimate capacity of 15kN, which is equivalent to the weight of a family sedan. Capacity requirements for other situations are specified in AS/NZS1891.4, or for proprietary static lines (horizontal lifelines), by the suppliers.

Note: Most roof truss suppliers state that their roof trusses can only be used as an anchorage point or to affix an anchorage point if the truss supplier specifies that they can do so.

The various parts of fall arrest systems and harnesses need to be compatible. It is therefore essential for the user to check that all components are compatible. For connections, this includes ensuring that they fit together in a way that does not result in loading of the locking gate, release of a locking mechanism, jamming or excessive wear. This is especially relevant for components from different suppliers.

A.2 Fall arrest system configuration

- (a) Where practical, fall arrest systems should be used as restraint systems to prevent workers moving from safe to unsafe areas on the roof. Figure A1 shows a single anchor and fixed length lanyard used in restraint mode, the user cannot fall off the edge and can only reach the edge at the 4 isolated points shown. Where this is not possible, eg. where the work needs to be performed at the edge of the roof, the system should be configured to reduce the potential fall distance, as generally the greater the fall the greater the potential for injury. A fall arrest system incorporating a fall arrest harness must be configured to start to arrest the fall before the person has fallen more than 2 metres. The pendulum effect, described in A5, increases the fall distance, as shown in Figure A2.

- (b) Although the fall arrest is to commence within 2 metres, the process of arresting the fall allows the person to travel further. It is therefore essential that there is sufficient clearance available to allow for the fall to be arrested before the person impacts with the ground, or structure below. AS/NZS 1891.4 *Industrial fall arrest systems Part 4 Selection, use and maintenance* provides guidance on calculating the required clearance distances
- (c) If a line and rope grab fall arrester device is used, the user needs the device in front in order to manually operate the mechanism. In this case, the user should consider a harness with a front fall arrest connection point
- (d) There should be a minimum of slack in the lanyard or safety line between the person and attachment to the anchorage
- (e) Energy absorbers should be used as part of the lanyard assembly to reduce shock to the body and anchorage point by absorbing some of the fall energy, unless the system configuration ensures the load will not exceed 6kN
- (f) The use of lanyards in conjunction with inertia reels should be avoided as they could reduce the effectiveness of the inertia reel. Where the use of a short lanyard is necessary for ease of connection to the rear harness connection point of an inertia reel, it should be no greater than 450mm in length
- (g) Persons using a fall arrest system must be attached to the system at all times where there is a risk of a fall. If transferring from one anchorage to another a second lanyard attached to the harness may be used. The second lanyard must be connected to the next anchorage before disconnecting the first
- (h) Snaphooks must not be connected to each other
- (i) For multiple users, the system should be configured and used to avoid crossed or tangled lanyards/lines. See Figure A3, and
- (j) It is strongly recommended that persons using fall arrest systems should not work alone. Where it is necessary that persons do work alone, they should be constantly monitored to ensure they have not fallen. In the event of a fall, it is vital that the person be rescued as soon as possible, even if uninjured. This is necessary as a suspended person may suffer suspension trauma, as discussed in paragraph A6.

A.3 Inertia reel systems

- (a) inertia reels are not designed for continuous support but become effective in the event of a fall. They should not be used as working supports by locking the system and allowing them to support the user during normal work. Inertia reels may be less effective for certain applications such as stopping a person sliding down the inclined surface of a pitched roof
- (b) most inertia reels are designed to operate with the extended line close to vertical, ie anchored close to directly above the user
- (c) where the manufacturer permits the use of the inertia reel in a horizontal position, the configuration should not allow for the webbing or rope line from an inertia reel to traverse over a sharp edge in the event of a fall.

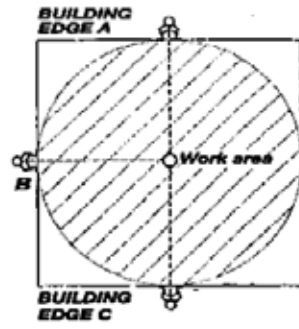


Figure A1
Suitable application at points A, B and C and within perimeter of defined circle

Figure A2
Unsafe applications at all points

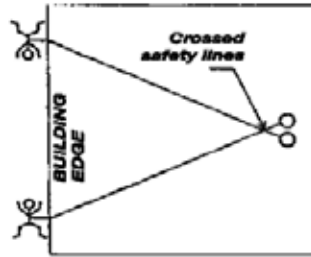
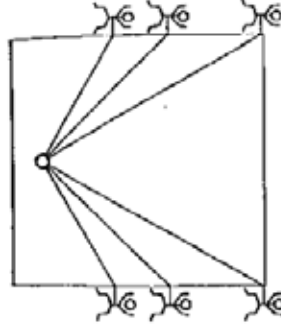


Figure A3
Unsafe application at both points

Figures A1, A2 and A3

A.4 Static lines (horizontal lifelines)

- (a) static lines (also known as horizontal lifelines or safety lines) should comply with AS/NZS 1891.2 *Industrial fall arrest systems and devices Part 2: Horizontal lifeline and rail systems*
- (b) the installation of static lines should be carried out in accordance with the manufacturer's or designer's specifications by a person holding a Certificate of Competency as a rigger or scaffolder, and
- (c) the static line should be located as high as practicable above persons connected to it. It is dangerous to work above the static line as the person could fall more than the maximum 2 metre fall before fall arrest commences.

A.5 Pendulum effect

The 'pendulum effect' is a potential hazard associated with the use of fall arrest systems, especially in systems using inertia reels, long lanyards or anchorage lines with rope grab fall arresters. The pendulum effect may also occur within the interior of the roof if the positioning of the inertia reel allows for a significant length of unsupported line connected to the user. The 2 types of pendulum effect are swing down and swing back.

- (a) swing down

Swing down can occur if an inertia reel, lanyard or anchorage line is extended out so that the line makes an extreme angle with the roof's perimeter edge. In this situation, the forces generated in an arrested fall over the edge will cause the line to rotate/slide back along the roof perimeter until it reaches a position in line with the anchorage point and at right angles with the roof edge.

As the line moves back in this way, the section overhanging the roof lengthens, thus dropping the attached worker further than the original (arrested) fall distance. If the length of the unsupported line equals or is greater than the height of the building then the worker will hit the ground (see Figure A4). Even if the worker can not hit the ground the pendulum increases the fall distance and the likelihood of hitting another object as well as potential for the line to be damaged as it rotates/slides along the roof edge.

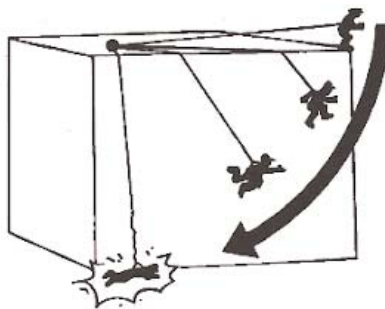


Figure A4 swing down effect

To eliminate the swing down effect:

- a secondary anchorage point and lanyard or line could be used (see Figure A5)
- place the inertia reel anchorage point more or less perpendicular to the position of the line at the perimeter edge. A mobile anchorage on a static line or rail system helps achieve this.

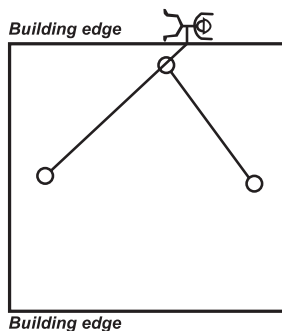


Figure A5: Use of a secondary anchorage and lanyard removes or reduces the swing down effect.

(b) swing back

This occurs when the person is anchored to a point on the other side of the void that they fall into, and therefore swing back into the building (see Figure A6). This effectively increases the fall distance and can lead to the person hitting the structure. Anchorage configurations should be established to avoid such situations.

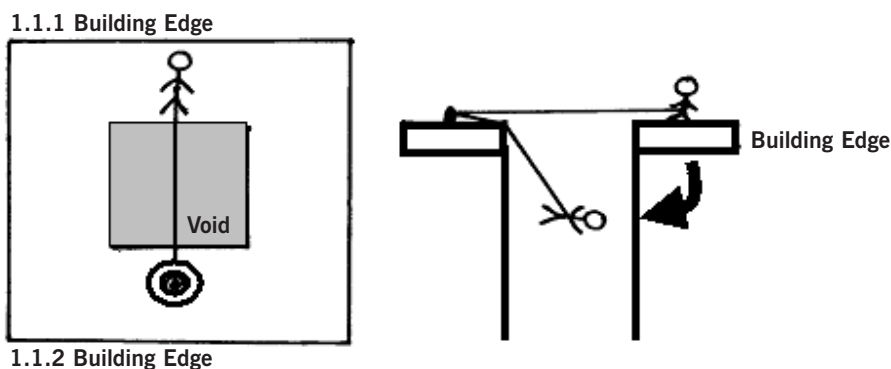


Figure A6: Swing back

A.6 Suspension trauma

Suspension trauma is caused by the blood pooling in the limbs of a person suspended relatively motionless in a harness and has a similar effect to a person standing at attention for extended periods of time potentially resulting in fainting. A person suspended vertically in a harness when they faint risks their condition deteriorating, potentially leading to death.

It is therefore important to have an appropriate emergency rescue plan to enable a person left suspended in a harness following a fall to be rescued as a matter of urgency.

A person's susceptibility to suspension trauma appears unrelated to fitness level, and cannot be readily assessed in advance.

There are measures that apparently can reduce the likelihood of suspension trauma in a person suspended in a harness, whether they have been involved in a fall or not. The person should move into a horizontal position, elevate the knees and pump the legs by pushing against a wall or other solid object at regular intervals. Where a person is suspended from the rear fall arrest connection on the harness they may not be able to become horizontal, but should still be encouraged to regularly pump the legs, preferably against a solid object.

Appendix B – Example of a typical risk assessment checklist

Safe working on roofs risk assessment checklist

Site address:

Principal contractor:

Roofing contractor:

Site supervisor:

This checklist is designed to help identify the hazards associated with carrying out work on residential roofs, and covers the main items specified in the body of the code of practice. This checklist is not designed to cover all of the risks identified when working on a roof, but to help employers and roofing contractors get started on the process of identifying the hazards associated with working on residential roofs.

For further information visit the WorkCover web site at www.workcover.nsw.gov.au or phone the WorkCover Assistance Service on 13 10 50.

If you mark a NO box on the checklist, the employer needs to take action to eliminate or control the hazard.

Roof Hazards and Examples of Control Measures	Checked OK
Has a perimeter scaffold been erected or has a guardrail system been installed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using scaffolding or a guardrail system, has it got a guardrail, midrail and toeboard, or a guardrail and infill screen with a kickplate?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using scaffolding or a guardrail system to prevent falls, does it incorporate an infill panel if the slope of the roof is greater than 26°?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using scaffolding does it comply with AS/NZS 1576?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If a scaffolding is being used, is the platform 500mm or less below the edge of the roof?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the scaffolding's platform is more than 4m above the surrounding ground, has it been erected by a ticketed scaffolder?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using a guardrail system, is it appropriate for the type of roof?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If not using a scaffolding or guardrail system, are the reasons why it is impracticable to do so recorded?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If not using a scaffolding or guardrail system, is a fall arrest system being used?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using a fall arrest system, have the anchorage points been checked by a competent person?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using a fall arrest system, has a safe system for attaching to and detaching from the anchorage point been established?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using a fall arrest system, have all relevant personnel been trained in its use?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If using a fall arrest system have rescue procedures for recovering persons who may fall been established?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the roof structure requires modification or bracing to support the safeguards identified in the safe work method statement, have the responsible people been consulted?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a safe system of roof access and egress that reduces the risk of slipping, tripping or falling?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are ladders properly set up and secured?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are there clearly defined site unloading and storage areas for the delivery and removal of materials and plant?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is a tile elevator or builders hoist used to transport material to the roof?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If a tile elevator or builders hoist is not used to transport material to the roof, is there a system in place that controls manual handling risks?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If a builders hoist is used, is it operated by a ticketed operator?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the builders hoist comply with AS 1418.7?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are warning signs, such as: 'Persons Working Above'; 'Nail Gun In Use'; 'Elevator/Hoist In Use' etc, clearly displayed in a prominent position?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have designated no-go zones been cordoned off, eg. areas beneath the tile elevator?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have power sources been disconnected, insulated or otherwise made safe before proceeding with roof work if there are electrical hazards within 4.0 metres of the roof?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has induction training been provided for new employees to safely work on roofs?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are procedures in place to discontinue work if inclement weather conditions render exposed roof work dangerous?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are systems of work provided if there are foreseeable manual handling issues?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has a Residual Current Device been attached to the leads/power source for portable electric power tools? (This is particularly important when leads are being dragged over sharp edged metal roofs.)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have all the necessary precautions been implemented before proceeding if asbestos products are being handled, such as old fibro sheets?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have your employees been provided with the appropriate Personal Protective Equipment and the training to properly use it?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is waste material isolated and contained for safe removal from the site such as old fibro?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Checklist Completed By:(Print Name).....(signature)

Date:/...../.....

Appendix C – Test for fall prevention by sarking

This Appendix contains a description of the modifications to the test method described in AS/NZS 4040.4 *Methods of testing sheet roof and wall cladding Method 4: Resistance to impact (sandbag) for sheet roof materials* that are required to test roof sarking materials under Australian conditions to determine its suitability as fall prevention sarking. This document shall be read in conjunction with the AS/NZS 4040.4.

This test was developed by Australian Foil Insulation Manufacturers Association (AFIMA), and is reproduced with its permission. The test described below serves to satisfy the requirements for the use of the “CERTIFIED – Fall Prevention” logo, a registered trademark of AFIMA. This test is the version revised in July 2003.

The test procedure shall be performed in accordance with the AS/NZS 4040.4, with the following modifications:

Section of AS 4040.4	Modification
1	<p>Replace section, 1 Scope (METHOD page 1) with:</p> <p>“1 Scope</p> <p><i>This test method is intended to simulate the accidental falling of a person onto a sarking material incorporated into a roof structure.</i>”</p>
2	Section, 2 Referenced Document (METHOD page 1): Unchanged
3	Section, 3 Principle (METHOD page 1): Unchanged
4	Section, 4 Apparatus (METHOD page 1): Unchanged
5	<p>Replace section, 5 Test Specimen (METHOD page 1) with:</p> <p>“5. Apparatus & materials</p> <p>5.1 Test frame, (1.8 m wide) x (3 rafter bays in length), consisting of four 90 mm x 45 mm rafters at spacings as listed below, supported 500 mm above floor.</p> <p>Fall Prevention Sarking must be tested at rafter spacings of</p> <p>(a) 600mm to model building practice between 450mm and 600mm, and</p> <p>(b) 900mm to model building practice greater than 600mm and less than or equal to 900mm.</p> <p>5.2 Four battens, 19 mm x 38 mm or 38 mm x 38 mm. The centre two battens shall be at 400mm centres, the outer battens to be at 300mm centres. Nails for installing battens shall be 3.15mm and of such length that the nail will penetrate not less than 50mm into the rafter.</p>
6	<p>Replace section, 6 Procedure (METHOD page 2) with:</p> <p>“6.1 A total of four sandbag drops shall be performed on each test material. (Two of “Configuration 1” and two of “Configuration 2” as described below.)</p> <p>In each test, the point of impact of the sandbag shall be between the two central rafters and the two central battens.</p> <p>Configuration 1: Lay one run of the test material across the rafters such that mid-width of the material coincides with the point of impact of the sandbag.</p> <p>Configuration 2:</p> <p>(a) For 600mm rafter spacings: Lay two runs of the test material across the rafters such that they overlap by 150mm along their long edge. Position the test material such that the point of impact of the sandbag coincides with a point 75mm from the edge of each run.</p>

	<p>(b) For 900mm rafter spacings: Lay 2 runs of test material across the rafters such that they overlap by a minimum of 150mm along their long edge. NB: At rafter spacings greater than 600mm, un-battened laps regularly 'open-up' under impact, resulting in a 'FAIL'. One solution is to increase the overlap and install a batten equidistant and far enough from the edges of the 2 runs of test material such that it will not tear out under impact. This becomes a 'central batten' as denoted in Section 6.3.</p> <p>6.2 Ensure a sag depth of not more than the supporting battens and in no case to exceed 40mm below the batten at the mid point between rafters in accordance with recommendations of AS/NZS 4200.2.</p> <p>6.3 Nail down battens, commencing at one end and working to the other. The two central battens should be spaced 400 mm apart at centre, the outer battens spaced 300 mm from the central battens. Batten down well, ensuring high pressure contact between rafter and batten, in accordance with AS 2050. If rafter surface has received too many nails to allow a firm hold, change the position of the batten or discard the rafter.</p> <p>Note: No batten shall be fixed closer than 150mm from either end of the test material.</p> <p>6.4 Roll bag around to ensure sand is soft and uncompacted.</p> <p>6.5 Raise bag to 2500 ± 100 mm, above the surface of the test material.</p> <p>6.6 Release the bag by a quick release device (e.g., by cutting a restraining rope) and allow it to fall freely</p> <p>6.7 Remove the bag from the test material, inspect and report.”</p>
7	<p>Replace section, 7 Report (METHOD page 3) with:</p> <p>“7.1 If the bag has touched anything apart from the sarking during its descent (e.g. a batten or a rafter) the test result is: Invalid</p> <p>7.2 If it is obvious that the battens have not been nailed down with high pressure the test result is: Invalid</p> <p><i>(Typically, if the sarking tears only in a straight line, starting at the nail, this infers that the batten has not been nailed down with enough pressure).</i></p> <p>7.3 If the sarking extends to the point that the bag touches the floor during impact the test result is: Invalid</p> <p><i>(Note that the bag may spring back as the laminate contracts after impact.)</i></p> <p>7.4 If the sarking is not torn at any point, or If the sarking is torn, but holes will not allow a ball, 75 mm in diameter, to pass through the test result is: Pass</p> <p>7.5 If the sarking is torn, and holes at any point will allow a ball, 75 mm in diameter, to pass through, or if the sandbag passes through the laminate the test result is: Fail</p> <p>7.6 If the bag passes through the lap without any of the above damage to the material, the test result is: Fail</p> <p>7.7 The report and the certificate shall clearly indicate:</p> <p>(A) Whether sarking passes or fails, (B) The rafter spacing (C) Details of the fixing procedure used for tests performed at the lapped edge. (D) Observations on the appearance of the sarking after impact.</p>

REFERENCES FOR APPENDIX C

AS 2050 *Installation of Roof Tiles.*

AS/NZS 4040.4 *Method of testing sheet roof and wall cladding: Resistance to impact (sand-bag) of sheet roof materials.*

AS/NZS 4200.2 *Pliable Building Membranes and Underlays: Installation requirements.*

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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 the following Totalizator Rules.

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RULES FOR THE CONDUCT OF TOTALIZATORS

1. PRELIMINARY

1.1 Application

1.1.1 Unless otherwise provided, these rules:

- (a) apply in respect of any totalizator conducted by TAB for betting on any racing or sports event or contingency in accordance with sections 14 or 15 of the Act; and
- (b) must, pursuant to section 58(2) of the Act, be complied with by any racing club in respect of any on-course totalizator conducted by it (whether as a domestic totalizator or where bets are received as agent for TAB) for betting on a racing event or contingency at a racecourse in accordance with section 15 of the Act.

1.1.2 These rules:

- (a) only apply to TAB in so far as they relate to a totalizator conducted by TAB; and
- (b) do not apply to TAB to the extent the Minister approves, either under the Act or under the terms of TAB's off-course totalizator licence, that the rules of another entity conducting totalizator betting outside of New South Wales will apply.

1.1.3 Unless the context otherwise requires or, except to the extent the racing club's own rules made by the Minister under the Act specifically exclude these rules then references in these rules:

- (a) to TAB include a reference to a racing club conducting an on-course totalizator;
- (b) to the rights, powers, actions, determinations or obligations of TAB includes a reference to the rights, powers, actions, determinations or obligations of a racing club conducting an on-course totalizator; and
- (c) to an operator in a TAB outlet includes a reference to an operator at a racing club conducting a domestic totalizator.

1.1.4 Transactions conducted at or through a TAB outlet (including via a betting account) are subject where appropriate to the rules of racing, including the provisions in respect to the entry, acceptance, bracketing, withdrawal, or disqualification of persons, animals or teams or objects, to the running of races, the conduct of race meetings, to the powers of the stewards (including but not limited to the powers of stewards to request the disclosure of personal information pertaining to accounts or transactions) or any other tribunal, and to the procedures governing the operation of the totalizators.

1.1.5 If the stewards request the disclosure of personal information pertaining to accounts or transactions, the investor shall be deemed for the purposes of the

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Act to have consented to the TAB providing such personal information to the stewards.

1.2 Commencement

These rules commence on 13 December 2004 and replace those previously gazetted on 12 January 2004 (as amended).

1.3 Agreement to rules

Every person who makes a bet with TAB, or racing club conducting an on-course totalizator, is deemed to be acquainted with and agrees to be bound by these rules and the Act.

1.4 Powers of TAB and determination of matters

1.4.1 If in relation to a race or sports betting event, any circumstance should arise or event happen that is not provided for by these rules or the Act, the matter is to be dealt with in the manner as TAB, (or in the case of a domestic totalizator the committee or the stewards) may determine.

1.4.2 Subject to these rules, all decisions made by TAB concerning any race or sports betting event, including the declaration and payment of dividends and the interpretation of these rules, will be final and binding on all persons who make a bet on a totalizator and on every person making a claim under or in respect of these rules.

1.4.3 Subject to these rules, the decision of TAB on:

- (a) any question or dispute as to the amount of dividend or refund payable in respect of any bet; or
- (b) any question as to the genuineness of any betting ticket or any forgery, alteration of, or tampering with a betting ticket;

will be final and conclusive. A person may seek the advice or opinion of the Department of Gaming & Racing on any question or dispute decided upon by TAB under this rule.

1.4.4 A decision made under this clause by the committee of a racing club conducting a domestic totalizator (or by the stewards overseeing the relevant race meeting) into which bets are paid by another racing club is binding on the committee of that other racing club and the stewards overseeing its meeting.

1.5 Definitions

In these rules:

"aggregate amount" see clause 3.6.5;

"all-up bet" means a bet:

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- (a) made on the chance of winning a series of bets made on a series of win and place totalizators or other totalizators as determined by TAB; and
- (b) in which the amount of the bet in respect of the second or any subsequent totalizator is the amount of the dividend or refund (if any) on the previous totalizator;

"all-up betting record" means an all-up betting record established under clause 14.1;

"backed" means a bet has been made on the contestant, finisher or combination as the case may be;

"bad sale" means a bet not paid for after close of betting;

"betting account" see clause 2.9.2;

"betting ticket" or **"ticket"** see clause 2.6.2;

"betting voucher" see clause 2.10;

"cash bet" means a bet made, whether by means of cash, betting voucher or electronic funds transfer, by a person who attends at a TAB outlet or at a NSW racecourse where a domestic totalizator is conducted by a racing club;

"close of betting" means:

- (a) in relation to a race:
 - (i) the start of the race (being, in the case of a greyhound race, the start of the lure); or
 - (ii) such other time as TAB may direct in relation to a particular race or class of races or in relation to any particular circumstance or class of circumstances; and
- (b) in relation to a sports betting event:
 - (i) the start of the event; or
 - (ii) such other time as TAB may direct in relation to a particular event or class of events or in relation to any particular circumstance or class of circumstances;

"committee" means in relation to a race meeting, the committee of the racing club holding the race meeting;

"contestant" means in relation to a race, a horse or greyhound entered for the race at the opening of betting on the race, but does not include a horse or greyhound that is subsequently scratched from the race;

"contestant number" means the number allocated by TAB, or a racing club conducting a domestic totalizator, to a contestant in respect of a race and displayed on a notice at the TAB outlet or racecourse (as the case may be);

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"declaration of correct weight" includes:

- (a) the all clear signal in respect of a harness racing race; and
- (b) the payout signal in respect of a greyhound race;

"device bet" means a bet where the details of the bet are instructed by way of a device or electronic data transfer means including by:

- (a) use of a telephone and interactive voice recognition in PhoneTAB Express or by a telephone keypad in PhoneTAB Keypad; or
- (b) use of a computer and the internet in NetTAB or BetStream;

or by any other technology means approved by TAB from time to time;

"dividend pool" means the total moneys paid into the totalizator on any race or sports betting event:

- (a) less any money to be refunded to investors pursuant to these rules;
- (b) less commission deducted pursuant to Part 6 of the Act; and
- (c) after making any other adjustment required by the Act, or these rules;

"domestic totalizator" means an on-course totalizator which is conducted at a New South Wales racecourse by a racing club on an event where TAB does not conduct a totalizator in respect of the same event;

"double" means a combination of 2 races declared to be a double by an order under clause 11.1;

"doubles totalizator" means a totalizator for persons to bet on a double with a view to successfully predicting the contestants that will be placed first in the first and second legs of the double;

"exacta totalizator" means a totalizator for persons to bet on a race with a view to successfully predicting, in the correct order, the contestants that will place first and second in the race;

"event" includes a contingency;

"flexi bet" means a bet on a type of totalizator as set out in clause 2.5.2, where the amount of the investment on each combination covered by the bet is not equal to a unit of investment or a whole number multiple of the unit of investment;

"finisher" means in relation to a race, a starter that completes the race, but excludes a starter that is disqualified or declared a non-starter before the declaration of correct weight for the race;

"first 4 race" means a race declared to be a first 4 race by an order under clause 9.1;

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"first 4 totalizator" means a totalizator for persons to bet on a first 4 race with a view to successfully predicting, in the correct order, contestants that will place first, second, third and fourth in the race;

"golden superfecta race" means a race declared to be a golden superfecta race by an order under clause 10.1;

"investor" means a person who pays for and makes a bet which is accepted by TAB, or a racing club conducting an on-course totalizator;

"investment pool" means the total moneys paid into a trifecta, first 4 or superfecta totalizator less any money to be refunded to investors pursuant to these rules.

"jackpot race class" means one of the following:

- (a) NSW Metropolitan Race;
- (b) NSW Non-Metropolitan Race;
- (c) Non-NSW Metropolitan Race;
- (d) Non-NSW Non-Metropolitan Race;
- (e) a harness race held in New South Wales;
- (f) a harness race held outside New South Wales;
- (g) a greyhound race held in New South Wales; or
- (h) a greyhound race held outside New South Wales;

"late scratching" in relation to a race means a contestant declared a scratching after the deadline for scratchings prescribed by the controlling body or racing club responsible for the conduct of the relevant race meeting;

"manager" of a TAB outlet means:

- (a) if the TAB outlet forms part of licensed premises, the licensee of the premises within the meaning of the Liquor Act 1982; or
- (b) if the TAB outlet forms part of registered club premises, the secretary of the club within the meaning of the Registered Clubs Act 1976; or
- (c) in any other case, the person for the time being having the control or management of the TAB outlet;

"minimum dividend" means a minimum dividend in respect of a unit of investment bet on an event. The minimum dividend provisions are set out in Appendix 2 (Determination of Dividend – Minimum & Fractions) to these rules and may be amended by TAB from time to time;

"NSW Metropolitan Race" means a horse race held in New South Wales at one of the following racecourses:

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- (a) Royal Randwick;
- (b) Rosehill Gardens;
- (c) Warwick Farm; or
- (d) Canterbury Park;

"NSW Non-Metropolitan Race" means a horse race held in New South Wales which is not a NSW Metropolitan Race;

"Non-NSW Metropolitan Race" means a horse race held outside New South Wales at one of the following racecourses:

- (a) Flemington;
- (b) Caulfield;
- (c) Sandown;
- (d) Moonee Valley;
- (e) Eagle Farm;
- (f) Doomben;
- (g) Morphettville;
- (h) Cheltenham;
- (i) Victoria Park;
- (j) Ascot;
- (k) Belmont; or
- (l) Elwick;

"Non-NSW Non-Metropolitan Race" means a horse race held outside New South Wales which is not a Non-NSW Metropolitan Race;

"on-course totalizator" means an on-course totalizator conducted by a New South Wales racing club in accordance with section 15 of the Act in respect of betting on an event or contingency scheduled to be held at a race meeting on any racecourse whether in or outside Australia and includes a domestic totalizator;

"operator serviced terminal" means a totalizator selling device in a TAB outlet where the terminal is operated by a TAB operator on behalf of the person making the bet but excludes any selling device operating in self service mode;

"personal information" has the same meaning as in Section 6 of the Privacy Act 1988 (C'th);

"quadrella" means 4 races at the same race meeting that are declared to be a quadrella by an order under clause 13.1.

"quadrella totalizator" means a totalizator for persons to bet on a quadrella with a view to successfully predicting the contestants that will be placed first in the 4 races of the quadrella.

"quinella totalizator" means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, the contestants that will place first and second in the race;

"racing club" has the same meaning as in the Act;

"rules" means the rules for the conduct of totalizators as set out in this document and the appendices and as amended from time to time;

"rules of racing" means the rules of racing and rules of betting of the racing industry controlling bodies, as the case requires;

"self service terminal" means a totalizator selling device operated by the person making the bet at a TAB outlet without the assistance of a TAB operator;

"spinner totalizator" means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, whether the contestant numbers of the contestants that place first and second in the race, are both odd numbers, both even numbers or an odd number and an even number;

"sporting event rules" means the rules constituted by the controlling body or committee under whose authority the sports betting event is decided;

"sports betting event" means a competition or event between two or more contestants declared to be a sports betting event in accordance with section 14(1)(b) of the Act;

"starter" means a contestant who has started or been given the opportunity to start in a horse or greyhound race;

"stewards" means in relation to a race meeting:

- (a) the stewards appointed by:
 - (i) the racing club holding the race meeting; or
 - (ii) the district racing association; or
 - (iii) the NSW Thoroughbred Racing Board (Racing NSW); or
 - (iv) Harness Racing Authority; or
 - (v) Greyhound Racing Authority; or
- (b) the committee of the racing club holding the race meeting; or

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- (c) in the case of a greyhound race meeting such member, officer or employee of the Greyhound Racing Authority as is authorised by that Authority to act in the place of a steward at the race meeting;

"succeeding first 4 race" means, in relation to a first 4 race (**"initial first 4 race"**):

- (a) the next first 4 race (if any) conducted on the same day and at the same race meeting as the initial first 4 race; or if there is none,
- (b) the next first 4 race of the same jackpot race class as the initial first 4 race scheduled to occur on the next day on which there is a first 4 race of the same jackpot race class as the initial first 4 race;

"succeeding quadrella" means, in relation to a quadrella (**"initial quadrella"**) the next quadrella of the same jackpot race class as the initial quadrella scheduled to occur on the next day on which there is a quadrella of the same jackpot race class as the initial quadrella

"succeeding superfecta race" means, in relation to a superfecta race (**"initial superfecta race"**):

- (a) the next superfecta race (if any) conducted on the same day and at the same race meeting as the initial superfecta race; or if there is none,
- (b) the next superfecta race of the same jackpot race class as the initial superfecta race scheduled to occur on the next day on which there is a superfecta race of the same jackpot race class as the initial superfecta race;

"succeeding trifecta race" means, in relation to a trifecta race (**"initial trifecta race"**):

- (a) the next trifecta race (if any) conducted on the same day and at the same race meeting as the initial trifecta race; or if there is none,
- (b) the next trifecta race of the same jackpot race class as the initial trifecta race scheduled to occur on the next day on which there is a trifecta race of the same jackpot race class as the initial trifecta race;

"superfecta race" means a race declared to be a superfecta race by an order under clause 10.1;

"superfecta totalizator" means a totalizator for persons to bet on a superfecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second, third, fourth, fifth and sixth in the race;

"TAB" means TAB Limited constituted by the Totalizator Agency Board Privatisation Act 1997;

"TAB outlet" means an office, branch or agency of TAB at which bets in connection with a totalizator are received from the public. Where the context permits, an agency of TAB includes a New South Wales racecourse where bets in connection with an on-course totalizator are received by the racing club as agent for TAB pursuant to section

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17(3) of the Act (as the racing club and TAB are conducting a totalizator in respect of the same event or contingency);

"telephone bet" means a bet where the details of the bet are instructed by telephone to an operator at an approved TAB outlet;

"the Act" means the Totalizator Act 1997;

"trifecta race" means a race on which a trifecta totalizator is conducted;

"trifecta totalizator" means a totalizator for persons to bet on a trifecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second and third in the race;

"unit of investment" means the minimum amount that can be invested on a particular totalizator as set out in clause 2.4;

"USA racing event" - see clause 15.1.1;

"walkover" means a race comprising only one starter which is subsequently declared the first placed finisher in the race;

"win and place totalizator" means totalizators for persons to bet on a race with a view to successfully predicting:

- (a) the contestant that will place first in the race; or
- (b) a contestant that will place first, second or third in a 3 dividend race; or
- (c) a contestant that will place first or second in a 2 dividend race.

1.6 Interpretation

In these rules unless the contrary intention appears:

1.6.1 a reference to these rules includes any variation or replacement of them;

1.6.2 a reference to a statute or other law includes regulations and other instruments under it and any consolidations, amendments, re-enactments or replacements of it;

1.6.3 the singular includes the plural number and vice versa;

1.6.4 a reference to a gender includes a reference to each gender;

1.6.5 the word "person" includes a firm, corporation, body corporate, unincorporated association or a governmental authority;

1.6.6 a reference to a person includes a reference to the person's legal personal representatives, successors, liquidators, trustees in bankruptcy and the like, and permitted assigns;

1.6.7 "includes" means includes but without limitation;

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- 1.6.8 where a word or phrase is given a defined meaning in these rules, any other part of speech or grammatical form in respect of such word or phrase has a corresponding meaning;
- 1.6.9 a reference to an act includes an omission and a reference to doing an act includes executing a document; and
- 1.6.10 a heading is for reference only. It does not affect the meaning or interpretation of these rules.

2. INVESTMENTS

2.1 How to make a bet

A person may make a bet with TAB, or with a racing club conducting an on-course totalizator, in one of the following ways:

- 2.1.1 by using a provided entry form to supply to TAB, or the racing club, with details of the bet the person wishes to make; or
- 2.1.2 by asking TAB, or the racing club, to enter details of the bet into the TAB or racing club computer system; or
- 2.1.3 by a telephone bet; or
- 2.1.4 by a device bet; or
- 2.1.5 by using any other method approved by TAB.

2.2 Acceptance and payment for bets

A bet will be accepted by TAB, or by a racing club conducting an on-course totalizator, if the bet is made in accordance with these rules and payment is made in one of the following ways:

- 2.2.1 by the deposit of the amount of the bet in cash (including by electronic transfer) or by use of a betting voucher; or
- 2.2.2 by debit against funds held in the betting account of the person making the bet; or
- 2.2.3 by any other method approved by TAB.

2.3 Bets accepted after start of race or sports betting event

If for any reason including a system malfunction or human error, betting is not closed at the actual start of a race or sports betting event, any bet sold or accepted after the actual start of a race or sports betting event shall be void and the investor will only be entitled to a refund of the bet amount.

2.4 Amount of bets and minimum bet

Except in the case of flexi bets:

- 2.4.1 the minimum amount that may be invested on a totalizator in a bet is the relevant single unit of investment as set out for that totalizator type in the table in clause 2.4.2 or such other amount as TAB may determine from time to time; and
- 2.4.2 any greater amounts invested on a totalizator must be a multiple of the relevant single unit of investment for that totalizator type.

totalizator type	unit of investment
racings	\$0.50
sports betting events	\$1.00

2.5 Flexi bets

- 2.5.1 In the case of a flexi bet, the minimum amount that may be invested on a totalizator in a single bet is the greater of:
- (a) 1 cent for each combination covered by the bet; or
 - (b) \$5.00 or such other amount as TAB may determine from time to time.
- 2.5.2 Flexi bets are available on a triffecta totalizator, first 4 totalizator, superfecta totalizator, quadrella totalizator or any other totalizator as otherwise determined by TAB.
- 2.5.3 The amount invested on each combination covered by a flexi bet is determined by dividing the total amount of the flexi bet by the number of combinations covered by the flexi bet (with any fractions rounded down to the nearest ten-thousandth of a cent (ie. rounded down to four decimal places)).
- 2.5.4 Any amount resulting from rounding down the amount covered by a combination covered by a flexi bet to the nearest ten-thousandth of a cent forms part of the investment pool of the relevant totalizator upon which the flexi bet is made.

2.6 Cash bets

2.6.1 Method of making cash bets

- (a) A person who makes a cash bet must give details in the form as TAB (or the racing club conducting a domestic totalizator) may determine from time to time. This detail may include:
 - (i) the race meeting at which the race or races to which the bet relates will take place;
 - (ii) the number or numbers of the race or races to which the bet relates;
 - (iii) the contestant number or contestant numbers to which the bet relates;

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- (iv) the sports betting event to which the bet relates and the winning teams or final score;
 - (v) the amount of the bet;
 - (vi) the type of the bet; and
 - (vii) any additional information in relation to the bet as may be required by an operator whose function it is to accept the bet at the TAB outlet or at the racecourse on behalf of the racing club, so as to identify the particular bet being made.
- (b) If in the opinion of the manager of the TAB outlet the person making the cash bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, or the person is intoxicated, or indecent, violent or quarrelsome in their conduct as determined by the manager, the manager may direct:
- (i) that a cash bet not be accepted;
 - (ii) that a cash bet (if accepted) be cancelled and the amount of the bet be refunded; and/or
 - (iii) that the person be removed from the TAB outlet for the period determined by the manager (not extending beyond one day).

2.6.2 **Betting tickets to be issued for cash bets**

- (a) If a person makes a cash bet, then the TAB outlet or the racing club conducting the domestic totalizator (as the case may be) must, while the person is at the place where the bet is made in connection with the totalizator, issue a ticket to the person who made the cash bet ("**betting ticket**").
- (b) The betting ticket will show complete details of the bet in the form TAB, or the racing club, may determine from time to time.
- (c) The betting ticket acknowledges receipt by TAB, or the racing club, of the bet in relation to which the betting ticket is issued.
- (d) The betting ticket may be cancelled if the amount of the bet is not paid for immediately after the betting ticket is issued.

2.6.3 **Records of cash bets**

- (a) Notwithstanding any other provision of these rules (including the issue of a betting ticket), a cash bet is not taken to have been accepted at a TAB outlet, or the racing club conducting the domestic totalizator, unless a record of the bet has been entered into TAB's system in the manner as TAB may determine from time to time.

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- (b) TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of:
 - (i) any delay, failure, malfunction or breakdown in any part of the TAB system (whether mechanical or human) which prevented a cash bet from being made by entry onto the TAB system; or
 - (ii) a malfunction with a betting ticket printer where the cash bet was made and recorded into TAB's system and the betting ticket was not printed or was printed incorrectly.

2.6.4 Details on betting tickets

- (a) Subject to clause 2.6.3, the details recorded on a betting ticket issued by TAB, or the racing club conducting an on-course totalizator, are taken to be the details of the bet for which the betting ticket is issued, even if those details differ in any respect from the details given by the person making the bet.
- (b) It is the responsibility of the person making the bet to make sure details on the betting ticket are in accordance with the bet details requested by the person.

2.6.5 Cancellation for errors on betting tickets

- (a) A person who is issued with a betting ticket that the person claims is incorrect because it does not correctly reflect the details given by the person when the bet was made is only entitled:
 - (i) to have the ticket cancelled and a new ticket reissued at the TAB outlet or racing club conducting the domestic totalizator of issue, in accordance with the details given; or
 - (ii) to have the ticket cancelled and the amount of the bet refunded by the TAB outlet or the racing club conducting the domestic totalizator of issue;

where:

- (iii) the operator at the TAB outlet or racing club conducting the domestic totalizator who issued the ticket is satisfied that it is incorrect on the grounds so claimed; and
 - (iv) the person surrenders the ticket to the operator; and
 - (v) the claim to have the ticket cancelled and reissued or cancelled and the bet refunded is made within the time periods set out in clause 2.6.5(b); and
 - (vi) the bet was sold through an operator serviced terminal.
- (b) The claim to the entitlement under clause 2.6.5(a) may only be exercised by the person making the bet:

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- (i) at any time up until the actual start of the previous race on the meeting to which the bet relates; or
 - (ii) if the bet relates to the first race of a meeting, at any time up until 30 minutes prior to the advertised start of the race; or
 - (iii) when only selected events on a race meeting are covered, at any time up until 30 minutes prior to the advertised start of the race; or
 - (iv) when the previous race is abandoned, at any time up until the advertised start time of the previous race; or
 - (v) when a race is run out of order, at any time up until 30 minutes prior to the advertised start of the race; or
 - (vi) if a doubles bet, at any time up until the start of the race prior to the first leg of the double; or
 - (vii) if a quadrella bet, at any time up until the start of the race prior to the first race of the quadrella or if the quadrella involves the first race of the meeting covered by TAB, at any time up until 30 minutes prior to the advertised start of the race; or
 - (viii) for a bet sold on a sports betting event, at any time up until 30 minutes prior to the advertised close of betting on the totalizator; or
 - (ix) if the bet was sold after the time periods in paragraphs (i) to (viii) at any time within 2 minutes after the betting ticket is issued and before the close of betting for the race or sports betting event or after that time at any time during a period of grace for cancelling a bad sale as determined by the TAB from time to time; or
 - (x) at any other lesser time determined by TAB.
- (c) A betting ticket that is reissued under this clause 2.6.5 is taken, for the purposes of clause 2.6.4, to be the betting ticket for the bet for which the original betting ticket was issued.

2.7 Telephone bets

2.7.1 Method of making telephone bets

- (a) A telephone bet may only be made to a telephone number at a TAB outlet (which has been approved by TAB for the purpose of receiving telephone bets) in which the person making the bet clearly states:
 - (i) the number of the betting account against which the bet is to be debited and (if required by the TAB operator accepting the bet) the PIN code and password allocated to that account; and
 - (ii) the details specified in clause 2.6.1 in respect of the bet.

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- (b) If in the opinion of the manager of the TAB outlet the person making the telephone bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, as determined by the manager, the manager may direct:
 - (i) that a telephone bet not be accepted; or
 - (ii) that a telephone bet (if accepted) be cancelled and the amount of the bet be refunded; or
 - (iii) that a person's betting account be closed and any money standing to the credit of the account be refunded to the person.

2.7.2 Records of telephone bets

- (a) An operator at a TAB outlet who proposes to accept a telephone bet:
 - (i) must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made; and
 - (ii) must repeat the details of the bet to the person to enable the person to correct any errors in the details. If the person does not make any corrections or the person indicates that he or she does not wish to have them repeated, the person is taken to have confirmed as correct the bet details in the record of TAB.
- (b) A telephone bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.
- (c) The details of a telephone bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each telephone bet made to a TAB outlet must be sent to TAB.
- (e) In addition to the other requirements of this clause, the manager of a TAB outlet must ensure that all telephone bets are tape recorded and the tape recording sent to TAB.
- (f) TAB must retain the tape recording for a period of at least 28 days from the date of the race or sports betting event to which the bet relates or, if a claim with respect to the bet is made during that period, until the claim is finally determined.

2.7.3 Cancellation of telephone bets

If, before the close of betting and during the course of the same telephone call and before the making of any further bets, the person claims that the details of the telephone bet are not as specified by the person, the operator of the TAB outlet accepting the bet:

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- (a) must correct the record of the bet on TAB's system in accordance with the claim; or
- (b) if it is not practicable for that to be done before the close of betting, must reject and cancel the bet and refund the amount of the bet to the betting account.

2.7.4 Telephone system delays and failures

TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone system (whether mechanical or human) which enables a telephone bet to be made.

2.8 Device bets

2.8.1 Method of making device bets

- (a) A device bet may only be made to a TAB outlet (approved by TAB for the purpose of receiving device bets) in which the person making the bet clearly gives an instruction to TAB's system of:
 - (i) the number of the betting account against which the bet is to be debited and the PIN code and password allocated to that account; and
 - (ii) the details specified in clause 2.6.1 in respect of the bet.
- (b) If in the opinion of the manager of a TAB outlet the person's instructions are incomplete or unclear, the manager may direct:
 - (i) the device bet not be accepted; or
 - (ii) that a device bet (if accepted) be cancelled and the amount of the bet refunded.
- (c) If a person has been refused access to the means of making a device bet to TAB fixed odds betting, then TAB may refuse to accept a device bet from that person for a totalizator under these rules.
- (d) A device bet may be accepted at a TAB outlet even if any other bet to which the communication relates is not accepted.

2.8.2 Records of device bets

- (a) The TAB outlet that proposes to accept a device bet must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made.
- (b) A device bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.

- (c) The details of a device bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each device bet made to a TAB outlet must be sent to TAB.

2.8.3 Cancellation of device bets

A device bet may not be cancelled after acceptance of the bet by the TAB outlet.

2.8.4 Telephone and computer system delays and failures

TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone or computer system (whether mechanical or human) which enables a device bet to be made.

2.9 Betting accounts

2.9.1 Bets against funds in betting accounts

A person may only make a telephone or device bet against funds in a betting account, established by the person making the bet. The bet will not be accepted if the amount of the bet is greater than the amount of the cleared funds in the account.

2.9.2 Establishment of betting account

- (a) A person may apply to TAB, or a racing club conducting an on-course totalizator, for the establishment of an account ("**a betting account**").
- (b) An application:
 - (i) must specify the information, and be completed in the form and manner, as TAB, or racing club, may require; and
 - (ii) must be accompanied by:
 - (A) at least the approved minimum deposit which is to be credited to the account; or
 - (B) by a guarantee for not less than the approved minimum amount from a financial institution or other security acceptable to TAB, or the racing club, and which security is in accordance with arrangements approved by the Minister under the Act.
- (c) A deposit to a betting account made by way of cheque or otherwise will not be credited to the account until TAB, or the racing club, is satisfied that the deposit is cleared funds.

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- (d) A person who establishes a betting account will be notified by TAB, or the racing club of the betting account number, PIN code and password allocated to the account.
- (e) TAB, or the racing club, who receives a deposit for payment into a betting account must issue a receipt for the deposit to the person who made the deposit.

2.9.3 Instructions in relation to betting accounts

- (a) A person who has established a betting account may give instructions in the manner as TAB, or the racing club, may approve (including by telephone or by a device), relating to the application or disposal of any amount standing to the credit of the account.
- (b) TAB, or the racing club, must comply with any reasonable instruction given to it by a person under this clause.

2.9.4 Payment of TAB betting account guarantees

- (a) Subject to any other arrangements that may be agreed between TAB and the person establishing the betting account in relation to the enforcement of any security, if TAB sends a statement relating to a betting account to the last known address of the person who has lodged a guarantee from a financial institution with TAB in respect of the account, the person must within 14 days of the date of the statement pay to TAB any money due to TAB by the person from the operation of the account.
- (b) TAB may take action in terms of recovery under the guarantee from the financial institution as is necessary to recover any money that remains due after the expiration of the 14 day period.

2.9.5 Non-operation of TAB betting accounts and account fees

- (a) TAB may close any betting account that is not transacted on for a period exceeding 3 months and, in that event, may transfer any amount standing to the credit of the account to a dormant account operated by TAB. In this case TAB will notify the holder of the account at the last address known to TAB that the account has been closed.
- (b) TAB may reopen a betting account that has been closed under this clause and re-credit to the account any amount credited to a dormant account as a result of the closure of the account.
- (c) TAB may impose and debit any betting account with the following fees:
 - (i) dormant account keeping fee;
 - (ii) a claim investigation fee;
 - (iii) an account administration fee for deposits to betting accounts;

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- (iv) a service fee for deposits to betting accounts made through persons other than TAB outlets.

The fees will be as determined by TAB from time to time. TAB may waive any or all of the fees on a basis as it determines from time to time.

2.9.6 Credits to TAB betting accounts

- (a) If an amount has been incorrectly credited to a betting account or an incorrect amount has been credited to the account, TAB:
 - (i) may adjust the account to the extent necessary to rectify the incorrect credit; and
 - (ii) if, as a result of such adjustment, the account is in debit, may recover from the holder of the account as a debt due, the amount of the deficiency in the account.

2.10 Betting vouchers

2.10.1 TAB, or a racing club conducting an on-course totalizator, may issue betting vouchers and may authorise any other person to issue betting vouchers.

2.10.2 A betting voucher:

- (a) will be in the form as TAB, or the racing club, determines including:
 - (i) a gift certificate;
 - (ii) a stored value card or coupon for use in a self service terminal;
 - (iii) an on-course key ticket; or
 - (iv) any other similar or like instrument to any of the above; and
- (b) is valid for the period as is specified on the betting voucher provided that if no date is specified the voucher is valid for 12 months from the date of issue. Any unused value of a betting voucher after the expiry date for its validity will be retained by TAB and treated as unclaimed dividends; and
- (c) is to be regarded as cash equal to the value of the amount represented by the voucher.

2.10.3 Betting vouchers may be accepted at any TAB outlet:

- (a) for the making of cash bets; or
- (b) for the making of deposits to a betting account maintained with TAB.

2.11 Certificate as to records

2.11.1 TAB may issue a certificate in relation to a bet stating that the details of the bet as contained in a record kept or held by TAB are as specified in the certificate.

2.11.2 In any proceedings or dispute, a certificate under this clause is evidence as to the matters stated in the certificate.

2.12 Removal of certain persons from TAB outlets

The manager of a TAB outlet may direct a person to leave the TAB outlet if the manager is of the opinion that the person is creating a public annoyance. A direction has effect for the time (not extending beyond the day on which it is given) as the manager may specify in the direction.

2.13 Betting by minors

A person under the age of 18 years must not bet on a totalizator.

3. RESULTS, DIVIDENDS AND REFUNDS

3.1 Result of race or sports betting event

In these rules:

3.1.1 a reference to the contestant or finisher placed first, second, third, fourth, fifth or sixth in a race is a reference to the horse or greyhound declared by the stewards to be the first, second, third, fourth, fifth or sixth finisher in the race;

3.1.2 a reference to the winning team or final score for the relevant footyTAB totalizators is as set out in clause 16.2.

3.2 Payment of dividends

3.2.1 (a) A dividend or refund payable in respect of a bet will be available for collection or credited to the appropriate betting account as soon as is practicable after the race or sports betting event on which the bet was made.

(b) Immediately after the declaration of dividends, notice of the amounts will be exhibited in a place appointed for that purpose by TAB.

3.2.2 Where a totalizator is conducted by TAB, no dividend will be declared and paid except by order of TAB, in accordance with the decision of TAB as to the result of the race or event, and when TAB has ordered a dividend to be declared and paid on the race or event no investor on any other result on that race or event will be entitled to receive a dividend on that race or event.

3.2.3 TAB, or a racing club conducting a domestic totalizator (as the case may be), must not declare or pay a dividend on:

(a) a race or a combination of races except following a declaration of correct weight by the stewards; or

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- (b) a sports betting event except following the announcement of official or podium positions at the conclusion of the event by the relevant controlling body or committee under whose authority the event or contest is conducted.

3.2.4 TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by or as a result of any error in the declaration of correct weight by the stewards or the advice to TAB of the contestant numbers of the finishers in the race.

3.3 **Protests, objections and recontested events**

3.3.1 If a protest is lodged in accordance with the rules of racing before the declaration of correct weight in a race, a dividend for that race must not be declared or paid until the protest has been decided by the stewards. Before making a decision on a protest, the stewards (subject to the declaration of correct weight) may declare placings not affected by the protest. TAB, or a racing club conducting a domestic totalizator, may at its discretion make payment of dividends on the placings unaffected by the protest.

3.3.2 (a) If an objection or protest is lodged in accordance with the sporting event rules governing the sports betting event, TAB will declare the result based on the official or podium positions of the event as per the adjudication of the relevant controlling body or committee. Subsequent disqualification, promotion of contestants, or any other change is irrelevant for the purpose of determining the result of a bet on a sports betting event.

- (b) Should any sports betting event be recontested or replayed for any reason whatsoever, the replay will be treated as a separate event and will have no effect on the result of the original contest. TAB may, at its discretion treat the replay as a future contest.

3.4 **Calculation of dividends**

3.4.1 A dividend is calculated by TAB, or a racing club conducting a domestic totalizator, on a single unit of investment for the relevant totalizator. The dividend is calculated:

- (a) by dividing the relevant totalizator dividend pool (or part thereof where the pool is divided) by the number of units of investment on the successful winning contestant or combination. (For those totalizators where flexi bets are available, any amounts bet which are less than a single unit of investment are to be included in the calculation of the dividend payable on a single unit of investment by the division of the relevant totalizator dividend pool.)

- (b) having regard to any determinations made by TAB in respect of:

- (i) the commission deductions before distribution of the balance of the relevant pool as dividends to investors who select the winning contestant or combination; and

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- (ii) fractions and the rounding of any calculated amount of the dividend payable; and
- (iii) the minimum dividend provisions.

3.4.2 The dividend payable by TAB, or the racing club, in respect of a bet will bear the same proportion to the dividend declared in respect of a single unit of investment as the amount of the bet bears to a single unit of investment.

3.4.3 Subject to the clauses regarding where the winning combination is not backed to the equivalent of a unit of investment in clauses 8 (trifecta totalizator), 9 (first 4 totalizator), 10 (superfecta totalizator) and 13 (quadrella totalizator), the dividend calculated on a flexi bet will be the same proportion of the dividend declared for a unit of investment as the amount invested in the flexi bet on the relevant combination (as determined in accordance with clause 2.5 (Flexi bets)) bears to the single unit of investment.

3.5 Dividends and refunds to be paid on presentation of tickets

3.5.1 Where a betting ticket is issued for a cash bet under clause 2.6.2 (betting tickets to be issued for cash bets) a dividend or refund must not be paid except on presentation of a ticket unless otherwise approved by TAB, or the racing club conducting the domestic totalizator.

3.5.2 TAB, or a racing club, is not required to entertain a claim in respect of the short payment of a dividend or refund after the investor has left the payout window at the place where the dividend or refund was paid.

3.5.3 A ticket held in respect of a race or sports betting event that has been postponed to another date is invalid except only for the purpose of claiming a refund or as provided for in these rules.

3.5.4 A person may claim a dividend or refund for up to 12 months after the race or sports betting event on which the bet was made.

3.6 Payment of dividends, refunds and betting account balances

3.6.1 An amount to which a person is entitled:

- (a) as a dividend or refund for a cash bet made at a TAB outlet or made on a racecourse with a racing club conducting a domestic totalizator; or
- (b) as the credit balance of a betting account established by the person with TAB, or the racing club conducting an on-course totalizator, for the purpose of making telephone or device bets at a TAB outlet,

must, on application made by the person, be paid to the person in cash or by cheque.

3.6.2 The amount may be paid at a TAB outlet or at any other place as may be designated by TAB (or the racing club conducting a domestic totalizator) for that purpose, and may be paid at the times as TAB, or the racing club, may approve for the purpose.

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- 3.6.3 A dividend or refund to which a person is entitled in respect of a telephone or device bet that has been debited against a betting account must be paid to the person:
- (a) in accordance with any reasonable written instructions received from the person; or
 - (b) in the absence of any instructions, by payment into the person's betting account.
- 3.6.4 If TAB is in doubt as to the identity of the person to whom an amount is due (whether as a dividend, refund or balance of a betting account):
- (a) TAB may, in the case of presentation of a ticket for a cash bet, investigate whether the person whom presents the ticket either placed the bet or is acting with the authority of the person who placed the bet and TAB may require a statutory declaration in the form and containing the information it may require; and
 - (b) TAB may retain the amount and pay it to any person who establishes to TAB's satisfaction that he or she is the person to whom the amount is due; and
 - (c) TAB is relieved from all further liability in respect of an amount paid by it to a person under this clause 3.6.4.
- 3.6.5 If a dividend or a refund to which a person is entitled is for an amount of less than 5 cents:
- (a) where the person has established a betting account with TAB, the dividend or refund will be paid by TAB depositing the amount of that dividend or refund into the person's betting account; and
 - (b) where the person does not have a betting account with TAB:
 - (i) if the aggregate of all dividends or refunds to which the person is entitled on all betting tickets which that person presents for payment at the same time is 3 cents or more ("**aggregate amount**") the aggregate amount will be rounded up or down to the nearest 5 cents as determined by TAB and paid to the person in accordance with this clause 3.6; and
 - (ii) otherwise, the dividend or refund will be rounded down to zero.

3.7 Claims concerning dividends or refunds

- 3.7.1 Within 14 days after a person becomes entitled to a dividend or refund for a bet or within such further time as TAB may allow, the person may lodge a written claim with TAB, or the racing club conducting a domestic totalizator as applicable, to the effect that the amount of the entitlement as calculated by TAB, or the racing club, is less than the actual amount to which the person is entitled.

3.7.2 After investigating the claim, TAB, or the racing club as applicable:

- (a) must notify the claimant of its decision; and
- (b) may pay such dividend or refund to the claimant as to TAB, or the racing club, appears just and reasonable.

3.8 Claims concerning records of telephone bets

3.8.1 Within 14 days after making a telephone bet or within any further time as TAB may allow, a person may lodge a written claim with TAB to the effect:

- (a) that the details of the bet given by the person when making the bet were incorrectly recorded on entry into TAB's system; and
- (b) that the person has suffered loss as a result of the error.

3.8.2 If, after investigating the claim, TAB is satisfied:

- (a) that the claim is justified; and
- (b) that the error complained of was due to the negligence or wilful default of any officer, employee or agent of TAB;

TAB will make any appropriate alteration to the record and will pay such dividend or refund to the claimant as to TAB appears just and reasonable.

3.8.3 Any election by the claimant not to have the details of a telephone bet repeated, as referred to in clause 2.7.2, will be taken into account in TAB's investigation of the claim.

3.9 Lost, destroyed and stolen ticket claims

3.9.1 Claims for dividends or refunds in respect of lost, destroyed or stolen betting tickets must be lodged within 21 days of the respective race meeting or sports betting event unless the claimant can provide a reason to the satisfaction of TAB for the delay in lodging the claim. Claims may be lodged at any TAB outlet. Where a claim is made:

- (a) TAB may charge the claimant a claim investigation fee, as determined by TAB from time to time, to investigate the claim; and
- (b) a statutory declaration from the claimant in the form and containing the information as TAB requires must accompany the claim; and
- (c) the claim will not be investigated prior to the occurrence of the respective race or sports betting event and the ticket becoming dividend or refund bearing unless:
 - (i) the ticket investment value exceeds \$100.00; or
 - (ii) in the case of a claim for a stolen ticket, the claimant has reported the theft to the police; and

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- (d) the claimant will receive written acknowledgment of receipt of their claim within 21 days of the claim being received by TAB; and
- (e) TAB may stop payment on the ticket pending the outcome of its investigation.

3.9.2 Following investigation by TAB of the claim for the lost, destroyed or stolen betting ticket, if TAB is satisfied that the claimant is entitled to payment of a dividend or refund on the betting ticket then:

- (a) approved claims will be settled by way of issue of a betting voucher at a TAB outlet except for amounts greater than \$500.00, or at the request of the claimant, where payment will be made by way of a cheque in favour of the claimant and sent by mail; and
- (b) TAB will immediately record the cancellation of the ticket.

3.10 Information to accompany claims

A claim by a person under this clause 3 need not be investigated unless the claimant gives to TAB, or racing club conducting a domestic totalizator (as the case may be), the information, tickets and other documents as are in the claimant's possession, as may be necessary to facilitate investigation of the claim.

3.11 Review of decisions on a claim

3.11.1 A person who is dissatisfied with the TAB's or racing club's decision on a claim under this clause 3 may request TAB, or racing club, as applicable to review its decision.

3.11.2 TAB or racing club will deal with a request for review in the same way as if it were a claim, except that the person who deals with the request must not be:

- (a) the person who dealt with the original claim; or
- (b) a person who is under the supervision of the person who dealt with the original claim.

3.11.3 This clause does not authorise more than one request for review to be made in relation to any one claim.

4. RACING EVENT TOTALIZATORS - GENERAL RULES

4.1 Commission deduction

Money invested on a totalizator conducted by TAB, or a racing club, on one or more racing events will be subject to a commission deduction pursuant to Part 6 of the Act.

4.2 Refunds

4.2.1 Termination of totalizator pool

If any totalizator for a race event is terminated under these rules, the whole amount invested on the race must be refunded to the investors.

4.2.2 **Non-starters**

- (a) If:
 - (i) a contestant on which money has been invested does not become a starter in a race (including a re-run race); or
 - (ii) a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race);

the money invested on the contestant or the combination (as the case may be) must be refunded to the investors.

- (b) Subclause (a) applies unless:
 - (i) the money is invested on a doubles totalizator and clause 11.4 applies; or
 - (ii) the money is invested on a spinner totalizator and clause 12.2.7 applies; or
 - (iii) the money is invested on a quadrella totalizator and clause 13.3.4 applies; or
 - (iv) the money is invested on an all up bet and clause 14.2 applies.

4.2.3 **Abandonment, postpone, walkovers etc**

- (a) If a race is:
 - (i) abandoned; or
 - (ii) postponed until another day; or
 - (iii) declared a no-race; or
 - (iv) a walkover,

the whole amount invested on the race must be refunded to the investors.

- (b) Subclause (a) applies unless:
 - (i) clause 11 applies in respect of a doubles totalizator; or
 - (ii) clause 13 applies in respect of a quadrella totalizator.

4.2.4 **No contestant or combination backed**

If none of the contestants or combinations in respect of which dividends are payable are backed:

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- (a) in the case of win and place, quinella and exacta totalizators, the dividend pool must be refunded to the investors; and
- (b) in the case of doubles and spinner totalizators, the whole amount invested on the totalizator must be refunded to the investors.

4.3 **Application of minimum dividend provisions in certain cases**

TAB may determine from time to time that there is to be a minimum dividend for a racing event totalizator. If TAB has determined there will be a minimum dividend, the minimum dividend applies to all bets on a race totalizator unless a provision in Appendix 2 (Determination of Dividend – Minimums & Fractions) states that it does not apply in a particular case.

4.4 **Out of sequence races and re-runs of races**

4.4.1 If a race is run out of normal race number sequence or if a race is re-run, TAB, or the racing club conducting an on-course totalizator, may reopen the totalizator for the re-run.

4.4.2 The amount invested on the totalizator for the first run of the race must be dealt with in accordance with the result of the re-run or the out of sequence race.

4.5 **Declaration of Less than Three Placings**

For the purpose of Quinella and Exacta totalizators, if:

- (a) one winner only is declared; and
- (b) no second or third placing is declared,

the dividend pool shall be divided amongst the investors on the combination of the winner and any other contestant in the event irrespective of order.

5. **WIN AND PLACE TOTALIZATORS**

5.1 **Opening and termination of win and place totalizator pools**

5.1.1 The win pool of a win and place totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
- (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.

5.1.2 The place pool of a win and place totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 5; and
- (b) must be terminated if the number of contestants in the race falls below 5 at any time or if there are no finishers in the race.

5.2 Win pool dividends

5.2.1 Distribution of win pool dividend

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first in a race (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a win dividend pool.
- (b) The win dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the finisher that placed first in the race.

5.2.2 Dead-heat for first place

- (a) If there is a dead-heat for first place in the race:
 - (i) the win dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher; and
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.

5.3 Place pool 2 dividend races

5.3.1 Application of rule

- (a) This clause 5.3 applies if the number of entries in a race received at the deadline for scratchings prescribed by the controlling body or a race club responsible for the conduct of the relevant race meeting is less than 8.
- (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions in certain cases) and 5.5 (deficiency in place pool).

5.3.2 Distribution of place pool dividend for 2 dividend race

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first or second in a race (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a place dividend pool.
- (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 2 equal parts, of which:
 - (i) one part is to be divided among the investors on the first placed finisher in the race; and
 - (ii) the second part is to be divided among the investors on the second placed finisher in the race.

5.3.3 Unbacked winners or placegetters in a 2 dividend race

- (a) If the first placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the second placed finisher in the race.
- (b) If the second placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the first placed finisher in the race.

5.3.4 Dead-heat for first place in a 2 dividend race

- (a) If there is a dead-heat for first place in a 2 dividend race:
 - (i) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher; and
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) This clause 5.3.4 applies to a dead-heat for second place in a 2 dividend race in the event that the place dividend pool is to be divided among the investors on the second placed finisher in accordance with clause 5.3.3.

5.3.5 Dead-heat for second place in a 2 dividend race where first place is backed

If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 2 dividend race:

- (a) the place dividend pool is to be divided into 2 equal parts:
 - (i) one part is to be divided among the investors of the first placed finisher; and
 - (ii) the second part is to be divided into as many equal parts as there are backed finishers in the dead-heat for second place;
- (b) a part is allotted to each backed finisher that placed second in the race; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4 Place pool 3 dividend races**5.4.1 Application of rule**

- (a) This clause 5.4 applies if the number of entries in a race received at the deadline for scratchings prescribed by the controlling body or a race club responsible for the conduct of the relevant race meeting is 8 or more

- (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions) and 5.5 (deficiency in place pool).

5.4.2 **Distribution of place pool dividends for a 3 dividend race**

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first, second or third in a race (less any amounts deducted commission pursuant to Part 6 of the Act) is to be paid into a place dividend pool.
- (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 3 equal parts, of which:
 - (i) one part is to be divided among the investors on the first placed finisher; and
 - (ii) the second part is to be divided among the investors on the second placed finisher; and
 - (iii) the third part is to be divided among the investors on the third placed finisher.

5.4.3 **Unbacked winners or placegetters in a 3 dividend race**

If a first, second or third placed finisher is not backed:

- (a) the whole of the place dividend pool is to be divided into as many equal parts as there are backed finishers who place first, second or third; and
- (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4.4 **Dead-heat for first place between 2 finishers in a 3 dividend race**

- (a) If 2 finishers dead-heat for first place in a 3 dividend race and both are backed:
 - (i) two-thirds of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) each part is to be divided among the investors on each backed finisher in the dead-heat; and
 - (iii) one third of the place dividend pool is to be divided among the investors on the third placed finisher.
- (b) If 2 finishers dead-heat for first place in a 3 dividend race but 1 only is backed:
 - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and

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- (ii) one part is to be divided among the investors on the backed finisher in the dead-heat; and
 - (iii) the second part to be divided among the investors on the third placed finisher.
- (c) If 2 finishers dead-heat for first place in a 3 dividend race but neither is backed, the whole of the place dividend pool is to be divided among the investors on the third placed finisher.

5.4.5 Dead-heat for first place between 3 or more finishers in a 3 dividend race

If 3 or more finishers dead-heat for first place in a 3 dividend race:

- (a) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
- (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4.6 Dead-heat for second place in a 3 dividend race where first place is backed

- (a) If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 3 dividend race:
 - (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
 - (ii) two-thirds of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (iii) a part is allotted to each backed finisher in the dead-heat for second in the race; and
 - (iv) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) If 2 or more finishers dead-heat for second place but 1 only of those finishers is backed:
 - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the first placed finisher; and
 - (iii) the second part is to be divided amongst the investors on the backed second placed finisher in the dead-heat.

5.4.7 Dead-heat for third place in a 3 dividend race where first and second place are backed

- (a) If the first and second placed finishers are backed, and 2 or more backed finishers dead-heat for third place in a 3 dividend race:
 - (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
 - (ii) one third of the place dividend pool is to be divided among the investors on the second placed finisher;
 - (iii) one-third of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (iv) a part is allotted to each backed finisher in the dead-heat; and
 - (v) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) If 2 or more finishers dead-heat for third place but none of the finishers is backed:
 - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the first placed finisher; and
 - (iii) the second part is to be divided among the investors on the second placed finisher.

5.5 Deficiency in place pool

5.5.1 Dividend where deficiency in one part of place pool

- (a) If:
 - (i) the place dividend pool is divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend races); and
 - (ii) in not more than one part (in this clause referred to as the "**deficient part**") of the place dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
 - (iii) the amount of the deficiency is greater than the amount deducted as commission;

then, there must, before any dividend is declared, be deducted:

- (iv) from the part, other than the deficient part; or

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- (v) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

- (b) The amount so deducted is to be added to the deficient part so that, if the commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

5.5.2 Dividend where deficiency in 2 or more parts of place pool

- (a) If:

- (i) the place dividend pool has been divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend race); and

- (ii) in each of 2 or more parts (in this clause referred to as the "**deficient parts**") of the place dividend pool there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and

- (iii) the aggregate of the amounts of those deficiencies is greater than the amount deducted as commission,

then, there must, before any dividend is declared, be deducted:

- (iv) from the part, other than the deficient parts; or

- (v) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less the commission.

- (b) The amount so deducted is to be added to the deficient parts so that, if the commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

6. QUINELLA TOTALIZATORS

6.1 Opening and termination of quinella totalizator pool

6.1.1 A quinella totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and

- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are no finishers in the race.

6.2 **Quinella pool dividends**

6.2.1 **Distribution of quinella dividend**

- (a) Money invested on a quinella totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a quinella dividend pool.
- (b) The quinella dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in a race.

6.2.2 **Unbacked combinations**

- (a) If the winning quinella combination in clause 6.2.1(b) is not backed, the quinella dividend pool is to be divided among the investors on the combination comprising the first and third placed finisher in the race.
- (b) If neither of the combinations referred to in clauses 6.2.1(b) or 6.2.2(a) is backed the quinella dividend pool is to be divided among the investors on the combination comprising the second and third placed finisher in the race.
- (c) A quinella dividend payable under this clause 6 in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers are placed in the race.

6.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place, the quinella dividend pool is to be divided among the investors on the combination comprising those finishers.
- (b) If the combination referred to in clause 6.2.3(a) is not backed and there is no dead-heat for third place:
 - (i) the quinella dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on a combination comprising a finisher in the dead-heat for first place and the third placed finisher; and
 - (iii) the second part is to be divided among the investors on a combination comprising the other finisher in the dead-heat for first place and the third placed finisher.
- (c) If the combination referred to in clause 6.2.3(a) is not backed and there is a dead-heat for third place:
 - (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising a finisher in

the dead-heat for first place and a finisher in the dead-heat for third place; and

- (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part was allotted.
- (d) If 1 only of the combinations referred to in clause 6.2.3(b) or (c) is backed, the whole of the dividend pool is to be divided among the investors on that combination.

6.2.4 Dead-heat for first place between 3 or more finishers

- (a) If 3 or more finishers dead-heat for first place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

6.2.5 Dead-heat for second place

- (a) If 2 or more finishers dead-heat for second place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the first placed finisher and a finisher in the dead-heat for second place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination comprising the first placed finisher and a finisher in the dead-heat for second place is backed:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for second place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

6.2.6 Dead-heat for third place

- (a) If 2 or more finishers dead-heat for third place:

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- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the first placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on each combination to which the part is allotted.
- (b) If no combination comprising the first placed finisher and a finisher in the dead-heat for third place is backed:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the second placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) This clause 6.2.6 does not apply if there is a dead-heat for first place or if there are investors on the combination comprising the first placed finisher and the second placed finisher.

7. EXACTA TOTALIZATORS

7.1 Opening and termination of exacta totalizator pool

7.1.1 An exacta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
- (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.

7.2 Exacta pool dividends

7.2.1 Distribution of exacta dividend

- (a) Money invested on an exacta totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into an exacta dividend pool.
- (b) The exacta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in the race, in the correct order.

7.2.2 Unbacked combinations

- (a) If the winning exacta combination in clause 7.2.1(b) is not backed, the exacta dividend pool is to be divided among the investors on the

combination comprising the second and first placed finisher in the race in the correct order.

- (b) If neither of the combinations referred to in clauses 7.2.1(b) or 7.2.2(a) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the first and the third placed finisher in the race in the correct order.
- (c) If none of the combinations referred to in clauses 7.2.1(b), 7.2.2(a) or 7.2.2(b) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the third and first placed finisher in the race in the correct order.
- (d) If none of the combinations referred to in clauses 7.2.1(b), 7.2.2(a), 7.2.2(b) or 7.2.2(c) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the second and third placed finisher in the race in the correct order.
- (e) If none of the combinations referred to in clauses 7.2.1(b), 7.2.2(a), 7.2.2(b), 7.2.2(c) or 7.2.2(d) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the third and second placed finisher in the race in the correct order.

7.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising the finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination referred to in clause 7.2.3(a) is backed and there is no dead-heat for third place:
 - (i) the exacta dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on a combination comprising, in the correct order, a finisher in the dead-heat for first place and the third placed finisher; and
 - (iii) the second part is to be divided among the investors on a combination comprising, in the correct order, the other finisher in the dead-heat for first place and the third placed finisher.
- (c) If no combination referred to in clauses 7.2.3(a) or 7.2.3(b) is backed and there is no dead-heat for third place:
 - (i) the exacta dividend pool is to be divided into 2 equal parts; and

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- (ii) one part is to be divided among the investors on a combination comprising, in the correct order, the third place finisher and a finisher in the dead heat for first place; and
 - (iii) the second part is to be divided among the investors on a combination comprising, in the correct order, the third placed finisher and the other finisher in the dead heat for first place.
- (d) If no combination referred to in clause 7.2.3(a) is backed and there is a dead-heat for third place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for first place and a finisher in the dead heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (e) If no combination referred to in clauses 7.2.3(a) and 7.2.3(d) is backed and there is a dead heat for third place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for third place and a finisher in the dead heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

7.2.4 Dead-heat for first place between 3 or more finishers

- (a) If 3 or more finishers dead-heat for first place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

7.2.5 Dead-heat for second place

- (a) If 2 or more finishers dead-heat for second place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order,

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- the first placed finisher and a finisher in the dead-heat for second place; and
- (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination referred to in clause 7.2.5(a) is backed:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for second place and the first placed finisher; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) If the combinations referred to in clauses 7.2.5(a) and 7.2.5(b) are not backed:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead heat for second place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

7.2.6 **Dead-heat for third place**

- (a) If 2 or more finishers dead-heat for third place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If the combination referred to in clause 7.2.6(a) is not backed:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead-heat for third place and the first placed finisher; and
 - (ii) a part is allotted to each backed combination; and

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- (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) If the combinations referred to in clauses 7.2.6(a) and 7.2.6(b) are not backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the second placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (d) If the combinations referred to in clauses 7.2.6(a), 7.2.6(b) and 7.2.6(c) are not backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for third place and the second placed finisher; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (e) This clause 7.2.6 does not apply if there is a dead heat for first place or if there are investors on the combination comprising the first placed finisher and the second placed finisher in the correct order.

8. TRIFECTA TOTALIZATORS

8.1 Opening and termination of trifecta totalizator pool

8.1.1 A trifecta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are less than 2 finishers in the race.

8.2 Trifecta pool dividends

8.2.1 Investment pool, jackpot pool and trifecta dividend pool

- (a) All money invested on a trifecta totalizator is to be paid into an investment pool for that trifecta totalizator.
- (b) For each trifecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 8.2.2 or clause 8.2.7, are

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required to be carried forward to the jackpot pool of that trifecta totalizator.

- (c) For each trifecta totalizator there is to be a trifecta dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the trifecta totalizator under clause 8.2.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
 - (ii) any amount in the jackpot pool for that trifecta totalizator.

8.2.2 **Distribution of trifecta dividend**

- (a) If there are 3 or more finishers in a trifecta race, the trifecta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 3 placed finishers in the race in the correct order.
- (b) Where there are 2 finishers only in a trifecta race then:
 - (i) the jackpot pool for that trifecta race is carried forward to the jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race; and
 - (ii) the remainder of the trifecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2(b)(i) is to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other starter.

8.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and the third placed finisher in the correct order; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- (b) If 2 finishers dead-heat for first place and there is also a dead-heat for third place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the

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dead-heat for first place and one of the finishers in the dead-heat for third place in the correct order; and

- (ii) a part is allotted to each combination; and
- (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.4 **Dead-heat for first place between 3 or more finishers**

- (a) If 3 or more finishers dead-heat for first place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising 3 of the finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.5 **Dead-heat for second place**

- (a) If 2 or more finishers dead-heat for second place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher and 2 of the finishers in the dead-heat for second place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.6 **Dead-heat for third place**

- (a) If 2 or more finishers dead-heat for third place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher, the second placed finisher and one of the finishers in the dead-heat for third place; and
 - (ii) a part is allotted to each combination; and

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- (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

(b) This clause 8.2.6 does not apply if there is a dead-heat for first place.

8.2.7 **Winning combination not backed or not backed to equivalent of unit of investment**

Notwithstanding anything else in these rules, where the total of all amounts invested in a trifecta totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 8.2 ("**winning trifecta combination**") is less than a unit of investment for that trifecta totalizator or if a winning trifecta combination is not backed:

- (a) only the amount of the trifecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning trifecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the trifecta dividend pool which is to be distributed among the investors on the winning trifecta combination;

di is the total amount which would be distributed to investors on the winning trifecta combination under clause 8.2 if the total of all amounts invested in the trifecta totalizator on the winning trifecta combination was not less than a unit of investment for that trifecta totalizator so that this clause 8.2.7 did not apply;

ai is the total of all amounts (if any) invested in the trifecta totalizator on the winning trifecta combination; and

ui is the unit of investment for the trifecta totalizator; and

- (b) there is to be carried forward and paid into the trifecta dividend pool for the trifecta totalizator conducted on the succeeding trifecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the trifecta dividend pool for the trifecta totalizator conducted on the succeeding trifecta race;

di has the meaning given to that term in clause 8.2.7(a); and

da is the total amount of the trifecta dividend pool which is to be distributed among the investors on the winning trifecta combination as determined in accordance with clause 8.2.7(a).

9. FIRST 4 TOTALIZATORS

9.1 First 4 race

TAB may, by order in writing, declare a race to be a first 4 race.

9.2 Opening and termination of first 4 totalizators

9.2.1 A first 4 totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 4; and
- (b) must be terminated if the number of contestants in the race falls below 4 at any time or if there are less than 2 finishers in the race.

9.3 First 4 pool dividends

9.3.1 Investment pool, jackpot pool and first 4 dividend pool

- (a) All money invested on a first 4 totalizator is to be paid into an investment pool for that first 4 totalizator.
- (b) For each first 4 totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 9.3.2 or clause 9.3.4, are required to be carried forward to the jackpot pool of that first 4 totalizator.
- (c) For each first 4 totalizator there is to be a dividend pool into which is to be paid:
 - (i) money invested in the investment pool for the first 4 totalizator under clause 9.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
 - (ii) any amount in the jackpot pool for that first 4 totalizator.

9.3.2 Distribution of first 4 dividend pool

- (a) If there are 4 or more finishers in a first 4 race, the first 4 dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 4 placed finishers in the race in the correct order.
- (b) Where there are 2 or 3 finishers only in a first 4 race then:
 - (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and

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- (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2(b)(i) is to be divided among the investors as follows:
 - (1) where there are 3 finishers only, to be divided among the investors who select a combination comprising the first 3 placed finishers in the race in the correct order, together with any other starter;
 - (2) where there are 2 finishers only, to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other 2 starters.

9.3.3 Dead-heats

- (a) If 2 or more finishers in a first 4 race dead-heat for any of the first 4 places:
 - (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
 - (ii) the first 4 dividend pool is to be divided into as many equal parts as there are combinations in respect of which a dividend is to be distributed under clause 9.3.2; and
 - (iii) a part is allotted to each combination; and
 - (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4(a) or (b).

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

Notwithstanding anything else in these rules, where the total of all amounts invested in a first 4 totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 9.3 ("*winning first 4 combination*") is less than a unit of investment for that first 4 totalizator or if a winning first 4 combination is not backed:

- (a) only the amount of the first 4 dividend pool determined in accordance with the following formula will be distributed among the investors on the winning first 4 combination:

$$da = di \times \frac{ai}{ui}$$

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where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination;

di is the total amount which would be distributed to investors on the winning first 4 combination under clause 9.3 if the total of all amounts invested in the first 4 totalizator on the winning first 4 combination was not less than a unit of investment for that first 4 totalizator so that this clause 9.3.4 did not apply;

ai is the total of all amounts (if any) invested in the first 4 totalizator on the winning first 4 combination; and

ui is the unit of investment for the first 4 totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race;

di has the meaning given to that term in clause 9.3.4; and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination as determined in accordance with clause 9.3.4.

10. SUPERFECTA TOTALIZATORS

10.1 Superfecta and golden superfecta races

10.1.1 TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a race to be a superfecta race.

10.1.2 TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare any superfecta race to be a golden superfecta race.

10.2 Opening and termination of superfecta totalizator pool

10.2.1 A superfecta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 6; and
- (b) must be terminated if the number of contestants in the race falls below 6 at any time or if there are less than 4 finishers in the race.

10.3 Superfecta pool dividends

10.3.1 Investment pool, jackpot pool and superfecta dividend pool

- (a) All money invested on a superfecta totalizator is to be paid into an investment pool for that superfecta totalizator.
- (b) Except in the case of a superfecta totalizator conducted on a golden superfecta race, an amount equal to 10% of the money invested on the superfecta totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be carried forward to a jackpot pool for the succeeding superfecta race.
- (c) For each superfecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 10.3.1(b), clause 10.3.2, clause 10.3.3 or clause 10.3.5, are required to be carried forward to the jackpot pool of that superfecta totalizator.
- (d) For each superfecta totalizator there is to be a superfecta dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the superfecta totalizator under clause 10.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act and any amount which, under clause 10.3.1(b), is required to be carried forward to a jackpot pool for the succeeding superfecta race); and
 - (ii) any amount in the jackpot pool for that superfecta totalizator.

10.3.2 Distribution of superfecta dividend

- (a) If there are 6 or more finishers in a superfecta race (other than a golden superfecta race), the superfecta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 6 placed finishers in the race in the correct order.
- (b) If there are 6 or more finishers in a golden superfecta race, the superfecta dividend pool is (except to the extent otherwise provided in these rules):
 - (i) to be divided among the investors who select the combination comprising the first 6 placed finishers in the race in the correct order; or
 - (ii) to be paid into the golden superfecta dividend pool for that golden superfecta race if no investor selected the combination comprising the first 6 placed finishers in the race in the correct order and clause 10.3.3 applies.
- (c) Where there are 4 or 5 finishers only in a superfecta race (other than a golden superfecta race) then:

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- (i) the jackpot pool for that superfecta race is carried forward to the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race; and
 - (ii) the remainder of the superfecta dividend pool after carrying forward the jackpot pool in accordance with clause 10.3.2(c)(i) is to be divided among the investors as follows:
 - (1) where there are 5 finishers only, to be divided among the investors who select a combination comprising the first 5 placed finishers in the race in the correct order, together with any other starter;
 - (2) where there are 4 finishers only, to be divided among the investors who select a combination comprising the first 4 placed finishers in the race in the correct order, together with any other 2 starters.
- (d) Where there are 4 or 5 finishers only in a golden superfecta race then:
- (i) the jackpot pool for that golden superfecta race is carried forward to the jackpot pool for the superfecta totalizator conducted on the next golden superfecta race declared by TAB; and
 - (ii) the remainder of the superfecta dividend pool after carrying forward the jackpot pool in accordance with clause 10.3.2(i) is to be divided among the investors as follows:
 - (1) where there are 5 finishers only, to be divided among the investors who select a combination comprising the first 5 placed finishers in the race in the correct order, together with any other starter;
 - (2) where there are 4 finishers only, to be divided among the investors who select a combination comprising the first 4 placed finishers in the race in the correct order, together with any other 2 starters.

10.3.3 Golden superfecta dividend

- (a) For each golden superfecta race there is to be a golden superfecta dividend pool into which is to be paid any amount required to be paid into the pool pursuant to clause 10.3.2(b).
- (b) The amount contained in the golden superfecta dividend pool is to be paid to the first of the following combinations on which a bet is made:
 - (i) to the investors who have selected the first 5 placed finishers in correct order, together with any other starter; or
 - (ii) to the investors who have selected the first 4 placed finishers in correct order, together with any other 2 starters; or

- (iii) to the investors who have selected the first 6 placed finishers in any order;
- (c) If no investor has selected the finishers for a combination in clause 10.3.3(b), the golden superfecta dividend pool is to be paid into the jackpot pool for the superfecta totalizator conducted on the next golden superfecta race declared by TAB.

10.3.4 **Dead-heats**

- (a) If 2 or more finishers in a superfecta or golden superfecta race dead-heat for any of the first 6 places:
 - (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
 - (ii) the superfecta dividend pool or golden superfecta dividend pool is to be divided into as many equal parts as there are relevant winning combinations; and
 - (iii) a part is allotted to each combination; and
 - (iv) for each backed combination the part is to be divided among the investors on that relevant winning combination to which the part is allotted; and
 - (v) for each unbacked combination the part is to be carried forward in accordance with clause 10.3.5(a) or (b).
- (b) In clause 10.3.4(a), "relevant winning combination" means:
 - (i) where the dividend is to be distributed under clause 10.3.3(b)(iii), one of two or more combinations of finishers (that is combinations of finishers selected in any order), so that the investors in any one such combination would (if that combination was the only such combination) be entitled to the distribution of a dividend under clause 10.3.2 or clause 10.3.3; or
 - (ii) except as provided in paragraph (i), a combination in respect of which a dividend is to be distributed under clause 10.3.2 or clause 10.3.3.

10.3.5 **Winning combination not backed or not backed to equivalent of unit of investment**

- (a) Notwithstanding anything else in these rules, where the total of all amounts invested in a superfecta totalizator conducted on a superfecta race (which is not a golden superfecta race) on a combination in respect of which a dividend is to be distributed among investors under this clause 10.3 ("*winning superfecta combination*") is less than a unit of

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investment for that superfecta totalizator or if a winning superfecta combination is not backed:

- (i) only the amount of the superfecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning superfecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the superfecta dividend pool which is to be distributed among the investors on the winning superfecta combination;

di is the total amount which would be distributed to investors on the winning superfecta combination under clause 10.3 if the total of all amounts invested in the superfecta totalizator on the winning superfecta combination was not less than a unit of investment for that superfecta totalizator so that this clause 10.3.5 did not apply;

ai is the total of all amounts (if any) invested in the superfecta totalizator on the winning superfecta combination; and

ui is the unit of investment for the superfecta totalizator; and

- (ii) there is to be carried forward and paid into the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race;

di and *da* have the meaning given to those terms in clause 10.3.5(a)(i); and

- (b) Notwithstanding anything else in these rules, where in a superfecta totalizator conducted on a golden superfecta race there are no investments on a combination in respect of which a dividend is to be distributed among investors under this clause 10.3, the total amount which would be distributed to investors on that combination under this clause 10.3 is to be carried forward and paid into the jackpot pool for the superfecta totalizator conducted on a subsequent golden superfecta race declared by TAB.

11. DOUBLES TOTALIZATORS

11.1 Doubles Races

TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a combination of 2 races to be a double.

11.2 Opening of doubles totalizator pool

A doubles totalizator must not be opened to accept bets if the number of contestants in either or both legs of the double is less than 2.

11.3 Doubles pool dividends

11.3.1 Distribution of doubles dividend

- (a) Money invested on a doubles totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a doubles dividend pool.
- (b) The doubles dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who have selected the first of the following combinations on which a bet is made:
 - (i) first leg winner with second leg winner;
 - (ii) first leg winner with second leg second;
 - (iii) first leg winner with second leg third;
 - (iv) first leg second with second leg winner;
 - (v) first leg second with second leg second;
 - (vi) first leg second with second leg third;
 - (vii) first leg third with second leg winner;
 - (viii) first leg third with second leg second;
 - (ix) first leg third with second leg third.
- (c) In this clause 11, "winner" means first placed finisher and "second" or "third" means the second or third placed finisher respectively.

11.3.2 Dead-heats

- (a) If, as a result of a dead-heat in any race to which the double relates, investors on 2 or more combinations of finishers become entitled to a dividend:
 - (i) the doubles dividend pool is to be divided into as many equal parts as there are backed combinations; and

- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part is allotted.

11.3.3 Non-starters in second leg

- (a) If an investment is made on a combination of the winner of the first leg with a non-starter in the second leg, there is to be paid out of the doubles dividend pool, in respect of each unit of investment, a dividend determined by dividing the doubles dividend pool by the total number of units of investment on any combinations that include the winner in the first leg.
- (b) If after making a payment under clause 11.3.3(a) subsequently no investor selects the winner of the first leg with the winner of the second leg in accordance with clause 11.3.1(b)(i) or any of the subsequent order of payments under clause 11.3.1(b)(ii) to (ix) inclusive, the remainder of the doubles dividend pool will be distributed equally between any investor selecting the first leg winner with any second leg starter.
- (c) If the winner in the first leg runs in a dead-heat, the dividend is to be determined:
 - (i) by first dividing the dividend pool by the number of backed combinations involved in the dead-heat and treating each part so created as a separate entity for the remainder of the dividend process; and
 - (ii) by dividing each sub-pool so created by the total number of units of investment on any combinations that include the winner in the first leg.
- (d) This clause 11.3.3 applies to:
 - (i) combinations that include the second placed contestant in the first leg with a non-starter in the second leg, in cases where the winner of the first leg has not been taken in any combination; and
 - (ii) combinations that include the third placed contestant in the first leg with a non-starter in the second leg, in cases where neither the winner nor the second placed finisher of the first leg has been taken in any combination.
- (e) Clauses 11.3.1 and 11.3.2 apply to the doubles dividend pool after deduction of any dividends payable under this clause 11.3.3 to investors on combinations that include a non-starter in the second leg.

11.3.4 Second leg abandoned or postponed

- (a) If a second leg is abandoned or postponed to another date, the doubles dividend pool is to be divided among the investors on the winner of the first leg.

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- (b) If there are no investors on the winner, the doubles dividend pool is to be divided among the investors on the second placed finisher.
- (c) If there are no investors on either the winner or the second placed finisher, the doubles dividend pool is to be divided among the investors on the third placed finisher.
- (d) If, as the result of a dead-heat, investors on 2 or more placed finishers become entitled to a dividend under this clause 11.3.4:
 - (i) the doubles dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher;
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.

11.4 Transfers to win pools and refunds

11.4.1 First leg non-starter

- (a) Any money invested on a combination of a non-starter in the first leg with any contestant in the second leg must either:
 - (i) if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the second leg, be refunded to the investor; or
 - (ii) if the money is not so refunded:
 - (A) be transferred to the win pool of any win and place totalizator operating on the second leg; and
 - (B) be invested on the contestant selected in the second leg into the win pool.

11.4.2 First leg abandoned or postponed

- (a) If, before the running of the second leg, a first leg is abandoned or postponed to another date, any investment on the double must either:
 - (i) if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the second leg, be refunded to the investor; or
 - (ii) if the investment is not so refunded:
 - (A) be transferred to the win pool of any win and place totalizator operating on the second leg; and
 - (B) be invested on the contestant selected in the second leg.

- (b) If, after the running of the second leg, a first leg is abandoned or postponed to another date, any investments on the double must be refunded to the investors.

11.4.3 **Second leg abandoned or postponed**

- (a) If a second leg is abandoned or postponed to another date, any investment on the double must, if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the first leg, be refunded to the investor.
- (b) If a second leg is abandoned or postponed to another date and there are no investors entitled under clause 11.3 to a dividend on the results of the first leg, the amount invested on the double must be refunded to the investors.

11.4.4 **Second leg non-starter**

Any money invested on a combination of a contestant in the first leg with a non-starter in the second leg must, if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the first leg, be refunded to the investor.

11.4.5 **Re-run of races or first leg run after second leg**

If, by order of the stewards, either leg of a double is re-run or the first leg is run after the starting time of the second leg, the money invested on the totalizator must:

- (a) in the case of money invested on a combination in which a contestant in the first leg is withdrawn and the first leg is run, or re-run, after the running of the second leg be refunded to the investors; or
- (b) in any other case be distributed by way of dividend in accordance with these rules.

12. **SPINNER TOTALIZATORS**

12.1 **Opening and termination of spinner totalizator**

A spinner totalizator:

- 12.1.1 must not be opened for a race if there is either less than two contestants with odd contestant numbers or less than two contestants with even contestant numbers; and
- 12.1.2 must be terminated if the number of contestants falls below two contestants with odd contestants numbers or two contestants with even contestant numbers or if there are less than 2 finishers in the race.

12.2 Spinner pool dividends

12.2.1 Distribution of dividend

- (a) Money invested on a spinner totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a spinner dividend pool.
- (b) The spinner dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors correctly selecting the contingency (the "*winning spinner contingency*") that the combination of contestant numbers of the first and second placed finishers in the race:
 - (i) are both odd numbers (the "*odds contingency*");
 - (ii) are both even numbers (the "*evens contingency*"); or
 - (iii) are an even number and an odd number (the "*mixed contingency*").
- (c) A dividend payable under this clause 12 in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers are placed in the race.

12.2.2 Dead-heat for first place between 2 finishers

If 2 finishers dead-heat for first place, the spinner dividend pool is to be divided among the investors on the winning spinner contingency comprising the combination of the contestant numbers of those 2 finishers.

12.2.3 Dead-heat for first place between 3 or more finishers

- (a) If 3 or more finishers dead-heat for first place:
 - (i) the spinner dividend pool is to be divided into as many parts as there are winning spinner contingencies comprising a combination of the contestant numbers of those finishers in the dead-heat for first place;
 - (ii) the relevant part is to be allotted to the winning spinner contingency; and
 - (iii) each part is to be divided among the investors on the winning spinner contingency to which the part is allotted.
- (b) Where the spinner dividend pool is divided into parts under this clause 12.2.3, those parts will be divided so as to bear the same proportion to the pool as the number of winning spinner contingencies of that type bears to the total number of winning spinner contingencies.

12.2.4 Dead-heat for first place between 4 or more finishers with all 3 winning contingencies successful

Notwithstanding clause 12.2.3, where 4 or more finishers dead-heat for first place and there are all 3 winning spinner contingencies amongst the combinations of the contestant numbers of 2 of those finishers then, the dividend for each winning spinner contingency will be equal to the unit of investment bet by the investors.

12.2.5 Dead-heat for second place

- (a) If 2 or more finishers dead-heat for second place:
- (i) the spinner dividend pool is to be divided into as many parts as there are winning spinner contingencies comprising a combination of the contestant number of the first place finisher with any of the contestant numbers of the finishers in the dead-heat for second place; and
 - (ii) the relevant part is to be allotted to the winning spinner contingency; and
 - (iii) each part is to be divided among the investors on the winning spinner contingency to which the part was allotted.
- (b) Where the spinner dividend pool is divided into parts under this clause 12.2.5, those parts will be divided so as to bear the same proportion to the pool as the number of winning spinner contingencies of that type bears to the total number of winning spinner contingencies.

12.2.6 Dividend where deficiency in one part of Spinner pool

- (a) If:
- (i) the spinner dividend pool has been divided in accordance with clause 12.2.3 or 12.2.5 into two parts; and
 - (ii) in one part (in this clause referred to as the "deficient part") of the spinner dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
 - (iii) the amount of the deficiency is greater than the amount deducted as commission.

then there must, before any dividend is declared, be deducted from the part, other than the deficient part, an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

- (b) The amount so deducted is to be added to the deficient part.

12.2.7 Non-starters

Subject to clause 12.1.2 if a contestant does not become a starter in a race (including a re-run race), no money invested on an evens, odds or mixed contingency of a combination of contestant numbers which would have included that contestant if it were a starter, will be refunded to the investor.

12.2.8 Cessation of session

TAB, or a racing club conducting a domestic totalizator, will accept investments to the spinner totalizator for a multiple of "next to go" races, only to the extent that races in the "next to go" sequence form part of the TAB's or domestic totalizator scheduled session of daily races. The investor is not entitled to place investments to the spinner totalizator for races in the "next to go" sequence which do not form part of the scheduled session.

13. QUADRELLA TOTALIZATOR

13.1 Quadrella

TAB may, by order in writing, declare a combination of 4 races at a race meeting to be a quadrella.

13.2 Opening and termination of quadrella totalizator pool

A quadrella totalizator must not be opened to accept bets if the number of contestants in any race of the quadrella is less than 2.

13.3 Quadrella pool dividends

13.3.1 Investment pool, jackpot pool and quadrella dividend pool

- (a) All money invested on a quadrella totalizator is to be paid into an investment pool for that quadrella totalizator.
- (b) For each quadrella totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 13.3.6, are required to be carried forward to the jackpot pool of that quadrella totalizator.
- (c) For each quadrella totalizator there is to be a dividend pool into which is to be paid:
 - (i) money invested in the investment pool for the quadrella totalizator under clause 13.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
 - (ii) any amount in the jackpot pool for that quadrella totalizator.

13.3.2 Distribution of quadrella dividend pool

The quadrella dividend pool is to be divided among the investors who select the combination comprising the first placed finishers in the 4 races of the quadrella.

13.3.3 Dead Heats

- (a) If, as a result of a dead heat in any race to which the quadrella relates, investors on 2 or more combinations of finishers become entitled to a dividend:
 - (i) the quadrella dividend pool is to be divided into as many equal parts as there are combinations; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is carried forward in accordance with clause 13.3.6(a) or (b).

13.3.4 Non-starters and substitutes

- (a) Any money invested on a combination in a quadrella which includes a non-starter in any race of the quadrella must either:
 - (i) if the relevant ticket is presented to TAB before investments have ceased to be accepted on the first race of the quadrella, be refunded to the investor; or
 - (ii) if the money is not so refunded be invested in accordance with subclause (b).
- (b) If a contestant selected in a bet on a quadrella does not become a starter in a race (including a re-run race) the bet is deemed to be invested on a substitute selection as determined under subclause (c).
- (c) Where TAB receives quadrella bets on a contestant that is a non-starter in any race in a quadrella, the quadrella bets made on that non-starter will be deemed to be invested on the contestant in that same race ("**the substitute**") which has the greatest amount of money invested on it on TAB's win totalizator pool.
- (d) The substitute will be declared by TAB when the win dividend is declared payable on the race.
- (e) Where two or more contestants have equal win investments under the rule in clause 13.3.4(c), the contestant with the lower contestant number will be deemed to be the substitute selection for that race.
- (f) For the purposes of this clause 13.3.4, any determination made by TAB as to the contestant to be substituted for a contestant which is a non-starter in a race in a quadrella will be final and conclusive.

13.3.5 Races abandoned or postponed

- (a) Where any race in a quadrella is abandoned, postponed until another day, declared a no-race or is a walkover, all selections on that race will be deemed to be first placed finishers and the quadrella dividend pool will be divided on that basis.
- (b) Where all races in the quadrella are abandoned or postponed until another day, all bets will be refunded.
- (c) If a race is run out of normal race sequence, the amount invested on the quadrella totalizator will be dealt with in accordance with the result of the out of sequence run race and the dividend distributed in accordance with these rules.

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

Notwithstanding anything else in these rules, where the total of all amounts invested in a quadrella totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 13.3 ("**winning quadrella combination**") is less than a unit of investment for that quadrella totalizator or if a winning quadrella combination is not backed:

- (a) only the amount of the quadrella dividend pool determined in accordance with the following formula will be distributed among the investors on the winning quadrella combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning quadrella combination;

di is the total amount which would be distributed to investors on the winning quadrella combination under clause 13.3 if the total of all amounts invested in the quadrella totalizator on the winning quadrella combination was not less than a unit of investment for that quadrella totalizator so that this clause 13.3.6 did not apply;

ai is the total of all amounts (if any) invested in the quadrella totalizator on the winning quadrella combination; and

ui is the unit of investment for the quadrella totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the quadrella totalizator conducted on the succeeding quadrella race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the jackpot pool for the quadrella totalizator conducted on the succeeding quadrella race;

di has the meaning given to that term in clause 13.3.6; and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning quadrella combination as determined in accordance with clause 13.3.6.

14. ALL-UP BETTING

14.1 Establishment of all-up betting records

On the request of a person, TAB, or on-course totalizator, may establish an all-up betting record to enable the person to make all-up cash bets, telephone bets or device bets.

14.2 Races to which all-up bets relate

14.2.1 An all-up bet may be made in respect of:

- (a) races on which a win and place totalizator is operating; or
- (b) any other race totalizators as determined by TAB from time to time.

14.2.2 The maximum number of races in respect of which any one all-up bet may be made is to be as determined by TAB, or racing club conducting an on-course totalizator as applicable.

14.2.3 TAB, or racing club (as applicable) may limit the races in respect of which any one all-up bet may be made to races at the same race meeting or in any other manner as they may determine.

14.3 Dividends and refunds on all-up bets

14.3.1 Money to the credit of an all-up betting record must be transmitted to the win and place totalizator (or other class of totalizator on which the bet is required) for the next race to which the all-up bet relates.

14.3.2 Any dividend or refund for an all-up bet must be collected by TAB, or racing club, and credited to the all-up betting record for the bet.

14.3.3 After a dividend is paid in accordance with these rules on the second or any subsequent race or event to which an all-up bet relates, the amount to be credited to the all-up betting record for the bet is to be calculated as follows:

$$A = \frac{CxD}{U}$$

where:

"A" represents the amount to be credited;

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"C" represents the amount credited to the all-up betting record in respect of the previous race to which the all-up bet relates;

"D" represents the dividend declared for the minimum unit of investment in respect of the second or subsequent race;

"U" represents the minimum bet for that race.

14.3.4 In calculating the amount to be credited pursuant to clause 14.3.3 to an all-up betting record:

- (a) fractions of cents will be disregarded; and
- (b) minimum dividend provisions apply to the calculation of the amount to be credited in the same way as they apply to the calculated amount referred to in those provisions.

14.3.5 The balance standing to the credit of an all-up betting record after the last race to which the all-up bet relates:

- (a) in the case of an all-up cash betting record, must be paid to the person concerned as if the bet were a cash bet; or
- (b) in the case of an all-up telephone or device betting record, must be paid into the betting account of the person concerned.

14.3.6 Any money that is paid as a dividend or refund in accordance with the Act, and that remains unallocated after the calculation of the amounts payable under this clause 14.3, is to be allocated in accordance with Part 6 of the Act.

14.4 Races postponed or run out of sequence

In the event that a race to which an all-up bet relates is postponed or is run out of the sequence, TAB, or racing club conducting an on-course totalizator, must treat the race for the purposes of the all-up bet as an abandoned race.

15. WAGERING ON USA RACING EVENTS

15.1 Application

15.1.1 This clause 15 applies to totalizators conducted by TAB on events scheduled to be held at a race meeting on any racecourse in the United States of America ("**a USA racing event**") and does not apply to any totalizator conducted by TAB on any other event.

15.1.2 In relation to any totalizator conduct by TAB on a USA racing event, this clause 15 prevails over any other provision of these rules to the extent of any inconsistency.

15.2 Definitions for USA racing events

In this clause 15:

"coupled entry" means a single wagering interest involving 2 or more contestants entered in the same USA racing event and joined for TAB totalizator betting purposes either:

- (a) because of common ties as to ownership or training; or
- (b) as a field entry in circumstances where TAB has not exercised its discretion under clause 15.3.3 to ignore field entries,

so that a wager on 1 contestant joined in a coupled entry is a wager on all contestants joined in the same coupled entry on the basis set out in these rules;

"field entry" means two or more horses coupled for the purposes of USA totalizator betting on a USA racing event as a result of the number of contestants (counting for this purpose horses in a coupled entry as a result of common ties as to ownership or training as a single contestant) exceeding the stated capacity of the relevant USA totalizator;

"official USA order of finish" means that when satisfied that the order of finish is correct, that all timely objections have been addressed, and that the race has been properly run in accordance with the rules and regulations of the applicable authority, the stewards will order that the official USA order of finish be confirmed and the official sign posted for the race;

"single wagering interest" means any one contestant in a race, or two or more contestants bracketed as a single TAB totalizator number as for a coupled entry;

"timely objections" means a claim of interference or other foul by a jockey, driver, trainer or owner of a horse who has reasonable grounds to believe that his or her horse was interfered with or impeded or otherwise hindered during the running of the race, or that any riding or driving rule was violated by any other jockey, driver or horse during the running of the race. Such objections must be made immediately with the clerk of scales, the stewards or their delegate before official USA order of finish has been declared. The stewards may thereupon hold an inquiry into the running of the race.

15.3 Declaration of placings

15.3.1 In this clause 15 a reference to the first, second, third, fourth, fifth or sixth placed finisher in a race is a reference to the contestant declared by stewards in the official USA order of finish to be the first, second, third, fourth, fifth or sixth placed finisher in the race except as provided for in a race where field entries apply.

15.3.2 If more than one contestant in a coupled entry is placed or dead-heats in a USA racing event, only the highest placed finisher of the contestants in that coupled entry will be counted as a placing for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA racing event.

- 15.3.3 TAB at its discretion may ignore field entries and treat each contestant in field entries as a separate TAB totalizator betting contingency.
- 15.3.4 Except where field entries are required, the decision of the stewards as to the official USA order of finish is final for TAB betting purposes. Where field entries apply, TAB may subject to clause 15.3.2, declare dividends based on the actual finishing order across the line.
- 15.3.5 No rulings of the stewards or controlling body regarding the order of finish or any award of prize money after the result of the race has been declared official will affect TAB totalizator payout.
- 15.3.6 The scratching or withdrawal of one or more contestants from a coupled entry will have no effect on any wagers made on a coupled entry provided that at least one contestant in the coupled entry is declared a starter in the race.

15.4 **Bracketed contestants**

- 15.4.1 This clause 15.4 applies to win and place, quinella, exacta, trifecta, doubles and spinner totalizators conducted on USA racing events.
- 15.4.2 If there are contestants in a coupled entry in a USA racing event, TAB may create a sufficient number of brackets to cause each of the couplings to constitute a single totalizator number.
- 15.4.3 For the purpose of apportionment of dividends, a placegetter identified on the totalizator by a bracket number as a result of a coupled entry, is to be treated as a single wagering interest.
- 15.4.4 In a USA racing event to which clause 15.4.2 applies, where two or more finishers in the coupled entry are placed or dead-heat, they are to be treated as a single finisher and only the highest placed finisher of the contestants in that coupled entry is to be counted for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA Racing Event.

16. **FOOTYTAB**

16.1 **Commission deduction**

Money invested on a totalizator conducted by TAB on one or more sports betting events will be subject to a commission deduction pursuant to Part 6 of the Act.

16.2 **Definitions for footyTAB**

In this clause 16:

"away team" means the team named as printed on the right-hand column of the ticket or list of matches;

"final score" means the number of points scored by each team at the conclusion of a match, and will take into account any extra time played to negate a draw;

"forfeit" means the term applied to an individual or team failing to either compete in or complete the contest;

"game" means a match or a schedule of matches nominated by TAB for the purpose of investments and which is known as either "Pick The Winners FootyTAB", "Pick The Margins FootyTAB", "Pick The Score FootyTAB", "Pick The Margins SoccerTAB" or "Pick The Team FootyTAB";

"home team" means the team named as printed on the left-hand column of the ticket or list of matches;

"match" means a contest between two sporting teams where one is designated the home team and the other the away team;

"pick the margins footyTAB" consists of a schedule of matches in which up to seven possible margins between the number of points scored by the two teams in each match are offered;

"pick the margins soccerTAB" consists of a schedule of matches in which five possible margins between the number of points scored by the two teams in each match are offered;

"pick the score footyTAB" consists of a match in which final score options are offered;

"pick the team footyTAB" consists of teams involved in a specified competition from which win options are offered;

"pick the winners footyTAB" consists of a schedule of matches in which one team in each match is allotted a points start;

"points" will also mean goals where the word "goals" is used to describe the scoring in any particular sport;

"points start" means the number to be added to the team's final score for the purposes of assessing the winning team;

"winning margin" means the difference between the number of points scored by the two teams in a match;

"winning team" - means:

- (a) in respect of Pick The Winners FootyTAB the team acquiring the higher number of points after the addition of the points start to the number of points scored in each match; or
- (b) in respect of Pick The Margins FootyTAB, the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (c) in respect of Pick The Score FootyTAB, the team acquiring the higher number of points scored in each match; or
- (d) in respect of Pick The Margins SoccerTAB, the team, or teams in the case of a drawn result, with the winning margin in each match; or

- (e) in respect of Pick The Team FootyTAB, the team deemed to be the winner of the competition according to the rules of that competition.

16.3 Games, investments, refunds and results

- 16.3.1 The object of the game is to select the winning teams in each of the matches which are included in that game or in the case of "Pick The Score FootyTAB", to select the final score for the home team and away team respectively.
- 16.3.2 To invest on the game, the investor is required to forecast the result of each of the matches in that game, marking each forecast on an entry form so that the minimum number of forecasts made by an investor corresponds with the number of matches in the game or in the case of "Pick the Score FootyTAB", a minimum of one final score.
- 16.3.3 TAB may include in any game the matches it considers appropriate.
- 16.3.4 TAB may appoint any persons it deems necessary to assess the points start and winning margins to be allotted for the purposes of the games.
- 16.3.5 (a) Where a match is abandoned or postponed to another date, the result of the game will be declared and the dividend calculated on those matches completed; provided however that if a match is subsequently completed prior to midnight on the Tuesday after the date on which the match was originally scheduled, then the result of the game may be declared on that day.
- (b) A game will be terminated and refunds will be made to all investors where:
- (i) all the matches in the game are abandoned or postponed to another date; or
- (ii) less than three matches in the game are completed prior to midnight on the Tuesday after the dates on which they were originally scheduled.
- 16.3.6 In the event of one of the teams in a match forfeiting the match, the opposing team will be deemed the winning team encompassing all of the winning margins offered for that team. In the case of "Pick The Score FootyTAB" investors will be eligible for a refund in accordance with these rules.
- 16.3.7 Subject to this clause 16, the relevant dividend pool for the game is to be divided among those investors selecting the winning team in all matches in the game or in the case of "Pick The Score FootyTAB", the final score.
- 16.3.8 In the event no investor selects the winning team in all matches in "Pick The Winners FootyTAB", the dividend pool will be divided among investors who select the most number of winning matches in the game.
- 16.3.9 In the event no investor selects the winning team in all matches in "Pick The Margins FootyTAB" or "Pick The Margins SoccerTAB", the relevant dividend pool will continue to carry forward to the next round of betting until:

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- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
- (b) TAB determines a schedule of matches to be the last of the season whereby payout may be divided among those investors selecting the most number of winning matches in the game.

16.3.10 In the event no investor selects the final score, not being a drawn match, in respect of "Pick The Score FootyTAB," the dividend pool will be divided among investors in the following order of priority:-

- (a) Investors selecting the winning team's score and the losing team's score plus or minus one point.
- (b) Investors selecting the winning team's score plus or minus one point and the losing team's score.
- (c) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus one point.
- (d) Investors selecting the winning team's score and the losing team's score plus or minus two points.
- (e) Investors selecting the winning team's score plus or minus two points and the losing team's score.
- (f) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus two points.
- (g) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus one point.
- (h) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus two points.
- (i) Investors selecting the winning team's score and the losing team's score plus or minus three points.
- (j) Investors selecting the winning team's score plus or minus three points and the losing team's score.
- (k) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus three points.
- (l) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus three points.
- (m) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus one point.
- (n) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus two points.

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- (o) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus three points.
- (p) Investors selecting the winning team's score and any score for the losing team.
- (q) Investors selecting any score for the winning team and the losing team's score.
- (r) Investors selecting any score for either team.

16.3.11 In the event no investor selects the final score of a drawn match in respect of "Pick The Score FootyTAB", the dividend pool will be divided among investors in the following order of priority:

- (a) Investors selecting a drawn result being the home team's score plus or minus one point and the away team's score plus or minus one point.
- (b) Investors selecting a drawn result being the home team's score plus or minus two points and the away team's score plus or minus two points.
- (c) Investors selecting a drawn result being the home team's score plus or minus three points and the away team's score plus or minus three points.
- (d) Investors selecting the home team's score and the away team's score plus or minus one point.
- (e) Investors selecting the home team's score plus or minus one point and the away team's score.
- (f) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus one point, not being a drawn result selection.
- (g) Investors selecting the home team's score and the away team's score plus or minus two points.
- (h) Investors selecting the home team's score plus or minus two points and the away team's score.
- (i) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus two points.
- (j) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus one point.
- (k) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus two points, not being a drawn result selection.
- (l) Investors selecting the home team's score and the away team's score plus or minus three points.

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- (m) Investors selecting the home team's score plus or minus three points and the away team's score.
- (n) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus three points.
- (o) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus three points.
- (p) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus one point.
- (q) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus two points.
- (r) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus three points, not being a drawn result selection.
- (s) Investors selecting the home team's score and any score for the away team.
- (t) Investors selecting any score for the home team and the away team's score.
- (u) Investors selecting any score for either team.

16.3.12 Subsection (3) of the minimum dividend provisions set out in Appendix 2 does not apply in respect to dividends under these rules for sports betting events.

- 16.3.13(a) In the event of any match extending into extra time in accordance with the rules governing the particular contest, TAB will take into account any points scored during that period for the purposes of determining the result of the match.
- (b) TAB will not take into account any points scored during a penalty shoot out for the purposes of determining the result of the match.

16.3.14 In the event of any match being replayed for any reason clause 3.3.2(b) applies.

APPENDIX 1 - COMMISSION DEDUCTIONS**Distribution of Investments**

Distribution of money invested in totalizators conducted by the TAB in respect of race meetings and sports betting events.

- (1) If any money is placed in a totalizator conducted by the TAB in respect of any event or contingency, the TAB:
 - (a) must first deduct from that money any sums refundable to investors, or transferable to another type of totalizator, in accordance with Rules made under the Totalizator Act 1997 so far as they are applicable to the TAB, and
 - (b) on the happening of that event or contingency, must distribute the balance as follows:
 - (i) an amount equal to the relevant percentage of the balance must be distributed as commission,
 - (ii) the remainder of the balance must be paid as dividends.
- (2) The relevant percentage of the balance, (as determined by TAB from time to time in accordance with the Totalizator Act 1997, Part 6, Section 69 Commission on Totalizator Betting) that must be deducted as commission is set out in Attachment A to these rules.

APPENDIX 2 - DETERMINATION OF DIVIDEND - MINIMUMS & FRACTIONS

- (1) In this section:

"the calculated amount", in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections (3), (5) and (6), be payable by way of dividend in respect of that event or contingency;

"the payable dividend", in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.

- (2) Subject to subsections (3) and (5), the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any adjustment required to be made by subsection (6), be the payable dividend in relation to that event or contingency.

- (3) Subject to subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is:

- (a) equal to or less than the unit of investment for that event or contingency; or
- (b) more than that unit but less than the sum of that unit and 5 cents,

the payable dividend shall be an amount equal to one hundred and four per centum of that unit ("**minimum dividend**").

- (4) Subsection (3) does not apply:

- (a) to an event or contingency in circumstances where:
 - (i) 2 or more starters fill a place (including first place) in the event or contingency; and
 - (ii) a pool or part of a pool (ascertained in respect of that place in accordance with this Act, the regulations or the rules) is required to be divided among the starters filling that place; or

- (b) if as a result of subsection (3) the dividend payable on a further contingency or contingencies would also be subject to subsection (3) and the total amount of dividends payable would exceed the total amount paid into the pool (less any amounts refundable); or

- (c) to a win and place, quinella, exacta, trifecta, doubles and spinner totalizator if the total amount of the dividends payable in accordance with the rules for that type of totalizator would exceed the total amount paid into the totalizator (less any amounts refundable to investors and, in the case of a doubles totalizator, less any amounts which are transferable to the win pool of a win and place totalizator); or

- (d) to the place pool of a win and place totalizator:

- (i) if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.3 of the rules (place pool 2

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dividend race) is more than 50% of the sum of the place pool and any amount deducted as commission; or

- (ii) if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.4 of the rules (place pool 3 dividend race) is more than 40% of the sum of the place pool and any amount deducted as commission; or
- (e) where the Rules provide that subsection (3) of the minimum dividend provisions does not apply.
- (5) In any circumstances referred to in subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is less than the unit of investment for that event or contingency, the payable dividend in respect of that event or contingency shall be an amount equal to that unit.
- (6) If, had this subsection not been enacted, the calculated amount would have been, by reason of the operation of subsection (2), the payable dividend in relation to any event or contingency, then:
- (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or
- (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the rules under this Act, and the calculated amount shall be adjusted accordingly.

TABLE

First Column	Second Column
Less than 5	Nil
5 or more but less than 10	5
10 or more but less than 15	10
15 or more but less than 20	15
20 or more but less than 25	20
25 or more but less than 30	25
30 or more but less than 35	30
35 or more but less than 40	35
40 or more but less than 45	40
45 or more but less than 50	45
50 or more but less than 55	50
55 or more but less than 60	55
60 or more but less than 65	60
65 or more but less than 70	65
70 or more but less than 75	70
75 or more but less than 80	75
80 or more but less than 85	80
85 or more but less than 90	85
90 or more but less than 95	90

95 or more

95

- (7) Where, by reason of subsection (3) (paragraph (a) excepted), (5) or (6):
- (a) any roundings remaining unpaid, in accordance with 75 (4) of the Act, 19.11% of those amounts shall within 7 days after the happening of the relevant event or contingency be paid to the Minister to be carried to the Consolidated Fund; or
 - (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency, the deficiency shall be paid by TAB.
- (8) Where by reason of subsection (3) (paragraph (b) excepted) there is insufficient money for payment of the dividends in respect of the event or contingency in respect of which a totalizator was used, the deficiency shall be paid by TAB.

APPENDIX 3 - BAD SALES**Determination under clause 2.6.5(b)(ix)**

Adjustment for late cancellation of bets (bad sales) made in accordance with rule 2.6.5 "Cancellation for errors on betting tickets" actioned after close of betting and transmission of final collations to TAB and up to the declaration of "all clear" or "correct weight", will be accepted on the condition that such bad sales are not less than the following amounts for any one bet:

Win and Place & Spinner - \$200.00

Quinella, Exacta & Doubles - \$ 50.00

Trifecta, First 4, Superfecta, Quadrella & FootyTAB – No Limit

Attachment A
Commission Deductions as at 12 January 2004

(a) Commission Deductions – Race-Meetings

Percentage of Investment									
Win totalizator or TABODDS (Win Fixed Odds Wagering) totalizator	Place totalizator	Quinella totalizator	Exacta totalizator	Doubles totalizator	Trifecta totalizator	First 4	Superfecta totalizator	Spinner	Quadrella
14.50	14.25	14.75	18	18	20	22.5	20	14	20

**(b) Commission Deduction - events other than Race-Meetings
(Sporting Contests Rules)**

Percentage of Investment			
FootyTAB		SoccerTAB	
25		25	

Note: This attachment is attached to the rules for convenient reference and whilst referred to in Appendix 1 of the rules does not form part of the rules for the conduct of totalizators and may be amended by TAB in accordance with the *Totalizator Act 1997*.

TENDERS**Department of Commerce****SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE**

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BEGA VALLEY SHIRE COUNCIL

Roads Act 1993

Dedication of Land as Public Road

NOTICE is hereby given by the Bega Valley Shire Council pursuant to section 10 of the Roads Act 1993, that the land described in the Schedule below is hereby dedicated as public road. D. G. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega NSW 2550.

SCHEDULE

Lot 1, Deposited Plan 1051909. [0893]

INVERELL SHIRE COUNCIL

Fixing of Levels

Notice is hereby given that levels of Avern Street – Brown Street to Rose Street, as shown on plans exhibited at Council's Office and as advertised in the Inverell Times on 29th October 2004, have been duly approved and fixed by the authority delegated to me under section 378 of the Local Government Act 1993, as amended, in accordance with such plans, on 5th December 2004. P. J. HENRY, General Manager, Inverell Shire Council, Administrative Centre, 144 Otho Street, Inverell NSW 2360. [0884]

LEETON SHIRE COUNCIL

Local Government Act 1993, Section 553

Extension of Water Mains

Notice is hereby given pursuant to section 553 of the Local Government Act 1993, that Leeton Shire Council's water mains have been extended to service the lands described hereunder:

- (a) Lillypilly Road – 980m from Lot 849, DP 704388 to Lot 3, DP 864714;
- (b) Karri Road – 300m from Lot 3, DP 871761 to Lot 2, DP 746101;
- (c) Cassia Road – 1200m from Lot 1, DP 716012 to Lot 196, DP 751742;
- (d) Lonnie Road – 840m from Lot 297, DP 751742 to Lot 496, DP 751742; 380m from Lot 1, DP 1019446 to Lot 5, DP 1003433;
- (e) Dempsey Road – 380m from Lot 776, DP 45511 to Lot 277, DP 751745;
- (f) Brobenah Road – 110m from Lot 12, DP 880483 to Lot 2, DP 843712;
- (g) Fivebough Road – 300m from Lot 638, DP 704408 to Lot 2, DP 1056420;
- (h) Petersham Road – Grevillia Street to Fivebough Road;
- (i) Almond Road – 940m from Lot 1, DP 211, 802 to Lot 3, DP 1, 035,065;
- (j) Subdivisions – Nobel Park,
Nardi,
Karri Stage 3,
Letona,
Sportsview,
Vance Industrial Estate Stage 2.

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of twenty one (21) days after the publication of this notice, or the date of connection of the properties to the water main whichever is the earlier date. R. C. PLUIS, General Manager, Leeton Shire Council, 23-25 Chelmsford Place, Leeton NSW 2705. [0882]

RANDWICK CITY COUNCIL

New Streets Names for the Bundock Street Development
Randwick

PURSUANT to the provisions of section 9 of the Roads (General) Regulation 2000, Randwick City Council has adopted the following names for the Bundock Street Development, being the area bounded by Bundock Street, Avoca Street, Holmes Street and Henning Avenue, to be named Banburaang Street, Budjan Street, Burragulung Street, Djirama Street, Dooligah Avenue, Galu Avenue, Gumara Street, Hennegar Street, Joongah Street, Marida Street, Muggadaang Street, Munda Street, Nagun Street and Namuraag Street.

Council adheres to the guidelines for naming roads as established by the Geographical Names Board of NSW. On this occasion, Aboriginal names were adopted as the preferred source. These names were offered by local Aboriginal elders as representative of the flora and fauna commonly found in the eastern suburbs. RAY BROWNLEE, General Manager, Randwick City Council, 30 Francis Street, Randwick NSW 2031. [0890]

SUTHERLAND SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 1994

Naming of Unnamed Lanes at Heathcote and Sylvania

Notice is hereby given that Sutherland Shire Council, has pursuant to Division 2 of the Roads (General) Regulation, notified the proponents by way of advertisement and written correspondence, for a period not less than one (1) month, of the intention to name the following unnamed lanes:

- Name an unnamed lane that runs south west between 24 and 26 Oliver Street, Heathcote to Oliver Lane, Heathcote.
- Name an unnamed lane that runs north east between 19 Oliver Street, Heathcote and 27 Rosebery, Heathcote to Lyne Lane, Heathcote.
- Name an unnamed lane that runs north east between 35 and 37 Oliver Street, Heathcote through to Mirrabook Place, Heathcote to Spring Lane, Heathcote.
- Name an unnamed lane that runs north east between 5 and 7 Whitton Street, Heathcote to Dibbs Lane, Heathcote.
- Name an unnamed lane that runs east between 18 and 20-22 Forest Road, Heathcote through to Jacana Grove, Heathcote to Bluegum Lane, Heathcote.
- Name an unnamed lane that runs east between 40 and 42 Forest Road, Heathcote through to Jacana Grove, Heathcote to Ironbark Lane, Heathcote.

- Name an unnamed lane that runs South between 104 Holt Road and 266 Princes Highway, Sylvania to Rice Lane, Sylvania.

Having received no objection after giving due consideration to all submissions, Council has resolved to proceed with the road naming effective from 29th November 2004. J. W. RAYNER, General Manager, Sutherland Shire Council, PO Box 17, Sutherland NSW 1499. [0883]

WOLLONDILLY SHIRE COUNCIL

Naming of Roads – Camden Park

AT Councils ordinary meeting on Monday, 15th November 2004, Council approved the names Ruwald Place, Riding Lane, Reedy Terrace and Balzer Street for the new public roads in the Bridgewater Estate. If you require further information please contact Council's Land Information Officer on 4677 1127. G. FISHER, Acting General Manager, 62-64 Menangle Street, Picton NSW 2571. [0881]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELSIE MAY WESTLAKE, late of Frank Whiddon Masonic Homes, 81 Belmont Road, Glenfield, in the State of New South Wales, widowed, who died on 31st August 2004, must send particulars of his/her claim to the executrix, Jeanette Fay Westlake, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executrix has notice. Probate was granted in New South Wales on 15th November 2004. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170. [0887]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAURICE HENRY GRIFFIN, late of 4 Romeo Close, Dural, in the State of New South Wales, who died on 14th August 2004, must send particulars of their claim to the executors, Lynette Elizabeth Clagnan and Evelyn Marie Griffin, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington NSW 2033, within one (1) calendar month from publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 17th November 2004. SIMPSON & CO., Solicitors, 103A Anzac Parade, Kensington NSW 2033 (PO Box 340, Kensington 1465), tel.: (02) 9662 4381. [0891]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of WALLACE HANCOCK GRICE, late of 31 Bennett Street, West Ryde, who died on 2nd October 2004, must send particulars of his claim to the administrator, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from publication of this notice. After that time the administrator may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Letters of Administration was granted in New South Wales on 30th November 2004. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114. [0892]

COMPANY NOTICES

NOTICE of voluntary winding up.—NEW PARK ESTATE PTY LIMITED, ACN 000 181 144.—The following special resolution was passed at an extraordinary general meeting of New Park Estate Pty Limited, held at 1st Floor, 25 Bolton Street, Newcastle, on the 26th November 2004, "That pursuant to section 491(1) of the Corporations Act 2001, the company be voluntarily wound up and that David Carpenter be appointed liquidator for the purpose of the winding up". DAVID CARPENTER, Liquidator, c.o. Cutcher & Neale, Chartered Accountants, The Bolton Building, 25 Bolton Street (PO Box 694), Newcastle NSW 2300, tel.: (02) 4928 8500. [0888]

NOTICE of special meeting.—NEWTOWN AND ENMORE STARR-BOWKETT BUILDING CO-OPERATIVE SOCIETY No. 21 LIMITED (in voluntary liquidation).—Notice is hereby given that a special meeting of the abovementioned Society will be held at the Society's Office, 43 Enmore Road, Newtown, on Thursday, 6th January 2005, at 11:00 a.m., for the purpose of having an account laid before it showing the manner in which the winding up has been conducted and the property of the Society disposed of and of hearing any explanation which may be given by the liquidator. Dated at Newtown this 7th day of December 2004. M. EMERY, Liquidator, c.o. Newtown and Enmore Starr-Bowkett Building Co-operative Societies Limited, 43 Enmore Road (PO Box 395), Newtown NSW 2042, tel.: (02) 9557 1898. [0889]

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ROBERT J. GALLAGHER, Government Printer.