



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 132**  
**Friday, 28 October 2005**

Published under authority by Government Advertising and Information

## **LEGISLATION**

### **Assents to Acts**

#### **ACTS OF PARLIAMENT ASSENTED TO**

Legislative Assembly Office, Sydney, 19 October 2005

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. 68 2005 - An Act to amend the Real Property Act 1900, the Conveyancing Act 1919, the Local Government Act 1993 and Acts relating to strata titles to make miscellaneous provisions concerning real property; and for other purposes. [Property Legislation Amendment Bill]

Act No. 69 2005 - An Act with respect to security interests in goods; and for other purposes. [Security Interests in Goods Bill]

Act No. 70 2005 - An Act to amend the Local Government Act 1993 to allow councils to make and levy annual charges for the provision of stormwater management services; and for other purposes. [Local Government Amendment (Stormwater) Bill]

Act No. 71 2005 - An Act to amend the Standard Time Act 1987 to enable the daylight saving period to be prescribed by regulation and to extend this period by one week in the year 2006; and for other purposes. [Standard Time Amendment (Daylight Saving) Bill]

Act No. 72 2005 - An Act to amend the Luna Park Site Act 1990 with respect to noise emissions from the Luna Park site. [Luna Park Site Amendment (Noise Control) Bill]

Legislative Assembly Office, Sydney, 20 October 2005

Act No. 73 2005 - An Act to amend the Confiscation of Proceeds of Crime Act 1989, the Civil Liability Act 2002, the Crimes Act 1900 and the Forfeiture Act 1995 with respect to the seizure and restraint of property connected with criminal activity, the supervision of damages paid to offenders suffering from mental illness, money laundering offences and the application of the forfeiture rule to persons found not guilty of murder by reason of mental illness; and for other purposes. [Confiscation of Proceeds of Crime Amendment Bill]

Russell D. Grove PSM  
Clerk of the Legislative Assembly

# Proclamations



New South Wales

## Proclamation

under the

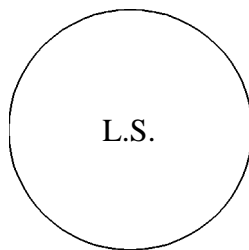
### Confiscation of Proceeds of Crime Amendment Act 2005

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 *Confiscation of Proceeds of Crime Amendment Act 2005*, do, by this my Proclamation, appoint 28 October 2005 as the day on which that Act commences except for the following provisions:

- (a) Schedule 1 [1]–[4], [6], [16], [20]–[23], [25]–[30], [34], [37]–[72], [77], [78], [84], [97]–[103] and [105],
  - (b) Schedule 1 [8] (but only insofar as it inserts a definition of *freezing notice*).
- Signed and sealed at Sydney, this 26th day of October 2005.

By Her Excellency's Command,



L.S.

BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence provisions of the *Confiscation of Proceeds of Crime Amendment Act 2005* (other than provisions relating to freezing notices and drug proceeds orders).



New South Wales

## Proclamation

under the

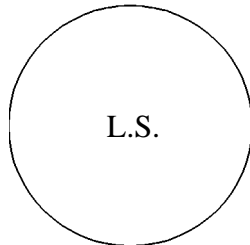
Home Building Amendment Act 2004 No 101

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 *Home Building Amendment Act 2004*, do, by this my Proclamation, appoint 7 November 2005 as the day on which Schedule 6 [6] and [7] to that Act commence.

Signed and sealed at Sydney, this 19th day of October 2005.

By Her Excellency's Command,



JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Home Building Amendment Act 2004* with the exception of Schedule 5 [3] and Schedule 9.4. The provisions to be commenced relate to obligations of developers in relation to insurance. The uncommenced provisions relate to the Home Building Advisory Council.



New South Wales

## Proclamation

under the

Public Finance and Audit Act 1983

MARIE BASHIR, Governor

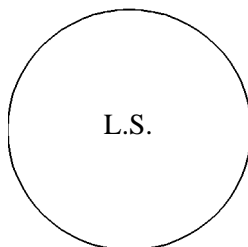
I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 45B of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend Schedule 3 (Departments) to that Act:

- (a) by omitting from Columns 1 and 2 the matter relating to the Department of Infrastructure, Planning and Natural Resources, and
- (b) by inserting in Columns 1 and 2 in alphabetical order of Departments:

Department of Natural Resources	Director-General of the Department
Department of Planning	Director-General of the Department

Signed and sealed at Sydney, this 19th day of October 2005.

By Her Excellency's Command,



MORRIS IEMMA, M.P.,  
Treasurer

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

---

### **Explanatory note**

The *Public Sector Employment and Management (Planning and Natural Resources) Order 2005* abolished the Department of Infrastructure, Planning and Natural Resources as a Department of the Public Service, and established the Department of Planning and the Department of Natural Resources.

The object of this Proclamation is to amend Schedule 3 (Departments) to the *Public Finance and Audit Act 1983* to reflect those changes.



New South Wales

## Proclamation

under the

Threatened Species Conservation Amendment Act 2002 No 78

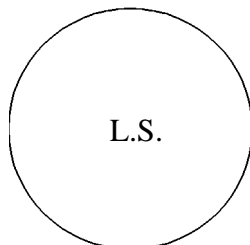
MARIE BASHIR, Governor

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 *Threatened Species Conservation Amendment Act 2002*, do, by this my Proclamation, appoint 31 October 2005 as the day on which the uncommenced provisions of that Act commence, except for the following provisions:

- (a) Schedule 1 [2] insofar as it inserts a definition of **vulnerable ecological community** in section 4 (1) of the *Threatened Species Conservation Act 1995*,
- (b) Schedule 1 [7],
- (c) Schedule 1 [10] insofar as it inserts section 7A in the *Threatened Species Conservation Act 1995*,
- (d) Schedule 1 [18] and [80],
- (e) Schedule 2.2 [5] and [6].

Signed and sealed at Sydney, this 26th day of October 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Minister for the Environment

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

---

### **Explanatory note**

The object of this Proclamation is to commence the uncommenced provisions of the *Threatened Species Conservation Amendment Act 2002* except for uncommenced amendments to be made by that Act to the *Fisheries Management Act 1994* and other uncommenced amendments that are to be repealed by the *Threatened Species Legislation Amendment Act 2004*.



New South Wales

## Proclamation

under the

Threatened Species Legislation Amendment Act 2004 No 88

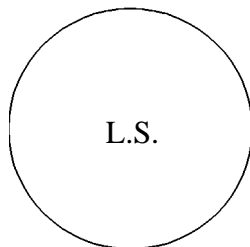
MARIE BASHIR, Governor

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 *Threatened Species Legislation Amendment Act 2004*, do, by this my Proclamation, appoint 31 October 2005 as the day on which the uncommenced provisions of that Act commence, except for the following provisions:

- (a) Schedule 1 [68],
- (b) Schedule 2,
- (c) Schedule 3.1 [3]–[5],
- (d) Schedule 3.1 [7],
- (e) Schedule 3.3.

Signed and sealed at Sydney, this 26th day of October 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Minister for the Environment

GOD SAVE THE QUEEN!



Proclamation

Explanatory note

---

### **Explanatory note**

The object of this Proclamation is to commence the uncommenced provisions of the *Threatened Species Legislation Amendment Act 2004* except for amendments to be made by that Act to the *Fisheries Management Act 1994* and other amendments related to the *Native Vegetation Act 2003*.

---

---

# Regulations

---

---



New South Wales

## **Agricultural Livestock (Disease Control Funding) Amendment (Records) Regulation 2005**

under the

**Agricultural Livestock (Disease Control Funding) Act 1998**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Livestock (Disease Control Funding) Act 1998*.

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

### **Explanatory note**

The object of this Regulation is to prescribe records to be kept by a collection agent in relation to transaction based contributions received from livestock producers under section 12C of the *Agricultural Livestock (Disease Control Funding) Act 1998*.

This Regulation is made under the *Agricultural Livestock (Disease Control Funding) Act 1998*, including section 33 (the general power to make regulations) and section 12C (2) (c).

Clause 1            Agricultural Livestock (Disease Control Funding) Amendment (Records)  
                         Regulation 2005

---

## **Agricultural Livestock (Disease Control Funding) Amendment (Records) Regulation 2005**

under the

Agricultural Livestock (Disease Control Funding) Act 1998

### **1 Name of Regulation**

This Regulation is the *Agricultural Livestock (Disease Control Funding) Amendment (Records) Regulation 2005*.

### **2 Amendment of Agricultural Livestock (Disease Control Funding) Regulation 2000**

The *Agricultural Livestock (Disease Control Funding) Regulation 2000* is amended by inserting after clause 5 the following clause:

#### **6 Record of collection of transaction based contributions**

- (1) For the purposes of section 12C (2) (c) of the Act, the records to be kept by a collection agent for a transaction based contribution scheme in relation to a transaction based contribution from a livestock producer are records of the following:
  - (a) the name of the livestock producer,
  - (b) the livestock transaction concerned,
  - (c) the amount of the contribution concerned and the date on which it was collected.
- (2) A copy of the receipt issued to the livestock producer under section 12C (3) of the Act in respect of the livestock transaction concerned is a sufficient record for the purposes of this clause.



New South Wales

# Community Land Management Amendment (Tribunal) Regulation 2005

under the

Community Land Management Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Land Management Act 1989*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to update certain references that relate to the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* and the *Consumer, Trader and Tenancy Tribunal Regulation 2002* that deal with proceedings of the Consumer, Trader and Tenancy Tribunal. The Regulation also provides that the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* relating to rehearings do not apply to proceedings under the *Community Land Management Act 1989*.

This Regulation is made under the *Community Land Management Act 1989*, including sections 91A (Proceedings before Tribunal) and 122 (the general regulation-making power).

Clause 1            Community Land Management Amendment (Tribunal) Regulation 2005

---

## **Community Land Management Amendment (Tribunal) Regulation 2005**

under the

Community Land Management Act 1989

### **1 Name of Regulation**

This Regulation is the *Community Land Management Amendment (Tribunal) Regulation 2005*.

### **2 Amendment of Community Land Management Regulation 2000**

The *Community Land Management Regulation 2000* is amended as set out in Schedule 1.

Community Land Management Amendment (Tribunal) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

**[1] Clause 18 Conduct of proceedings before Tribunal**

Omit “*Residential Tribunal Act 1998*” from clause 18 (3).

Insert instead “*Consumer, Trader and Tenancy Tribunal Act 2001*”.

**[2] Clause 18A**

Omit the clause. Insert instead:

**18A Modification of applied provisions of Consumer, Trader and Tenancy Tribunal Act 2001 and regulations: section 91A (1)**

- (1) For the purposes of section 91A (1) of the Act, the application of the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* in relation to proceedings before the Tribunal under the *Community Land Management Act 1989* is modified in accordance with this clause.
- (2) Section 24 (4) of the *Consumer, Trader and Tenancy Tribunal Act 2001* applies in relation to notices of application for an order in addition to section 70B of the *Community Land Management Act 1989*, and for that purpose:
  - (a) the words “subsection (3)” where firstly occurring in that subsection are taken to refer to section 70B (1) of the *Community Land Management Act 1996*, and
  - (b) section 24 (4) (b) of the *Consumer, Trader and Tenancy Tribunal Act 2001* is amended by omitting the words “in accordance with the Chairperson’s directions referred to in subsection (3)” and by inserting instead the words “within such time and manner as the Chairperson directs”.
- (3) Section 68 of the *Consumer, Trader and Tenancy Tribunal Act 2001* is to be read as not permitting an application to be made for a rehearing under that section in relation to proceedings under the *Community Land Management Act 1989*.

**Note.** Section 91A (1) of the Act provides that the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001*, and of the regulations made under that Act, apply in relation to proceedings under the *Community Land Management Act 1989* before the Consumer, Trader and Tenancy Tribunal, subject to any modifications prescribed by the regulations.

## Community Land Management Amendment (Tribunal) Regulation 2005

## Schedule 1      Amendments

---

Sections 28 (5) (g), (h) and (i), 36 and 53 of the *Consumer, Trader and Tenancy Tribunal Act 2001* do not apply to proceedings under the *Community Land Management Act 1989*: see sections 28 (7), 36 (9) and 53 (5) of the *Consumer, Trader and Tenancy Tribunal Act 2001*. As a consequence, Part 4 (being clauses 13–18) and clause 20 of the *Consumer, Trader and Tenancy Tribunal Regulation 2002* also do not apply to proceedings under the *Community Land Management Act 1989* before the Consumer, Trader and Tenancy Tribunal.



New South Wales

## Consumer Claims Amendment (Miscellaneous) Regulation 2005

under the

Consumer Claims Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Consumer Claims Act 1998*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

### Explanatory note

The objects of this Regulation are:

- (a) to replace a reference to the *Fair Trading Tribunal Regulation 1999* with a reference to the *Consumer, Trader and Tenancy Tribunal Regulation 2002* as the regulation under which applications for the determination of a consumer claim may be lodged, and
- (b) to replace a reference to the repealed *Property, Stock and Business Agents Act 1941* with a reference to the *Property Stock and Business Agents Act 2002*, and
- (c) to include a note explaining the jurisdictional limit of the Consumer, Trader and Tenancy Tribunal, in relation to purchases of new motor vehicles for private purposes.

This Regulation is made under the *Consumer Claims Act 1998*, including section 17 (the general regulation-making power).



Clause 1            Consumer Claims Amendment (Miscellaneous) Regulation 2005

---

## **Consumer Claims Amendment (Miscellaneous) Regulation 2005**

under the

Consumer Claims Act 1998

### **1 Name of Regulation**

This Regulation is the *Consumer Claims Amendment (Miscellaneous) Regulation 2005*.

### **2 Amendment of Consumer Claims Regulation 1999**

The *Consumer Claims Regulation 1999* is amended as set out in Schedule 1.

Consumer Claims Amendment (Miscellaneous) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

**[1] Clause 5 Applications**

Omit “*Fair Trading Tribunal Regulation 1999*”.

Insert instead “*Consumer, Trader and Tenancy Tribunal Regulation 2002*”.

**[2] Clause 6 Limitation on Tribunal’s jurisdiction to make orders**

Omit “*Property, Stock and Business Agents Act 1941*”.

Insert instead “*Property, Stock and Business Agents Act 2002*”.

**[3] Clause 6, note**

Insert at the end of the clause:

**Note.** The jurisdictional limit set out in this clause does not apply in relation to a consumer claim arising from the supply of a new motor vehicle that is used substantially for private purposes (see section 14 (3) of the Act).



New South Wales

# Consumer, Trader and Tenancy Tribunal Amendment (Miscellaneous) Regulation 2005

under the

Consumer, Trader and Tenancy Tribunal Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Consumer, Trader and Tenancy Tribunal Act 2001*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to make the following changes to the procedure of the Consumer, Trader and Tenancy Tribunal:

- (a) to update references to the Department of Fair Trading (now the Department of Commerce) (Schedule 1 [1] and [5]),
- (b) to provide Tribunal applications may also be lodged at Government Access Centres and Government Business Centres (Schedule 1 [2]),
- (c) to remove a reference to the Renting Services Office (Schedule 1 [3]),
- (d) to make it clear that applications made under the *Residential Parks Act 1998* by a park owner may be completed, signed, dated and lodged by the park manager appointed by the park owner under that Act (Schedule 1 [4]),
- (e) to include notes in the Regulation that explain provisions of the Act for the assistance of readers of the Regulation (Schedule 1 [6] and [8]),
- (f) to enable the Registrar of the Tribunal to partly or wholly waive an application fee for a summons (Schedule 1 [7]).

This Regulation is made under the *Consumer, Trader and Tenancy Tribunal Act 2001*, including sections 24, 40, 68 and 86 (the general regulation-making power).

Clause 1            Consumer, Trader and Tenancy Tribunal Amendment (Miscellaneous)  
                         Regulation 2005

---

## **Consumer, Trader and Tenancy Tribunal Amendment (Miscellaneous) Regulation 2005**

under the

Consumer, Trader and Tenancy Tribunal Act 2001

### **1 Name of Regulation**

This Regulation is the *Consumer, Trader and Tenancy Tribunal Amendment (Miscellaneous) Regulation 2005*.

### **2 Amendment of Consumer, Trader and Tenancy Tribunal Regulation 2002**

The *Consumer, Trader and Tenancy Tribunal Regulation 2002* is amended as set out in Schedule 1.

Consumer, Trader and Tenancy Tribunal Amendment (Miscellaneous)  
Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

**[1] Clause 8 Applications to Tribunal**

Omit “Department of Fair Trading” wherever occurring in clause 8 (2) (b).  
Insert instead “Department of Commerce”.

**[2] Clause 8 (2) (c1)**

Insert after clause 8 (2) (c):

- (cl) at any Government Access Centre or Government Business Centre established by the New South Wales Government, or

**[3] Clause 8 (2) (e)**

Omit the paragraph.

**[4] Clause 8 (9A)**

Insert after clause 8 (9):

- (9A) An application made under the *Residential Parks Act 1998* by a park owner may be completed, signed, dated and lodged by the park manager appointed by the park owner under that Act.

**[5] Clause 10 Application fees**

Omit “of the Department of Fair Trading” from clause 10 (3) (d).

**[6] Part 6 Rehearings by Tribunal**

Insert after the heading to Part 6:

**Note.** Section 68 of the Act provides that an application to have completed proceedings reheard by the Tribunal may be made on the ground that the applicant may have suffered a substantial injustice because:

- (a) the decision of the Tribunal in the completed proceedings was not fair and equitable, or
- (b) the decision of the Tribunal was against the weight of evidence, or
- (b) significant new evidence has arisen (being evidence that was not reasonably available at the time the completed proceedings were being heard).

An application for rehearing cannot be made on any other ground. However, section 67 of the Act enables a party to completed proceedings to appeal to the Supreme Court against the decision of the Tribunal on a question with respect to a matter of law.

Consumer, Trader and Tenancy Tribunal Amendment (Miscellaneous)  
Regulation 2005

Schedule 1 Amendments

---

**[7] Clause 30 Issue of summons**

Insert after clause 30 (5):

- (6) If the Registrar considers that there are special reasons for doing so, the Registrar may:
  - (a) direct that the fee prescribed by subclause (5) be waived wholly or in part, and that any part of the fee waived that has been paid be refunded, or
  - (b) postpone the time for payment of the whole or a part of any such fee for a summons, on such conditions (if any) as the Registrar may impose.

**[8] Clause 44 Objection to participation of member following preliminary conference**

Insert at the end of clause 44:

**Note.** Section 55 (3) (b) of the Act provides that if proceedings are not determined under section 55 (Preliminary conferences) any member who presided over a preliminary conference in respect of the proceedings is not entitled to be a member of the Tribunal determining the proceedings if any party in the preliminary conference objects. Nothing in the Act or this Regulation prevents a member who was involved in attempting to bring the parties in proceedings to a settlement under section 54 (Tribunal to promote conciliation) of the Act from being a member of the Tribunal that later determines the proceedings.



New South Wales

# **Criminal Procedure Amendment (Community Conference Intervention Program) Regulation (No 2) 2005**

under the

Criminal Procedure Act 1986

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

BOB DEBUS, M.P.,  
Attorney General

## **Explanatory note**

The object of this Regulation is to amend the *Criminal Procedure Regulation 2005* to prescribe additional offences in relation to which a community conference intervention program may not be conducted. Domestic violence offences are currently prescribed for this purpose. The additional offences concerned are the offences against sections 60 (Assault and other actions against police officers), 93B (Riot) and 93C (Affray) of the *Crimes Act 1900*.

This Regulation is made under the *Criminal Procedure Act 1986*, including sections 4 (the general regulation-making power) and 348.

Clause 1 Criminal Procedure Amendment (Community Conference Intervention Program) Regulation (No 2) 2005

---

## **Criminal Procedure Amendment (Community Conference Intervention Program) Regulation (No 2) 2005**

under the

Criminal Procedure Act 1986

### **1 Name of Regulation**

This Regulation is the *Criminal Procedure Amendment (Community Conference Intervention Program) Regulation (No 2) 2005*.

### **2 Amendment of Criminal Procedure Regulation 2005**

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



Criminal Procedure Amendment (Community Conference Intervention Program) Regulation (No 2) 2005

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 2)

### Clause 19A Community conference intervention program

Omit clause 19A (3). Insert instead:

(3) **Excluded offences**

The following offences are prescribed for the purposes of section 348 (2) of the Act in relation to that intervention program:

- (a) a domestic violence offence within the meaning of the *Crimes Act 1900*,
- (b) an offence under section 60 of the *Crimes Act 1900* (Assault and other actions against police officers),
- (c) an offence under section 93B of the *Crimes Act 1900* (Riot),
- (d) an offence under section 93C of the *Crimes Act 1900* (Affray).



New South Wales

# Environmental Planning and Assessment Amendment (Existing Development Control Plans) Regulation 2005

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,  
Minister for Planning

## Explanatory note

The object of this Regulation is to make further provision consequent on the commencement of the amendments made by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* relating to planning instruments (including development control plans). Those amendments commenced on 30 September 2005. The effect of this Regulation is to enable development control plans that were approved by a council before 30 September 2005 (but did not come into effect until after that date) to be treated as if they were in force as at that date and are therefore able to be carried forward under clause 94 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including Part 1 of Schedule 6 (savings and transitional regulations).

Clause 1 Environmental Planning and Assessment Amendment (Existing Development Control Plans) Regulation 2005

---

## **Environmental Planning and Assessment Amendment (Existing Development Control Plans) Regulation 2005**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Existing Development Control Plans) Regulation 2005*.

### **2 Commencement**

This Regulation is taken to have commenced on 30 September 2005.

### **3 Amendment of Environmental Planning and Assessment Regulation 2000**

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

Environmental Planning and Assessment Amendment (Existing  
Development Control Plans) Regulation 2005

Amendment

Schedule 1

---

## **Schedule 1    Amendment**

(Clause 3)

### **Clause 289 Miscellaneous savings and transitional provisions: 2005 Amending Act**

Insert after clause 289 (5):

- (5A) Clause 94 (1) of Schedule 6 to the Act extends to a development control plan that was approved by a council before 30 September 2005 but did not take effect until after that date. Accordingly subclause (4) of this clause applies to any such development control plan.



New South Wales

# Home Building Amendment (Forms) Regulation 2005

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

Section 96A of the *Home Building Act 1989* provides that a contract of sale is voidable at the option of a purchaser in certain circumstances if the vendor, being a developer, fails to attach a certificate in relation to building work insurance to the contract. The *Home Building Amendment Act 2004* amends section 96A so that a contract is not voidable if the appropriate certificate of insurance is obtained before entering into the contract and is served on the purchaser, in the prescribed form, before completion of the contract. The object of this Regulation is to amend the *Home Building Regulation 2004* to prescribe the form for that certificate of insurance. The form is the same as the form of certificate that may be attached to the contract.

This Regulation is made under the *Home Building Act 1989*, including sections 96A (3A) and 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Forms) Regulation 2005

---

## **Home Building Amendment (Forms) Regulation 2005**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Forms) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 7 November 2005.

### **3 Amendment of Home Building Regulation 2004**

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Home Building Amendment (Forms) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 3)

**[1] Clause 66 Certificates evidencing insurance**

Insert at the end of the clause:

- (5) For the purposes of section 96A of the Act, the prescribed form of the certificate of insurance is the form set out in Form 1.

**[2] Schedule 1 Forms**

Omit “(Clause 66 (1) and (4))” from Form 1.

Insert instead “(Clause 66 (1), (4) and (5))”.

**[3] Schedule 1, Form 1**

Omit “Section 92/96\*”. Insert instead “Section 92/96/96A\*”.



New South Wales

## Mining Amendment (Minerals) Regulation 2005

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

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

### Explanatory note

The object of this Regulation is to amend the *Mining Regulation 2003* to prescribe rutile as a mineral for the purposes of the *Mining Act 1992*.

This Regulation is made under the *Mining Act 1992*, including the definition of *mineral* in the Dictionary and section 388 (the general regulation-making power).



Clause 1 Mining Amendment (Minerals) Regulation 2005

---

## **Mining Amendment (Minerals) Regulation 2005**

under the

Mining Act 1992

### **1 Name of Regulation**

This Regulation is the *Mining Amendment (Minerals) Regulation 2005*.

### **2 Amendment of Mining Regulation 2003**

The *Mining Regulation 2003* is amended by inserting the following in alphabetical order in Schedule 2:

rutile



New South Wales

# National Parks and Wildlife Amendment (Threatened Species) Regulation 2005

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

BOB DEBUS, M.P.,  
Minister for the Environment

## Explanatory note

The object of this Regulation is to amend the *National Parks and Wildlife Regulation 2002*:

- (a) to limit the operation of the defence for routine farming practice activities under section 118G (1) (b) of the *National Parks and Wildlife Act 1974* (*the Act*), and
- (b) to allow penalty notices to be used to deal with offences under Part 8A of the Act (concerned with harming and picking threatened species, endangered populations or endangered ecological communities, buying, selling or possessing threatened species or endangered populations, damaging critical habitat, and damaging habitat of threatened species, endangered populations or endangered ecological communities).

The routine farming practice activity defence under section 118G (1) (b) is a defence to various harming/picking offences under section 98 (Harming protected fauna, other than threatened species, endangered populations or endangered ecological communities) and Part 8A of the Act and will be limited by:

- (a) excluding the activities of buying, selling, possessing or controlling any animal or plant of a threatened species or endangered population, and
- (b) excluding any activity carried out for the purpose of mitigating damage to crops, livestock or farming infrastructure if the activity results or is likely to result in the harming of protected fauna, or an animal that is part of a threatened species, an endangered population or an endangered ecological community.

This Regulation is made under the *National Parks and Wildlife Act 1974*, including sections 118G, 154 (the general regulation-making power) and 160.

Clause 1 National Parks and Wildlife Amendment (Threatened Species)  
Regulation 2005

---

## **National Parks and Wildlife Amendment (Threatened Species) Regulation 2005**

under the

National Parks and Wildlife Act 1974

### **1 Name of Regulation**

This Regulation is the *National Parks and Wildlife Amendment (Threatened Species) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 31 October 2005.

### **3 Amendment of National Parks and Wildlife Regulation 2002**

The *National Parks and Wildlife Regulation 2002* is amended as set out in Schedule 1.

National Parks and Wildlife Amendment (Threatened Species)  
Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 85 Penalty notice offences

Insert “or, if the person alleged to have committed the offence is a corporation and a penalty is specified in Column 3 of Schedule 2, the amount specified in Column 3 of Schedule 2” after “Schedule 2” in clause 85 (1) (b).

### [2] Clause 85 (1A)

Insert after clause 85 (1):

- (1A) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

### [3] Clause 96

Insert after clause 95:

#### 96 Limitations on routine farming practice activities

- (1) A routine farming practice activity referred to in section 118G (1) (b) of the Act is limited by excluding the activities of buying, selling, possessing or controlling any animal or plant that is, or is part of, a threatened species or endangered population.
- (2) A routine farming practice activity referred to in section 118G (1) (b) of the Act is limited by excluding any activity carried out for the purpose of preventing, reducing, minimising or eliminating:
- (a) damage to or loss of crops, livestock or farming infrastructure (such as dams, fences, buildings, sheds, windmills, bores, air strips, stockyards and farm roads), or
- (b) injury to the health of livestock,
- if the activity results in or is likely to result in the harming of:
- (c) any protected fauna within the meaning of section 98 of the Act, or
- (d) any animal that is of, or is part of, a threatened species, an endangered population or an endangered ecological community.

National Parks and Wildlife Amendment (Threatened Species)  
Regulation 2005

Schedule 1 Amendments

---

**[4] Schedule 2 Penalty notice offences**

Omit “Penalty \$” from the heading to Column 2.

Insert instead “**Penalty for individuals (and corporations where no penalty in Column 3) \$**”.

**[5] Schedule 2**

Insert a Column 3 in the Schedule with the following heading:

**Column 3  
Penalty for corporations \$**

**[6] Schedule 2**

Insert in appropriate order in respect of offences under the *National Parks and Wildlife Act 1974* in Columns 1, 2 and 3:

Section 118A (1), in respect of any endangered species, population or ecological community	1500	3000
Section 118A (1), in respect of any vulnerable species	500	1000
Section 118A (2), in respect of any endangered species, population or ecological community	1500	3000
Section 118A (2), in respect of any vulnerable species	500	1000
Section 118B (1), in respect of any endangered species or endangered population	1500	3000
Section 118B (1), in respect of any vulnerable species	500	1000
Section 118C (1)	1500	3000
Section 118D (1)	1500	3000



New South Wales

# Public Finance and Audit Amendment (Land and Housing Corporation) Regulation 2005

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 COSTA, M.L.C.,  
Minister for Finance

## Explanatory note

The object of this Regulation is to prescribe officers of NSWbusinesslink and the Department of Housing as officers of New South Wales Land and Housing Corporation 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 (Land and Housing Corporation)  
                         Regulation 2005

---

## **Public Finance and Audit Amendment (Land and Housing Corporation) Regulation 2005**

under the

Public Finance and Audit Act 1983

### **1 Name of Regulation**

This Regulation is the *Public Finance and Audit Amendment (Land and Housing Corporation) Regulation 2005*.

### **2 Amendment of Public Finance and Audit Regulation 2005**

The *Public Finance and Audit Regulation 2005* is amended as set out in Schedule 1.

Public Finance and Audit Amendment (Land and Housing Corporation)  
Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

**[1] Clause 14 Definitions of “authority” and “officer of an authority”**

Insert “, New South Wales Land and Housing Corporation” after “Housing” in clause 14 (10).

**[2] Clause 14 (15)**

Insert after clause 14 (14):

- (15) For the purposes of the definition of *officer of an authority* in section 4 (1) of the Act, an officer of the Department of Housing is a prescribed person in relation to New South Wales Land and Housing Corporation, but only for the purposes of exercising functions under sections 12 and 13 of the Act.





New South Wales

# Public Finance and Audit Amendment (Rail Infrastructure Corporation) Regulation 2005

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 COSTA, M.L.C.,  
Minister for Finance

## Explanatory note

The object of this Regulation is to prescribe certain persons as officers of the State Rail Authority for the purpose of exercising functions under the *Public Finance and Audit Act 1983* relating to committing or incurring expenditure and authorising payment of accounts. The persons prescribed are employees of the Rail Infrastructure Corporation.

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

Clause 1            Public Finance and Audit Amendment (Rail Infrastructure Corporation)  
                         Regulation 2005

---

## **Public Finance and Audit Amendment (Rail Infrastructure Corporation) Regulation 2005**

under the

Public Finance and Audit Act 1983

### **1 Name of Regulation**

This Regulation is the *Public Finance and Audit Amendment (Rail Infrastructure Corporation) Regulation 2005*.

### **2 Amendment of Public Finance and Audit Regulation 2005**

The *Public Finance and Audit Regulation 2005* is amended by inserting the following after clause 14 (7) (c):

- (d) an employee of the Rail Infrastructure Corporation.



New South Wales

## Residential Parks Amendment (Tribunal) Regulation 2005

under the

Residential Parks Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Parks Act 1998*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

### Explanatory note

The objects of this Regulation are:

- (a) to replace various references to the Residential Tribunal (which has been abolished) with references to the Consumer, Trader and Tenancy Tribunal which now has jurisdiction to decide matters under the *Residential Parks Act 1998*, and
- (b) to update a reference to the Department of Fair Trading.

This Regulation is made under the *Residential Parks Act 1998*, including section 155 (the general regulation-making power).

Clause 1 Residential Parks Amendment (Tribunal) Regulation 2005

---

## **Residential Parks Amendment (Tribunal) Regulation 2005**

under the

Residential Parks Act 1998

### **1 Name of Regulation**

This Regulation is the *Residential Parks Amendment (Tribunal) Regulation 2005*.

### **2 Amendment of Residential Parks Regulation 1999**

The *Residential Parks Regulation 1999* is amended as set out in Schedule 1.

Residential Parks Amendment (Tribunal) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

- [1] Clause 8 Provision of information to resident**  
Omit “prepared by the Department of Fair Trading” from clause 8 (1).
- [2] Clause 8 (1)**  
Omit “from the Department of Fair Trading”.  
Insert instead “from the Office of Fair Trading within the Department of Commerce”.
- [3] Clause 21 Service of documents generally: sec 153**  
Omit “Residential” from clause 21 (4) (c).
- [4] Schedules 1, 3, 4A, 6, 7 and 8**  
Omit “Residential Tribunal” wherever occurring.  
Insert instead “Consumer, Trader and Tenancy Tribunal”.



New South Wales

# Residential Tenancies (Residential Premises) Amendment (Jurisdiction of Tribunal) Regulation 2005

under the

Residential Tenancies Act 1987

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

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to update references to the abolished Residential Tribunal in forms.

This Regulation is made under the *Residential Tenancies Act 1987*, including sections 85 (3) and 133 (the general regulation-making power).

Clause 1 Residential Tenancies (Residential Premises) Amendment (Jurisdiction of Tribunal) Regulation 2005

---

## **Residential Tenancies (Residential Premises) Amendment (Jurisdiction of Tribunal) Regulation 2005**

under the

Residential Tenancies Act 1987

### **1 Name of Regulation**

This Regulation is the *Residential Tenancies (Residential Premises) Amendment (Jurisdiction of Tribunal) Regulation 2005*.

### **2 Amendment of Residential Tenancies (Residential Premises) Regulation 1995**

The *Residential Tenancies (Residential Premises) Regulation 1995* is amended as set out in Schedule 1.

Residential Tenancies (Residential Premises) Amendment (Jurisdiction of Tribunal) Regulation 2005

Amendments

Schedule 1

---

## **Schedule 1      Amendments**

(Clause 2)

**[1]    Schedule 1**

Omit “Residential Tenancies Tribunal” wherever occurring.  
Insert instead “Consumer, Trader and Tenancy Tribunal”.

**[2]    Schedule 3 Order for possession of premises**

Omit “Residential Tribunal” wherever occurring.  
Insert instead “Consumer, Trader and Tenancy Tribunal”.





New South Wales

# Retirement Villages Amendment (Tribunal) Regulation 2005

under the

Retirement Villages Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Retirement Villages Act 1999*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to update various references to the abolished Residential Tribunal with references to the Consumer, Trader and Tenancy Tribunal which now has jurisdiction to decide matters under the *Retirement Villages Act 1999*.

This Regulation is made under the *Retirement Villages Act 1999*, including section 203 (the general regulation-making power).

Clause 1 Retirement Villages Amendment (Tribunal) Regulation 2005

---

## **Retirement Villages Amendment (Tribunal) Regulation 2005**

under the

Retirement Villages Act 1999

### **1 Name of Regulation**

This Regulation is the *Retirement Villages Amendment (Tribunal) Regulation 2005*.

### **2 Amendment of Retirement Villages Regulation 2000**

The *Retirement Villages Regulation 2000* is amended as set out in Schedule 1.

Retirement Villages Amendment (Tribunal) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 2)

- [1] **Clauses 17 (1) (c) (iii), 18 (1) (b) (iv), (viii) and (ix) and 22 (h), (i), (j) and (k) and Schedules 3, 5 and 10**  
Omit “Residential Tribunal” wherever occurring. Insert instead “Tribunal”.
- [2] **Part 5, heading**  
Omit “Residential Tribunal”.  
Insert instead “Applications to Tribunal and orders”.
- [3] **Clause 24 Time for making application to Tribunal**  
Omit “Residential” from the note to clause 24 (1).
- [4] **Clause 24 (1), note**  
Omit “Residential Tribunal Act 1998”.  
Insert instead “Consumer, Trader and Tenancy Tribunal Act 2001”.
- [5] **Clause 24 (3)**  
Omit the subclause.
- [6] **Schedule 1 Disclosure statement**  
Insert “or the Consumer, Trader and Tenancy Tribunal” after “Residential Tribunal” wherever occurring.
- [7] **Schedule 3 Matter to be included in village contracts**  
Omit “Fair Trading Tribunal” from the matter under the heading **Dispute resolution**.  
Insert instead “Consumer, Trader and Tenancy Tribunal”.



New South Wales

# Threatened Species Conservation Amendment (Listing Criteria) Regulation 2005

under the

Threatened Species Conservation Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Threatened Species Conservation Act 1995*.

BOB DEBUS, M.P.,  
Minister for the Environment

## Explanatory note

The object of this Regulation is to prescribe criteria under sections 10–12 of the *Threatened Species Conservation Act 1995* for the listing of critically endangered species, endangered species, vulnerable species, endangered populations, critically endangered ecological communities, endangered ecological communities and vulnerable ecological communities.

The Minister has certified pursuant to section 14 of the Act that:

- (a) the criteria are based on scientific principles only, and
- (b) any criteria for listing under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth were given due consideration before this Regulation was made.

This Regulation is made under the *Threatened Species Conservation Act 1995*, including sections 10–12 and section 150 (the general regulation-making power).

Clause 1           Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

---

## **Threatened Species Conservation Amendment (Listing Criteria) Regulation 2005**

under the

Threatened Species Conservation Act 1995

### **1 Name of Regulation**

This Regulation is the *Threatened Species Conservation Amendment (Listing Criteria) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 31 October 2005.

### **3 Amendment of Threatened Species Conservation Regulation 2002**

The *Threatened Species Conservation Regulation 2002* is amended as set out in Schedule 1.

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 3)

### Part 3

Insert after Part 2:

### Part 3 Listing criteria

**Note.** This Part prescribes the criteria for a determination by the Scientific Committee of the matters required to establish eligibility for listing in accordance with Part 2 of the Act:

- (a) of a species as a critically endangered species, endangered species or vulnerable species (see *Division 1*), or
- (b) of a population as an endangered population (see *Division 2*), or
- (c) of an ecological community as a critically endangered ecological community, endangered ecological community or vulnerable ecological community (see *Division 3*).

Division 4 provides for the interpretation and application of the prescribed criteria.

## Division 1 Criteria for listing of species

### 13 Criteria for listing determinations by Scientific Committee

#### (1) Critically endangered species

For the purposes of section 10 (2) of the Act, a species is facing an extremely high risk of extinction in New South Wales in the immediate future if, in the opinion of the Scientific Committee, it meets the criteria specified for critically endangered species in one or more of the other clauses in this Division.

#### (2) Endangered species

For the purposes of section 10 (3) of the Act, a species is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Scientific Committee, it meets the criteria specified for endangered species in one or more of the other clauses in this Division.

#### (3) Vulnerable species

For the purposes of section 10 (4) of the Act, a species is facing a high risk of extinction in New South Wales in the medium-term future if, in the opinion of the Scientific Committee, it meets the criteria specified for vulnerable species in one or more of the other clauses in this Division.

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005Schedule 1 Amendment

---

**14 Criteria—reduction in population size of species**

The species has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time frame appropriate to the life cycle and habitat characteristics of the taxon:

- (a) for *critically endangered species*—a very large reduction in population size, or
- (b) for *endangered species*—a large reduction in population size, or
- (c) for *vulnerable species*—a moderate reduction in population size,

based on either:

- (d) an index of abundance appropriate to the taxon, or
- (e) geographic distribution, habitat quality or diversity, or genetic diversity.

**15 Criteria—restricted geographic distribution of species, and certain other conditions**

The geographic distribution of the species is estimated or inferred to be:

- (a) for *critically endangered species*—very highly restricted, or
- (b) for *endangered species*—highly restricted, or
- (c) for *vulnerable species*—moderately restricted,

and either:

- (d) a projected or continuing decline is observed, estimated or inferred in either:
  - (i) an index of abundance appropriate to the taxon, or
  - (ii) geographic distribution, habitat quality or diversity, or genetic diversity, or
- (e) at least 2 of the following 3 conditions apply:
  - (i) the population or habitat is observed or inferred to be severely fragmented,
  - (ii) all or nearly all mature individuals are observed or inferred to occur within a small number of populations or locations,
  - (iii) extreme fluctuations are observed or inferred to occur in either:

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Amendment

Schedule 1

- (A) an index of abundance appropriate to the taxon, or
- (B) geographic distribution, habitat quality or habitat diversity.

**16 Criteria—low numbers of mature individuals of species, and certain other conditions**

The estimated total number of mature individuals of the species is:

- (a) for *critically endangered species*—very low, or
- (b) for *endangered species*—low, or
- (c) for *vulnerable species*—moderately low (that is, not as low as for paragraph (b)),

and either:

- (d) a projected or continuing decline is observed, estimated or inferred in either:
  - (i) an index of abundance appropriate to the taxon, or
  - (ii) geographic distribution, habitat quality or diversity, or genetic diversity, or
- (e) at least 2 of the following 3 conditions apply:
  - (i) the population or habitat is observed or inferred to be severely fragmented,
  - (ii) all or nearly all mature individuals are observed or inferred to occur within a small number of populations or locations,
  - (iii) extreme fluctuations are observed or inferred to occur in either:
    - (A) an index of abundance appropriate to the taxon, or
    - (B) geographic distribution, habitat quality or habitat diversity.

**17 Criteria—low numbers of mature individuals of species**

The total number of mature individuals of the species is observed, estimated or inferred to be:

- (a) for *critically endangered species*—extremely low, or
- (b) for *endangered species*—very low, or
- (c) for *vulnerable species*—low.



Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Schedule 1 Amendment

**18 Criteria—very highly restricted geographic distribution of species**

For *vulnerable species*, the geographic distribution of the species is observed, estimated or inferred to be very highly restricted such that it is prone to the effects of human activities or stochastic events within a very short time period.

**Division 2 Criteria for listing of endangered populations****19 Criteria for listing determinations by Scientific Committee**

For the purposes of section 11 (1) of the Act, a population is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Scientific Committee, it satisfies any one or more of the following paragraphs and also meets the criteria specified in one or more of the other clauses in this Division:

- (a) it is disjunct or near the limit of its geographic range,
- (b) it is or is likely to be genetically, morphologically or ecologically distinct,
- (c) it is otherwise of significant conservation value.

**20 Criteria—large reduction in population size**

The size of the population has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time frame appropriate to the life cycle and habitat characteristics of the taxon a large reduction based on either:

- (a) an index of abundance appropriate to the taxon, or
- (b) geographic distribution, habitat quality or diversity, or genetic diversity.

**21 Criteria—highly restricted geographic distribution of population, and certain other conditions**

The geographic distribution of the population is estimated or inferred to be highly restricted and either:

- (a) a projected or continuing decline is observed, estimated or inferred in either:
  - (i) an index of abundance appropriate to the taxon, or
  - (ii) geographic distribution, habitat quality or diversity, or genetic diversity, or

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Amendment

Schedule 1

- 
- (b) at least two of the following three conditions apply:
    - (i) the population or habitat is observed or inferred to be severely fragmented,
    - (ii) all or nearly all mature individuals are observed or inferred to occur within a small number of locations,
    - (iii) extreme fluctuations are observed or inferred to occur in either:
      - (A) an index of abundance appropriate to the taxon, or
      - (B) geographic distribution, habitat quality or habitat diversity.

**22 Criteria—low numbers of mature individuals in population, and certain other conditions**

The estimated total number of mature individuals in the population is low and either:

- (a) a projected or continuing decline is observed, estimated or inferred in either:
  - (i) an index of abundance appropriate to the taxon, or
  - (ii) geographic distribution, habitat quality or diversity, or genetic diversity, or
- (b) at least two of the following three conditions apply:
  - (i) the population or habitat is observed or inferred to be severely fragmented,
  - (ii) all or nearly all mature individuals are observed or inferred to occur within a small number of locations,
  - (iii) extreme fluctuations are observed or inferred to occur in either:
    - (A) an index of abundance appropriate to the taxon, or
    - (B) geographic distribution, habitat quality or habitat diversity.

**23 Criteria—very low numbers of mature individuals in population**

The estimated total number of mature individuals of the population is observed, estimated or inferred to be very low.

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Schedule 1 Amendment

---

**Division 3 Criteria for listing of ecological communities****24 Criteria for listing determinations by Scientific Committee****(1) Critically endangered ecological communities**

For the purposes of section 12 (1) of the Act, an ecological community is facing an extremely high risk of extinction in New South Wales in the immediate future if, in the opinion of the Scientific Committee, it meets the criteria specified for critically endangered ecological communities in one or more of the other clauses in this Division.

**(2) Endangered ecological communities**

For the purposes of section 12 (2) of the Act, an ecological community is facing a very high risk of extinction in New South Wales in the near future if, in the opinion of the Scientific Committee, it meets the criteria specified for endangered ecological communities in one or more of the other clauses in this Division.

**(3) Vulnerable ecological communities**

For the purposes of section 12 (3) of the Act, an ecological community is facing a high risk of extinction in New South Wales in the medium-term future if, in the opinion of the Scientific Committee, it meets the criteria specified for vulnerable ecological communities in one or more of the other clauses in this Division.

**25 Criteria—reduction in geographic distribution of ecological community**

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (a) for *critically endangered ecological communities*—a very large reduction in geographic distribution, or
- (b) for *endangered ecological communities*—a large reduction in geographic distribution, or
- (c) for *vulnerable ecological communities*—a moderate reduction in geographic distribution.

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Amendment

Schedule 1

---

**26 Criteria—restricted geographic distribution of ecological community**

The ecological community's geographic distribution is estimated or inferred to be:

- (a) for *critically endangered ecological communities*—very highly restricted, or
- (b) for *endangered ecological communities*—highly restricted, or
- (c) for *vulnerable ecological communities*—moderately restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

**27 Criteria—reduction in ecological function of ecological community**

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (a) for *critically endangered ecological communities*—a very large reduction in ecological function, or
- (b) for *endangered ecological communities*—a large reduction in ecological function, or
- (c) for *vulnerable ecological communities*—a moderate reduction in ecological function,

as indicated by any of the following:

- (d) change in community structure,
- (e) change in species composition,
- (f) disruption of ecological processes,
- (g) invasion and establishment of exotic species,
- (h) degradation of habitat,
- (i) fragmentation of habitat.

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005Schedule 1 Amendment

---

**Division 4 Interpretation****28 Application of Division**

- (1) This Division applies for the purposes of the interpretation and application of the criteria prescribed by this Part (with a note to each provision of this Division specifying which provisions of this Part the provision applies in respect of).
- (2) Use in a provision of this Division of the term “population” does not limit the operation of the provision to Division 2 and use of the term “species” does not limit the operation of a provision to Division 1.

**29 Ecological function**

- (1) Ecological function encompasses the ecological processes and interactions that occur within an ecological community.
- (2) Ecological function includes the following:
  - (a) provision of habitat for native biota,
  - (b) provision of food and other resources for native biota,
  - (c) maintenance of interactions between species (for example, pollination, dispersal, mutualism, competition, predation),
  - (d) cycling, filtering and retention of nutrients,
  - (e) carbon storage or sequestration,
  - (f) maintenance of soil processes,
  - (g) maintenance of catchment scale hydrological and geochemical processes,
  - (h) maintenance of landscape scale ecological processes.
- (3) Some of the processes and interactions within ecological communities may depend upon the presence of non-living components such as leaf litter and fallen or standing dead trees.

**Note.** This clause applies in respect of Division 3.

**30 Mature individuals**

- (1) Mature individuals are individuals in the wild known, estimated or inferred to be capable of producing viable offspring. The total number of mature individuals excludes individuals that are too young (juvenile), too old (senescent), too moribund (for example, diseased) or otherwise unable to produce viable offspring (for example, due to low population density).

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Amendment

Schedule 1

- 
- (2) Special cases:
- (a) In populations with biased sex ratios, it is appropriate to use a lower value for the total number of mature individuals in a way that takes this into account.
  - (b) In populations that fluctuate, the number of mature individuals will refer to a minimum number of individuals that are present most of the time (in a time span appropriate to the life cycle and habitat characteristics of the species), and will thus usually be much less than the mean number present.
  - (c) In clonal organisms, reproducing units may be regarded as mature individuals, so long as they survive independently of one another. However, if clonally reproduced individuals are more limited in viability or dispersal ability than sexually reproduced individuals, the total number of mature individuals may be reduced accordingly to take this into account.
  - (d) For species in which individuals have synchronous dormant life stages, the number of mature individuals should be assessed during, or projected for, a time when mature individuals are available for breeding.
  - (e) Re-introduced individuals must have produced viable offspring (after the individuals were re-introduced) before they are counted as mature individuals.
  - (f) Captive, cultivated, or artificially maintained individuals cannot be counted as mature individuals.

**Note.** This clause applies in respect of Divisions 1 and 2.

**31 Geographic distribution**

- (1) Geographic distribution is the area or areas in which a species or ecological community occurs, excluding cases of vagrancy in species.
- (2) This may be assessed by estimating:
  - (a) the extent of occurrence (the area of the total geographic range that includes all extant populations of the species or all extant occurrences of the ecological community), or
  - (b) the area of occupancy (the area within the total range that is currently occupied by the species or ecological community, that is it excludes unsuitable and unoccupied habitat), or

Threatened Species Conservation Amendment (Listing Criteria) Regulation  
2005

Schedule 1 Amendment

- 
- (c) the area of suitable habitat (the area within the total range that includes occupied and unoccupied suitable habitat, but excludes unsuitable habitat).
- (3) The scale at which a geographic distribution is assessed should be appropriate to the biology of the species (or component species in ecological communities), the nature of threats and available data.

**Note.** This clause applies in respect of Divisions 1, 2 and 3.

**32 Severely fragmented**

The population or habitat of a species is severely fragmented if individuals of the species are distributed among subpopulations or patches of habitat that are small and isolated relative to the life cycle and habitat characteristics of the species.

**Note.** This clause applies in respect of Divisions 1 and 2.

**33 Extreme fluctuations**

Extreme fluctuations occur when the population or distribution of a species varies reversibly, widely and frequently, as:

- (a) indicated by changes in:
- (i) an index of abundance appropriate to the taxon, or
  - (ii) geographic distribution, habitat quality or habitat diversity, or
- (b) inferred from the life history or habitat biology of the species.

**Note 1.** The cause of fluctuations must be understood or inferred so that they may be distinguished from declines or reductions.

**Note 2.** This clause applies in respect of Divisions 1 and 2.



New South Wales

# Threatened Species Conservation (Savings and Transitional) Amendment Regulation 2005

under the

Threatened Species Conservation Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Threatened Species Conservation Act 1995*.

BOB DEBUS, M.P.,  
Minister for the Environment

## Explanatory note

The objects of this Regulation are:

- (a) to provide that amendments made to section 94 (Significant effect on threatened species, populations or ecological communities, or their habitats) of the *Threatened Species Conservation Act 1995* (**the Principal Act**) by the *Threatened Species Conservation Amendment Act 2002* do not apply to an application for a licence under the Principal Act made but not finally determined before the commencement of the amendments, and
- (b) to provide for the transitional application of certain amendments made to the Principal Act by the *Threatened Species Legislation Amendment Act 2004* relating to preliminary determinations made in respect of a listing proposal under the Principal Act before the commencement of those amendments and subsequent final determinations made after that commencement, and
- (c) to provide for the transitional application of certain amendments made to the Principal Act by the *Threatened Species Legislation Amendment Act 2004* with respect to routine agricultural activities.

This Regulation contains only matters of a savings or transitional nature (other than provisions dealing with its citation and commencement).

This Regulation is made under the *Threatened Species Conservation Act 1995*, including clause 1 (1) of Schedule 7 and section 150 (the general regulation-making power).



Clause 1           Threatened Species Conservation (Savings and Transitional) Amendment  
Regulation 2005

---

## **Threatened Species Conservation (Savings and Transitional) Amendment Regulation 2005**

under the

Threatened Species Conservation Act 1995

### **1 Name of Regulation**

This Regulation is the *Threatened Species Conservation (Savings and Transitional) Amendment Regulation 2005*.

### **2 Commencement**

This Regulation commences on 31 October 2005.

### **3 Amendment of Threatened Species Conservation (Savings and Transitional) Regulation 1996**

The *Threatened Species Conservation (Savings and Transitional) Regulation 1996* is amended as set out in Schedule 1.

Threatened Species Conservation (Savings and Transitional) Amendment  
Regulation 2005

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 3)

### Clauses 7–9

Insert after clause 6:

#### **7 Amendment of factors relating to determination of significant effect**

Section 94 (Significant effect on threatened species, populations or ecological communities, or their habitats) of the Principal Act, as in force immediately before the commencement of the amendments made to that section by the *Threatened Species Conservation Amendment Act 2002*, continues to apply to and in respect of an application for a licence under Part 6 of the Principal Act made but not finally determined before that commencement (as if those amendments had not been made).

#### **8 Transitional arrangements for preliminary determinations**

- (1) If a preliminary determination was made in respect of a listing proposal before the commencement of the listing criteria amendments but a final determination had not been made in respect of the listing proposal before that commencement:
  - (a) a final determination made in respect of the listing proposal is to be made on the basis of the provisions of the Principal Act as in force when the final determination is made (and not when the preliminary determination was made), and
  - (b) the 2004 amendments do not apply in respect of the preliminary determination and do not afford any additional opportunity to make submissions to the Scientific Committee about the preliminary determination beyond that provided for by section 22 of the Principal Act, and
  - (c) the 2004 amendments do not affect the validity, operation or use of or reliance on the preliminary determination for the purposes of or in connection with a final determination made in respect of the listing proposal, and
  - (d) any action taken by the Scientific Committee in connection with or in respect of the preliminary determination before the commencement of the listing criteria amendments is valid and effectual and may be relied on for the purposes of or in connection with the making of a final determination in respect of the listing proposal.

Threatened Species Conservation (Savings and Transitional) Amendment  
Regulation 2005

Schedule 1      Amendment

---

(2) In this clause:

***final determination*** means a determination under section 23 of the Principal Act.

***listing criteria amendments*** means the amendments made by Schedule 1 [17] to the *Threatened Species Legislation Amendment Act 2004*.

***listing proposal*** means a proposal for inclusion, or amendment, of matter in or omission of matter from Schedule 1, 2 or 3 of the Principal Act.

***preliminary determination*** means a determination under section 22 of the Principal Act.

***the 2004 amendments*** means amendments made by the *Threatened Species Legislation Amendment Act 2004* and includes any regulations made pursuant to the listing criteria amendments.

**9 Transitional arrangements for routine agricultural activities**

(1) Section 113A of the Principal Act as in force immediately before the repeal of that section by the *Threatened Species Legislation Amendment Act 2004* continues to apply as if that section had not been repealed.

(2) This clause ceases to have effect on the commencement of section 118G (Defences) of the *National Parks and Wildlife Act 1974* as inserted by Schedule 3.1 [7] to the *Threatened Species Legislation Amendment Act 2004*.

---

## Orders

---



New South Wales

# Electronic Transactions (ECM Courts) Order 2005

under the

Electronic Transactions Act 2000

I, the Attorney General, in pursuance of section 14C of the *Electronic Transactions Act 2000*, make the following Order.

Dated, this 25th day of October 2005.

BOB DEBUS, M.P.,  
Attorney General

### **Explanatory note**

The object of this Order is to specify which courts may use the CourtLinkNSW electronic case management system, and for what purposes.

This Order is made under section 14C of the *Electronic Transactions Act 2000*.

Clause 1            Electronic Transactions (ECM Courts) Order 2005

---

## Electronic Transactions (ECM Courts) Order 2005

under the

Electronic Transactions Act 2000

### 1 Name of Order

This Order is the *Electronic Transactions (ECM Courts) Order 2005*.

### 2 Commencement

This Order commences on 28 October 2005.

### 3 Definitions

(1) In this Order:

**CourtLinkNSW** means the electronic case management system of that name that has been established under section 14B of the Act.

**the Act** means the *Electronic Transactions Act 2000*.

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

### 4 Authority to use CourtLinkNSW

Pursuant to section 14C of the Act, CourtLinkNSW is authorised to be used by any court specified in Column 1 of Schedule 1 for any purpose specified in Column 2 of that Schedule in relation to that court.

**Note.** The use of CourtLinkNSW for any such purpose is regulated by rules of court.

Electronic Transactions (ECM Courts) Order 2005

Authority to use CourtLinkNSW

Schedule 1

---

## Schedule 1 Authority to use CourtLinkNSW

(Clause 4)

Column 1	Column 2
Court	Purpose
Court of Criminal Appeal	<p>Use in proceedings under the <i>Criminal Appeal Act 1912</i>, but only so as:</p> <ul style="list-style-type: none"> <li>(a) to enable documents to be filed, issued, used and served in electronic form, and</li> <li>(b) to enable parties to the proceedings to communicate in electronic form with the Court of Criminal Appeal in connection with any business of the Court that is being conducted in the absence of the public.</li> </ul>
Supreme Court	<p>Use in civil proceedings in the Corporations List, but only so as to enable documents to be filed, issued, used and served in electronic form.</p> <p>Use in civil proceedings in the Possession List, but only so as to enable documents to be filed, issued, used and served in electronic form.</p> <p>Use in civil proceedings in the Equity Division, but only so as to enable parties to the proceedings to communicate in electronic form with the Supreme Court in connection with any business of the Court that is being conducted in the absence of the public.</p>

---



New South Wales

# Energy Savings Order 2005

under the

Energy and Utilities Administration Act 1987

I, Carl Scully, MP, Minister for Utilities, in pursuance of section 34D of the *Energy and Utilities Administration Act 1987*, make the following Order.

Dated at Sydney, this 25th day of October 2005.

CARL SCULLY, M.P.,  
Minister for Utilities

## Explanatory note

Section 34D of the *Energy and Utilities Administration Act 1987* (*the Act*) provides that the Minister may, by order published in the Gazette, make provision for any matter that is required or permitted to be prescribed or otherwise dealt with by a savings order under a provision of the Act.

The purposes of the *Energy Savings Order 2005* are to:

- (a) prescribe certain bodies that use energy as *designated energy users* pursuant to section 34B of the Act, and
- (b) prescribe the period of time in which a *designated energy user* is to prepare a draft energy savings action plan pursuant to section 34Q of the Act.

A draft energy savings action plan must be prepared in accordance with the guidelines issued by the Minister under section 34R of the Act.

Clause 1 Energy Savings Order 2005

---

## Energy Savings Order 2005

under the

Energy and Utilities Administration Act 1987

### 1 Name of Order

This Order is the *Energy Savings Order 2005*.

### 2 Commencement

This Order commences on 28 October 2005.

### 3 Definition

In this Order:

*the Act* means the *Energy and Utilities Administration Act 1987*.

### 4 Designated energy users

Each body listed in Schedule 1 that uses energy is prescribed as a designated energy user for the purposes of section 34B of the Act.

### 5 Draft energy savings action plans

For the purposes of section 34Q (2) of the Act:

- (a) each designated energy user listed in Part A of Schedule 1 is to prepare a draft energy savings action plan in accordance with section 34R of the Act and submit it to the Minister for approval by 30 June 2006, and
- (b) each designated energy user listed in Part B of Schedule 1 is to prepare a draft energy savings action plan in accordance with section 34R of the Act and submit it to the Minister for approval by 30 September 2006, and
- (c) each local council that is a designated energy user pursuant to section 34B (a) of the Act and listed in Schedule 2 is to prepare a draft energy savings action plan in accordance with section 34R of the Act and submit it to the Minister for approval by 30 September 2006, and



Energy Savings Order 2005

Clause 5

- 
- (d) each designated energy user listed in Part C of Schedule 1 is to prepare a draft energy savings action plan in accordance with section 34R of the Act and submit it to the Minister for approval by 31 December 2006.

## Energy Savings Order 2005

Schedule 1 Designated energy users—businesses

**Schedule 1 Designated energy users—businesses**

(Clauses 4 and 5)

<b>Body</b>	<b>Site Address</b>
<b>Part A—Designated energy users to submit plans by 30 June 2006</b>	
ACI Operations Pty Ltd	ACI Glass Packaging Plant, 13 Andrews Road, Penrith
ADI Limited	ADI Ordinance Facility, Bayley Street, Mulwala
ADI Limited	Garden Island Facility, Captain Cook Dock, Garden Island
Air Liquide Australia Limited	Air Liquide Australia, 21 Baker Street, Botany
AMCOR Packaging (Australia) Pty Ltd	AMCOR Beverage Cans, 146 Carrington Street, Revesby
AMCOR Packaging (Australia) Pty Ltd	AMCOR Packaging Paper Mill, McCauley Street, Matraville
ANGLO Coal (Dartbrook Management) Pty Limited	Dartbrook Coal Mine, Star Street, Muswellbrook
Bartter Enterprises Pty Limited	Bartter Processing Plant, Farm 13, Hanwood
Bartter Enterprises Pty Limited	Steggles Processing, Hawthorne Street, Beresfield
Bengalla Mining Company Pty Ltd	Bengalla Coal Mine, Bengalla Road, Muswellbrook
Blue Circle Southern Cement Ltd	Marulan Mine, Hume Street, Marulan South
Blue Circle Southern Cement Ltd	Maldon Works, Maldon Road, Picton
Blue Circle Southern Cement Ltd	Berrima Works, Taylor Road, Berrima
Bluescope Steel Limited	Springhill Works, Lot 1 Spring Hill Road, Port Kembla
Bluescope Steel Limited	Port Kembla Steelworks, Lot 1 Five Islands Road, Port Kembla
BOC Limited	BOC Gases, Five Islands Road, Cringila
British American Tobacco Australia Limited	British American Tobacco, Bunnerong Road, Pagewood
Caltex Australia Ltd	Caltex Oil Refinery, 2 Solander Street, Kurnell

## Energy Savings Order 2005

Designated energy users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Camberwell Coal Pty Limited	Camberwell Coal Mine, Bridgeman Road, Singleton
Carter Holt Harvey Wood Products Australia Pty Limited	Carter Holt Harvey—Tumut Particleboard, Jespen Avenue, Tumut
Carter Holt Harvey Wood Products Australia Pty Limited	Carter Holt Harvey—Oberon Timber Plant, Lowes Mount Road, Oberon
Cement Australia Holdings Pty Ltd	Cement Australia Kandos, Jamieson Street, Kandos
Centennial Coal Company Limited	Ivanhoe Colliery, Wolgan Road, Lidsdale
Centennial Coal Company Limited	Cooranbong Colliery, 197 Mandalong Road, Mandalong
Centennial Coal Company Limited	Myuna Colliery, Wangi Point Road, Wangi Wangi
Centennial Coal Company Limited	Clarence Colliery, The Chifley Road, Clarence
Coal & Allied Operations Pty Ltd	Hunter Valley Operations, Lemington Road, Lemington
Cobar Management Pty Limited	Cobar Mine, Louth Road, Cobar
Comalco Aluminium Limited	Alcoa Australia Rolled Products Pty Limited, 19 Norrie Street, Yennora
CSR Limited	CSR, 376 Victoria Road, Wetherill Park
CSR Limited	CSR Bradford Insulation, 55 Stennett Road, Ingleburn
EFFEM Foods Pty Ltd	Uncle Bens, Adrienne Street, Raglan
Endeavor Operations Pty Ltd	Endeavor Mine, Louth Road, Cobar
Fairfax Printers Pty Limited	Fairfax Print Centre, 24 Hume Highway, Greenacre
Glennies Creek Coal Management Pty Ltd	Glennies Creek Coal Mine, 640 Middle Fallbrook Road, Glennies Creek
Hawker De Havilland Aerospace Pty Limited	Hawker De Havilland, 361 Milperra Road, Bankstown Airport
Hydro Aluminium Kurri Kurri Pty Ltd	Hydro Aluminium, Hart Road, Loxford
IBM Australia Ltd	IBM Australia, Norwest Data Centre, 3 Brookhollow Avenue, Baulkham Hills
IBM Australia Ltd	IBM Australia, 55 Coonara Avenue, West Pennant Hills

## Energy Savings Order 2005

## Schedule 1 Designated energy users—businesses

---

<b>Body</b>	<b>Site Address</b>
IBM Australia Ltd	IBM Australia, 4a Herbert Street, Artarmon
Illawarra Coal Holdings Pty Ltd	Douglas Project Site, Douglas Park Road, Douglas Park
Illawarra Coal Holdings Pty Ltd	Appin Colliery, Appin Road, Appin
Illawarra Coal Holdings Pty Ltd	West Cliff Colliery, Wedderburn Road, Appin
Incitec Pivot Limited	Incitec Pivot Newcastle Operations, 20 Greenleaf Road, Kooragang Island
Intercast & Forge Pty Limited	Intercast & Forge, 18–24 Abbott Road, Seven Hills
James Hardie Australia Pty Ltd	James Hardie Industries, 10 Colquhoun Street, Rosehill
Jeld-Wen of Australia Pty Limited	Jeld-Wen Fibre of Australia, Lowes Mount Road, Oberon
Kellogg (Aust) Pty Ltd	Kellogg Botany Plant, Swinbourne Street, Botany
Kimberly-Clark Australia Pty Ltd	Kimberly-Clark, 7 Williamson Road, Ingleburn
Kimberly-Clark Australia Pty Ltd	Kimberly-Clark, Drome Street, Albury
Lion Nathan Australia Pty Limited	Tooheys Brewery, 29 Nyrang Street, Lidcombe
Manildra Flour Mills (Manufacturing) Pty Ltd	Manildra Flour Mill, Kiewa Street, Manildra
Metal Manufacturers Limited	Metal Manufacturers, Military Road, Port Kembla
Mount Thorley Operations Pty Limited	Mount Thorley Coal Mine, Mount Thorley Road, Mount Thorley
Newcrest Mining Limited	Cadia Mine, Cadia Road, Orange
Norske Skog Paper Mills (Australia) Limited	Norske Skog Paper Mill, Hume Highway, Albury
North Mining Limited	Northparkes Mine, Bogan Road, Parkes
OneSteel Limited	OneSteel Pipestube Newcastle Works, 51 Industrial Drive, Mayfield
OneSteel Limited	Onesteel Rod, Bar & Wire, Ingall Street, Mayfield

---

## Energy Savings Order 2005

Designated energy users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
OneSteel Limited	OneSteel Sydney Steel Mill, 22 Kellogg Road, Rooty Hill
P & M Quality Smallgoods Pty Ltd	Primo Smallgoods, 18 Hume Highway, Chullora
P & M Quality Smallgoods Pty Ltd	Primo Abattoirs, Sydney Street, Scone
Paper Australia Pty Ltd	Shoalhaven Paper Mill, 340 Bolong Road, Bomaderry
Peak Gold Mines Pty Ltd	Peak Gold Mines, Hillston Road, Cobar
Perilya Limited	Broken Hill Mine, 121 Rakow Street, Broken Hill
Pilkington (Australia) Operations Limited	Pilkington Operations, 8 Williamson Road, Ingleburn
Port Waratah Coal Services Ltd	Kooragang Coal Terminal, Parker Street, Carrington
Prysmian Power Cables & Systems Australia Pty Limited	Pirelli Cables, 2 Heathcote Road, Moorebank
Qenos Pty Ltd	Qenos, 16–20 Beauchamp Road, Botany
Shell Refining (Australia) Pty Ltd	Shell, Manns Avenue, Greenwich
Shell Refining (Australia) Pty Ltd	Shell Clyde Refinery, 6 Unwin Street, Rosehill
Shoalhaven Starches Pty Ltd	Shoalhaven Starches Plant, 36 Bolong Road, Bomaderry
Springvale Coal Pty Ltd	Springvale Colliery, Mudgee Road, Lidsdale
Sydney Airport Corporation Limited	Sydney Airport, 241 Kingsford Road, Mascot
Sydney Markets Ltd	Sydney Markets, Parramatta Road, Flemington
The Austral Brick Co Pty Ltd	Austral Bricks (No. 1 Plant), Wallgrove Road, Horsley Park
The Austral Brick Co Pty Ltd	Austral Bricks (No. 3 Plant), Old Wallgrove Road, Horsley Park
The Australian Steel Company (Operations) Pty Ltd	Smorgon Steel Manufacturing, Maudde Street, Waratah
The Independent Print Media Group Pty Limited	Offset Alpine Printing Pty Ltd, 42 Boorea Street, Lidcombe

## Energy Savings Order 2005

## Schedule 1 Designated energy users—businesses

<b>Body</b>	<b>Site Address</b>
The Independent Print Media Group Pty Limited	Hannanprint, 55 Doody Street, Alexandria
Tomago Aluminium Company Pty Ltd	Tomago Aluminium, Tomago Road, Tomago
Visy R & D Pty Ltd	VisyPET, 23 Ash Road, Prestons
Visy R & D Pty Ltd	Visy Packaging, 102 Gipps Road, Smithfield
Visy R & D Pty Ltd	VisyPET, 2 David Road, Wetherill Park
Visy R & D Pty Ltd	VisyPET, 5–9 Coronation Avenue, Kings Park
Visy R & D Pty Ltd	Visy Tumut Mill, Gadara Street, Tumut
Visy R & D Pty Ltd	VisyPaper, 158 Mcredie Road, Smithfield
Wambo Coal Pty Limited	Wambo Coal Mine, Jerrys Plains Road, Wakworth
Warkworth Mining Ltd	Warkworth Mine, Putty Road, Mount Thorley
Xstrata Coal (NSW) Pty Limited	Baal Bone Colliery, Mudgee Road, Cullen Bullen
Xstrata Coal (NSW) Pty Limited	Bulga Coal Mine, Broke Road, Singleton
Xstrata Coal (NSW) Pty Limited	Macquarie Washery and West Walls, 104 Railway Street, Teralba
Xstrata Coal (NSW) Pty Limited	Oceanic Coal Mine, The Broadway, Killingworth
Xstrata Coal (NSW) Pty Limited	Ravensworth Coal Mine, Off Lemington Road, Ravensworth
Xstrata Coal (NSW) Pty Limited	Ulan Coal Mine, Cassilis Road, Ulan
<b>Part B—Designated energy users to submit plans by 30 September 2006</b>	
Arnott's Biscuits Limited	Arnott's Biscuits, 25 Huntingwood Drive, Huntingwood
Australian Co-operative Foods Limited	Dairy Farmers, 189 Maitland Road, Hexham
Australian Co-operative Foods Limited	Dairy Farmers, 433 Victoria Street, Wetherill Park
Australian Co-operative Foods Limited	Dairy Farmers, Birnie Avenue, Lidcombe
Boral Limited	Boral, Tooheys Road, Wyee
Boral Limited	Boral, 3 Thackeray Street, Camellia

## Energy Savings Order 2005

Designated energy users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Boral Limited	Boral Concrete & Quarries, Railway Street, Emu Plains
BSC Management Pty Limited	Broadway Shopping Centre, 1 Bay Street, Broadway
Cargill Australia Limited	Cargill, 51 Raven Street, Kooragang
Cargill Australia Limited	Cargill Seeds, Barandar Street, Narrabri
Cargill Australia Limited	Cargill, Phoenix Street, Tamworth
Cargill Australia Limited	Cargill Mill, Dampier Street, Bomen
Charles Sturt University	Wagga Wagga Campus, Bathurst
Continental Carbon Australia Pty Ltd	Continental Carbon Australia, Sir Joseph Banks Drive, Kurnell
Crane Enfield Metals Pty Limited	Crane Copper Tube, 2115 Castlereagh Road, Penrith
Darling Harbour Convention & Exhibition Pty Limited	Sydney Convention & Exhibition Centre, Darling Drive, Darling Harbour
Electrolux Home Products Pty Limited	Electrolux Orange Factory, Edward Street, Orange
Fletcher International Exports Pty Ltd	Fletcher International Exports, 11 Yarrandale Road, Dubbo
George Weston Foods Limited	George Weston Foods, 1 Braidwood Street, Enfield
George Weston Foods Limited	Speedibake, Cnr Hope and Hughes, Ermington
Gerrard Signode Pty Ltd	Signode Steel Strapping, Mitchell Avenue, Kurri Kurri
Gloucester Coal Ltd	Stratford Coal, Bucketts Way, Stratford
Grosvenor Place Pty Limited	Grosvenor Place, 225 George Street, Sydney
H C Extractions Pty Ltd	H C Extractions, Captain Cook Drive, Kurnell
Helensburgh Coal Pty Limited	Metropolitan Colliery, Off Parkes Street, Helensburgh
Highland Pine Products Pty Limited	Highland Pine Products Mill, Albion Street, Oberon
Hunter Water Corporation	Tomago Water Plant, Masonite Road, Tomago

## Energy Savings Order 2005

## Schedule 1 Designated energy users—businesses

<b>Body</b>	<b>Site Address</b>
Hyne & Son Pty Limited	Hyne Pine Tumbarumba Mill, 3875 Jingellic Road, Tumbarumba
ION Automotive Systems Pty Ltd	BTR Automotive, Kaitlers Road, Lavington
Koppers Carbon Materials & Chemicals Pty Ltd	Koppers, Woodstock Street, Mayfield
Lakecoal Pty Ltd	Chain Valley Colliery, Off Construction Road, Vales Point
Macquarie University	Macquarie University, Balaclava Road, North Ryde
Merck Sharp & Dohme (Australia) Pty Ltd	Merck Sharp & Dohme (Australia) Pty Limited, 54–68 Ferndell Street, Granville
MQF Pty Limited	MQF, 37 Wentworth Street, Greenacre
No. 1 Martin Place (No. 2) Pty Ltd	No 1 Martin Place, 1 Martin Place, Sydney
Nationwide News Pty Limited	News Ltd Chullora Print Centre, 26 Hume Highway, Chullora
Nestle Australia Ltd	Friskies Pet Food, Jarmon Crescent, Blayney
Northern Co-operative Meat Company Limited	Casino Abbotoir, 10615 Summerland Way, Casino
Orica Australia Pty Ltd	Orica, Friendship Road, Botany
Orica Australia Pty Ltd	Orica, Orchard Road, Chester Hill
Patrick Operations Pty Ltd	Patrick Stevedoring, Penryhn Road, Banksmeadow
Penford Australia Ltd	Penford Australia, Marius Street, Tamworth
Penford Australia Ltd	Penford Australia, 170 Epping Road, Lane Cove
PMP Print Pty Ltd	PMP Printing, 31 Healthcote Road, Moorebank
Port Kembla Coal Terminal Limited	Port Kembla Coal Terminal, Port Kembla Road, Port Kembla
Qantas Airways Limited	Sydney Airport Centre, Bourke Street, Mascot
Reco Bathurst Pty Limited	Chifley Tower, 92 Philip Street, Sydney
Ricegrowers' Co-operative Limited	Deniliquin Rice Mill, Salesyards Road, Deniliquin
Ricegrowers' Co-operative Limited	Leeton Mill, Calrose Street, Leeton



Energy Savings Order 2005

Designated energy users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Riverina Wool Combing Pty Ltd	Riverina Wool Combing, Byrnes Road, Wagga Wagga
Sara Lee Bakery (Australia) Pty Ltd	Sara Lee Apparel Australasia Pty Ltd, Railway Crescent, Lisarow
Solvay Interox Pty Ltd	Solvay Plant, 20–22 McPherson Street, Banksmeadow
St Mary's RSL Sub-Branch	St Mary's RSL, Mamre Road, St Mary's
Sydney Adventist Hospital Limited	Sydney Adventist Hospital, 187 Fox Valley Way, Wahroonga
Sydney Opera House	Sydney Opera House, Bennelong Point, Sydney
Sydney Water Corporation	Cronulla Sewage Treatment Plant, 10 Captain Cook Drive, Cronulla
Sydney Water Corporation	Malabar Sewage Treatment Plant, Dacre Street, Malabar
Sydney Water Corporation	North Head Sewage Treatment Plant, 20 Scenic Drive, Manly
Sydney Water Corporation	Prospect Reservoir Water Pumping Stations, Reservoir Road, Prospect
Sydney Water Corporation	St Mary's Sewage Treatment Plant, Links Road, St Marys
Sydney Water Corporation	West Ryde Water Pumping Station, Hermitage Road, West Ryde
Tahmoor Coal Pty Ltd	Tahmoor Coal Mine, Remembrance Drive, Tahmoor
TCN Channel Nine Pty Ltd	Channel Nine, 24 Artarmon Road, Willoughby
Telstra Corporation Limited	Telstra, 231 Elizabeth Street, Sydney
Telstra Corporation Limited	Telstra, 1 Wheeler Lane, North Sydney
Telstra Corporation Limited	Telstra, 93 Marsden Street, Parramatta
Telstra Corporation Limited	Telstra, Parker Street, Haymarket
Telstra Corporation Limited	Telstra, 242 Kent Street, Sydney
The University of Sydney	University of Sydney City Campus, City Road, University of Sydney
Unilever Australia Limited	Unilever, 2 Magnum Place, Minto
Unilever Australia Limited	Unilever, 74 Edinburgh Road, Marrickville

## Energy Savings Order 2005

## Schedule 1 Designated energy users—businesses

---

<b>Body</b>	<b>Site Address</b>
United Utilities Australia Pty Limited	Broughton Pass Water Filtration Plant, Broughton Pass, Appin
University of New England	Armidale Campus, Armidale
University of New South Wales	Kensington Campus, High Street, Randwick
University of Newcastle	Newcastle Campus, 70 University Drive, Callaghan
University of Wollongong	University of Wollongong, Northfields Avenue, Gwynneville
Vinindex Pty Limited	Vinindex Tubemakers, 254 Woodpark Road, Smithfield
Weir Warman Ltd	Weir Warman, 1 Marsden Street, Artarmon
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 600 Kingsway, Miranda
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 159–175 Church Street, Parramatta
Weyerhaeuser Australia Pty Limited	Weyerhaeuser Tumut Sawmill, Adelong Road, Tumut
Yolarno Pty Ltd	Bindaree Beef Company, Warialda Road, Inverell
<b>Part C—Designated energy users to submit plans by 31 December 2006</b>	
Astrazeneca Pty Ltd	Astrazeneca, 47–53 Talavera Road, Macquarie Park
Australian Health and Nutrition Association Limited	Sanitarium Foods, 582 Freemans Drive, Cooranbong
Australian Health and Nutrition Association Limited	Sanitarium Foods, 2 Sanitarium Drive, Berkeley Vale
Bankstown District Sports Club Limited	Bankstown District Sports Club, 6 Greenfield Parade, Bankstown
Baxter Healthcare Pty Ltd	Baxter Healthcare, Oakes Road, Toongabbie
Berri Limited	Berri Limited, 253 Woodpark Road, Smithfield
Bonds Industries Pty Ltd	Bonds Industries, 190 Dunmore Street, Wentworthville
Bulldogs League Club Limited	Canterbury Leagues Club, 26–62 Bridge Road, Belmore

---

## Energy Savings Order 2005

Designated energy users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Coca-Cola Amatil (Aust) Pty Ltd	Coca Cola Plant, 128 Briens Road, Northmead
Commonwealth Bank of Australia CPT Manager Limited	EDS Australia, 48 George Street, Burwood Centro Roselands, Roselands Avenue, Roselands
Devro Pty Limited	Devro, Great Western Highway, Kelso
GF Foods Pty Limited	Meadow Lea, 514 Gardeners Road, Mascot
Global Switch Property (Australia) Pty Limited	Global Switch, 400 Harris Street, Ultimo
GPT Management Holdings Limited	MLC Centre, 19–29 Martin Place, Sydney
Hewlett-Packard Australia Pty Ltd	Hewlett Packard, 410 Concord Road, Concord West
Huhtamaki Australia Pty Limited	Polarcup Australia, 120 Mileham Street, Windsor
Inghams Enterprises Pty Limited	Inghams, Cowpasture Road, Hoxton Park
Inghams Enterprises Pty Limited	Chickadee Foods, Cutrock Row, Lisarow
Investa Properties Limited	255 Elizabeth Street, Sydney
Lilyvale Hotel Pty Ltd	Shangri-La Hotel, 176 Cumberland Street, The Rocks
Mauri Yeast Australia Pty Limited	AB Mauri, 15 Grand Avenue, Camellia
Mirvac Funds Limited	Optus Centre and Greenwood Plaza, 101–103 Miller Street, North Sydney
Norco Co-operative Limited	Norco Milk Factory, River Street, Lismore
Omya Australia Pty Limited	Omya, Vale Road, Bathurst
P&O Australia Ltd	P&O Cold Storage, 21 Holbeche Road, Arndell Park
P&O Australia Ltd	P&O Container Terminal, Friendship Road, Port Botany
Penrith Rugby League Club Ltd	Penrith Panthers, Mulgoa Road, Penrith
Pfizer Australia Pty Ltd	Pfizer, 32–40 Cawarra Road, Caringbah
Rockdale Beef Pty Limited	Rockdale Beef, Regulator Road, Yanco
Sheraton on the Park Pty Ltd	Sheraton on the Park, 161 Elizabeth Street, Sydney
Simplot Australia Pty Limited	Simplot, Bradford Street, Kelso

## Energy Savings Order 2005

## Schedule 1 Designated energy users—businesses

---

<b>Body</b>	<b>Site Address</b>
Simplot Australia Pty Limited	Simplot Cannery, Esrom Road, Bathurst
SingTel Optus Pty Limited	Rosebery Exchange, 65 Epsom Road, Rosebery
Sony Music Entertainment (Australia) Limited	Sony DADC Australia Pty Limited, 60 Huntingwood Drive, Huntingwood
Spicer Axle Australia Pty Ltd	Dana Automotive, 205 Fairfield Road, Fairfield
SR Hotel Operations (Aust) Pty Limited	Four Seasons Hotel, 199 George Street, The Rocks
St George Bank Limited	St George House, 4–16 Montgomery Street, Kogarah
St Vincents & Mater Health Sydney Limited	St Vincents Private Hospital, 22 Leichhardt Street, Darlinghurst
Sulo MGB Australia Pty Ltd	Sulo, 123 Wisemans Ferry Road, Somersby
Tasman Insulation Australia Pty Limited	Tasman Insulation, 600 Woodstock Avenue, Rooty Hill
The Trustee for AME Property Trust	St George Private Hospital, 1 South Street, Kogarah
The Trustee for Commonwealth Property Office Fund	Commonwealth Bank, 120 Pitt Street, Sydney
Triako Resources Limited	Mineral Hill Mine, Melrose Road, Condobolin
Tristar Steering and Suspension Australia Limited	Tristar Steering, Carrington Road, Marrickville
Twin Towns Services Club Ltd	Twin Towns Services Club, Wharf Street, Tweed Heads
Westpac Banking Corporation	Westpac, 77 King Street, Sydney
Westpac Banking Corporation	Westpac, Khartoum Road, North Ryde

---

Energy Savings Order 2005

Designated energy users—local councils

Schedule 2

---

## Schedule 2 Designated energy users—local councils

(Clause 5)

**Metropolitan**

Auburn Council  
 Bankstown City Council  
 Baulkham Hills Shire Council  
 Blacktown City Council  
 Blue Mountains City Council  
 Campbelltown City Council  
 Canada Bay City Council  
 Canterbury City Council  
 Camden Council  
 Fairfield City Council  
 Hawkesbury City Council  
 Holroyd City Council  
 Hornsby Shire Council  
 Hurstville City Council  
 Kogarah Municipal Council  
 Ku-ring-gai Council  
 Leichhardt Municipal Council  
 Liverpool City Council  
 Marrickville Council  
 North Sydney Council  
 Parramatta City Council  
 Penrith City Council  
 Pittwater Council  
 Randwick City Council  
 Rockdale City Council  
 Ryde City Council

**Regional**

Coffs Harbour City Council  
 Gosford City Council  
 Lake Macquarie City Council  
 Maitland City Council  
 Newcastle City Council  
 Port Macquarie-Hastings Council  
 Port Stephens Council  
 Shoalhaven City Council  
 Tamworth Regional Council  
 Tweed Shire Council  
 Wagga Wagga City Council  
 Wyong Shire Council

## Energy Savings Order 2005

Schedule 2 Designated energy users—local councils

---

**Metropolitan****Regional**

---

Shellharbour City Council

Sutherland Shire Council

Council of the City of Sydney

Warringah Council

Waverley Council

Willoughby City Council

Wollongong City Council

Woollahra Municipal Council

---



New South Wales

# Water Savings Order 2005

under the

Energy and Utilities Administration Act 1987

I, Carl Scully, MP, Minister for Utilities, in pursuance of section 34D of the *Energy and Utilities Administration Act 1987*, make the following Order.

Dated at Sydney, this 25th day of October 2005.

CARL SCULLY, M.P.,  
Minister for Utilities

## Explanatory note

Section 34D of the *Energy and Utilities Administration Act 1987* (**the Act**) provides that the Minister may, by order published in the Gazette, make provision for any matter that is required or permitted to be prescribed or otherwise dealt with by a savings order under a provision of the Act.

The purposes of the *Water Savings Order 2005* are to:

- (a) prescribe certain bodies that use water in the area of operations of Sydney Water Corporation as **designated water users** pursuant to section 34A of the Act, and
- (b) prescribe the period of time in which a **designated water user** is to prepare a draft water savings action plan pursuant to section 34Q of the Act.

A draft water savings action plan must be prepared in accordance with the guidelines issued by the Minister under section 34R of the Act.

Clause 1            Water Savings Order 2005

---

## **Water Savings Order 2005**

under the

Energy and Utilities Administration Act 1987

### **1 Name of Order**

This Order is the *Water Savings Order 2005*.

### **2 Commencement**

This Order commences on 28 October 2005.

### **3 Definition**

In this Order:

*the Act* means the *Energy and Utilities Administration Act 1987*.

### **4 Designated water users**

Each body listed in Schedule 1 that uses water in the area of operations of Sydney Water Corporation is prescribed as a designated water user for the purposes of section 34A of the Act.

### **5 Draft water savings action plans**

For the purposes of section 34Q (1) of the Act:

- (a) each designated water user listed in Schedule 1, and
- (b) each local council that is a designated water user pursuant to section 34A (a) of the Act and listed in Schedule 2,

is to prepare a draft water savings action plan in accordance with section 34R of the Act and submit it to the Minister for approval by 31 March 2006.



Water Savings Order 2005

Designated water users—businesses

Schedule 1

---

## Schedule 1 Designated water users—businesses

(Clauses 4 and 5)

<b>Body</b>	<b>Site Address</b>
161 Sussex Street Pty Ltd	Four Points Hotel, 121–185 Sussex Street Sydney
A J Bush & Sons (Manufactures) Pty Ltd	A J Bush & Sons, 330 Windsor Road, Riverstone
ACI Operations Pty Ltd	ACI Glass Packaging Plant, 13 Andrews Road, Penrith
ADFA Jamison Pty Limited	Rydges Jamison, 11–19 Jamison Street, Sydney
ADI Limited	Garden Island Facility, Captain Cook Dock, Garden Island
Albright & Wilson (Australia) Limited	Albright & Wilson, 22 Davis Road, Wetherill Park
ALSCO Pty Limited	ALSCO, 65 Williamson Road, Ingleburn
ALSCO Pty Limited	ALSCO, 100 Cosgrove Road, Enfield
ALSCO Pty Limited	ALSCO, 75 Bourke Road, Alexandria
AMCOR Packaging (Australia) Pty Ltd	AMCOR Packaging Paper Mill, McCauley Street, Matraville
AMP Capital Investors Limited	Marrickville Metro, 34 Victoria Road, Marrickville
AMP Capital Investors Limited	AMP Centre, 50 Bridge Street, Sydney
AMP Capital Investors Limited	Macquarie Centre, Cnr Herring and Waterloo Roads, North Ryde
AMP Capital Investors Limited	Warringah Mall, Cnr Old Pittwater Road and Condamine Street, Brookvale
Arnott's Biscuits Limited	Arnott's Biscuits, 25 Huntingwood Drive, Huntingwood
Arnott's Snack Foods	Arnott's Snack Foods, 15-21 Britton Street, Smithfield
Astrazeneca Pty Ltd	Astrazeneca, 47–53 Talavera Road, Macquarie Park
Ausco Martin Pty Limited	Westin Hotel, 1 Martin Place, Sydney

## Water Savings Order 2005

## Schedule 1 Designated water users—businesses

<b>Body</b>	<b>Site Address</b>
Australian Aluminium Finishing Pty Limited	Australian Aluminium Finishing, 23 Frank Street, Wetherill Park
Australian Co-operative Foods Limited	Dairy Farmers, Birnie Avenue, Lidcombe
Australian Co-operative Foods Limited	Dairy Farmers, 433 Victoria Street, Wetherill Park
Australian Jockey Club	Randwick Racecourse, Alison Road, Randwick
Baiada Pty Ltd	Baiada, 642–648 Great Western Highway, Girraween
Bankstown District Sports Club Limited	Bankstown District Sports Club, 6 Greenfield Parade, Bankstown
Barrett Burston Malting Co Pty Ltd	Barrett Burston Malting, 1 Pioneer Avenue, Thornleigh
Baxter Healthcare Pty Ltd	Baxter Healthcare, Oakes Road, Toongabbie
Belmore Bean Factory Pty Ltd	Belmore Bean Factory, 178 Carrington Street, Revesby
Berri Limited	Berri Limited, 253 Woodpark Road, Smithfield
Beverley Park Golf Club Ltd	Beverley Park Golf Course, Jubilee Avenue, Beverley Park
Bevillesta Pty Limited	Harbourside, 2–10 Darling Drive, Haymarket
Bluescope Steel Limited	CRM Works, Old Port Road, Port Kembla
Bluescope Steel Limited	Springhill Works, Lot 1 Spring Hill Road, Port Kembla
Bluescope Steel Limited	Port Kembla Steelworks, Lot 1 Five Islands Road, Port Kembla
BMC for Harbour Gardens	Harbour Garden Plaza, 28 Harbour Street, Sydney
BOC Limited	BOC Gases, Five Islands Road, Cringila
Bonds Industries Pty Ltd	Bonds Industries, 190 Dunmore Street, Pendle Hill
Boral Limited	Boral, 3 Thackeray Street, Camellia

## Water Savings Order 2005

Designated water users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
British American Tobacco Australia Limited	British American Tobacco, Bunnerong Road, Pagewood
BSC Management Pty Limited	Broadway Shopping Centre, 1 Bay Street, Broadway
Bulldogs League Club Limited	Canterbury Leagues Club, 26–62 Bridge Road, Belmore
Bush's Pet Foods Pty Limited	Bush's Pet Foods, 12 Williamson Road, Ingleburn
Cadbury Schweppes Proprietary Limited	Cadbury Schweppes, 36–42 Orange Grove Road, Liverpool
Cadbury Schweppes Proprietary Limited	Cadbury Schweppes, 27 Huntingwood Drive, Huntingwood
Caltex Australia Limited	Caltex Lube Oil Refinery, Captain Cook Drive, Kurnell
Caltex Australia Limited	Caltex Oil Refinery, 2 Solander Street, Kurnell
Carlton Crest Hotel (Sydney) Pty Limited	Carlton Crest Hotel, 169–179 Thomas Street, Ultimo
Cerebos (Australia) Limited	Cerebos Australia, 92–96 Station Road, Seven Hills
Cheung Properties Pty Limited	Crest Hotel, 111–139 Darlinghurst Road, Potts Point
Club Marconi of Bossley Park Social Recreation and Sporting Centre Limited	Club Marconi Recreation Centre, Marconi Plaza, Bossley Park
Coca-Cola Amatil (Aust) Pty Ltd	Coca Cola Amatil, 1–15 Sturt Street, Smithfield
Coca-Cola Amatil (Aust) Pty Ltd	Coca Cola Plant, 128 Briens Road, Northmead
Colgate-Palmolive Pty Ltd	Colgate, 50 Marple Avenue, Villawood
Comalco Aluminium Limited	Alcoa Australia Rolled Products Pty Limited, 19 Norrie Street, Yennora
Commerce Building Pty Ltd	Commerce Building, 345B Sussex Street, Sydney
Commonwealth Bank Officers Superannuation Corporation Pty Limited	Northside Gardens, 168 Walker Street, North Sydney
Commonwealth Bank Officers Superannuation Corporation Pty Limited and The Trustee for Commonwealth Property Office Fund	AAP Centre, 259 George Street, Sydney

## Water Savings Order 2005

## Schedule 1 Designated water users—businesses

<b>Body</b>	<b>Site Address</b>
Continental Carbon Australia Pty Ltd	Continental Carbon Australia, Sir Joseph Banks Drive, Kurnell
CPT Manager Limited	Centro Roselands, Roselands Avenue, Roselands
CSR Limited	CSR Bradford Insulation, 55 Stennett Road, Ingleburn
CSR Limited	CSR, 376 Victoria Road, Wetherill Park
Cumberland Country Golf Club Ltd	Cumberland Country Golf Course, Old Prospect Road, Wentworthville
DB Real Estate Australia Limited	Gateway Building, 1 Macquarie Place, Sydney
DB RREEF Funds Management Limited	Zenith Centre, 821–843 Pacific Highway, Chatswood
DB RREEF Funds Management Limited and GPT RE Limited	Australia Square, 264 George Street, Sydney
DB RREEF Funds Management Limited	115 Rosebery Avenue, Rosebery
DB RREEF Funds Management Limited	Governor Macquarie and Phillip Towers, 1 Farrer Place, Sydney
Diageo Australia Limited	United Distillers, 4 Distillers Place, Huntingwood
Ensign Services (Aust) Pty Ltd	Ensign Services, 42–46 Belmore Road, Punchbowl
Fairfax Printers Pty Limited	Fairfax Print Centre, 24 Hume Highway, Greenacre
Frank Whiddon Masonic Homes of New South Wales	Frank Whiddon Masonic Homes, 81 Belmont Road, Glenfield
Fresh Start Bakeries Australia Pty Ltd	Goodman Fielder, 12 Homepride Avenue, Warwick Farm
Freshfood Sydney Pty Ltd	Freshfood Sydney, 160 Burwood Road, Concord
GF Foods Pty Limited	Meadow Lea, 514 Gardeners Road, Mascot
Golden Harvest (Aust) Pty Limited	Carlingford Village, Pennant Hills Road, Carlingford
Golden Swan Investments (Australia) Pty Limited	Holiday Inn, 68 Harbour Street, Darling Harbour
GPT Management Holdings Limited	Tattersalls, 179 Elizabeth Street, Sydney

Water Savings Order 2005

Designated water users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
GPT Management Holdings Limited	HSBC Centre, 580 George Street, Sydney
GPT Management Holdings Limited	Carlingford Court, Cnr Pennant Hills & Carlingford Roads, Carlingford
GPT Management Holdings Limited	MLC Centre, 19–29 Martin Place, Sydney
GPT Management Holdings Limited	Macarthur Square, Gilchrist Drive, Campbelltown
Green Leisure Group Pty Ltd	Andreasens Green Wholesale Nurseries, Lot 4, Elizabeth Drive, Kemps Creek
Grosvenor Place Pty Limited	Grosvenor Place, 225 George Street, Sydney
GSF Australia Pty Limited	GSF Australia, 19–27 Walter Street, Wetherill Park
H.I. (Coogee) Trust	Crown Plaza Hotel, 242 Arden Street, Coogee
Hans Continental Small Goods Pty Ltd	Hans Smallgoods, 82 Colmslie Road, Colmslie
Hanson Construction Materials Pty Ltd	Hanson, Lot 22 Shellharbour Road, Shellharbour
Harina Company Limited and The Trustee for Australian Prime Property Fund Commercial	No. 1 O'Connell Street, Sydney
Hawker De Havilland Aerospace Pty Limited	Hawker De Havilland, 361 Milperra Road, Bankstown Airport
Helensburgh Coal Pty Limited	Metropolitan Colliery, Off Parkes Street, Helensburgh
IBM Australia Ltd	IBM Australia, 55 Coonara Avenue, West Pennant Hills
Illawarra Coal Holdings Pty Ltd	Appin Colliery, Appin Road, Appin
Illawarra Coal Holdings Pty Ltd	Douglas Project Site, Douglas Park, Douglas Park
ING Management Limited and Trust Company of Australia Limited	Exchange Centre, 10–20 Bond Street, Sydney
Inghams Enterprises Pty Limited	Inghams Poultry Farm, Appin Road, Appin
Inghams Enterprises Pty Limited	Inghams, 6 Benson Road, Ingleburn
Inghams Enterprises Pty Limited	Inghams, 45 Rockford Road, Tahmoor

## Water Savings Order 2005

## Schedule 1 Designated water users—businesses

<b>Body</b>	<b>Site Address</b>
Inghams Enterprises Pty Limited	Inghams, Cowpasture Road, Hoxton Park
Intercast & Forge Pty Limited	Intercast & Forge, 18–24 Abbott Road, Seven Hills
ISPT Pty Ltd	Southgate Shopping Centre, 124 Princes Highway, Sylvania
ISPT Pty Ltd	461–477 Pitt Street, Sydney
James Hardie Australia Pty Ltd	James Hardie Industries, 10 Colquhoun Street, Rosehill
Jen Retail Properties Pty Limited	Birkenhead Point Outlet Centre, 19a Roseby Street, Drummoyne
Jen Retail Properties Pty Limited	Market City Shopping Centre, Lots 1, 2, 3 Quay Street, Haymarket
Kellogg (Aust) Pty Ltd	Kellogg Botany Plant, Swinbourne Street, Botany
Kogarah Golf Club Ltd	Kogarah Golf Course, 19 Marsh Street, Arncliffe
Lafarge Plasterboard Pty Limited	Lafarge Plasterboard, 31 Military Road, Matraville
Lawrence Dry Cleaners Pty Ltd	Lawrence Dry Cleaners, 887 Bourke Street, Waterloo
Leppington Pastoral Co Pty Ltd	Leppington Pastoral Co, 1–3 The Northern Road, Bringelly
Lilyvale Hotel Pty Ltd	Shangri-La Hotel, 176 Cumberland Street, The Rocks
Linkbond Asia Ltd	Grace Building, 77–79 York Street, Sydney
Lion Nathan Australia Pty Limited	Tooheys Brewery, 29 Nyrang Street, Lidcombe
Liverpool Golf Club Ltd	Liverpool Golf Course, Hollywood Drive, Lansvale
Macquarie University	Macquarie University, Balaclava Road, North Ryde
Mandarin Investments Pty Ltd and Mandarin Developments Pty Ltd	Mandarin Investments, 65 Victor Street, Chatswood
Manly Golf Club Limited	Manly Golf Course, Balgowlah Road, Manly

Water Savings Order 2005

Designated water users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Marist Brothers St Gregory's College	St Gregory's College, Badgally Road, Campbelltown
Mauri Yeast Australia Pty Limited	AB Mauri, 15 Grand Avenue, Camellia
Memo Corporation Australia Pty Limited	1–17 Oxford Street, Darlinghurst
Memo Corporation Australia Pty Limited	Strathfield Plaza, Level 7, Suite 2A, 11 The Boulevard, Strathfield
Merck Sharp & Dohme (Australia) Pty Ltd	Merck Sharp & Dohme (Australia) Pty Limited, 54–68 Ferndell Street, Granville
Metal Manufacturers Limited	Metal Manufacturers, Military Road, Port Kembla
Mirvac Funds Limited	26–36 College Street, Darlinghurst
Mirvac Funds Limited	Optus Centre and Greenwood Plaza, 101–103 Miller Street, North Sydney
Mount Pritchard & District Community Club Ltd	Mt Pritchard & District Community Club, 101 Meadows Road, Mount Pritchard
MQF Pty Limited	MQF, 37 Wentworth Street, Greenacre
Mulpha Hotel Pty Ltd	Intercontinental Hotel, 117 Macquarie Street, Sydney
National Foods Limited	National Foods, 2257 Castlereagh Road, Penrith
Nationwide News Pty Limited	News Ltd Chullora Print Centre, 26 Hume Highway, Chullora
Newtown Dyers & Bleachers Pty Ltd	Newtown Dyers & Bleachers, 37–43 Sir Joseph Banks Street, Botany
No 1 Martin Place (No. 2) Pty Ltd	No 1 Martin Place, 1 Martin Place, Sydney
North Ryde Golf Club Limited	North Ryde Golf Course, Twin Road, North Ryde
Nuplex Industries (Aust) Pty Limited	Asia Pacific Specialty Chemicals, 8 Abbott Road, Seven Hills
OneSteel Limited	OneSteel Sydney Steel Mill, 22 Kellogg Road, Rooty Hill
Orica Australia Pty Ltd	Orica Chemnet, Wharf Road, Port Kembla

## Water Savings Order 2005

## Schedule 1 Designated water users—businesses

<b>Body</b>	<b>Site Address</b>
P & M Quality Smallgoods Pty Ltd	Primo Smallgoods, 18 Hume Highway, Chullora
P & N Beverages Australia Pty Limited	P & N Beverages, 376–384 Newbridge Road, Moorebank
P & N Beverages Australia Pty Limited	P & N Beverages, 19 Willfox Street, Condell Park
Penford Australia Limited	Penford Australia, 170 Epping Road, Lane Cove
Pennant Hills Golf Club Ltd	Pennant Hills District Golf Course, Pennant Hills Road, Beecroft
Penrith Rugby League Club Ltd	Penrith Panthers, Mulgoa Road, Penrith
Perfection Dairies Pty Ltd	Perfection Dairies, 7–9 Gibbon Road, Baulkham Hills
Perron Investments Pty Ltd	Campbelltown Mall, 271 Queen Street, Campbelltown
Pfizer Australia Pty Ltd	Pfizer, 32–40 Cawarra Road, Caringbah
Pilkington (Australia) Operations Limited	Pilkington Operations, 8 Williamson Road, Ingleburn
Port Kembla Coal Terminal Limited	Port Kembla Coal Terminal, Port Kembla Road, Port Kembla
Prysmian Power Cables & Systems Australia Pty Limited	Pirelli Cables, 2 Heathcote Road, Moorebank
Qantas Airways Limited	Qantas Airways, 203 Coward Street, Mascot
Qantas Airways Limited	Qantas Airways, Kent Road, Mascot
Qenos Pty Ltd	Qenos, 16–20 Beauchamp Road, Botany
Quality Bakers Australia Limited	Quality Bakers, 14 Church Road, Moorebank
Queensland Investment Corporation	Westpoint Shopping Centre, 22–34 Kildare Road, Blacktown
Queensland Investment Corporation	Castle Towers Shopping Centre, Castle Street, Castle Hill
Rail Corporation New South Wales	Central Railway Station, Eddy Avenue, Haymarket
R Cordina & Son Pty Ltd	Processing Plant, 55 Mandoon Road, Girrawareen



## Water Savings Order 2005

Designated water users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Reckitt Benckiser (Australia) Pty Limited	Reckitt & Coleman Pharmaceuticals, 44–96 Wharf Road, Ermington
Reco Bathurst Pty Limited	Chifley Tower, 92 Philip Street, Sydney
Red Lea Chickens Pty Ltd	Red Lea Chickens, 421–427 Flushcombe Road, Blacktown
Rockdale Plaza Pty Limited	Rockdale Plaza, 1 Rockdale Plaza Drive, Rockdale
Rooty Hill RSL Club Ltd	Rooty Hill RSL, 33 Railway Street, Rooty Hill
Roseville Golf Club Ltd	Roseville Golf Course, Links Avenue, Roseville
RSL Veterans' Retirement Villages Limited	RSL Veterans' Retirement Village, Veterans Parade, Narrabeen
Shell Refining (Australia) Pty Ltd	Shell, Manns Avenue, Greenwich
Shell Refining (Australia) Pty Ltd	Shell Clyde Refinery, 6 Unwin Street, Rosehill
Sheraton on the Park Pty Ltd	Sheraton on the Park, 161 Elizabeth Street, Sydney
Sicard Pty Ltd	175 Liverpool Street, Sydney
Silsoe Pty Ltd	DPK Australia, 94–98 O'Riordan Street, Alexandria
Sir Moses Montefiore Jewish Home	Sir Moses Montefiore Jewish Home, 49–51 Barons Crescent, Hunters Hill
So Natural Foods Australia Limited	ANF, 80 Box Road, Caringbah
Solvay Interlox Pty Ltd	Solvay Plant, 20–22 McPherson Street, Banksmeadow
Sony Music Entertainment (Australia) Limited	Sony DADC Australia Pty Limited, 60 Huntingwood Drive, Huntingwood
South Sydney Junior Rugby League Club Ltd	South Sydney Juniors, 558A Anzac Parade, Kingsford
SR Hotel Operations (Aust) Pty Limited	Four Seasons Hotel, 199 George Street, Sydney
SR Laundry Operations (Aust) Pty Limited	SR AEL Operations, 2a Ralph Street, Alexandria
St George Bank Limited	St George House, 4–16 Montgomery Street, Kogarah

## Water Savings Order 2005

## Schedule 1 Designated water users—businesses

<b>Body</b>	<b>Site Address</b>
St Marys Rugby League Club Ltd	St Marys RLFC, Forrester Road, St Mary's
Stamford Sydney Airport Pty Ltd	Stamford Plaza Sydney Airport, 241 O'Riordan Street, Mascot
Stockland Property Management Pty Ltd	Shellharbour City Centre, Lot 4001, Benson Street, Shellharbour
Summertime Chicken Pty Limited	Summertime Chickens, 26–28 Crosslands Road, Galston
Sunrise Resources (Australia) Pty Limited	Hilton Hotel, 255–269 Pitt Street, Sydney
Sydney Adventist Hospital Limited	Sydney Adventist Hospital, 187 Fox Valley Way, Wahroonga
Sydney Airport Corporation Limited	Sydney Airport, 241 Kingsford Road, Mascot
Sydney Cricket and Sports Ground Trust	Sydney Cricket Ground, Driver Avenue, Moore Park
Sydney Fish Market Pty Ltd	Sydney Fish Market, Lot 2 Jones Street, Pyrmont
Sydney Markets Ltd	Sydney Markets, Parramatta Road, Flemington
Sydney Opera House	Sydney Opera House, Bennelong Point, Sydney
Sydney Sprouts Pty Ltd	Sydney Sprouts, 205–223 Wallgrove Road, Cecil Park
Sydney Turf Club	Canterbury Park Racecourse, 98 King Street, Canterbury
Sydney Turf Club	Rosehill Gardens Racecourse, James Ruse Drive, Rosehill
Sydney Water Corporation	Sydney Water Corporation Head Office, 115 Bathurst Street, Sydney
T Greenway & J Banks Pty Ltd	Greenway & Banks Industrial Estate, 1–7 Unwins Bridge Road, St Peters
Tahmoor Coal Pty Ltd	Tahmoor Coal Mine, Remembrance Drive, Tahmoor
Thakral Holdings Limited	Novotel Northbeach, 2–14 Cliff Road, Wollongong
Thakral Holdings Limited	Novotel Brighton, Bay Street, Brighton-le-Sands

## Water Savings Order 2005

Designated water users—businesses

Schedule 1

<b>Body</b>	<b>Site Address</b>
Thakral Holdings Limited	301 George Street, Sydney
The Council of the King's School	The Kings School, Pennant Hills Road, North Parramatta
The Trustee for AME Property Trust	St George Private Hospital, 1 South Street, Kogarah
The Trustee for Brand Smart Syndicate	Riverbank Shopping Plaza, 8 Dunlop Street, North Parramatta
The Trustee for Centro Bankstown Sub Trust No 1 & The Trustee for Centro Bankstown Sub Trust No 2	Centro Bankstown, 37 North Terrace, Bankstown
The Trustee for Chung Family Trust	Citymark Building, 683–689 George Street, Sydney
The Trustee for Commonwealth Property Fund and Mirvac Limited	MetCentre, 60 Margaret Street, Sydney
The Trustee for Commonwealth Property Hotel Fund	Sydney Harbour Marriott Hotel, 30 Pitt Street, Sydney
The Trustee for Gandel Retail Management Trust	346–363 Victoria Avenue, Chatswood
The Trustee for Macquarie Office Trust and GPT Management Holdings Limited	Citigroup Centre, 4 Park Street, Sydney
The Trustee for Martin Place Property Trust	State Bank Centre, 52 Martin Place, Sydney
The Trustee for MCH Sydney Trust	Swissotel, 68 Market Street, Sydney
The Trustee for Schwartz Family Trust	Mercure Hotel, 816–820 George Street, Sydney
The University of Sydney	University of Sydney City Campus, City Road, University of Sydney
The University of Sydney	University of Sydney Cobbitty Campus, Werombi Road, Cobbitty
The Wentworth Hotel Sydney Pty Ltd	The Wentworth Hotel, 61–101 Philip Street, Sydney
Trust Company of Australia Limited	Stockland, 561–583 Polding Street, Wetherill Park
Trust Company of Australia Limited	Parkview, 157–167 Liverpool Street, Sydney
Trust Company of Australia Limited	Stockland, 199 Pitt Street, Merrylands

## Water Savings Order 2005

## Schedule 1 Designated water users—businesses

<b>Body</b>	<b>Site Address</b>
Trust Company of Australia Limited	Unilever, 219 North Rocks Road, North Rocks
Trust Company of Australia Limited	Peppers Fairmont Resort, McLachlan Road, Leura
Trustees of the Jesuit Fathers—St Ignatius College Riverview	Saint Ignatius College, Tambourine Bay Road, Lane Cove
UCA—Pymble Ladies College	Pymble Ladies College, 16–46 Avon Road, Pymble
Unilever Australia Limited	Unilever, 2 Magnum Place, Minto
Unilever Australia Limited	Unilever, 74 Edinburgh Road, Marrickville
University of New South Wales	Kensington Campus, High Street, Randwick
University of Technology Sydney	Broadway Campus, 15–73 Broadway, Ultimo
University of Western Sydney	Richmond Campus, Bourke Street, Richmond
University of Western Sydney	Werrington South, O'Connell Street, Kingswood
University of Wollongong	University of Wollongong, Northfields Avenue, Gwynneville
Valitel Commercial Pty Ltd	Valitel Commercial, 36J Fitzroy Street, Marrickville
Visy R & D Pty Ltd	VisyPET, 5–9 Coronation Avenue, Kings Park
Visy R & D Pty Ltd	VisyPaper, 158 Mcredie Road, Smithfield
Wales House Hotel Limited	Radisson Hotel, 66 Pitt Street, Sydney
Westfield Shopping Centre Management Co Pty Ltd	Skygarden Shopping Centre, 77 Castlereagh Street, Sydney
Westfield Shopping Centre Management Co Pty Ltd	Westfield, Cnr King and Cowper Streets, Warrawong
Westfield Shopping Centre Management Co Pty Ltd	Westfield, Cnr Cross Street and Park Road, Hurstville
Westfield Shopping Centre Management Co Pty Ltd	Westfield, Lot 1 Macquarie Street, Liverpool

Water Savings Order 2005

Designated water users—businesses

Schedule 1

---

<b>Body</b>	<b>Site Address</b>
Westfield Shopping Centre Management Co Pty Ltd	Sydney Central Plaza, Cnr Pitt Street Mall and Market Street, Sydney
Westfield Shopping Centre Management Co Pty Ltd	Westfield Centrepoint, Cnr Pitt Street Mall and Market Street, Sydney
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 100 Burwood Road, Burwood
Westfield Shopping Centre Management Co Pty Ltd	Westfield, Cnr Carlisle Avenue and Luxford Road, Mt Druitt
Westfield Shopping Centre Management Co Pty Ltd	Westfield Eastgardens, 152 Bunnerong Road, Matraville
Westfield Shopping Centre Management Co Pty Ltd	Westfield, Cnr Florence and Hunter Streets, Hornsby
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 1 Anderson Street, Chatswood
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 600 Kingsway, Miranda
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 159–175 Church Street, Parramatta
Westfield Shopping Centre Management Co Pty Ltd	Westfield, 569–585 High Street, Penrith
Zoological Parks Board of NSW	Taronga Zoo, Bradleys Head Road, Mosman

---

## Water Savings Order 2005

Schedule 2 Designated water users—metropolitan local councils

---

**Schedule 2 Designated water users—metropolitan local councils**

(Clause 5)

Ashfield Municipal Council	Leichhardt Municipal Council
Auburn Council	Liverpool City Council
Bankstown City Council	Manly Council
Baulkham Hills Shire Council	Marrickville Council
Blacktown City Council	Mosman Municipal Council
Blue Mountains City Council	North Sydney Council
Botany Bay City Council	Parramatta City Council
Burwood Council	Penrith City Council
Camden Council	Pittwater Council
Campbelltown City Council	Randwick City Council
Canada Bay City Council	Rockdale City Council
Canterbury City Council	Ryde City Council
Fairfield City Council	Shellharbour City Council
Hawkesbury City Council	Strathfield Municipal Council
Holroyd City Council	Sutherland Shire Council
Hornsby Shire Council	Council of the City of Sydney
Hunters Hill Municipal Council	Warringah Council
Hurstville City Council	Waverley Council
Kiama Municipal Council	Willoughby City Council
Kogarah Municipal Council	Wollondilly Shire Council
Ku-ring-gai Council	Wollongong City Council
Lane Cove Municipal Council	Woollahra Municipal Council

---

# Rules

---



New South Wales

## **Criminal Appeal Rules (Amendment No 1) 2005**

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 17 October 2005.

Steven Jupp  
Secretary of the Rule Committee

### **Explanatory note**

The object of these rules is to regulate the use of the CourtLinkNSW electronic case management system in relation to matters before the Court of Criminal Appeal.

Rule 1 Criminal Appeal Rules (Amendment No 1) 2005

---

## **Criminal Appeal Rules (Amendment No 1) 2005**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Criminal Appeal Rules (Amendment No 1) 2005*.

### **2 Amendment of Criminal Appeal Rules**

The *Criminal Appeal Rules* are amended as set out in Schedule 1.



Criminal Appeal Rules (Amendment No 1) 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Rule 2)

### [1] Rules 2A–2G and heading

Insert after rule 2:

## Electronic case management

### 2A Definitions

- (1) In this Part:  
*ECM system* means an electronic case management system established under section 14B of the *Electronic Transactions Act 2000*.  
*registered user* means a person who is registered as a user of the ECM system under rule 2B.
- (2) In this Part, a reference to *filing* a document in the Court includes a reference to any other method of sending a document to the Court.

### 2B Registration of users

- (1) The Registrar of the Court may register any person as a user of the ECM system in relation to the Court, either generally or for particular proceedings, and may specify the level of access to which the person is entitled, and the conditions of use applicable to the person, as a registered user of the system.
- (2) Subject to any order of the court, a person may not be registered as a user of the ECM system for particular proceedings unless the person is:
  - (a) a party to the proceedings, or
  - (b) a legal practitioner representing a party to the proceedings, or
  - (c) a person authorised to use the ECM system in relation to the proceedings by a legal practitioner representing a party to the proceedings.
- (3) The Chief Justice may establish a protocol for the registration of persons as users of the ECM system, either generally or for particular proceedings.
- (4) Such a protocol may provide for the automatic registration of particular classes of persons as users of the ECM system, and for the automatic specification of the level of access to which

---

Page 3

## Criminal Appeal Rules (Amendment No 1) 2005

## Schedule 1 Amendments

---

persons of such a class are entitled and the conditions of use applicable to persons of such a class as registered users of the system.

- (5) In relation to any proceedings before the Court, the level of access to the ECM system to which a registered user is entitled, and the conditions of use applicable to a registered user, are subject to any order of the Court.

**2C Electronic filing of documents**

- (1) This rule applies to the following documents:
- (a) a notice of intention to appeal,
  - (b) a notice of appeal,
  - (c) a notice of application for leave to appeal,
  - (d) a notice of application for extension of time to appeal,
  - (e) a notice of application for extension of time to file notice of application for leave to appeal,
  - (f) a written submission,
  - (g) a notice of abandonment,
  - (h) any other notice.
- (2) In any proceedings, a document referred to in subrule (1) may be filed in the Court on behalf of a party, by means of the ECM system, by any registered user for the proceedings who is:
- (a) the party's solicitor or authorised agent, or
  - (b) a person who has been directed to file the document by the party's solicitor or authorised agent.
- (3) When filed by means of the ECM system, a document that is required to be signed by a person is taken:
- (a) to have been duly signed for the purposes of rule 5, and
  - (b) to have been duly authenticated for the purposes of section 14E of the *Electronic Transactions Act 2000*,  
if the person's name is printed where his or her signature would otherwise appear.
- (4) A document that is filed by means of the ECM system is to be given initial acceptance as soon as it is received by the Court, and is to be given final acceptance as soon as it is validated by the Court.
- (5) Without limiting any other ground on which it may be refused, validation is to be refused if any fee payable with respect to the

## Criminal Appeal Rules (Amendment No 1) 2005

## Amendments

## Schedule 1

---

filing of a document is not received by the Court within 24 hours after the document's initial acceptance.

- (6) A document that is filed by means of the ECM system is taken to have been filed when it is given final acceptance and, when given final acceptance, is taken to have been filed at the time it was given initial acceptance.
- (7) Notice of the initial and final acceptance of a document, and of the dates of those acceptances, is to be given, by means of the ECM system, to the registered user by whom the document was filed.
- (8) The date and time at which initial or final acceptance was given must be set out in the notice referred to in subrule (7).

**2D Written record to be kept of direction to e-file document**

- (1) A person who directs that a document be filed as referred to in rule 2C (2) (b) must make a written record of the fact that he or she has given such a direction.
- (2) If the person by whom the direction was given is a legal practitioner, the legal practitioner is taken:
  - (a) to have affirmed to the Court that he or she has given the direction, and
  - (b) to have undertaken to the Court that, if the Court so directs, he or she will produce to the Court the written record referred to in subrule (1).
- (3) A written direction for the purposes of rule 2C (2) (b) is taken to be a written record for the purposes of this rule.

**2E Electronic issuing of a document**

- (1) The Court may, by means of the ECM system, issue a document to any party who is a registered user for the proceedings.
- (2) The date and time at which the document was issued must be set out in the document.

**2F Electronic service of a document**

A party to any proceedings before the Court may use electronic mail to serve a document on any other party to the proceedings, whether by means of the ECM system or otherwise, but only with the consent of the other party.

## Criminal Appeal Rules (Amendment No 1) 2005

## Schedule 1 Amendments

**2G Use of ECM system in business conducted in the absence of the public**

- (1) Any business that may, by law, be conducted in the absence of the public may be conducted by electronic communication sent and received by means of the ECM system, as provided by section 14I of the *Electronic Transactions Act 2000*.
- (2) A legal practitioner who is a registered user for any proceedings may participate in any such business:
  - (a) directly (the legal practitioner sends a communication in his or her own name), or
  - (b) indirectly (someone authorised by the legal practitioner sends a communication in the legal practitioner's name).
- (3) A legal practitioner who authorises someone else to send a communication, as referred to in subrule (2) (b), is taken to have affirmed to the Court that he or she has actual knowledge of the contents of the communication.

**[2] Form IV Notice of appeal or notice of application for leave to appeal**

Insert immediately above the word “Signed:”:

**Preferred hearing date:** .....

*[Selected from available dates notified by the Court]*

**Estimated length of hearing:** .....

*[Specified in hours]*



New South Wales

# Supreme Court Rules (Amendment No 407) 2005

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 17 October 2005.

Steven Jupp  
Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to remove a reference to the Protective Commissioner from the definition of *associate Judge* in rule 8 of Part 1 of the *Supreme Court Rules 1970*.

Rule 1 Supreme Court Rules (Amendment No 407) 2005

---

## **Supreme Court Rules (Amendment No 407) 2005**

under the

Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 407) 2005*.

### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended by omitting “, and also includes the Protective Commissioner” from the definition of *associate Judge* in rule 8 (1) of Part 1.

---

---

## By-laws

---

---



New South Wales

# Charles Sturt University By-law 2005

under the

Charles Sturt University Act 1989

Her Excellency the Governor, with the advice of the Executive Council, and in pursuance of the *Charles Sturt University Act 1989*, has approved the following By-law made by the Council of Charles Sturt University.

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

### Explanatory note

The object of this By-law is to repeal and remake the *Charles Sturt University By-law 1995*. This By-law deals with the following matters:

- (a) certain official members of the Council of Charles Sturt University (*the Council*) (Part 2),
- (b) the election and appointment of members of the Council (Part 3),
- (c) meetings of the Council (Part 4),
- (d) the constitution and functions of the Academic Senate of Charles Sturt University (Part 5),
- (e) the making of rules (Part 6),
- (f) the conferring of honorary awards (clause 115),
- (g) other minor, miscellaneous matters (Parts 1 and 7).

This By-law is made under the *Charles Sturt University Act 1989*, including section 31 (the general power to make by-laws).

Charles Sturt University By-law 2005

---

## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of By-law	7
2 Definitions	7
3 Definition of "graduate": section 3 (2)	8
<b>Part 2 Official members of Council</b>	
<b>Division 1 Election of Chancellor and Deputy Chancellor</b>	
4 Returning officer	10
5 Timing of election	10
6 Notice of election	10
7 Nominations for election as Chancellor or Deputy Chancellor	10
8 Election to be held at meeting of Council	11
9 Returning officer to preside at meeting	11
10 Contested and uncontested elections	11
11 Procedure for electing Chancellor or Deputy Chancellor	11
12 Determining count	11
13 Conduct of further poll	11
14 Order in which elections for Chancellor and Deputy Chancellor are to be held	12
<b>Division 2 Other provisions about official members</b>	
15 Term of office of Chancellor: section 10 (2)	12
16 Appointment of acting Deputy Chancellor	13
17 Vice-Chancellor: section 12 (3)	13
18 Appointment of acting Vice-Chancellor	14
19 Secretary to Council	14
20 Appointment of acting Secretary	14
<b>Part 3 Election and appointment of members of Council</b>	
<b>Division 1 Council Nominations Committee</b>	
21 Council Nominations Committee	15
22 Functions of Council Nominations Committee	15
23 Avoidance of conflicts	16
<b>Division 2 Nomination of external persons for appointment by the Minister: section 9 (1) (b)</b>	
24 Timing of Council Nominations Committee's search for potential nominees	16



## Charles Sturt University By-law 2005

## Contents

	Page
25 Council Nominations Committee's search for potential nominees 17	17
26 Council Nominations Committee to make recommendations to Council	17
27 Council to consider recommendations	17
28 Filling of casual vacancy	18
<b>Division 3 Appointment of external persons by the Council: section 9 (1) (c)</b>	
29 Appointment of external persons under section 9 (1) (c)	18
30 Invitation to apply for appointment	18
31 Persons may be invited to apply	19
32 Current members may apply	19
33 Making of applications	19
34 Declaration by applicants	19
35 Council Nominations Committee to consider applications and make recommendation	20
36 Council to consider recommendations	20
37 Procedures where 1 or more positions remain vacant	20
38 Approval to appoint non-graduates	21
39 Casual vacancy	21
40 Council Nominations Committee's deliberations to be confidential	21
41 Decision is final	21
42 Appointment not invalidated because of certain errors	21
43 Secretary to decide matters	22
44 Timing of appointments	22
45 Term of office	22
<b>Division 4 Election of members of the Council: section 9 (1) (d), (e) and (f)</b>	
<b>Subdivision 1 Operation of Division</b>	
46 Operation of Division	22
47 How election is to be conducted	23
48 Returning officer	23
<b>Subdivision 2 Rolls of electors</b>	
49 Rolls of electors	23
50 Qualifications for candidates and voters	25
<b>Subdivision 3 Notice of election</b>	
51 Timing of election	25
52 Election intervals for different stages of election process	26

## Charles Sturt University By-law 2005

## Contents

	Page	
53	Returning officer to notify holding of election	27
54	Information to be given in notice of election	27
<b>Subdivision 4          Nominations</b>		
55	Nomination of candidates for election	27
56	Procedure after close of nominations	28
<b>Subdivision 5          Conduct of ballot</b>		
57	Conduct of ballot for election of academic staff members and general staff member	29
58	Conduct of ballot of student members	29
59	Requirements for ballot papers	31
60	How ballot paper is to be completed	31
61	Procedure for voting by post	31
62	Procedure for voting at on-campus ballot	31
63	Envelopes and ballot papers not to be opened	32
64	Candidate may appoint scrutineer	32
65	Officers not to disclose how electors voted	32
<b>Subdivision 6          Procedure after close of ballot</b>		
66	Procedure after close of poll	32
67	Certain ballot papers to be rejected as informal	33
68	Withdrawal, death or ineligibility of candidate	33
<b>Subdivision 7          Determination of election result</b>		
69	Determination of election result where only 1 candidate is to be elected	33
70	Determination of election result where more than 1 candidate is to be elected	35
71	Procedure where no candidate nominates for election	36
72	Election not invalidated because of certain errors	36
73	Filling of casual vacancy	36
<b>Division 5          Appointment of graduate by the Council: section 9 (1) (g)</b>		
74	Appointment of external persons under section 9 (1) (g)	37
75	Invitation to apply for appointment	37
76	Persons may be invited to apply	38
77	Current members may apply	38
78	Making of applications	38
79	Declaration by applicants	38
80	Council Nominations Committee to consider applications and make recommendation	38
81	Council to consider recommendations	39

## Charles Sturt University By-law 2005

## Contents

	Page	
82	Procedures where position remains vacant	39
83	Casual vacancy	39
84	Council Nominations Committee's deliberations to be confidential	39
85	Decision is final	39
86	Appointment not invalidated because of certain errors	40
87	Secretary to decide matters	40
88	Timing of appointments	40
89	Term of office	40
90	Order in which appointments to be made	40
<b>Division 6 Determination of criteria for appointment</b>		
91	Determination of criteria for appointment	41
<b>Part 4 Meetings of the Council</b>		
92	Ordinary meetings of the Council	42
93	Special meetings of the Council	42
94	Members to give notice of business for consideration at Council meeting	42
95	Secretary to give notice of Council meetings	42
96	Person presiding at meeting of Council to have casting vote	43
97	Adjournment of Council meetings	43
98	Standing over of unfinished business	43
99	Validity of proceedings	43
100	Council may make "standing orders"	43
<b>Part 5 Academic Senate</b>		
101	Qualifications for appointment to Academic Senate	44
102	Constitution of Academic Senate	44
103	Casual vacancies	44
104	Term of office	45
105	Functions of Academic Senate	45
106	Procedure of Academic Senate	45
107	Committees of Academic Senate	46
<b>Part 6 Rules</b>		
108	Council may make rules	47
109	Vice-Chancellor may make rules	47
110	Academic Senate may make rules	48
111	Interpretation of rules	48
112	Inconsistency between rules	48

Charles Sturt University By-law 2005

Contents

---

	Page	
<b>Part 7</b>		
<b>Miscellaneous</b>		
113	Conferring of honorary awards	49
114	Designation of members of staff	49
115	Repeal	49
116	Transitional provision—membership of the Council	49

Charles Sturt University By-law 2005

Clause 1

Preliminary

Part 1

---

## Charles Sturt University By-law 2005

under the

Charles Sturt University Act 1989

### Part 1 Preliminary

#### 1 Name of By-law

This By-law is the *Charles Sturt University By-law 2005*.

#### 2 Definitions

(1) In this By-law:

**Academic Senate** means the Academic Senate of the University established under section 16 of the Act.

**associate** of a person means any of the following:

- (a) the spouse, de facto partner, parent, child, brother or sister, business partner or friend of the person,
- (b) the spouse, de facto partner, parent, child, brother or sister, business partner or friend of a person referred to in paragraph (a) if that relationship is known to the person,
- (c) any other person who is known to the person for reasons other than the person's connection with the University or that person's public reputation.

**casual vacancy** in an office means a vacancy that occurs in that office otherwise than because of the expiration of the term of office of the person holding the office.

**close of applications**, in relation to an appointment, means the date and time determined by the Secretary by which applications must be received by the Secretary for the appointment.

**close of nominations**, in relation to an election, means the date and time determined by the returning officer by which nominations must be received by the returning officer for the election.

**close of the ballot**, in relation to an election, means the date and time determined by the returning officer by which ballot papers must be received by the returning officer for the election.

**committee of the Council** means a committee established by the Council under clause 4 of Schedule 1 to the Act.

Clause 3	Charles Sturt University By-law 2005
Part 1	Preliminary

**Council Nominations Committee** means the committee established by the Council under clause 21.

**elected member** means a person elected to the Council under section 9 (1) (d), (e) or (f) of the Act.

**election:**

- (a) in Part 2—means an election under section 10 or 11 of the Act, or
- (b) in Part 3—means an election under section 9 (1) (d), (e) or (f) of the Act.

**external person** has the same meaning as in section 9 (10) of the Act.

**Note.** Section 9 (10) of the Act provides that a reference to external persons is a reference to persons who are not members of the academic or general staff of the University or undergraduate or postgraduate students of the University.

**notice** means notice in writing.

**polling day** means:

- (a) in the case of an election conducted by postal ballot—the close of the ballot, and
- (b) in the case of an on-campus election—the date on which the ballot is held as determined by the returning officer.

**returning officer**, in relation to a particular function of the returning officer, includes a deputy returning officer, poll officer or other person who is authorised or directed by the returning officer to exercise that function.

**Secretary** means the Secretary to the Council appointed under clause 19.

**the Act** means the *Charles Sturt University Act 1989*.

- (2) In this By-law, a reference to an authority, officer or office is to be construed as a reference to that authority, officer or office in and of the University.
- (3) In this By-law, a reference to the holder of an office is to be construed as including a reference to any person appointed to act for the time being in the place of the holder of the office.
- (4) Notes included in this By-law do not form part of this By-law.

### 3 Definition of “graduate”: section 3 (2)

For the purposes of section 3 (2) of the Act, the following awards and certificates are prescribed:

- (a) a graduate certificate, associate degree, or award honoris causa conferred by the Council,

Charles Sturt University By-law 2005

Clause 3

Preliminary

Part 1

- 
- (b) a certificate conferred on completion of a course of studies conducted by the Riverina-Murray Institute of Higher Education (or any of its predecessors),
  - (c) a certificate conferred on completion of a course of studies conducted by the Mitchell College of Advanced Education (or any of its predecessors),
  - (d) any other award conferred by the Riverina-Murray Institute of Higher Education or the Mitchell College of Advanced Education (or any of their predecessors) that, in the opinion of the Council, is equivalent to a degree or diploma, or to a certificate, from an institution referred to in paragraphs (a)–(c).

**Note.** By virtue of section 3 (2) of the Act, a reference to a graduate is a reference to a person who has received a degree, diploma or other award or certificate as prescribed by the by-laws conferred or awarded by the University, by or on behalf of any former institution that has become a network member of, or a part of, the University or by any predecessor of any such institution.

Clause 4 Charles Sturt University By-law 2005

Part 2 Official members of Council

---

## **Part 2 Official members of Council**

### **Division 1 Election of Chancellor and Deputy Chancellor**

#### **4 Returning officer**

- (1) The Secretary is the returning officer for all elections of the Chancellor or Deputy Chancellor.
- (2) The returning officer may, subject to the Act and this By-law, decide all matters relating to the procedure for the conduct of an election under this Division.
- (3) Subject to the Act and this By-law, a decision of the returning officer relating to an election under this Division, including a decision relating to the eligibility of a candidate or a voter, the conduct of the election or the result of an election, is final.
- (4) The returning officer is entitled to attend meetings of the Council for the purpose of conducting an election under this Division.

#### **5 Timing of election**

An election to fill a vacancy in the office of Chancellor or Deputy Chancellor is to be held (where practicable):

- (a) in the case of a vacancy that arises because of the expiration of the term of office of the current office holder—at least 3 months before the expiration of the term of office of the current office holder, or
- (b) in the case of a casual vacancy—within 3 months after the vacancy arises.

#### **6 Notice of election**

The returning officer must give to each member of the Council at least 1 month's notice of an election to fill a vacancy in the office of Chancellor or Deputy Chancellor.

#### **7 Nominations for election as Chancellor or Deputy Chancellor**

A nomination for election as Chancellor or Deputy Chancellor:

- (a) must be in writing, and
- (b) must be signed by the nominee and 2 other members of the Council, and
- (c) must be delivered to the returning officer before the meeting of the Council at which the election is to be held.



Charles Sturt University By-law 2005

Clause 8

Official members of Council

Part 2

---

## **8 Election to be held at meeting of Council**

An election to fill a vacancy in the office of Chancellor or Deputy Chancellor is to be held at a meeting of the Council.

## **9 Returning officer to preside at meeting**

- (1) The returning officer is to preside during any part of a meeting of the Council at which an election of the Chancellor or Deputy Chancellor is to be held.
- (2) No business other than the election of the Chancellor or Deputy Chancellor may be conducted at a meeting of the Council while the returning officer is presiding.

## **10 Contested and uncontested elections**

- (1) If there is only 1 nomination for election of the Chancellor or Deputy Chancellor, the returning officer must declare the nominated candidate to be elected.
- (2) If there are 2 or more nominations for election of the Chancellor or Deputy Chancellor, the returning officer must conduct a poll of members of the Council by secret ballot.

## **11 Procedure for electing Chancellor or Deputy Chancellor**

At a poll for the election of the Chancellor or Deputy Chancellor, each member of the Council is entitled to cast a vote for 1 of the candidates only.

## **12 Determining count**

- (1) When the poll is finished, the returning officer must count the number of votes cast at the poll for each candidate.
- (2) If 1 candidate has received more votes than any other, the returning officer must declare that candidate to be elected.
- (3) If 2 or more candidates receive an equal number of votes cast at the poll and no other candidate receives more votes than those candidates, the returning officer must conduct a further poll.

## **13 Conduct of further poll**

- (1) A further poll is to be conducted by secret ballot.
- (2) At a further poll each member of the Council is entitled to vote for 1 of the candidates who received an equal number of votes at the original poll.

Clause 14 Charles Sturt University By-law 2005

Part 2 Official members of Council

- 
- (3) The returning officer must count the number of votes cast for each candidate at the further poll and, if 1 candidate has received more votes than any other, the returning officer must declare that candidate to be elected.
- (4) If 2 or more candidates receive an equal number of votes cast at the further poll, and no other candidate receives more votes at the further poll, the returning officer must decide by lot which of the candidates with an equal number of votes is to be declared elected. For that purpose, the returning officer:
- (a) must write the names of the candidates concerned on similar slips of paper, and
  - (b) must fold the slips so as to prevent identification, and
  - (c) must mix the slips and draw 1 of them at random.
- (5) The candidate whose name is drawn first following the procedure under subclause (4) is to be declared elected.

**14 Order in which elections for Chancellor and Deputy Chancellor are to be held**

The election of the Chancellor is to be held first if both the Chancellor and the Deputy Chancellor are to be elected at the same meeting of the Council.

**Division 2 Other provisions about official members**

**15 Term of office of Chancellor: section 10 (2)**

For the purposes of section 10 (2) of the Act, the prescribed term of office of the Chancellor is as follows:

- (a) in the case of a person elected to fill a vacancy in the office of Chancellor that arises because of the expiration of the term of office of the previous Chancellor—4 years commencing on 1 January next following the election of the person,
- (b) in the case of a casual vacancy—the balance of the term of office of the previous Chancellor.

**Note.** Section 10 of the Act requires the Council to elect a person as Chancellor. A person may be elected to the office of Chancellor under that section whether or not the person is a member of the Council.

Section 10 (2) of the Act states that the Chancellor holds office for a period (not exceeding 4 years) prescribed by the by-laws.

Section 29 of the Act states that a person may be re-appointed or re-elected to the office of Chancellor if the person is eligible and otherwise qualified to hold that office (subject to clause 1 (3) of Schedule 1 to the Act, which provides that, generally, a person must not be appointed or elected to serve more than 12 consecutive years of office).

Charles Sturt University By-law 2005

Clause 16

Official members of Council

Part 2

**16 Appointment of acting Deputy Chancellor**

The Council may appoint a member of the Council to act in the place of the Deputy Chancellor during the absence or inability of the Deputy Chancellor to act, or a vacancy in the office of the Deputy Chancellor.

**Note.** Section 11 (1) of the Act requires the Council to elect 1 of its members as Deputy Chancellor of the University.

Section 11 (2) of the Act states that the Deputy Chancellor holds office for a period of 2 years.

Section 29 of the Act states that a person may be re-appointed or re-elected to the office of Deputy Chancellor if the person is eligible and otherwise qualified to hold that office (subject to clause 1 (3) of Schedule 1 to the Act, which provides that, generally, a person must not be appointed or elected to serve more than 12 consecutive years of office).

Clause 7 (2) of Schedule 1 to the Act provides that in the absence of both the Chancellor and the Deputy Chancellor from a meeting, a member elected by and from the members present is to preside.

**17 Vice-Chancellor: section 12 (3)**

- (1) For the purposes of sections 12 (3) and 31 (1) (j) of the Act, the Vice-Chancellor has the following functions:
  - (a) responsibility to the Council for the day-to-day management of the University and, in particular, for:
    - (i) the academic, administrative, financial and other business of the University, and
    - (ii) the general supervision of all persons in the service of the University, and
    - (iii) the welfare and discipline of the students of the University,
  - (b) promoting the interests of the University,
  - (c) furthering the development of the University.
- (2) The Vice-Chancellor has such authority as may be necessary or convenient to give effect to the provisions of the Act, this By-law and the rules and resolutions of the Council.
- (3) The Vice-Chancellor may, without specific appointment, exercise the right of membership of any committee of the University (other than a committee of the Council) and may, if he or she wishes to do so, preside at any meeting of such a committee at which the Chancellor or Deputy Chancellor is not presiding.
- (4) Nothing in this clause affects the precedence or authority of the Chancellor or Deputy Chancellor.

Clause 18 Charles Sturt University By-law 2005

Part 2 Official members of Council

- (5) The functions conferred or imposed on the Vice-Chancellor by this By-law are in addition to any functions conferred or imposed on the Vice-Chancellor by the Act.

**Note.** Section 12 of the Act requires the Council to appoint a person as Vice-Chancellor, who has such functions as are conferred or imposed on the Vice-Chancellor by or under the Act or any other Act.

### 18 Appointment of acting Vice-Chancellor

- (1) The Vice-Chancellor may, with the consent of the Chancellor, appoint a member of the staff of the University as acting Vice-Chancellor during an approved absence of the Vice-Chancellor.
- (2) The Council may appoint a person to act in the place of the Vice-Chancellor during the absence (other than an approved absence) of the Vice-Chancellor or the inability of the Vice-Chancellor to act, or a vacancy in the office of the Vice-Chancellor.
- (3) In this clause:  
*approved absence* means a period of leave approved by the Chancellor or the Council.

### 19 Secretary to Council

- (1) There is to be a Secretary to the Council appointed by the Council.
- (2) The Secretary has such functions and authorities as are conferred or imposed on the Secretary by this By-law or by a rule or a resolution of the Council.
- (3) The Secretary is subject to the same duties as members of the Council under Schedule 3 to the Act. That Schedule applies to the Secretary as if a reference to a member were a reference to the Secretary.
- (4) The Secretary may be removed from office by the Council for breach of duty.
- (5) The Secretary may, with the approval of the Chancellor, appoint an officer or officers of the University to assist in the performance of any of his or her functions.

### 20 Appointment of acting Secretary

The Vice-Chancellor may, with the consent of the Chancellor, appoint a member of the staff of the University to act in the place of the Secretary during the absence or inability of the Secretary to act, or a vacancy in the office of the Secretary.

Charles Sturt University By-law 2005

Clause 21

Election and appointment of members of Council

Part 3

---

## Part 3 Election and appointment of members of Council

**Note.** Section 9 (1) of the Act provides that the Council is to consist of:

- (a) 3 official members, 1 of whom (the Chancellor) is to be elected by the Council (sections 9 (1) (a) (i) and 10 (1)), 1 of whom (the Vice-Chancellor) is to be appointed by the Council (sections 9 (1) (a) (ii) and 12) and the third of whom is to be the presiding member of the Academic Senate (section 9 (1) (a) (iii)), and
- (b) 6 external persons appointed by the Minister (section 9 (1) (b)), and
- (c) 1 or more external persons (as prescribed) appointed by the Council (section 9 (1) (c)), and
- (d) 2 members of the academic staff of the University, elected by the academic staff of the University (section 9 (1) (d)), and
- (e) 1 member of the general staff of the University, elected by the general staff of the University (section 9 (1) (e)), and
- (f) 2 students of the University, elected by students of the University (section 9 (1) (f)), and
- (g) 1 or more external persons who are graduates of the University (as prescribed) elected by graduates or appointed by the Council (section 9 (1) (g)).

This Part provides for the election and appointment of those persons referred to in section 9 (1) (c)–(g) of the Act.

### Division 1 Council Nominations Committee

**Note.** This Division provides for the establishment of a Council Nominations Committee to make recommendations on the nomination of persons eligible for appointment to the Council under section 9 (1) (b) of the Act (external persons appointed by the Minister), under section 9 (1) (c) of the Act (external persons appointed by the Council) or under section 9 (1) (g) of the Act (graduates appointed by the Council).

#### 21 Council Nominations Committee

- (1) The Council is to establish a Council Nominations Committee.
- (2) The Council Nominations Committee is to consist of:
  - (a) the Chancellor, who is to be the Chair, and
  - (b) the Deputy Chancellor, who is to be the Deputy Chair, and
  - (c) the Vice-Chancellor, and
  - (d) 2 external persons who are members of the Council, selected by the Council.

#### 22 Functions of Council Nominations Committee

- (1) The principal functions of the Council Nominations Committee are:
  - (a) to make recommendations to the Council in relation to the nomination of candidates to the Minister for his or her consideration for appointment under section 9 (1) (b) of the Act, and

Clause 23	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

- (b) to make recommendations to the Council of candidates for its consideration for appointment under section 9 (1) (c) or (g) of the Act.
- (2) The Council may confer or impose on the Council Nominations Committee such other functions as may be necessary or convenient to assist the Council in the exercise of its principal functions.

### **23 Avoidance of conflicts**

A member of the Council Nominations Committee:

- (a) must not be present during any deliberations of the Committee, or the Council, with respect to his or her own re-appointment to the Council, and
- (b) must not take part in any decision of the Committee or Council with respect to his or her own appointment or re-appointment to the Council.

### **Division 2 Nomination of external persons for appointment by the Minister: section 9 (1) (b)**

**Note.** This Division provides for the nomination of persons for consideration for appointment by the Minister of 6 external persons as members of the Council under section 9 (1) (b) of the Act, after eligible persons have been nominated to the Minister for his or her consideration for appointment. Those persons are nominated by the Council on the recommendation of the Council Nominations Committee.

Clause 1 (1) (b) of Schedule 1 to the Act provides that a member of the Council appointed under section 9 (1) (b) holds office for such term (not exceeding 4 years) as may be specified in the member's instrument of appointment.

### **24 Timing of Council Nominations Committee's search for potential nominees**

- (1) At least 3 months before a vacancy under section 9 (1) (b) of the Act is expected to occur, the Council Nominations Committee is to conduct a search for external persons suitable for recommendation to the Council for nomination to the Minister for his or her consideration for appointment.
- (2) However, if:
  - (a) a casual vacancy arises under section 9 (1) (b) of the Act, and
  - (b) no external persons have consented to having their names forwarded to the Minister in accordance with clause 28 (1),
 the Council Nominations Committee is to immediately conduct a search for external persons suitable for recommendation to the Council for nomination to the Minister for his or her consideration for appointment.

Charles Sturt University By-law 2005

Clause 25

Election and appointment of members of Council

Part 3

---

**25 Council Nominations Committee's search for potential nominees**

- (1) In conducting a search under clause 24, the Council Nominations Committee may invite proposals from members of the Council and such other persons or bodies as the Committee thinks fit.
- (2) In exercising its functions, the Council Nominations Committee must take into account the following:
  - (a) any criteria for appointment determined by the Council,
  - (b) the need to maintain an appropriate balance of experienced and new members on the Council in accordance with clause 1 (2) of Schedule 1 to the Act.
- (3) Subject to the Act, nothing in this Division prevents a current member of the Council from submitting a proposal to the Committee in respect of his or her re-appointment to the Council under this Division.

**26 Council Nominations Committee to make recommendations to Council**

- (1) The Council Nominations Committee:
  - (a) must consider the results of its search, and
  - (b) must recommend a name or names to be forwarded to the Council for nomination to the Minister by the Council for his or her consideration for appointment, and
  - (c) must recommend the term of appointment (not exceeding 4 years) for each such person, and
  - (d) must forward those recommendations to the Council.
- (2) The Council Nominations Committee may recommend to the Council a number of names for nomination to the Minister for his or her consideration for appointment that exceeds the number of available positions.

**27 Council to consider recommendations**

- (1) The Council must do the following:
  - (a) consider any recommendations forwarded to the Council by the Council Nominations Committee under clause 26,
  - (b) determine which persons are to be nominated to the Minister for his or her consideration for appointment,
  - (c) determine the term of appointment (not exceeding 4 years) for each such person that the Council will recommend to the Minister.
- (2) The Secretary is to forward the nominations to the Minister for his or her consideration for appointment.

Clause 28	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

- (3) The Council may nominate to the Minister for his or her consideration for appointment a number of names for appointment that exceeds the number of available positions.

### **28 Filling of casual vacancy**

- (1) If a casual vacancy occurs in the office of a member appointed to the Council by the Minister under section 9 (1) (b) of the Act, the Council is to forward to the Minister the name of an external person whose name was contained in the previous recommendation forwarded to the Minister for his or her consideration for appointment to the Council under clause 27 but who was not appointed to the Council.
- (2) The Council is to forward the name of the external person under subclause (1) only with the consent of that person.

**Note.** Under clause 3 of Schedule 1 to the Act the by-laws may prescribe procedures for the appointment or election of a person to fill a casual vacancy.

### **Division 3 Appointment of external persons by the Council: section 9 (1) (c)**

**Note.** This Division provides for the appointment by the Council of external persons as members of the Council under section 9 (1) (c) of the Act, after eligible persons have been recommended to the Council by the Council Nominations Committee.

### **29 Appointment of external persons under section 9 (1) (c)**

- (1) The Council is to appoint to the Council under section 9 (1) (c) of the Act 3 external persons who are graduates of the University.
- (2) The Council may determine to appoint a person who is not a graduate of the University to one of the 3 positions under section 9 (1) (c) of the Act in accordance with clause 38.

**Note.** Under clause 1 (2) of Schedule 1 to the Act, the Council must ensure that the appointment of members under section 9 (1) (c) of the Act maintains an appropriate balance of experienced and new members on the Council.

### **30 Invitation to apply for appointment**

- (1) If a vacancy arises under section 9 (1) (c) of the Act, the Secretary is to publish a notice inviting external persons to apply for appointment to the Council.
- (2) Except as provided in this Division, the notice must:
- state that the Council proposes to appoint external persons to the Council, and
  - specify the term of office of the appointment, and



Charles Sturt University By-law 2005

Clause 31

Election and appointment of members of Council

Part 3

- 
- (c) state the criteria as to experience, knowledge and skills, as determined by the Council, that the applicant must possess to be eligible for appointment, and
  - (d) specify any other requirements that must be satisfied by the applicant for the acceptance of the application, and
  - (e) invite applications for appointment and specify how applications are to be made, and
  - (f) specify the close of applications, and
  - (g) provide any other information about the appointment that the Secretary considers is appropriate to provide.

**31 Persons may be invited to apply**

Nothing in this Division prevents a member of the Council, or the Council Nominations Committee, from inviting a person to apply for appointment to the Council under section 9 (1) (c) of the Act if that person is otherwise qualified to apply.

**32 Current members may apply**

Subject to the Act, a current member of the Council may re-apply for appointment to the Council under section 9 (1) (c) of the Act and any such application is to be considered on the same terms as other applications.

**33 Making of applications**

An application for appointment to the Council under section 9 (1) (c) of the Act:

- (a) must be made in writing using the application form determined by the Secretary from time to time, and
- (b) must be signed by the applicant, and
- (c) must be accompanied by any declaration required under clause 34, and
- (d) must be received by the Secretary by the close of applications.

**34 Declaration by applicants**

The Secretary may require applicants for appointment to the Council under section 9 (1) (c) of the Act to complete and sign a declaration, in the form determined by the Secretary, with respect to:

- (a) the applicant's eligibility to be appointed to the Council under the Act, and

Clause 35	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

- (b) any material personal interests of the applicant, or an associate of the applicant, in matters likely to be considered at a meeting of the Council, and
- (c) such other matters as the Council Nominations Committee may determine.

**35 Council Nominations Committee to consider applications and make recommendation**

- (1) After the close of applications, the Council Nominations Committee is to consider the applications and is to reject any application if:
  - (a) the applicant is not eligible to be appointed under the Act, or
  - (b) the applicant does not, in the view of the Committee, meet the essential criteria for appointment as determined by the Council, or
  - (c) the application does not comply with the requirements set out in the notice inviting applications.
- (2) The Council Nominations Committee is to consider the remaining applicants and is to forward to the Council a list of applicants who are recommended for appointment (including the recommended term of appointment of each applicant).

**36 Council to consider recommendations**

- (1) The Council:
  - (a) must consider the recommendations of the Council Nominations Committee, and
  - (b) must determine which persons are to be appointed by the Council under section 9 (1) (c) of the Act, and
  - (c) must determine the term of appointment (not exceeding 4 years) for each such person.
- (2) The Council may decide not to make an appointment to 1 or more of the 3 available positions on the Council under section 9 (1) (c) of the Act.

**37 Procedures where 1 or more positions remain vacant**

If the Council decides not to make an appointment to 1 or more of the 3 vacant positions under section 9 (1) (c) of the Act from the persons who made applications for that appointment, the Council:

- (a) must request the Secretary to issue a new invitation for applications from external persons following the same procedures set out in this Division, or
- (b) must follow the procedure in clause 38 in relation to the new applications only.

Charles Sturt University By-law 2005

Clause 38

Election and appointment of members of Council

Part 3

---

**38 Approval to appoint non-graduates**

If the Council Nominations Committee forms the view that it is necessary to increase the range of potential applicants with specific skills, knowledge or experience for a vacant position or positions on the Council under section 9 (1) (c) of the Act, the Council Nominations Committee may request the Secretary to issue a new notice under clause 30 for applications from external persons:

- (a) who are graduates of the University, or
- (b) who are not graduates of the University,

for appointment to the Council under section 9 (1) (c) of the Act for the purpose of that appointment only.

**39 Casual vacancy**

In the event that a casual vacancy occurs in the office of a member appointed under section 9 (1) (c) of the Act, the Council may appoint an external person on the recommendation of the Council Nominations Committee.

**Note.** Under clause 3 of Schedule 1 to the Act, the by-laws may prescribe procedures for the appointment or election of a person to fill a casual vacancy.

**40 Council Nominations Committee's deliberations to be confidential**

All matters relating to the appointment of persons under section 9 (1) (c) of the Act are confidential and must not be disclosed, other than to the Council.

**41 Decision is final**

Subject to the Act and this By-law, a decision of the Secretary, the Council Nominations Committee or the Council relating to any matter under this Division, is final.

**42 Appointment not invalidated because of certain errors**

An appointment to the Council under section 9 (1) (c) of the Act is not invalid only because:

- (a) a person did not see a notice inviting applications, or
- (b) any or all of the documents referred to in this Division were not issued to a person, or
- (c) the Secretary or the Council Nominations Committee did not comply with this Division in any respect, or
- (d) a person who met the criteria for appointment was not appointed.

Clause 43	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

#### **43 Secretary to decide matters**

The Secretary may, subject to the Act and this By-law, decide all matters relating to the procedures for the making of appointments under section 9 (1) (c) of the Act.

#### **44 Timing of appointments**

The appointment of a person under section 9 (1) (c) of the Act is to be made (where practicable):

- (a) in the case of a vacancy that arises because of the expiration of the term of office of the current member—at least 3 months prior to the expiration of the term of the member, or
- (b) in the case of a casual vacancy—within 3 months after the vacancy arises.

#### **45 Term of office**

The term of office of a member appointed by the Council under section 9 (1) (c) of the Act is to be specified in the instrument of appointment of the member as follows:

- (a) in the case of a person appointed to fill a vacancy that arises because of the expiration of the term of office of the previous member—a term of up to 4 years commencing on 1 July next following the appointment of the person,
- (b) in the case of a casual vacancy—the balance of the term of office of the previous member.

### **Division 4 Election of members of the Council: section 9 (1) (d), (e) and (f)**

#### **Subdivision 1 Operation of Division**

##### **46 Operation of Division**

This Division sets out the method of the election of:

- (a) 2 persons who are members of the academic staff of the University, under section 9 (1) (d) of the Act, and
- (b) 1 person who is a member of the general staff of the University, under section 9 (1) (e) of the Act, and
- (c) 1 person who is an undergraduate student of the University, under section 9 (1) (f) of the Act, and
- (d) 1 person who is a postgraduate student of the University, under section 9 (1) (f) of the Act.

Charles Sturt University By-law 2005

Clause 47

Election and appointment of members of Council

Part 3

---

#### **47 How election is to be conducted**

An election is to be conducted by secret ballot as prescribed by this Division.

#### **48 Returning officer**

- (1) The Secretary is the returning officer for all elections under this Division.
- (2) The returning officer may, subject to the Act and this By-law, decide all matters relating to the procedure for the conduct of an election under this Division.
- (3) Subject to the Act and this By-law, a decision of the returning officer relating to an election under this Division, including a decision relating to the eligibility of a candidate or a voter, the conduct of the election or the result of an election, is final.

### **Subdivision 2 Rolls of electors**

#### **49 Rolls of electors**

- (1) The Executive Director of Human Resources of the University is to prepare, at least 1 week before the close of nominations for an election, the following rolls:
  - (a) in the case of an election under section 9 (1) (d) of the Act—a Roll of Academic Staff containing the names and last known addresses of the members of academic staff of the University,
  - (b) in the case of an election under section 9 (1) (e) of the Act—a Roll of General Staff containing the names and last known addresses of the members of the general staff of the University.
- (2) The Executive Director, Student Administration of the University is to prepare, at least 1 week before the close of nominations for an election under section 9 (1) (f) of the Act, the following rolls:
  - (a) a Roll of Undergraduate Students containing the names and last known addresses of undergraduate students of the University,
  - (b) a Roll of Postgraduate Students containing the names and last known addresses of the postgraduate students of the University.
- (3) A person is entitled to have his or her name entered on the Roll of Academic Staff if that person holds a position, on a full-time basis, of or above the rank of associate lecturer of the University and the person is not a student or a member of the general staff.

Clause 49	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

- 
- (4) A person is entitled to have his or her name entered on the Roll of General Staff if that person holds a general staff position, on a full-time basis, at the University and the person is not a student or a member of the academic staff.
- (5) A person is entitled to have his or her name entered on the Roll of Postgraduate Students if that person is enrolled as a candidate proceeding to a postgraduate award, as determined by the Council, of at least 2 years' duration and who is not an undergraduate student or a member of the general staff or the academic staff of the University.
- (6) A person is entitled to have his or her name entered on the Roll of Undergraduate Students if that person is enrolled as a candidate proceeding to an undergraduate award, as determined by the Council, of at least 2 years' duration and who is not a postgraduate student or a member of the general staff or the academic staff of the University.
- (7) The Executive Director of Human Resources and Executive Director of Student Administration of the University:
- are to give to the returning officer, 1 week before the close of nominations for an election, a current copy of the rolls required to be prepared by this clause, and
  - are to ensure that the returning officer is notified of any changes to those rolls occurring after the copy is given to the returning officer and before the close of nominations, and
  - are to remove from a roll of electors the name and address of a person on being satisfied that the person is no longer eligible to have his or her name and address entered on that roll.
- (8) A person is not entitled to have his or her name and address entered on more than 1 roll of electors at the same time.
- (9) The returning officer may transfer the name and address of a person from one roll to another if the returning officer is satisfied that the person is eligible to have his or her name and address on that other roll.
- (10) In this clause:
- Executive Director of Human Resources*** means the person employed in the position of Executive Director, Human Resources or, where that office does not exist, a person nominated by the Vice-Chancellor as principally responsible for the management of human resources.
- Executive Director of Student Administration*** means the person employed in the position of Executive Director, Student Administration or, where that office does not exist, a person nominated by the Vice-Chancellor as principally responsible for the management of student administration.

Charles Sturt University By-law 2005

Clause 50

Election and appointment of members of Council

Part 3

---

## **50 Qualifications for candidates and voters**

- (1) The qualifications for election and voting for a member of the Council are as follows:
  - (a) in the case of the election of an academic staff member under section 9 (1) (d) of the Act—the qualifications for election as an academic staff member of the Council, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on a Roll of Academic Staff at the close of nominations for the relevant election,
  - (b) in the case of the election of a general staff member under section 9 (1) (e) of the Act—the qualifications for election as a general staff member of the Council, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on a Roll of General Staff at the close of nominations for the relevant election,
  - (c) in the case of the election of an undergraduate student member under section 9 (1) (f) of the Act—the qualifications for election as an undergraduate student member of the Council, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on a Roll of Undergraduate Students at the close of nominations for the relevant election,
  - (d) in the case of the election of a postgraduate student member under section 9 (1) (f) of the Act—the qualifications for election as a postgraduate student member of the Council, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on a Roll of Postgraduate Students at the close of nominations for the relevant election.
- (2) A person may not stand for election for more than 1 position as a member of the Council, even if his or her name is entered on more than 1 Roll prepared under this By-law.

## **Subdivision 3 Notice of election**

### **51 Timing of election**

- (1) An election to fill a vacancy in the office of a member elected to the Council under section 9 (1) (d), (e) or (f) of the Act is to be held (where practicable):
  - (a) in the case of a vacancy that arises because of the expiration of the term of office of the current member—at least 3 months before the term of office of the current member expires, or

Clause 52	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

- 
- (b) in the case of a casual vacancy—within 3 months after the vacancy arises.
  - (2) An election to fill a vacancy in the office of an elected member of the Council is to be called as soon as practicable after 1 March in any year in which the term of office of an elected member of the Council of the relevant category expires.
  - (3) Where practicable, the election is to be completed, and the result of the election declared, before 1 July in that year.

## **52 Election intervals for different stages of election process**

- (1) When conducting an election to elect members of the Council under section 9 (1) (d) or (e) of the Act, the returning officer must ensure that:
  - (a) there are not less than 10 working days and not more than 25 working days between the publication of the notice that an election is to be held and the time for the close of nominations, and
  - (b) there are not more than 20 working days between the close of nominations and the issue of ballot papers, and
  - (c) there are not less than 10 working days and not more than 40 working days between the issue of ballot papers and close of the ballot.
- (2) When conducting an election of a member of the Council under section 9 (1) (f) of the Act, the returning officer must ensure that:
  - (a) there are not less than 10 working days and not more than 25 working days between the publication of the notice that an election is to be held and the time for the close of applications, and
  - (b) there are not less than 10 working days and not more than 25 working days between the close of nominations and the close of applications for postal votes, and
  - (c) there are not less than 10 working days and not more than 25 working days between the close of applications for postal votes and polling day.
- (3) Despite subclauses (1) and (2), the returning officer may, by notice published in the same way as the notice stating that an election is to be held, postpone (for a period not exceeding 10 working days at a time) the close of nominations, the close of applications for postal votes or the polling day.
- (4) The power conferred on a returning officer by subclause (3) may be exercised more than once in respect of an election.



Charles Sturt University By-law 2005

Clause 53

Election and appointment of members of Council

Part 3

---

**53 Returning officer to notify holding of election**

If an election is necessary, the returning officer must publish, by such means as the returning officer considers appropriate, a notice of election notifying electors who are eligible to vote in the election.

**54 Information to be given in notice of election**

A notice of election must:

- (a) state that an election is necessary, and
- (b) specify whether it is an election of a member of the Council under section 9 (1) (d), (e) or (f) of the Act, and
- (c) specify the number of vacancies to be filled, and
- (d) invite nominations of candidates who are eligible for election, and
- (e) specify the form in which nominations must be made, and
- (f) specify the close of nominations, and
- (g) specify the close of ballot for the election, and
- (h) in the case of an election of a member of the Council under section 9 (1) (f) of the Act:
  - (i) state that a student is not eligible to vote or stand as a candidate in an election for an undergraduate student member unless the student's name is on the Roll of Undergraduate Students, and
  - (ii) state that a student is not eligible to vote or stand as a candidate in an election for a postgraduate student member unless the student's name is on the Roll of Postgraduate Students, and
  - (iii) specify the hours of polling on polling day and the places where polling is to be conducted, and
  - (iv) inform students who are unable to attend a polling place on polling day that they can vote by post and when and how they can do so, and
  - (v) contain such other information relating to the election as the returning officer thinks fit.

**Subdivision 4 Nominations**

**55 Nomination of candidates for election**

- (1) A person may be nominated as a candidate for an election only in accordance with this clause.

Clause 56	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

- (2) A separate nomination form must be completed for each candidate and must be lodged with the returning officer before the close of nominations.
- (3) A nomination form:
  - (a) must be signed by at least 2 persons who are entitled to vote at the election concerned, and
  - (b) must be endorsed with or accompanied by the consent in writing of the candidate.
- (4) A candidate may provide a written statement about the candidate of not more than 150 words.
- (5) The statement may specify:
  - (a) the candidate's full name, and
  - (b) the candidate's qualifications and experience, and
  - (c) any positions or offices that the candidate has held at any time in public bodies, clubs or other organisations, together with dates of tenure in relation to those positions or offices.
- (6) The returning officer may:
  - (a) edit the statement, and
  - (b) in the case of a postal ballot—make the statement available on the Internet service of the University, and
  - (c) in the case of an on-campus poll—make the statement available at the polling places.
- (7) The returning officer:
  - (a) must reject a nomination form that does not comply with this clause, and
  - (b) must reject a nomination form from any person who is not eligible for election, and
  - (c) in either event, must give written notice to the candidate of the fact that his or her nomination form has been rejected.
- (8) If a candidate has his or her nomination form rejected, the returning officer must invite the candidate to submit another nomination form if:
  - (a) the candidate is eligible for election, and
  - (b) the close of nominations has not passed.

#### **56 Procedure after close of nominations**

- (1) If the number of candidates duly nominated for an election is not more than the number of vacancies to be filled, the returning officer must declare the candidate or candidates to be elected.

Charles Sturt University By-law 2005

Clause 57

Election and appointment of members of Council

Part 3

- (2) If the number of candidates duly nominated for an election is more than the number of vacancies to be filled, the returning officer must conduct an election to fill the vacancies. The election is to be conducted by secret ballot as prescribed by this Division.
- (3) If there are no valid nominations for election to a position on the Council, the returning officer is to report the matter to the next meeting of the Council.

## **Subdivision 5 Conduct of ballot**

### **57 Conduct of ballot for election of academic staff members and general staff member**

- (1) If a poll is required for an election to the Council of an academic staff member or a general staff member under section 9 (1) (d) or (e) of the Act, the returning officer is to conduct a postal ballot.
- (2) The returning officer is to send the following documents to each person who is on the Roll of Academic Staff or the Roll of General Staff, as the case may be:
  - (a) a ballot paper,
  - (b) a notice setting out how the ballot paper is to be completed and specifying the date and time by which the completed ballot paper must reach the returning officer,
  - (c) a form of declaration of identity and of entitlement to vote,
  - (d) 2 envelopes, one marked "Ballot Paper" and the other addressed to the returning officer,
  - (e) the Internet address of any statements (as edited by the returning officer) that have been submitted by the candidates in relation to their nominations.
- (3) The documents referred to in subclause (2) may be sent by post, by hand or by using the University's electronic or internal mail system.
- (4) The returning officer may, on receipt of a declaration that a voting paper has been lost, destroyed or spoiled, issue a duplicate voting paper to that person if satisfied as to the truth of the declaration.

### **58 Conduct of ballot of student members**

- (1) If a poll is required for an election of an undergraduate student member of the Council or a postgraduate student member of the Council under section 9 (1) (f) of the Act, the returning officer is to arrange an on-campus poll.

Clause 58	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

- (2) The returning officer is to arrange:
  - (a) for the poll to be held on the polling day, and
  - (b) for a poll officer to attend on that day at the polling places during the hours for polling specified in the notice of election for the purpose of issuing ballot papers to the electors.
- (3) The returning officer is to send the following documents to each person who has applied for a postal vote in accordance with this By-law:
  - (a) a ballot paper,
  - (b) a notice setting out how the ballot paper is to be completed and specifying the date and time by which the completed ballot paper must reach the returning officer,
  - (c) a form of declaration of identity and of entitlement to vote,
  - (d) 2 envelopes, one marked "Ballot paper" and the other addressed to the returning officer,
  - (e) the Internet address of any statements (as edited by the returning officer) that have been submitted by the candidates in relation to their nominations.
- (4) The returning officer may, on receipt of a declaration by a person who has applied for a postal vote stating that a voting paper has been lost, destroyed or spoiled, issue a duplicate voting paper to that person if satisfied as to the truth of the declaration.
- (5) A student member who has not received a postal ballot paper and who applies in person to the poll officer during polling hours on polling day is entitled to be issued with a ballot paper for the student election. However, the poll officer may refuse to issue a ballot paper to a person claiming to be a student if satisfied that the person:
  - (a) is not an eligible student, or
  - (b) has already received a ballot paper for the election.
- (6) The poll officer must take such steps as are practicable to ensure that only 1 ballot paper is issued to any one student.
- (7) The poll officer may issue a replacement ballot paper to a student on receipt of a spoilt ballot paper if satisfied that the ballot paper issued to the student has been spoiled.

Charles Sturt University By-law 2005

Clause 59

Election and appointment of members of Council

Part 3

---

**59 Requirements for ballot papers**

- (1) All ballot papers must specify the names of the candidates.
- (2) The returning officer must:
  - (a) arrange for the order in which those names are to appear on ballot papers to be decided by lot and for those names to appear on all ballot papers in that order, and
  - (b) ensure that the names of any candidates who are currently elected members of the Council are indicated as such.
- (3) The returning officer must initial each ballot paper at the time it is issued.

**60 How ballot paper is to be completed**

An elector must cast a vote by placing the number “1” opposite the name of the candidate to whom the elector wishes to give the elector’s first preference vote. The elector must then give contingent votes to the remaining candidates by placing the numbers “2”, “3”, “4” and so on, as the case requires, opposite the names of the other candidates so as to indicate unambiguously by numerical sequence the order of the elector’s preference for those other candidates.

**61 Procedure for voting by post**

- (1) This clause applies to a postal ballot conducted under clause 57 or 58.
- (2) Each elector must, after completing the postal ballot paper that was sent or delivered to the elector:
  - (a) enclose and seal that ballot paper in the envelope marked “Ballot Paper”, and
  - (b) enclose and seal that envelope in the envelope that is addressed to the returning officer, together with the personal declaration, and
  - (c) send by post or deliver to the returning officer the envelope so addressed so as to ensure the returning officer will receive it not later than the close of ballot.
- (3) However an elector may, instead of complying with subclause (2), deposit the completed ballot paper in a ballot box at a polling place on polling day where a ballot box has been established for that election by the returning officer.

**62 Procedure for voting at on-campus ballot**

- (1) This clause applies to an on-campus ballot conducted under clause 58.

Clause 63	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

- (2) An elector who is issued with a ballot paper must, after completing the ballot paper, deposit the ballot paper in the ballot box provided for the purpose at the polling place.
- (3) Such a ballot paper must be deposited in the presence of a poll officer and as soon as the elector has recorded his or her vote.
- (4) A ballot paper received by a poll officer is, for the purposes of this By-law, taken to be sent or delivered to, or received by, the returning officer.

**63 Envelopes and ballot papers not to be opened**

The returning officer must take all reasonable steps to ensure that all envelopes received by the officer under clause 61 (2) remain unopened until the close of the poll concerned.

**64 Candidate may appoint scrutineer**

- (1) Each candidate for election is entitled to nominate 1 scrutineer to be present at any counting of votes.
- (2) A person is qualified to be appointed as a scrutineer at an election only if the person is eligible to vote in that election.
- (3) A candidate for election is not eligible to be appointed as a scrutineer at the election.

**65 Officers not to disclose how electors voted**

- (1) This clause applies to the following persons concerned with the conduct of an election:
  - (a) the returning officer,
  - (b) any deputy returning officer,
  - (c) any poll officer or other person appointed by the returning officer to assist in the conduct of the election,
  - (d) any scrutineer appointed in connection with the election.
- (2) A person to whom this clause applies must not disclose, or assist another person to disclose, any information as to how any particular elector has voted at an election.

**Subdivision 6 Procedure after close of ballot**

**66 Procedure after close of poll**

As soon as practicable after the close of ballot at an election, the returning officer must, in the presence of such of the scrutineers as choose to be present, examine the ballot papers cast at the election.

Charles Sturt University By-law 2005

Clause 67

Election and appointment of members of Council

Part 3

**67 Certain ballot papers to be rejected as informal**

- (1) The returning officer must reject as informal any ballot paper cast by an elector at an election that:
  - (a) is not initialled as required by clause 59, or
  - (b) does not comply with a requirement of clause 60, 61 or 62, or
  - (c) is marked in a way that is not authorised by this Division and that, in the opinion of the returning officer, will enable any person to identify the elector.
- (2) Despite subclause (1), a ballot paper is not informal only because a figure placed on the ballot paper is not placed in or entirely in the square opposite a candidate's name. However, in that case the figure must have been placed on the ballot paper in such a position as clearly indicates to the satisfaction of the returning officer the order of the elector's preferences for the candidates.

**68 Withdrawal, death or ineligibility of candidate**

- (1) If, before the close of nominations, a candidate withdraws his or her nomination, the candidate's name should be removed from the ballot paper (if practicable).
- (2) If, before the declaration of the poll for an election, a candidate at the election dies, becomes no longer eligible for election or withdraws his or her nomination (and it was not practicable to remove the candidate's name from the ballot paper), the election is to proceed as if:
  - (a) the candidate had not been nominated for election, and
  - (b) that candidate's name had not been included on the ballot papers printed for the election, and
  - (c) any vote for that candidate had not been cast.

**Subdivision 7 Determination of election result****69 Determination of election result where only 1 candidate is to be elected**

- (1) In this clause, *absolute majority of votes* means a number greater than one half of the total number of formal ballot papers counted.
- (2) If at an election only 1 candidate is to be elected, the method of counting votes is as provided by this clause.
- (3) The total number of first preference votes given to each candidate must be counted.
- (4) If at the election a candidate has an absolute majority of votes, the returning officer must declare the candidate to be elected. However, if at the election no candidate has an absolute majority of votes, then:

Clause 69 Charles Sturt University By-law 2005  
Part 3 Election and appointment of members of Council

---

- (a) the candidate who has the fewest votes must be excluded, and
  - (b) each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.
- (5) The returning officer must then conduct a second count. If any candidate then has an absolute majority of votes, the returning officer must declare the candidate to be elected. However, if no candidate then has an absolute majority of votes, the processes of:
  - (a) excluding the candidate who has the fewest votes, and
  - (b) allocating each voting paper counted to the excluded candidate to the continuing candidate next in order of the elector's preference, and
  - (c) conducting a further count,must be repeated until 1 candidate has an absolute majority of votes. The returning officer must then declare that candidate to be elected.
- (6) If, after any count other than the final count, 2 or more candidates have an equal number of votes and 1 such candidate has to be excluded, the returning officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:
  - (a) the name of each of the candidates is to be written on separate and similar slips of paper,
  - (b) those slips must then be folded so as to prevent identification,
  - (c) those slips are then to be mixed and 1 slip is to be drawn at random,
  - (d) the candidate whose name is drawn is to be excluded.
- (7) If, at the stage when only 2 continuing candidates remain, those candidates have an equal number of votes, the returning officer must determine by lot which of them must be elected. The determination by lot is to be conducted as follows:
  - (a) the name of each candidate concerned is to be written on separate and similar slips of paper,
  - (b) the slips must then be folded so as to prevent identification,
  - (c) those slips are then to be mixed and 1 slip is to be drawn at random,
  - (d) the candidate whose name is drawn is to be elected.
- (8) The candidate so elected is taken to have received an additional vote.



Charles Sturt University By-law 2005

Clause 70

Election and appointment of members of Council

Part 3

---

**70 Determination of election result where more than 1 candidate is to be elected**

- (1) If at an election more than 1 candidate is to be elected, the method of counting votes is as provided by this clause.
- (2) The returning officer must count the total number of first preference votes given to each candidate.
- (3) The candidate who has the fewest votes must then be excluded.
- (4) If the number of continuing candidates is then equal to the number to be elected, the returning officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is greater than the number to be elected, each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.
- (5) The returning officer must then carry out a second count.
- (6) The candidate who has the fewest votes must then be excluded. If the number of continuing candidates is then equal to the number to be elected, the returning officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is still greater than the number to be elected, the processes of:
  - (a) allocating the continuing candidate next in order of the elector's preference, and
  - (b) conducting a further count, and
  - (c) excluding the candidate who has the fewest votes,must be repeated until the number of continuing candidates is equal to the number to be elected. The returning officer must then declare those continuing candidates to be elected.
- (7) If, after any count, 2 or more candidates have an equal number of votes and 1 of those candidates has to be excluded, the returning officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:
  - (a) the name of each of the candidates is to be written on separate and similar slips of paper,
  - (b) those slips must then be folded so as to prevent identification,
  - (c) those slips are then to be mixed and 1 slip is to be drawn at random,
  - (d) the candidate whose name is drawn is to be excluded.

Clause 71	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

#### **71 Procedure where no candidate nominates for election**

If the returning officer reports to the Council under clause 56 (3) that there were no valid nominations for an election called under this Division, the Council may:

- (a) request the returning officer to conduct a new election under this Division, or
- (b) deem that a casual vacancy has occurred and appoint a person in accordance with clause 73 (2).

**Note.** Under clause 3 of Schedule 1 to the Act the by-laws may prescribe procedures for the appointment or election of a person to fill a casual vacancy.

#### **72 Election not invalidated because of certain errors**

- (1) An election is not invalid only because, at the close of nominations or on polling day, the name of a person who is entitled to have his or her name entered on a roll of electors is omitted from that roll.
- (2) An election is not invalid only because a person whose name is on a roll of electors did not receive a ballot paper or did not see a notice of election.
- (3) An election is not invalid only because:
  - (a) a ballot paper has not been issued to a person whose name is eligible to be entered on the relevant roll of electors but the name has not been so entered, or
  - (b) such a person's vote has not been accepted at the election, or
  - (c) any or all of the documents referred to in clause 57 (2) or 58 (3) were not issued to a person eligible to cast a postal ballot, or
  - (d) a person eligible to vote at an on-campus poll did not see or receive any available candidate's statements, or
  - (e) a person eligible to vote did not see a notice required to be sent under this Division, or
  - (f) a statement was edited by the returning officer in accordance with clause 55 (6), or
  - (g) the returning officer did not comply with this Division in any respect.

#### **73 Filling of casual vacancy**

- (1) If there is a casual vacancy in the office of an academic staff member, general staff member, undergraduate member or postgraduate member of the Council, the Council must, if that person consents, appoint the runner up in the most recent election for that position to hold the office of that member for the residue of the term.

Charles Sturt University By-law 2005

Clause 74

Election and appointment of members of Council

Part 3

(2) If the office cannot be filled in accordance with subclause (1) the Council must appoint a person who is qualified to hold that office to hold the office of that member for the residue of the term.

(3) In this clause:

*runner up* in an election means the person who, in the vote counting process at the election, was the last remaining candidate for election aside from the person who was declared elected.

**Note.** Under clause 3 of Schedule 1 to the Act the by-laws may prescribe procedures for the appointment or election of a person to fill a casual vacancy.

### **Division 5 Appointment of graduate by the Council: section 9 (1) (g)**

**Note.** This Division provides for the appointment by the Council of a graduate of the University as a member of the Council under section 9 (1) (g) of the Act, after eligible persons have been recommended to the Council by the Council Nominations Committee.

#### **74 Appointment of external persons under section 9 (1) (g)**

The Council is to appoint to the Council 1 external person who is a graduate of the University under section 9 (1) (g) of the Act.

#### **75 Invitation to apply for appointment**

(1) Where a vacancy arises on the Council under section 9 (1) (g) of the Act, the Secretary is to publish a notice inviting graduates of the University to apply for appointment to the Council.

(2) Except as provided in this Division, the notice must:

- (a) state that the Council proposes to appoint a graduate to the Council, and
- (b) specify the term of office of the appointment, and
- (c) invite applications for appointment and specify how applications are to be made, and
- (d) state the criteria as to experience, knowledge and skills, as determined by the Council, that the applicant must possess to be eligible for appointment as determined by the Council, and
- (e) specify any other requirements that must be satisfied by the applicant for the acceptance of the application, and
- (f) specify the date and time for close of applications, and
- (g) provide any other information about the appointment that the Secretary considers is appropriate to provide.

Clause 76	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

**76 Persons may be invited to apply**

Nothing in this Division prevents a member of the Council, or the Council Nominations Committee, from inviting persons to apply for appointment to the Council under section 9 (1) (g) of the Act if that person is otherwise qualified to apply.

**77 Current members may apply**

Subject to the Act, a current member of the Council may re-apply for appointment to the Council under this Division and any such application is to be considered on the same terms as other applications.

**78 Making of applications**

An application for appointment to the Council under section 9 (1) (g) of the Act:

- (a) must be made in writing using the application form determined by the Secretary from time to time, and
- (b) must be signed by the applicant, and
- (c) must be accompanied by any declaration required by clause 79, and
- (d) must be received by the Secretary by the close of applications.

**79 Declaration by applicants**

The Secretary may require applicants for appointment to the Council under section 9 (1) (g) of the Act to complete and sign a declaration, in the form determined by the Secretary, with respect to:

- (a) their eligibility to be appointed to the Council under the Act, and
- (b) any material personal interests of the applicant, or an associate of the applicant, in matters likely to be considered at a meeting of the Council, and
- (c) such other matters as the Council Nominations Committee may determine.

**80 Council Nominations Committee to consider applications and make recommendation**

- (1) After the close of applications, the Council Nominations Committee is to consider the applications and is to reject any application if:
  - (a) the applicant is not eligible to be appointed under the Act, or
  - (b) the applicant does not, in the view of the Committee, meet the essential criteria for appointment as determined by the Council, or

Charles Sturt University By-law 2005

Clause 81

Election and appointment of members of Council

Part 3

(c) the application does not comply with the requirements set out in the notice.

(2) The Committee is to consider the remaining applicants and is to recommend to the Council a list of applicants that are recommended for appointment (including the recommended term of appointment of each applicant).

#### **81 Council to consider recommendations**

(1) The Council:

- (a) must consider the recommendations of the Council Nominations Committee, and
- (b) must determine the person to be appointed by the Council, and
- (c) must determine the length of appointment (not exceeding 4 years).

(2) The Council may decide not to make an appointment to 1 or more of the available positions on the Council under section 9 (1) (g) of the Act.

#### **82 Procedures where position remains vacant**

Where the Council decides not to make an appointment to the Council under section 9 (1) (g) of the Act from the persons who made applications for that appointment, the Council is to request the Secretary to issue a new invitation for applications from graduates following the same procedures set out in this Division.

#### **83 Casual vacancy**

In the event that a casual vacancy occurs in the office of a member of the Council appointed under section 9 (1) (g) of the Act, the Council may appoint a graduate on the recommendation of the Council Nominations Committee.

**Note.** Under clause 3 of Schedule 1 to the Act the by-laws may prescribe procedures for the appointment or election of a person to fill a casual vacancy.

#### **84 Council Nominations Committee's deliberations to be confidential**

All matters relating to the appointment of persons under section 9 (1) (g) of the Act are confidential and must not be disclosed, other than to the Council.

#### **85 Decision is final**

A decision of the Secretary, the Council Nominations Committee or the Council relating to any matter under this Division, is final.

Clause 86	Charles Sturt University By-law 2005
Part 3	Election and appointment of members of Council

---

**86 Appointment not invalidated because of certain errors**

An appointment to the Council under section 9 (1) (g) of the Act is not invalid only because:

- (a) a person did not see a notice inviting applications, or
- (b) any or all of the documents referred to in this Division were not issued to a person, or
- (c) the Secretary or the Council Nominations Committee did not comply with this Division in any respect, or
- (d) a person who met the criteria for appointment was not appointed.

**87 Secretary to decide matters**

The Secretary may, subject to the Act and this By-law, decide all matters relating to the procedures for the making of appointments under section 9 (1) (g) of the Act.

**88 Timing of appointments**

The appointment of a person under section 9 (1) (g) of the Act is to be held (where practicable):

- (a) in the case of a vacancy that arises because of the expiration of the term of office of the current member—at least 3 months before the term of the member expires, or
- (b) in the case of a casual vacancy—within 3 months after the vacancy arises.

**89 Term of office**

The term of office for a member appointed by the Council under section 9 (1) (g) of the Act is to be specified in the instrument of appointment of the member as follows:

- (a) in the case of a person appointed to fill a vacancy that arises because of the expiration of the term of office of the previous member—a term of up to 4 years commencing on 1 July next following the appointment of the person,
- (b) in the case of a casual vacancy—the balance of the term of office of the previous member.

**90 Order in which appointments to be made**

Where a position is vacant under section 9 (1) (c) and (g) of the Act at the same time, the Council is to first appoint an applicant under section 9 (1) (g).

Charles Sturt University By-law 2005

Clause 91

Election and appointment of members of Council

Part 3

---

## **Division 6      Determination of criteria for appointment**

### **91      Determination of criteria for appointment**

Without limiting clause 108, the Council may from time to time make rules for or with respect to the assessment and determination of the skills, knowledge and experience required by persons for the purpose of appointment to the Council under section 9 (1) (c) and (1) (g) of the Act.

Clause 92 Charles Sturt University By-law 2005

Part 4 Meetings of the Council

---

## **Part 4 Meetings of the Council**

### **92 Ordinary meetings of the Council**

The Council is to hold ordinary meetings at least 5 times in each calendar year on such dates as may be approved by the Council from time to time.

### **93 Special meetings of the Council**

- (1) The Secretary must convene a special meeting of the Council for the consideration of urgent business on receipt of a written request to do so from:
  - (a) the Chancellor, or
  - (b) in the absence of the Chancellor, the Deputy Chancellor, or
  - (c) the Vice-Chancellor, or
  - (d) at least 5 members of the Council.
- (2) A request under subclause (1) is to specify the purpose of the meeting and the items to be considered.
- (3) The date of the special meeting convened under subclause (1) is to be a date within 10 working days after the request to hold the meeting is made.
- (4) A special meeting of the Council is convened by giving notice of the meeting to each of the members of the Council in accordance with clause 95.

### **94 Members to give notice of business for consideration at Council meeting**

- (1) The Secretary, or a member of the Council, may initiate a matter for discussion at a meeting of the Council.
- (2) A motion may be put to a vote of the Council only if it has been moved by a member of the Council.

### **95 Secretary to give notice of Council meetings**

- (1) The Secretary must send a notice of the date, time and place of a meeting of the Council to each member of the Council at least 5 working days before the meeting.
- (2) A notice under subclause (1) may be sent by electronic mail or by such other written means as determined by the Secretary.
- (3) The notice is to be accompanied by a copy of the business papers for the meeting and any relevant supporting documents.



Charles Sturt University By-law 2005

Clause 96

Meetings of the Council

Part 4

- 
- (4) The Secretary may, by a further notice sent by electronic mail delivered not less than 2 working days before the meeting, notify members of the Council of any supplementary business that is to be put before the meeting.
- (5) Where a special meeting is convened under clause 93, the Secretary must give such notice of the date, time, place and business of the meeting as is reasonable in the circumstances.

**96 Person presiding at meeting of Council to have casting vote**

- (1) The person presiding at a meeting of the Council has a deliberative vote and also has a casting vote if the votes for and against a motion are equal.
- (2) A motion lapses if the person presiding declines to exercise a casting vote when the votes for and against the motion are equal.

**97 Adjournment of Council meetings**

The Council may, by resolution, adjourn a meeting of the Council to a later time or date at the same or another place.

**98 Standing over of unfinished business**

If, at a meeting of the Council, a quorum is not present:

- (a) within half an hour after the time fixed for the meeting, or
- (b) within such further time as the person presiding may reasonably allow,

all business that should have been transacted at the meeting is to be stood over until the next ordinary meeting, and is to take precedence at that meeting, unless a special meeting is convened in the meantime for the transaction of that business.

**Note.** Under clause 8 of Schedule 1 to the Act, a quorum is a majority of the total number of members for the time being of the Council.

**99 Validity of proceedings**

Proceedings at a meeting of the Council are taken to have been validly transacted even though the Secretary may have failed to comply with this Part in any respect or any person may not have received notice of the meeting or any business papers or other documents relevant to the meeting.

**100 Council may make “standing orders”**

Without limiting clause 108, the Council may make rules, not inconsistent with this Part, for regulating the procedure at meetings of the Council. Those rules may be referred to as “standing orders”.

Clause 101 Charles Sturt University By-law 2005

Part 5 Academic Senate

---

## Part 5 Academic Senate

**Note.** Section 16 of the Act provides for there to be an Academic Senate of the University consisting of the Vice-Chancellor, members of the academic staff of the University, and of other universities, appointed by the Council and such other persons as are determined by the Council in accordance with the by-laws.

### 101 Qualifications for appointment to Academic Senate

The Council may by resolution determine the qualifications required to be held by persons in order to become members of the Academic Senate under section 16 (1) (d) of the Act.

### 102 Constitution of Academic Senate

The Council may by resolution determine the persons who are to be members of the Academic Senate under section 16 (1) (d) of the Act.

### 103 Casual vacancies

- (1) If a person who holds office as a member of the Academic Senate under section 16 (1) (d) of the Act by virtue of having been elected by a body of, or a body associated with, the University vacates office during the first 12 months of the member's term of office, the vacancy is to be filled by the Council after an election held by the Council.
- (2) If a person who holds office as a member of the Academic Senate under section 16 (1) (d) of the Act by virtue of having been elected by a body of, or a body associated with, the University vacates office during the last 12 months of the member's term of office, the vacancy is to be filled by an appointment made by the Council.
- (3) If a person who holds office as a member of the Academic Senate under section 16 (1) (d) of the Act by virtue of having been appointed or nominated to that office by a body of, or a body associated with, the University vacates office during the member's term of office, the vacancy is to be filled by the Council from a nomination made by that body.
- (4) A person is not eligible to be elected, appointed or nominated to fill a vacancy under this clause unless he or she holds the appropriate qualification (if any) to be a member of the Academic Senate of a category of the office that was vacated.
- (5) A person who fills a vacancy under this clause holds office as a member of the Academic Senate, subject to the Act and this By-law, for the rest of the term of the person's predecessor in office.
- (6) In this clause, *body* includes a combination of bodies.

Charles Sturt University By-law 2005

Clause 104

Academic Senate

Part 5

---

**104 Term of office**

- (1) A member of the Academic Senate referred to in section 16 (1) (c) or (d) of the Act holds office, subject to the Act and this By-law, for 2 years from and including the date on which the member takes office.
- (2) This clause does not apply to persons who are members of the Academic Senate only because they hold particular offices or positions at the University.

**105 Functions of Academic Senate**

- (1) The principal functions of the Academic Senate as the principal academic body of the University are as follows:
  - (a) to advise the Council and the Vice-Chancellor on all matters relating to teaching, scholarship and research conducted at or in connection with the University,
  - (b) to ensure the high quality of teaching and learning within the University by developing and implementing appropriate policies,
  - (c) to determine lists of graduands of the University specifying the award and the level of award that each of the graduands is to receive,
  - (d) to advise the Vice-Chancellor on the teaching and research activities of the University and on the allocation of teaching and research responsibilities within the University's faculties,
  - (e) to consider and report on all matters referred to it by the Council or the Vice-Chancellor,
  - (f) to make recommendations to the Council or the Vice-Chancellor about academic standards or facilities at the University.
- (2) The Council may make rules under clause 108 that confer additional functions on the Academic Senate.
- (3) The Academic Senate has such other functions as may be necessary to enable it to exercise the functions specified in subclause (1) or added by virtue of subclause (2).

**106 Procedure of Academic Senate**

The Council may by resolution provide for the procedure for electing or appointing members of the Senate to be its Presiding Officer and Deputy Presiding Officer.

Clause 107 Charles Sturt University By-law 2005

Part 5 Academic Senate

---

**107 Committees of Academic Senate**

- (1) The Academic Senate may constitute 1 or more committees.
- (2) Such a committee of the Academic Senate is prescribed under section 20 of the Act as a body to which the Council may delegate all or any of its functions (except the power of delegation) but only in relation to those functions conferred on the Academic Senate under clause 105.

Charles Sturt University By-law 2005

Clause 108

Rules

Part 6

## Part 6 Rules

**Note.** Section 32 of the Act provides that the by-laws may empower any authority (including the Council) or officer of the University to make rules for or with respect to any or all of the matters for or with respect to which by-laws may be made, except matters referred to in sections 3 (2), 9 (1) (c)–(g) and (8), 10 (2), 15 (1), 19 (1) (d) and (e), 26 and 31 (1) (b) and (k) of, and clauses 1 (1) (c) and (d) and 3 of Schedule 1 to, the Act. The section also provides that a rule:

- (a) has the same force and effect as a by-law, and
- (b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule, and
- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule, and
- (d) must indicate the authority or officer who made the rule and that it is made under section 32.

### 108 Council may make rules

- (1) The Council may make rules in accordance with section 32 of the Act.
- (2) If the Council makes a rule, the Secretary must ensure that:
  - (a) the rule is published on the Internet on the website of the University, and
  - (b) copies of the rule are made available for inspection at the office of the Vice-Chancellor.
- (3) Any amendment or repeal of a rule must be published and made available in accordance with subclause (2).
- (4) The fact that clauses 109 and 110 confer on the Vice-Chancellor or the Academic Senate the authority to make a rule does not prevent the same matter from being the subject of rules made by the Council.

### 109 Vice-Chancellor may make rules

- (1) The Vice-Chancellor may make rules in accordance with section 32 of the Act for the management and discipline of the University.
- (2) If the Vice-Chancellor makes a rule, the Vice-Chancellor must ensure that:
  - (a) the rule is published on the Internet on the website of the University, and
  - (b) a copy of the rule is tabled at the next meeting of the Council, and
  - (c) copies of the rule are made available for inspection at the office of the Vice-Chancellor.
- (3) Any amendment or repeal of a rule must be published and made available in accordance with subclause (2).

Clause 110 Charles Sturt University By-law 2005

Part 6 Rules

---

**110 Academic Senate may make rules**

- (1) The Academic Senate may make rules in accordance with section 32 of the Act for or with respect to the following:
  - (a) the establishment of committees of the Academic Senate (provided that the functions of those committees do not exceed the functions conferred on the Academic Senate under clause 105),
  - (b) the manner and time of convening, holding and adjourning meetings of the Academic Senate and its committees,
  - (c) the manner of voting at meetings of the Academic Senate and its committees,
  - (d) the conduct of business of the Academic Senate and its committees.
- (2) If the Academic Senate makes a rule, the Chair of the Academic Senate must ensure that:
  - (a) the rule is published on the Internet on the website of the University, and
  - (b) a copy of the rule is tabled at the next meeting of the Council, and
  - (c) copies of the rule are made available for inspection at the office of the Vice-Chancellor.
- (3) Any amendment or repeal of a rule must be published and made available in accordance with subclause (2).

**111 Interpretation of rules**

Expressions used in any rule made under this Part have the same meaning as in the Act or in this By-law.

**112 Inconsistency between rules**

If the Vice-Chancellor or Academic Senate makes a rule that is inconsistent with a rule made by the Council, the rule made by the Council prevails to the extent of the inconsistency.

**Note.** Section 32 (3) of the Act provides that in the event of any inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

Charles Sturt University By-law 2005

Clause 113

Miscellaneous

Part 7

---

## Part 7 Miscellaneous

### 113 Conferring of honorary awards

- (1) The Council may confer, *honoris causa*, any degree of the University.
- (2) A degree awarded by the Council *honoris causa* before the commencement of this By-law is taken to have been conferred pursuant to this clause.

### 114 Designation of members of staff

- (1) For the purposes of Part 3, a person is designated as academic staff if that person holds a position, on a full-time basis, of or above the rank of associate lecturer of the University and the person is not a student or a member of the general staff.
- (2) For the purposes of Part 3, a person is designated as general staff if that person holds a general staff position, on a full-time basis, at the University and the person is not a student or a member of the academic staff.

### 115 Repeal

- (1) The *Charles Sturt University By-law 1995* is repealed.
- (2) Any act, matter or thing that had effect under the *Charles Sturt University By-law 1995* immediately before its repeal is taken to have effect under this By-law.
- (3) In particular, any rule made pursuant to a provision of the *Charles Sturt University By-law 1995* and in force immediately before the repeal of that By-law is taken to have been made pursuant to the corresponding provision of this By-law.

### 116 Transitional provision—membership of the Council

- (1) Subject to Schedule 4 to the Act, a person who held office under the *Charles Sturt University By-law 1995* immediately before its repeal continues to hold that office for the remainder of the term of the person's office.
- (2) Subject to Schedule 4 to the Act, the person who held the office of Chancellor immediately before the repeal of the *Charles Sturt University By-law 1995* is to continue to hold that office until 31 December 2006.



New South Wales

# Southern Cross University By-law 2005

under the

Southern Cross University Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law made by the Council of the Southern Cross University under the *Southern Cross University Act 1993*.

CARMEL TEBBUTT, M.P.,  
Minister for Education and Training

## Explanatory note

This By-law repeals and replaces the existing by-laws made under the *Southern Cross University Act 1993* and deals with the changes arising from the enactment of the *University Legislation Amendment Act 2004*.

This By-law makes provision for the following:

- (a) the conditions for holding office as Chancellor and Deputy Chancellor,
- (b) the terms of office of certain members of the Council,
- (c) the method of election of the elected members of Council,
- (d) the number of external persons that are to be members of the Council,
- (e) the nomination procedures in relation to appointed members of the Council, including the establishment of a Council Nominations Committee and a Graduate Appointments Committee,
- (f) the making of rules.

This By-law is made under the *Southern Cross University Act 1993*, including section 29 (the general power to make by-laws).



Southern Cross University By-law 2005

---

## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of By-law	4
2 Application	4
3 Definitions	4
<b>Part 2 The Council</b>	
<b>Division 1 The Chancellor and the Deputy Chancellor</b>	
4 Persons presiding at ceremonial occasions	6
5 Term of office of Chancellor	6
6 Eligibility for re-election as Chancellor or Deputy Chancellor	6
7 Conditions for holding office as Chancellor and Deputy Chancellor	6
<b>Division 2 Elected Council members and election procedures</b>	
8 Definitions	7
9 Terms of office	8
10 Returning Officer	8
11 Rolls	8
12 Provisional voting	9
13 Qualification for election as an academic staff member	9
14 Qualification for election as a non-academic staff member	10
15 Qualification for election as a student member	10
16 Notice of election and call for nominations	10
17 Schedule of dates for Council elections	11
18 Making of nominations	11
19 Dealing with nominations	12
20 Form of ballot	12
21 Conduct of ballot	13
22 Notice to accompany ballot paper	13
23 Contents of ballot paper	14
24 Method of voting	14
25 Procedure for postal ballots	14
26 Procedure for voting at polling booths	14
27 Procedure for electronic ballots	15
28 Envelopes and ballot papers not to be opened, accessed or retrieved	15
29 Procedure on close of ballot	16
30 Informal ballot papers	16

## Southern Cross University By-law 2005

## Contents

	Page	
31	Nomination of scrutineers	16
32	Secrecy of ballot to be maintained	17
33	Tally sheet	17
34	Determination of result of ballot	17
35	Election not invalid because of certain errors	19
<b>Division 3 Appointed Council members</b>		
36	External persons appointed by the Council	19
37	Council Nominations Committee	19
38	Nominations procedures relating to external persons appointed by the Council	20
39	Nominations procedures relating to external persons appointed by the Minister	20
40	Graduate members	20
41	Roll of Graduates	21
42	Qualification for appointment as graduate member	21
43	Proposing graduate Council members for nomination	21
44	Graduate Appointments Committee	22
45	Council to consider recommendations of Graduate Appointments Committee	22
<b>Division 4 Casual vacancies</b>		
46	Elected Council members	22
47	Election in anticipation of resignation	23
48	Appointed Council members	23
<b>Part 3</b>	<b>The Academic Board</b>	
49	Rules with respect to Board	25
50	Rules made by Board	25
51	Council to obtain views of Board on certain matters	25
<b>Part 4</b>	<b>Rules</b>	
52	Rules made by Council	26
53	Rules made by Vice-Chancellor	27
54	Promulgation of rules	27
55	Inconsistency between rules	27
56	Amendment or repeal of rules	28
<b>Part 5</b>	<b>Miscellaneous</b>	
57	Repeal	29
58	Savings and transitional provisions	29

Clause 1	Southern Cross University By-law 2005
Part 1	Preliminary

---

## Southern Cross University By-law 2005

under the

Southern Cross University Act 1993

### Part 1 Preliminary

#### 1 Name of By-law

This By-law is the *Southern Cross University By-law 2005*.

#### 2 Application

This By-law applies to and in respect of the Southern Cross University, as established by the Act.

#### 3 Definitions

- (1) In this By-law and in any rule:

**Board** means the Academic Board referred to in section 15 of the Act.

**Chancellor** means the Chancellor of the University referred to in section 11 of the Act.

**Deputy Chancellor** means the Deputy Chancellor of the University referred to in section 12 of the Act.

**rule** means a rule made under section 30 (1) of the Act.

**Secretary to Council** means the Secretary to the Council of the University.

**student** means a person enrolled as a candidate in a course leading to an accredited award of the University or enrolled in units which do not lead to an accredited award of the University.

**the Act** means the *Southern Cross University Act 1993*.

**Vice-Chancellor** means the Vice-Chancellor of the University referred to in section 13 of the Act.

- (2) For the purposes of this By-law, a person is a member of the fractional-time academic or non-academic staff if the person is employed, otherwise than on a casual or temporary basis, to perform a proportion of the duties that a full-time person employed in the same classification would normally be required to perform in a 12 month period.

Southern Cross University By-law 2005

Clause 3

Preliminary

Part 1

- 
- (3) In the absence of a person who has been appointed to an office in the University by virtue of some other office held by him or her, whether in the University or elsewhere, any person acting in that other office holds that appointment *ex officio*, unless the Council resolves otherwise.
- (4) In this By-law and in any rule:
- (a) a reference to an officer of the University is a reference to the incumbent of that position from time to time (including any person acting in that capacity), and
  - (b) a reference to a chair of a board, committee or other body established within the University is a reference to the incumbent of that office from time to time, and includes any person acting or deputising in that office.
- (5) Notes included in this By-law do not form part of this By-law.

Clause 4 Southern Cross University By-law 2005

Part 2 The Council

---

## Part 2 The Council

### Division 1 The Chancellor and the Deputy Chancellor

#### 4 Persons presiding at ceremonial occasions

- (1) The Chancellor when present is to preside at ceremonial occasions.
- (2) In the absence of the Chancellor, the Deputy Chancellor when present is to preside at ceremonial occasions.
- (3) In the absence of the Chancellor and the Deputy Chancellor, the Vice-Chancellor is to preside at ceremonial occasions.
- (4) In the absence of the Chancellor, the Deputy Chancellor and the Vice-Chancellor, a member of the Council (being a member who is not a member of the staff of the University or a student) appointed by the Council is to preside at ceremonial occasions.

#### 5 Term of office of Chancellor

For the purposes of section 11 (2) of the Act, the prescribed period for which the Chancellor holds office is 4 years commencing on the date of the first Council meeting following election.

**Note.** Section 12 (2) of the Act provides that the term of office of the Deputy Chancellor is 2 years from the date of his or her election.

#### 6 Eligibility for re-election as Chancellor or Deputy Chancellor

Subject to the Act and this By-law, a person appointed as Chancellor or Deputy Chancellor is eligible for re-election when his or her term expires.

**Note.** The Chancellor and Deputy Chancellor are to be elected according to procedures determined by the Council.

#### 7 Conditions for holding office as Chancellor and Deputy Chancellor

- (1) It is a condition on which the Chancellor and the Deputy Chancellor each hold office that he or she retains the confidence of the Council.
- (2) The Chancellor or the Deputy Chancellor (as the case may be) ceases to hold office as such if the Council resolves, by resolutions passed:
  - (a) by a majority of at least two thirds of Council members present and entitled to vote, and
  - (b) at 2 consecutive ordinary meetings of Council, that he or she does not have the confidence of Council.

Southern Cross University By-law 2005

Clause 8

The Council

Part 2

- (3) This clause applies to the Chancellor and Deputy Chancellor holding office on the date this clause comes into effect and all subsequent holders of those offices.

**Note.** Sections 11 (2) and 12 (2) of the Act provide that the Chancellor and the Deputy Chancellor respectively hold office on such conditions as may be prescribed by the by-laws.

## Division 2 Elected Council members and election procedures

### 8 Definitions

In this Division:

**absolute majority of votes** means a greater number than one-half of the whole number of formal ballot papers counted.

**ballot paper** means a document prepared by the Returning Officer in accordance with clause 23 which may be in electronic or hard copy form.

**continuing candidate** means a candidate not already excluded from the count.

**determine by lot** means to determine in accordance with the following directions:

- (a) the names of the candidates concerned must be written on separate and similar slips of paper,
- (b) the slips must be folded so as to prevent identification and mixed and drawn at random,
- (c) the candidate whose name is first drawn must be excluded.

**electronic ballot** means a ballot conducted under clause 20 (2) (c).

**exhausted ballot paper** means a ballot paper containing votes that can no longer be allocated according to the procedure set out in this Division and that is to be set aside as having been finally dealt with, subject to clause 34 (9).

**first preference vote** means a vote on a ballot paper marked "1".

**Roll** means a roll established by the Returning Officer referred to in clause 11, that may be in electronic or hard copy form.

**secondary vote** means a vote on a ballot paper which is marked "2" and so on up to the number of positions to be filled.

**tally sheet** means a tally sheet prepared by the Returning Officer in accordance with clause 33, that may be in electronic or hard copy form.

Clause 9 Southern Cross University By-law 2005

Part 2 The Council

---

## **9 Terms of office**

- (1) For the purposes of clause 1 (1) (c) of Schedule 1 to the Act, the prescribed period for which a Council member elected under section 10 (1) (d), (e) or (f) of the Act holds office is 2 years commencing on 9 September in the year of the election.
- (2) Subject to the Act and this By-law, a person elected as a Council member under section 10 (1) (d), (e) or (f) of the Act is eligible for re-election when his or her term expires.

## **10 Returning Officer**

- (1) An election of any elected member of the Council is to be conducted by the Secretary to Council who is to be the Returning Officer for the election.
- (2) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.
- (3) The Returning Officer's decision is, subject to the Act and this By-law, final on all matters affecting the eligibility of candidates, the conduct and results of an election and such other matters as may from time to time affect the conduct of elections.

## **11 Rolls**

- (1) The Returning Officer is to keep the following:
  - (a) for the purposes of section 10 (1) (d) of the Act—a Roll of Academic Staff containing the names and addresses of those persons who are classified as full-time or fractional-time members of the academic staff of the University,
  - (b) for the purposes of section 10 (1) (e) of the Act—a Roll of Non-Academic Staff containing the names and addresses of those persons who are classified as full-time or fractional-time members of the non-academic staff of the University,
  - (c) for the purposes of section 10 (1) (f) of the Act—a Roll of Students containing the names and addresses of those students enrolled in courses that are listed in the register of courses of the University and that have a minimum duration of 1 year full-time or equivalent.
- (2) The Returning Officer is entitled to alter a Roll at any time by:
  - (a) correcting any mistake or omission in the details entered on that Roll, or

Southern Cross University By-law 2005

Clause 12

The Council

Part 2

- 
- (b) changing, on the written application of any eligible person, the name or address of that person entered on that Roll, or
  - (c) removing the name of any deceased person, or
  - (d) removing a superfluous entry where a person's name appears more than once on that Roll, or
  - (e) reinstating the name of an eligible person removed from the Roll where the Returning Officer is satisfied that that person is entitled to be entered on the relevant Roll.
- (3) Despite subclause (2), a Roll is not invalid only because any one or more of the following occurs in connection with that Roll:
- (a) the Roll contains any mistake or omission in the details of any eligible person entered on the Roll,
  - (b) the Roll contains the name of any deceased person,
  - (c) the Roll contains more than one entry for the same eligible person,
  - (d) the Roll does not contain the name of a person entitled to be entered on that Roll.

## 12 Provisional voting

- (1) This clause applies to a person who claims he or she is entitled to vote in an election even though:
- (a) that person's name cannot be found on the Roll for the election in which that person claims he or she is entitled to vote, or
  - (b) that person's name is on the Roll for the relevant election, but his or her address is incorrect or does not appear on that Roll, or
  - (c) a mark on the Roll used in that election indicates incorrectly that the person has already voted in that election.
- (2) A person to whom this clause applies may cast a provisional vote only if:
- (a) that person makes a request to the Returning Officer to do so no less than 7 days before the ballot is due to be conducted, and
  - (b) the person complies with the provisions of clauses 24–27.

## 13 Qualification for election as an academic staff member

For the purposes of section 10 (1) (d) (ii) of the Act, in respect of a person seeking election as an academic staff member, the prescribed qualification is that the person's name is entered on the Roll of Academic Staff at the time specified in the notice referred to in clause 16 for the close of nominations for the election.



Clause 14 Southern Cross University By-law 2005

Part 2 The Council

---

**14 Qualification for election as a non-academic staff member**

For the purposes of section 10 (1) (e) (ii) of the Act, in respect of a person seeking election as a non-academic staff member, the prescribed qualification is that the person's name is entered on the Roll of Non-Academic Staff at the time specified in the notice referred to in clause 16 for the close of nominations for the election.

**15 Qualification for election as a student member**

For the purposes of section 10 (1) (f) (ii) of the Act, in respect of a person seeking election as a student member, the prescribed qualifications are that the person's name:

- (a) is entered on the Roll of Students, and
- (b) is not entered on the Roll of Academic Staff or the Roll of Non-Academic Staff,

at the time specified in the notice referred to in clause 16 for the close of nominations for the election.

**16 Notice of election and call for nominations**

- (1) When an election of a member or members of the Council becomes necessary the Returning Officer must publish on the Internet by means of the Website of the University, and by any other means that the Returning Officer considers appropriate, a notice referred to in this clause and:
  - (a) in the case of an election of a staff member, or members, of the Council—must send or deliver a copy of the notice to each person whose name is on the relevant Roll of staff of the University, and
  - (b) in the case of an election of a student member of the Council—must publish or cause to be published such copies of the notice in such manner as the Returning Officer considers necessary to inform the persons whose names are entered on the Roll of Students of its contents.
- (2) The notice for the purposes of this clause must:
  - (a) state that an election to a particular office is necessary, and
  - (b) invite nominations of persons for election, and
  - (c) specify the form in which nominations must be made, and
  - (d) specify a date and time for the close of nominations, being the date and time by which nomination papers must reach the Returning Officer, and
  - (e) specify how ballot papers may be obtained or accessed, and

Southern Cross University By-law 2005

Clause 17

The Council

Part 2

- (f) specify in what form or forms the ballot is to be conducted pursuant to clause 20 (2), and
  - (g) fix a date and time for the close of the ballot, being the date and time by which ballot papers must reach the Returning Officer, and
  - (h) contain such other information in relation to the election as the Returning Officer thinks fit (which may include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Council to be elected).
- (3) An election is not invalid only because a person who is eligible to have his or her name entered on a Roll did not see a notice or copy of a notice, or did not receive a copy of a notice, referred to in this clause.

#### **17 Schedule of dates for Council elections**

In the conduct of an election, the Returning Officer must allow:

- (a) between publication of the notice referred to in clause 16 and the date and time specified for the close of nominations—not less than 14 days and not more than 28 days, and
- (b) between the date and time specified for the close of the nominations and issue of ballot papers under clause 21 (1)—not more than 28 days, and
- (c) between the issue of ballot papers under clause 21 (1) and the date and time specified for the close of the ballot—not less than 14 days and not more than 28 days.

#### **18 Making of nominations**

- (1) A nomination of a candidate for election as a member of the Council must be made by sending or delivering a nomination paper to the Returning Officer.
- (2) A nomination paper must be signed by 2 persons entitled to vote at the election for which the candidate is nominated and must be endorsed with or accompanied by the written consent of the person nominated.
- (3) There must be a separate nomination paper for each candidate.
- (4) A candidate may provide with the nomination paper a statement of not more than 150 words containing information relating to the candidate that he or she wishes to supply. That information may include, for example, the following particulars in relation to the candidate:
  - (a) full name,
  - (b) faculty, school or department,
  - (c) academic qualifications and experience,

Clause 19 Southern Cross University By-law 2005

Part 2 The Council

---

- (d) positions or offices held at any time with public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.
- (5) The Returning Officer must not accept statements containing more than 150 words. The Returning Officer (or a person appointed by the Returning Officer) is to edit all statements supplied to ensure that they contain no defamatory or offensive material. The edited statements are to be printed and distributed with the ballot papers.
- (6) The Returning Officer must reject a nomination paper if satisfied that:
  - (a) the nomination is not duly made, or
  - (b) the person nominated is not eligible to be elected.
- (7) The Returning Officer must, within 4 days after receipt of a nomination paper, send or deliver a notice to each person who has signed or endorsed the nomination paper, notifying the person of the acceptance or rejection of the nomination.

#### **19 Dealing with nominations**

- (1) If, at the close of nominations, the number of candidates is the same or less than the number of vacancies to be filled, the Returning Officer must declare the candidate or candidates to be elected.
- (2) If, at the close of nominations, the number of candidates is more than the number of vacancies to be filled, the Returning Officer must conduct a ballot to fill the vacancy or vacancies.
- (3) If, before the declaration of a poll for an election, a candidate dies or becomes no longer eligible for election, the election must proceed as if:
  - (a) the candidate was not nominated for election, and
  - (b) the candidate's name was not on the ballot paper printed for that election, and
  - (c) any vote for that person was not cast.

#### **20 Form of ballot**

- (1) A ballot for a Council election must be a secret ballot using the optional preferential system.
- (2) Subject to subclause (3), a ballot for a Council election may be conducted by any one or more of the following means:
  - (a) by requiring voters to attend and cast their votes at a polling booth designated by the Returning Officer in a notice given under clause 21 (1) (a),
  - (b) by postal ballot,

Southern Cross University By-law 2005

Clause 21

The Council

Part 2

- 
- (c) by a ballot conducted by electronic means, including submitting votes via on-line access to a computer ballot.
- (3) If there is any malfunction in respect of an electronic ballot, that ballot must be conducted again using, in the discretion of the Returning Officer, either one or both of the alternative voting methods referred to in subclause (2) (a) and (b).

## **21 Conduct of ballot**

- (1) The Returning Officer must, for each election of a Council member:
- (a) publish, in such manner as the Returning Officer considers necessary, a notice specifying the dates and times of polling, the location of any polling booths and any other relevant information, and
  - (b) in the case of an electronic ballot—publish in such manner as the Returning Officer considers necessary, a notice with instructions on how to access and use the system, the period of time in which votes will be taken and any other relevant information, and
  - (c) if the person has applied for the issue of a ballot paper by post and the application has been received not later than 10 days before the close of the ballot for the election—forward a ballot paper to each person whose name is on the relevant Roll.
- (2) In the case of a ballot that is not an electronic ballot, a person whose ballot paper becomes lost or destroyed may apply in writing to the Returning Officer for a duplicate ballot paper and, if satisfied that the ballot paper was lost or destroyed, the Returning Officer must supply a duplicate ballot paper to that person.
- (3) An election is not invalid only because a person whose name is on the relevant Roll of staff or students of the University did not receive or otherwise obtain a ballot paper.
- (4) In this clause, a reference to a person's name being on a relevant Roll of staff or students of the University is a reference to the person's name being on the Roll concerned (as referred to in clause 11) at the close of nominations for the relevant election.

## **22 Notice to accompany ballot paper**

In the case of an election by postal ballot, there must also be issued with each ballot paper:

- (a) a notice setting out how the ballot paper is to be completed and specifying the date and time by which ballot papers for that election must reach the Returning Officer, and

Clause 23 Southern Cross University By-law 2005

Part 2 The Council

---

- (b) 2 envelopes, one marked “Ballot Paper” and the other addressed to the Returning Officer on the outside of which must be printed a form of declaration of identity and of entitlement to vote to be signed by the voter.

**23 Contents of ballot paper**

Each ballot paper must contain the names of the candidates in the order drawn at random by the Returning Officer, or by a person appointed by the Returning Officer, for the purposes of the election and must be initialled (or, in the case of an electronic ballot, otherwise validated) by the Returning Officer or by a person appointed by the Returning Officer.

**24 Method of voting**

- (1) Each voter may only vote once in an election.
- (2) Each voter must mark a vote on the ballot paper by placing the figure “1” in the square opposite the name of the candidate to whom the voter desires to give a first preference vote, and may place consecutive figures (commencing with the figure “2”) in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter’s preference for them.

**25 Procedure for postal ballots**

- (1) In the case of a postal ballot, each voter must:
  - (a) place the completed ballot paper in the envelope marked “Ballot Paper” and seal that envelope, and
  - (b) complete the form of declaration of identity and entitlement to vote on the inside of the envelope addressed to the Returning Officer, and
  - (c) enclose and seal the envelope marked “Ballot Paper” in the envelope addressed to the Returning Officer, and
  - (d) send or deliver to the Returning Officer the envelope so addressed so as to ensure the Returning Officer will receive it before the close of the ballot.
- (2) All envelopes received by the Returning Officer under this clause must be deposited in the relevant ballot box.

**26 Procedure for voting at polling booths**

- (1) The procedures set out in subclauses (2)–(5) apply where voters can cast their votes at a polling booth.

Southern Cross University By-law 2005

Clause 27

The Council

Part 2

- 
- (2) Any person who is recognised by a person appointed by the Returning Officer as being entered on the relevant Roll is entitled to attend a polling booth and to be provided with a ballot paper.
  - (3) Voters must deposit their vote in the relevant ballot box provided for the purpose at the polling booth.
  - (4) Where the Returning Officer determines that an election is to be conducted by both means specified in clause 20 (2) (a) and (b), a person who has been forwarded a ballot paper under clause 21 (1) (c) and who wishes to vote can do so by:
    - (a) attending a polling booth and depositing the vote in the relevant ballot box provided for the purpose at the polling booth, or
    - (b) doing all of the following things:
      - (i) placing the completed ballot paper in the envelope marked "Ballot Paper" and sealing that envelope,
      - (ii) completing the form of declaration of identity and entitlement to vote on the inside of the envelope addressed to the Returning Officer,
      - (iii) enclosing and sealing the envelope marked "Ballot Paper" in the envelope addressed to the Returning Officer,
      - (iv) sending or delivering to the Returning Officer the envelope so addressed so as to ensure the Returning Officer receives it before the close of the ballot.
  - (5) All envelopes received by the Returning Officer under subclause (4) must be deposited in the relevant ballot box.

#### **27 Procedure for electronic ballots**

In the case of an electronic ballot, voters must follow the instructions and prompts to complete and submit their vote, including, without limitation, entering any details specified in the instructions to enable the Returning Officer to verify the eligibility or identity of the voter, such as a personal identification number or an email address.

#### **28 Envelopes and ballot papers not to be opened, accessed or retrieved**

- (1) All envelopes containing postal ballots received by the Returning Officer under clause 25 or 26 must remain unopened until the close of the ballot.
- (2) A ballot box referred to in clause 25 or 26 must remain unopened until the close of the ballot.
- (3) Any electronic database or retrieval system containing votes referred to in clause 27 must not be accessed or retrieved until the close of the ballot.

Clause 29 Southern Cross University By-law 2005

Part 2 The Council

---

### **29 Procedure on close of ballot**

As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:

- (a) open any ballot boxes, and
- (b) access or retrieve any ballot papers submitted electronically under clause 27, and
- (c) in the case of postal ballots:
  - (i) open the envelopes addressed to the Returning Officer and received before the close of the ballot, and
  - (ii) if the declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes, and
  - (iii) open the envelopes referred to in subparagraph (ii) and take out the ballot papers, and
- (d) count the votes, and ascertain the result of the ballot, in the manner set out in clauses 30–35.

### **30 Informal ballot papers**

- (1) A ballot paper is informal if it has on it any mark or writing that, in the opinion of the Returning Officer, will enable any person to identify the voter.
- (2) A ballot paper is informal if not initialled or validated in accordance with clause 23.
- (3) A ballot paper is informal if the voter has not indicated a clear preference for at least one candidate.
- (4) Despite subclause (3), a ballot paper is not informal only because any figures placed on the ballot paper are not placed in, or entirely in, the squares opposite the candidates' names, if the figures are placed on the ballot paper in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

### **31 Nomination of scrutineers**

- (1) Each candidate is entitled to nominate one scrutineer to be present at the count.
- (2) A person is not to be a scrutineer in an election in which he or she is a candidate.
- (3) A scrutineer may inspect any ballot paper provided that, in the opinion of the Returning Officer, that scrutiny does not delay the counting of votes unreasonably.

Southern Cross University By-law 2005

Clause 32

The Council

Part 2

---

**32 Secrecy of ballot to be maintained**

- (1) The result of the count must remain confidential until the declaration of the poll by the Returning Officer.
- (2) The Returning Officer, any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.

**33 Tally sheet**

- (1) The Returning Officer must keep a tally sheet for each ballot containing the following information:
  - (a) total number of ballot papers,
  - (b) total number of informal ballot papers,
  - (c) a list of candidates,
  - (d) first preference votes allocated to each candidate,
  - (e) secondary votes allocated to each candidate,
  - (f) exhausted ballot papers,
  - (g) progressive total votes for each candidate.
- (2) At each stage of counting, the total number of votes divided by the number of candidates to be elected must correspond with the total number of formal ballot papers (including exhausted ballot papers).

**34 Determination of result of ballot**

- (1) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided by this clause.
- (2) The Returning Officer must count the total number of ballot papers and exclude any informal papers.
- (3) The Returning Officer must count the number of first preference votes given for each candidate.
- (4) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.
- (5) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.



Clause 34 Southern Cross University By-law 2005

Part 2 The Council

---

- (6) If on any count 2 or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:
- (a) if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded,
  - (b) if the count is the second or subsequent count made in connection with the ballot:
    - (i) that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
    - (ii) the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.
- (7) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclauses (8) and (9)) be continued:
- (a) until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected, or
  - (b) until all candidates but one have been excluded in which event the remaining candidate must be declared elected.
- (8) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count as an exhausted ballot paper and the total of the ballot papers counted must be amended accordingly. The ballot paper must, however, be reinstated in any later counts carried out in accordance with subclause (10).
- (9) If any further positions remain to be filled, all excluded candidates must be reinstated with their first preference votes credited and each of the ballot papers counted to the elected candidate or candidates must be counted to the reinstated candidate next in order of the voter's preference as if it were a first preference vote.
- (10) The procedures described in subclauses (4) to (9) apply until all vacancies are filled.

Southern Cross University By-law 2005

Clause 35

The Council

Part 2

**35 Election not invalid because of certain errors**

- (1) An election is not invalid only because of any one or more of the following:
  - (a) any one or more of the events described in clause 11 (3) occurs,
  - (b) an eligible person did not receive a ballot paper,
  - (c) an eligible person's vote has not been accepted at the election.
- (2) Despite subclause (1) and without limiting any of the Returning Officer's other powers, the Returning Officer may at any time declare an election invalid because, in his or her opinion, one or more of the events described in that subclause has materially affected, or is likely to materially affect, the outcome of that election.

**Division 3 Appointed Council members****36 External persons appointed by the Council**

- (1) The prescribed number of persons that the Council may appoint at any one time pursuant to section 10 (1) (c) of the Act is 6.
- (2) Any person who is to be appointed pursuant to section 10 (1) (c) of the Act is to be appointed at a meeting of the Council convened by the Secretary to Council, of which the Secretary to Council has given at least 7 days' notice by posting or delivering to each member a notice stating:
  - (a) the date, time and place of the meeting, and
  - (b) that an additional member is to be appointed at the meeting.

**Note.** Any external person appointed by the Council is to be appointed according to procedures determined by the Council (clause 6 (General procedure) of Schedule 1 to the Act).
- (3) Subject to the Act and this By-law, a person appointed as a Council member under section 10 (1) (c) of the Act is eligible for re-appointment when his or her term expires.

**Note.** Clause 1 (1) (b) of Schedule 1 to the Act provides that a Council member appointed under section 10 (1) (c) of the Act holds office for such term (not exceeding 4 years) as may be specified in that Council member's instrument of appointment.

**37 Council Nominations Committee**

The Council is to establish a Council Nominations Committee consisting of the following persons:

- (a) the Chancellor,
- (b) the Deputy Chancellor,
- (c) the Vice-Chancellor,

Clause 38 Southern Cross University By-law 2005

Part 2 The Council

---

- (d) 2 members of the Council who are external persons (within the meaning of section 10 (10) of the Act).

**38 Nominations procedures relating to external persons appointed by the Council**

- (1) At least 3 months before the term of office of a member appointed under section 10 (1) (c) of the Act expires, the Council is to propose the names of persons who may be suitable for nomination for appointment as such a member and forward the proposals to the Council Nominations Committee.
- (2) The Committee is to consider the proposals from the Council and determine which persons are to be nominated for appointment by the Council and is to recommend the length of appointment for each such person.
- (3) The Committee is to forward its nominations to the Council.

**39 Nominations procedures relating to external persons appointed by the Minister**

- (1) At least 3 months before the term of office of a member appointed under section 10 (1) (b) of the Act expires, the Council is to propose the names of persons who may be suitable for nomination for appointment as such a member and forward the proposals to the Council Nominations Committee.
- (2) The Committee is to consider the proposals from the Council and determine which persons are to be nominated for consideration for appointment by the Minister and is to recommend the length of appointment for each such person.
- (3) The Committee is to forward its nominations to the Chancellor for presentation to the Minister.

**40 Graduate members**

- (1) The prescribed number of persons that the Council may appoint at any one time pursuant to section 10 (1) (g) of the Act is 2.
- (2) Subject to the Act and this By-law, a person appointed as a Council member under section 10 (1) (g) of the Act is eligible for re-appointment when his or her term expires.

**Note.** Clause 1 (1) (d) of Schedule 1 to the Act provides that a Council member appointed under section 10 (1) (g) of the Act holds office for such term (not exceeding 4 years) as may be specified in that Council member's instrument of appointment.

Southern Cross University By-law 2005

Clause 41

The Council

Part 2

---

**41 Roll of Graduates**

For the purposes of section 10 (1) (g) of the Act, the Secretary to Council is to keep a Roll of Graduates containing the names and addresses of graduates of the University.

**42 Qualification for appointment as graduate member**

For the purposes of section 10 (1) (g) of the Act, in respect of a person seeking election as a graduate member of the Council, the prescribed qualification is that the person's name is entered on the Roll of Graduates at the date by which proposals for appointment must reach the Secretary to Council.

**43 Proposing graduate Council members for nomination**

- (1) As soon as practicable after 1 March in a year in which the term of office of a graduate member expires, the Secretary to Council is to invite graduates of the University to propose names of graduates of the University for appointment as a member of the Council under section 10 (1) (g) of the Act.
- (2) The Secretary to Council is to make such an invitation by placing a notice to that effect:
  - (a) in a newspaper circulating throughout Australia, and
  - (b) in at least 3 regional newspapers, each newspaper being published in at least one of the regions where a major campus is located, and
  - (c) on the Internet by means of the website of the University, and
  - (d) by any other means that the Secretary to Council considers appropriate.
- (3) The notice must:
  - (a) state that the proposal must be made by 2 graduates of the University, and
  - (b) specify a date and time by which the proposal must reach the Secretary to Council.
- (4) The Secretary to Council must forward any proposals received in accordance with this clause to the Graduate Appointments Committee established by clause 44, and advise the Graduate Appointments Committee if:
  - (a) any proposal does not comply with the requirements set out in the notice given under subclause (3), or
  - (b) any person proposed is not qualified to be appointed.

Clause 44 Southern Cross University By-law 2005

Part 2 The Council

---

#### **44 Graduate Appointments Committee**

- (1) There is established by this By-law a Graduate Appointments Committee.
- (2) The Committee is to consist of the following persons:
  - (a) the Chancellor,
  - (b) the Deputy Chancellor,
  - (c) the Vice-Chancellor,
  - (d) 2 members of the Council appointed by the Council (other than those who are eligible to be appointed as graduate members of the Council).
- (3) The Committee must do the following:
  - (a) consider the proposals forwarded by the Secretary to Council under clause 43 (4),
  - (b) recommend names, selected from persons whose names have been proposed, to be forwarded to the Council for appointment by the Council,
  - (c) recommend the length of appointment (not exceeding 4 years) for each such person,
  - (d) forward those recommendations to the Council.

#### **45 Council to consider recommendations of Graduate Appointments Committee**

The Council must do the following:

- (a) consider the recommendations forwarded by the Graduate Appointments Committee in accordance with clause 44 (3) (d),
- (b) determine which persons are to be appointed for the purposes of section 10 (1) (g) of the Act,
- (c) determine the length of appointment (not exceeding 4 years) for each person appointed, which is to commence from the date of appointment.

### **Division 4 Casual vacancies**

#### **46 Elected Council members**

- (1) If a casual vacancy in the office of a member of the Council elected pursuant to section 10 (1) of the Act occurs:
  - (a) if less than half of that member's term of office remains—the Council is, as soon as practicable after the vacancy occurs, to

Southern Cross University By-law 2005

Clause 47

The Council

Part 2

---

appoint a person qualified to hold that office under section 10 (1) of the Act for the remainder of the term of office, or

- (b) if the remainder of that member's term of office is or exceeds half of the term of office—the Returning Officer is to conduct an election to fill the vacancy for the balance of the term of office.
- (2) An election referred to in subclause (1) (b) is to be conducted in accordance with the election procedures prescribed in Division 2 of this By-law as soon as practicable after the vacancy occurs (or, in a case to which clause 47 applies, from some earlier time in accordance with that clause).

#### **47 Election in anticipation of resignation**

- (1) Any member of the Council who intends to resign in circumstances that would create a vacancy to which clause 46 (1) (b) would apply if the resignation took effect as intended is under a duty to notify the Returning Officer as soon as practicable of:
  - (a) his or her intention to resign, and
  - (b) the date from which the resignation is intended to take effect.
- (2) On receipt of any such notification the Returning Officer, even though the resignation has not taken effect, may in accordance with the rules for the conduct of elections proceed to conduct an election to fill the anticipated vacancy.
- (3) The election of a new member of the Council in accordance with subclause (2) does not take effect, and the result of any such election is not to be made public, until after the incumbent member's resignation takes effect.

#### **48 Appointed Council members**

- (1) In the event that a casual vacancy occurs in the office of an external person appointed by the Council, the Council is to appoint an external person whose name was contained in the previous proposals forwarded to the Council under clause 38 (3) but who was not appointed to the Council.
- (2) In the event that a casual vacancy occurs in the office of an external person appointed by the Minister, the Chancellor is to forward to the Minister for consideration for appointment the name or names of any external persons who may be suitable for appointment (but only with the consent of the person concerned).

Clause 48          Southern Cross University By-law 2005

Part 2             The Council

---

- (3) In the event that a casual vacancy occurs in the office of a graduate member of the Council, the Council is to appoint a graduate whose name was contained in the previous proposals forwarded to the Council under clause 44 (3) (d) but who was not appointed to the Council.

Southern Cross University By-law 2005

Clause 49

The Academic Board

Part 3

---

## **Part 3 The Academic Board**

### **49 Rules with respect to Board**

The Council may make rules:

- (a) for or with respect to the constitution, governance, functions and determination of the membership of the Board, and
- (b) regulating, or providing for the regulation of, the functions of the Board.

### **50 Rules made by Board**

The Board may make rules for or with respect to:

- (a) the manner and time of convening, holding and adjourning its meetings, and
- (b) the conduct of business and the manner of voting at its meetings, and
- (c) the establishment of committees of the Board and the quorum, powers and duties of such committees.

### **51 Council to obtain views of Board on certain matters**

- (1) If the Council wishes to amend a recommendation from the Board relating to teaching, scholarship or research within the University, the Council must seek further advice from the Board before making a final decision.
- (2) This clause does not apply if, in the judgment of the presiding member of the Board and the Chancellor:
  - (a) the matter is one of urgency on which it is necessary for an immediate decision to be made by the Council, or
  - (b) the area of difference between the Council and the Board is not one of principle, or of major significance.



Clause 52 Southern Cross University By-law 2005

Part 4 Rules

---

## Part 4 Rules

### 52 Rules made by Council

The Council may make rules, not inconsistent with the Act or this By-law, for or with respect to the following:

- (a) the conduct of elections (other than the method of election of members of the Council),
- (b) the conduct of Council and other meetings,
- (c) the appointment, promotion, resignation and termination of services of members of staff (but not their designation as academic staff, non-academic staff, full-time staff, fractional-time staff or otherwise),
- (d) the terms and conditions on which students may be enrolled in any course of study and permitted to continue undertaking any course of study,
- (e) staff and student discipline,
- (f) penalties for breaches of discipline,
- (g) the constitution and procedures of any Appeal Committee established by the Council for the purpose of hearing any appeals against penalties imposed by the Vice-Chancellor for a breach of discipline,
- (h) the examinations for, and the conferring of, degrees and other awards,
- (i) the examinations for, and the awarding of, fellowships, scholarships, bursaries and prizes,
- (j) the classes of students who are eligible to have degrees and other awards conferred on them or diplomas or other certificates awarded to them,
- (k) the form of diplomas and other certificates awarded by the University,
- (l) the revocation or surrender of degrees or other awards conferred by the University,
- (m) the conduct and attendance of students at classes, in the library and in other facilities of the University,
- (n) the use of the library and other facilities of the University by members of staff, students and other persons,
- (o) the manner in which a member of staff or student may be required to establish his or her identity,

Southern Cross University By-law 2005

Clause 53

Rules

Part 4

- 
- (p) the times at which fees (including fees for tuition and examinations, fees for the awarding of diplomas and other certificates and fees relating to the use of the library and other facilities of the University) become due and payable,
  - (q) the collection, waiver and postponement of fees,
  - (r) the affiliation with the University of educational and research establishments and residential colleges.

### **53 Rules made by Vice-Chancellor**

- (1) The Vice-Chancellor may make rules, not inconsistent with the rules made by the Council, for or with respect to:
  - (a) the good conduct of the University, and
  - (b) any other matter, class of matter, activity or function delegated to the Vice-Chancellor under section 17 of the Act.
- (2) Without limiting subclause (1), the Vice-Chancellor may make rules for or with respect to:
  - (a) any matter specified in clause 52, and
  - (b) any other matter with respect to which the Vice-Chancellor is permitted or required by this By-law to make rules.

### **54 Promulgation of rules**

- (1) A rule made by the Council or by the Vice-Chancellor must be promulgated by means of a notice displayed on the Internet by means of the website of the University and by any other means that the Secretary to Council considers appropriate.
- (2) The Secretary to Council must ensure that the rules are published in an official publication of the University.
- (3) Failure to comply with subclause (2) does not invalidate any rule.  
**Note.** Section 30 (2) (c) of the Act provides that a rule takes effect on the day on which it is published or on such later day as may be specified in the rule.

### **55 Inconsistency between rules**

In the event of an inconsistency between the rules made by the Council and the rules made by the Vice-Chancellor, the rules made by the Council prevail to the extent of such inconsistency.

Clause 56          Southern Cross University By-law 2005

Part 4              Rules

---

**56    Amendment or repeal of rules**

- (1)    A person or body with power to make a rule under this By-law also has power to amend or repeal that rule from time to time.
- (2)    Any amendment or repeal of a rule must be promulgated in the manner prescribed in clause 54.

Southern Cross University By-law 2005

Clause 57

Miscellaneous

Part 5

---

## **Part 5 Miscellaneous**

### **57 Repeal**

- (1) Any by-laws made under the Act, including the by-laws referred to in clause 23 (1) of Schedule 3 to the Act, and in force immediately before the commencement of this By-law are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of those by-laws, had effect under those by-laws is taken to have effect under this By-law.

### **58 Savings and transitional provisions**

- (1) Any person who, immediately before the commencement of this By-law, held office as Chancellor or Deputy Chancellor continues to hold office as such for the residue of the term for which that person was elected, subject to the Act and this By-law.
- (2) Any person who, immediately before the commencement of this By-law, held office as a Council member (whether elected or appointed):
  - (a) remains a Council member in the category for which he or she was (as the case may be) elected or appointed, and
  - (b) continues to hold office as such for the residue of the term for which that person was (as the case may be) elected or appointed, subject to the Act and this By-law.
- (3) Any rule made pursuant to the by-laws referred to in clause 57 (1) and in force immediately before the repeal of those By-laws remains in force, but only to the extent that it is not inconsistent with the Act or this By-law.

# OFFICIAL NOTICES

## Appointments

### ABORIGINAL LAND RIGHTS ACT 1983

Extention of Appointment as Administrator to the  
Birpai Local Aboriginal Land Council

I, the Honourable MILTON ORKOPOULOS, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act), extend the appointment of Mr Andrew HOHOLT as Administrator to the Birpai Local Aboriginal Land Council for a maximum period of six (6) calendar months, effective from 16 September 2005. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$50,000.00 dollars, excluding GST for the six month extension of the term of office.

Signed and Sealed this 29th day of September 2005.

MILTON ORKOPOULOS, M.P.,  
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

### ABORIGINAL LAND RIGHTS ACT 1983

Extention of Appointment as Administrator to the  
La Perouse Local Aboriginal Land Council

I, the Honourable MILTON ORKOPOULOS, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act), extend the appointment of Mr Paul GIDLEY as Administrator to the La Perouse Local Aboriginal Land Council for a maximum period of twelve (12) calendar months, effective from 24 August 2005. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$133,000.00 dollars, including GST.

Signed and sealed this 23rd day of August 2005.

MILTON ORKOPOULOS, M.P.,  
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

### FAIR TRADING ACT 1987

Property Services Advisory Council

Appointment of Chairperson and Members

PURSUANT to section 25H of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person as a member of the Property Services Advisory Council:

- Carmen JAUREGUI.

This appointment will expire on 31 December 2005.

Dated this 10th day of October 2005.

The Hon. DIANE BEAMER, M.P.,  
Minister for Fair Trading

### LANDLORD AND TENANT (RENTAL BONDS) ACT 1977

Rental Bond Board

Appointment of Members

PURSUANT to sub-section 6(1)(d) of the Landlord and Tenant (Rental Bonds) Act 1977, I hereby appoint the following members to the Rental Bond Board:

- Ms Sandra McGEE; and
- Ms Michelle JONES.

The appointment is made for a period commencing on this day and concluding on 30 June 2006.

Dated this 11th day of October 2005.

The Hon. DIANE BEAMER, M.P.,  
Minister for Fair Trading

---

## Department of Lands

---

**ARMIDALE OFFICE**  
**108 Faulkner Street, Armidale NSW 2350**  
**Phone: (02) 6772 5488 Fax (02) 6771 5348**

### ERRATA

*Land District Inverell; Shire Inverell.*

IN the notification appearing the *Government Gazette* of 5 March 1993, Folio 860, under the heading "Assignment of New Corporate Names to Existing Bodies Corporate Established as Common Trusts", the area of land for Emmaville Common Trust should have read "Reserve 42983 for temporary common, notified 19 August 1908; Reserve 62042 for commonage (addition), notified 15 August 1930 and Reserve 69708 for commonage, notified 29 November 1940" and not as stated.

*Land District Walcha; Shire Walcha.*

IN the notification appearing the *Government Gazette* of 5 March 1993, Folio 860, under the heading "Assignment of New Corporate Names to Existing Bodies Corporate Established as Common Trusts", the area of land for Walcha Common Trust should have read "The area dedicated for permanent common on 17 July 1886 and Reserve 32047 for temporary common, notified 9 February 1901" and not as stated.

*Land District Inverell; Shire Inverell.*

IN the notification appearing the *Government Gazette* of 5 March 1993, Folio 860, under the heading "Assignment of New Corporate Names to Existing Bodies Corporate Established as Common Trusts", the area of land for Elsmore Common Trust should have read "Reserve 23056 for temporary common, notified 12 October 1895; Reserve 38770 for temporary common, notified 4 February 1905 and Reserve 60056 for commonage (addition), notified 21 October 1927" and not as stated.

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

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

**GRANTING OF A WESTERN LANDS LEASE**

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Leases specified in the following Schedule have been granted.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1st April of each year.

The Conditions and Reservations annexed to the leases are those published in the *Government Gazette* of 18 February 2005, Folios 434 and 435.

All amounts due and payable to the Crown MUST be paid to the Department of Lands by the due date.

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

\_\_\_\_\_  
*Administrative District – Walgett North; L.G.A. – Walgett;*  
*Parish – Wallangulla; County – Finch.*

WLL No.	Name of Lessee	Lot	Deposited Plan	Folio Identifier	Area (m2)	Term of Lease	
						From	To
WLL 14486	Dragoljub MARKOVIC	65	1057617	65/1057617	2253m2	24-10-2005	23-10-2025
WLL 14578	David HILL and Joshua David HILL	171	1073508	171/1073508	2042m2	24-10-2005	23-10-2025
WLL 14535	Leonie Alice BRASINGTON	82	1073508	82/1073508	2532m2	24-10-2005	23-10-2025
WLL 14570	Robert Maurice HUNT	28	1066289	28/1066289	2535m2	24-10-2005	23-10-2025

**ALTERATION OF PURPOSE/CONDITIONS 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 Leases have been altered as shown.

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

\_\_\_\_\_  
*Administrative District – Bourke; Shire – Bourke;*  
*Parishes – Curragh and Winalabrinna;*  
*County – Barrona.*

The purpose of Western Lands Leases 491, 531, 956, 957, 2074 and 4773, being the land contained within Folio Identifiers 5723/768623, 5724/768624, 5784/768685, 5781/768682, 5776/768676 and 3513/765805 have been altered from "Grazing" to "Grazing, Farm Tourism, Film Making and Recreational Hunting" effective from 25 October 2005.

Annual rental and lease conditions remain unaltered as a consequence of the change of purpose except for the addition of those special conditions published in the *Government Gazette* of 19 March 2004, Folios 1446-1451.

**ADDITION TO A WESTERN LANDS LEASE**

IT is hereby notified that in pursuance of section 35C of the Western Lands Act 1901, the land particularised hereunder has been added to the undermentioned Western Lands Lease.

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

\_\_\_\_\_  
**SCHEDULE**

Western Lands Lease No. 5189.

Name of Lessee: Vincent Joseph CRICELLI, Maria Rosetta CRICELLI and Rodney Frederick LOXTON.

Area Added: Portion 560, Parish of Mourquong, County of Wentworth of 1.662 hectares (Folio Identifier 560/756961).

Total Area Following Addition: Portions 558 and 560, Parish of Mourquong, County of Wentworth of 8.643 hectares (Folio Identifiers 558/756961 and 560/756961).

Date of Addition: 25 October 2005.

Administrative District: Wentworth.

Shire: Wentworth.

**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 and Shire – Balranald*

Road Closed: Lots 1 to 5, DP 722959, Parish Balranald, County Caira.

File No.: WL05 H 82.

Note: On closing, the lands will be disposed of by way of Private Treaty Sale to the applicant.

**GRAFTON OFFICE**

**76 Victoria Street (Locked Bag 10), Grafton NSW 2460**

**Phone: (02) 6640 2020 Fax: (02) 6640 2036**

**ROADS ACT 1993**

Order

Transfer of a Crown Road to a Council

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

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

**SCHEDULE 1**

*Parish – Tuckombil; County – Rous;  
Land District – Lismore; Shire – Ballina.*

Description: Crown public road east of Lot 377 and 378, DP 729097, south of Lot 378, DP 729097 and Lot 2, DP 123576, west of Lot 1 and 2, DP 123576 and south of Lot 1, DP 123576 and Lot 377, DP 729097.

Council Reference: PN 10652-10655.

File No.: GF05 H 162.

*Parish – Tuckombil; County – Rous;  
Land District – Lismore; Shire – Ballina.*

Description: Crown public road south of Lot 2, DP 518987, within Lot 3, DP 594141, within Lot 1, DP 874835 and within Lot 2, DP 874835.

Council Reference: DA 2003/955 - Doc No. 702391.

File No.: GF05 H 387.

*Parish – Newrybar; County – Rous;  
Land District – Lismore; Shire – Ballina.*

Description: Crown public road south of Lot 2, DP 607404, including intertsection.

Council Reference: PN 315 PN 10652 to 10655.

File No.: GF04 H 463.

**SCHEDULE 2**

Roads Authority: Ballina Shire Council.



**MOREE OFFICE**  
**Frome Street (PO Box 388), Moree NSW 2400**  
**Phone: (02) 6752 5055 Fax: (02) 6752 1707**

**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	COLUMN 2	COLUMN 3
The person for the time being holding the office of President, Gurley Pony Club Incorporated (ex-officio member), Eric Ronald CARRIGAN (re-appointment), Robert Hilton MORGAN (new member), Wayne Joseph HAMILTON (new member), Garry Douglas BARTLETT (new member), Peter Kent RITTER (new member), Rhonda May McPHERSON (new member), Kenneth William BAILEY (new member).	Gurley Public Recreation Reserve Trust.	Reserve No.: 75730. Public Purpose: Public recreation. Notified: 2 April 1953. File No.: ME80 R 46.

Term of Office

For a term commencing the date of this notice and expiring 27 October 2010.

**NOWRA OFFICE**  
**5 O’Keefe Avenue (PO Box 309), Nowra NSW 2541**  
**Phone: (02) 4428 6900 Fax: (02) 4428 6988**

**PROPOSED REVOCATION OF DEDICATION OF  
CROWN LAND FOR A PUBLIC PURPOSE**

IT is intended, following the laying of a copy of this notification before each House of Parliament in the State of New South Wales, in accordance with section 84 of the Crown Lands Act 1989, to revoke the dedication of Crown Land specified in Schedule 1 hereunder, to the extent specified in Schedule 2 with a view to dealing with the land as specified in Schedule 3.

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

SCHEDULE 1

*Land District – Kiama; Municipality – Kiama;  
Town/Parish – Kiama; County – Camden.*

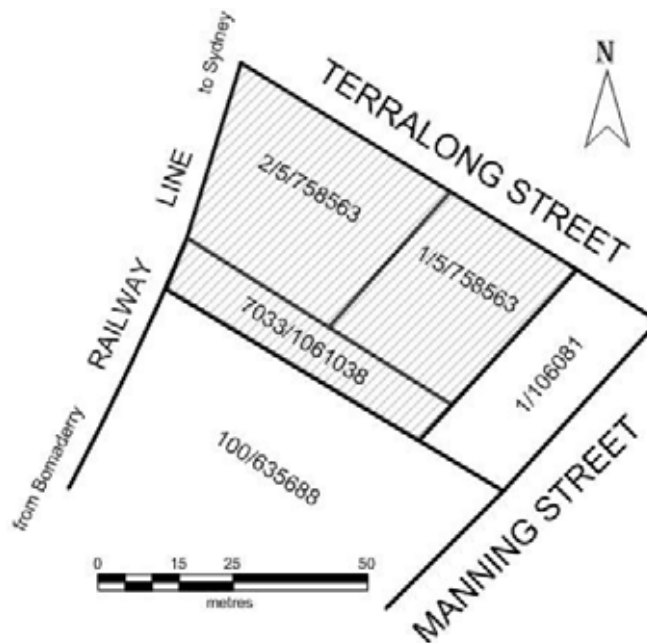
Dedication No. 1002210 of 17 March 1849 and 26 January 1979, for the purpose of Courthouse and lockup.

Land comprising about 3387 square metres, being Lots 1-2, section 5, DP 758563 and Lot 7033, DP 1061038 at Kiama.

File Nos: NA81 R 118 and NA00 H 111.

SCHEDULE 2

The whole of Lots 1-2, section 5, DP 758563 and Lot 7033, DP 1061038 as shown hatched on diagram hereunder comprising about 3387 square metres.



SCHEDULE 3

That part of the land comprising the existing police residence and curtilage is intended to be sold as it is an essential component of the Ministry of Police’s approved Asset Management Plan. The remainder of the land comprising the courthouse, police station and associated curtilages will be reserved for the appropriate public purpose following redefinition of boundaries by survey and subdivision.

**SYDNEY METROPOLITAN OFFICE**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935, Parramatta NSW 2124)**  
**Phone: (02) 8836 5300 Fax: (02) 8836 5365**

**ROADS ACT 1993**

Order

Transfer of a Crown Road to 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**

*Land District – Penrith;  
Local Government Area – City of Penrith;  
Parish – Melville; County – Cumberland.*

The part of the Crown public road 60 metres wide situated on the northern boundary of Lot 141, DP 843899 at Erskine Park, commencing from a point on the road reserve 220 metres east of the intersection with Mamre Road extending to the east a further 265 metres along the northern boundary and a further 325 metres along the southern boundary of the road reserve.

**SCHEDULE 2**

Roads Authority: Penrith City Council.

File No.: MN05 H 231.

**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**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
John Wellisley HIATT (reappointment), Kevin Richard ROZZOLI (reappointment), Robert Clive TATE (reappointment), John Wesley SANDAY (reappointment), Nita Hazel JOHNSON (reappointment), Kerry Janette BACKHOUSE (reappointment), Gerald Anthony COMMERFORD (reappointment). The person holding the position of Chairman, Hawkesbury Race Club Limited, currently Barry Edward McCABE (ex-officio member) (reappointment).	Hawkesbury Racecourse (D500000) Reserve Trust.	Dedication No. 500000, for the purpose of racecourse, dedicated 19 May 1868. File No.: MN84 R 17/3.

**Term of Office**

For a term commencing the date of this notice and expiring  
27 October 2010.

**TAREE OFFICE**  
**98 Victoria Street (PO Box 440), Taree NSW 2430**  
**Phone: (02) 6552 2788      Fax: (02) 6552 2816**

**DRAFT ASSESSMENT OF LAND UNDER PART 3  
OF THE CROWN LANDS ACT 1989 AND CROWN  
LANDS REGULATION 2000**

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

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Offices of Hastings Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 28 October 2005 to 25 November 2005 and should be sent to the Manager, Mid North Coast, Department of Lands, PO Box 440, Taree NSW 2430. Telephone enquiries should be directed to the Taree Office on (02) 6552 2788.

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

Description

Approximately 1.6 hectares of Crown Land in the Hastings River near Port Macquarie, Parish of Macquarie, County of Macquarie.

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

Contact Officer: Mr Bob Birse.

File No.: TE03 H 207.

---

## Department of Natural Resources

---

### WATER ACT 1912

AN application for a licence under section 10 of the Water Act 1912, as amended, has been received from:

Ian David CLOUT and Marion Eleanor CLOUT for a pump on the Orara River on Lot 4, DP 830589, Parish of Wongawanga, County of Fitzroy, for Irrigation of 25 hectares (part replacement licence) (allocation entitlement by way of subdivision of existing licence and transfer of entitlement) (Reference: 6056079) (GA2:476137).

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6640 2000).

Written objections specifying the grounds thereof must be lodged within the 28 days of this publication as prescribed by the Act.

G. LOLLBACK,  
Resource Access Manager,  
North Coast Region

Department of Natural Resources,  
Locked Bag 10, Grafton NSW 2460.

---

## Department of Planning

---



New South Wales

# Lord Howe Island Regional Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following regional environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00166/005)

FRANK SARTOR, M.P.,  
Minister for Planning

Lord Howe Island Regional Environmental Plan 2005

---

## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of plan	4
2 Aims of plan	4
3 Land to which plan applies	5
4 Relationship with other environmental planning instruments	5
5 How are terms used in this plan defined?	6
6 Who is the consent authority for this plan?	6
7 What is exempt development?	6
8 What development is not prohibited, or otherwise restricted, by this plan?	7
9 Of what matters must the consent authority be satisfied before granting development consent?	8
<b>Part 2 General provisions applying in particular zones</b>	
10 What are the zones for the purposes of this plan?	10
11 Zone 1 Rural	10
12 Zone 2 Settlement	11
13 Zone 5 Special Uses	12
14 Zone 6 Recreation	13
15 Zone 7 Environment Protection	13
16 Zone 8 Permanent Park Preserve	14
17 Zone 9 Marine Park	14
<b>Part 3 Special provisions</b>	
<b>Division 1 Provisions that apply to particular kinds of development</b>	
18 Interpretation	16
19 What additional controls apply to subdivision?	16
20 What additional controls apply to tourist accommodation, staff accommodation and commercial premises?	17
21 What additional controls apply to the erection of dwellings?	18
22 Concession for erection of certain dual occupancies	19
23 What additional control applies to the new use of a building as a dwelling?	19
24 Limit on number of dwellings to which consent may be given	19
25 What additional controls apply to enlargements or extensions of dwellings?	20
26 Accommodation for seniors or people with a disability	20
27 What is the maximum height applying to buildings?	21

## Lord Howe Island Regional Environmental Plan 2005

## Contents

	Page
28 Advertisements or signs	21
29 Vegetation restoration	21
<b>Division 2 Provisions that apply to particular land</b>	
30 What setbacks apply to buildings in Zone 1, 2 or 5?	22
31 Landscaping to be carried out in Zone 2	22
32 What additional controls apply to land adjoining Zone 7 or 8?	22
33 What controls apply to development along the foreshore?	23
34 What development may be carried out on unzoned land?	24
35 Land adjacent to Blinky Beach—airport uses	24
<b>Division 3 Heritage conservation</b>	
36 Definitions	24
37 Development affecting heritage items	25
38 Assessment	26
<b>Division 4 Miscellaneous</b>	
39 What development applications are required to be advertised?	26
40 Requirement for environmental report	27
Schedule 1 Exempt development	28
Schedule 2 Contents of environmental report	34
Schedule 3 Heritage items	37
<b>Dictionary</b>	<b>38</b>



Clause 1 Lord Howe Island Regional Environmental Plan 2005  
Part 1 Preliminary

---

## Lord Howe Island Regional Environmental Plan 2005

under the

Environmental Planning and Assessment Act 1979

### Part 1 Preliminary

#### 1 Name of plan

This plan is *Lord Howe Island Regional Environmental Plan 2005*.

#### 2 Aims of plan

- (1) The aims of this plan are as follows:
  - (a) to conserve the World Heritage values of Lord Howe Island and to restore or enhance lost or disturbed natural resources of the Island,
  - (b) to conserve and facilitate the management of the marine environment of the Island and the resources of that environment,
  - (c) to protect threatened species, populations and ecological communities, and their habitats,
  - (d) to encourage the ecologically sustainable use of resources,
  - (e) to encourage community appreciation of the World Heritage values of the Island,
  - (f) to enhance the wellbeing and welfare of individuals and the Island's community by pursuing economic development that safeguards the welfare of future generations,
  - (g) to facilitate the proper management, development and conservation of the Island's World Heritage natural environment, the Island's cultural heritage and the Island lifestyle,
  - (h) to identify suitable land for the provision of housing and community services for the Island's population while acknowledging suitable land for these purposes is limited,
  - (i) to enable, on the limited land available for agriculture, sustainable agriculture (that is, agriculture that contributes to the Island's economy and also protects the biological and physical resource base on which it depends),

Lord Howe Island Regional Environmental Plan 2005

Clause 3

Preliminary

Part 1

- (j) to ensure that public utility undertakings are carried out on the Island in a manner that minimises any environmental impact on the Island of those undertakings,
  - (k) to acknowledge the importance of tourism to the Island economy and permit future development of tourism within limits,
  - (l) to ensure that tourism on the Island does not adversely affect the lifestyle of residents, or the World Heritage environmental qualities, of the Island, but enables visitors and residents to enjoy the Island,
  - (m) to ensure the conservation of relics, specified heritage items and the heritage significance of those relics and heritage items (including the settings of those heritage items).
- (2) The strategies of this plan that are directed at achieving these aims are as follows:
- (a) to apply general land use controls to land within each zone and special provisions for particular kinds of development or for development on particular land,
  - (b) to identify suitable land for future housing opportunities and limit the total number of future dwellings,
  - (c) to identify significant native vegetation by a map and to ensure that development does not result in its removal,
  - (d) to require the advertising of any development application for development that, in the consent authority's opinion, is likely to have a significantly adverse impact on the environment,
  - (e) to require consideration of possible adverse environmental, economic or social impacts in advance of development.

**Note.** *Lord Howe Island Development Control Plan 2005*, which is made under this plan, is also directed at furthering the aims of this plan.

### 3 Land to which plan applies

This plan applies to Lord Howe Island (the *Island*), which is the Island defined in section 3 (1) of the *Lord Howe Island Act 1953*.

**Note.** Section 15A of the *Lord Howe Island Act 1953* provides for the Island to be treated as a region for the purposes of the *Environmental Planning and Assessment Act 1979*.

### 4 Relationship with other environmental planning instruments

- (1) This plan repeals *Lord Howe Island Regional Environmental Plan 1986*.
- (2) A State environmental planning policy made before this plan takes effect does not apply to the land to which this plan applies.

Clause 5 Lord Howe Island Regional Environmental Plan 2005

Part 1 Preliminary

---

- (3) A State environmental planning policy made after this plan takes effect does not apply to the land to which this plan applies unless the policy expressly provides otherwise.

**5 How are terms used in this plan defined?**

- (1) Terms used in this plan that are defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.
- (2) Notes included in this plan do not form part of this plan.
- (3) In this plan:
- (a) a reference to a map is a reference to a map deposited in the office of the Board, and
  - (b) a reference to a building or a place used for a purpose includes a reference to a building or place intended to be used for that purpose.

**6 Who is the consent authority for this plan?**

Subject to the Act, the Board is the consent authority for the purposes of this plan.

**7 What is exempt development?**

- (1) Development listed in Column 1 of Schedule 1 that is of minimal environmental impact is exempt development if:
- (a) it complies with any development standards, and any other requirements, that are specified opposite it in Column 2 of that Schedule, and
  - (b) it does not require the removal of any significant native vegetation, and
  - (c) it does not contravene a condition of development consent applying to the land, and
  - (d) it is consistent with *Lord Howe Island Development Control Plan 2005* (as adopted by the Director-General on 6 October 2005), and
  - (e) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* that are of relevance to the development, and
  - (f) it does not restrict any vehicular access to or from the site of the development, and
  - (g) it is not carried out on land that is within Zone 8 Permanent Park Preserve or Zone 9 Marine Park, unless the carrying out of the development on such land is expressly provided for in Column 1 of Schedule 1, and

Lord Howe Island Regional Environmental Plan 2005

Clause 8

Preliminary

Part 1

- (h) it is not carried out on land that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*), and
- (i) it is not proposed to be carried out on the site of:
  - (i) any heritage item within the meaning of Division 3 of Part 3, or
  - (ii) any item subject to an interim heritage order under the *Heritage Act 1977*, and
- (j) it is not carried out on land that is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*).

**Note.** Section 76 (2) of the *Environmental Planning and Assessment Act 1979* states that an environmental planning instrument may provide that development of a specified class or description that is of minimal environmental impact is exempt development.

- (2) Development listed in Column 1 of Schedule 1 that is not exempt development because it fails to comply with subclause (1) may be carried out with the consent of the consent authority.

**8 What development is not prohibited, or otherwise restricted, by this plan?**

- (1) Nothing in this plan prohibits, requires development consent for, or otherwise restricts, the following:
  - (a) exempt development that is identified in clause 7 (1),
  - (b) the use by the Crown of any building that was in existence, and was under the control of the Crown, on the commencement of this plan,
  - (c) the carrying out of the following by or on behalf of a roads authority (within the meaning of the *Roads Act 1993*):
    - (i) the maintenance or repair of a road, of a traffic device (including a traffic calming device and a device for guiding vehicular traffic or regulating parking) or of bank stabilisation works,
    - (ii) works associated with the maintenance and repair of a road (including sealing, landscaping, gutter works and drainage works),
  - (d) the carrying out of the following by persons carrying out public utility undertakings on land comprised in those undertakings:
    - (i) any development required for the purposes of those undertakings that includes the reconstruction, alteration, maintenance and repair of ways, wharves, works and plant,
    - (ii) the reconstruction or alteration of any existing building for any purpose related to the undertaking.

Clause 9 Lord Howe Island Regional Environmental Plan 2005

Part 1 Preliminary

---

- (2) Subclause (1) (d) does not apply to the following:
- (a) the construction of a new building or a new work, such as an airport, wharf or way, that is related to a public utility undertaking,
  - (b) the erection, reconstruction or alteration of a building so as to materially affect its design or external appearance,
  - (c) the formation or alteration of any means of access to a road.

**9 Of what matters must the consent authority be satisfied before granting development consent?**

The consent authority must not consent to the carrying out of development unless it is satisfied of the following matters (to the extent that they are of relevance to the proposed development):

- (a) the proposed development is consistent with the aims of this plan and the objectives of any zone, as set out in this plan, within which the development is proposed to be carried out,
- (b) there is an adequate area available for the disposal or treatment of any effluent arising from the proposed development by an appropriate effluent treatment or disposal system and any such system will not have any adverse effect on groundwater quality,
- (c) no part of the proposed development:
  - (i) will result in any damage to, or the removal of, significant native vegetation, or
  - (ii) will have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,
- (d) access is, or will be, available to the site of the proposed development and the provision of any such access will not:
  - (i) result in any damage to, or the removal of, significant native vegetation, or
  - (ii) have a significantly adverse impact on the habitat of any plants, or animals, that are native to the Island,
- (e) any proposed landscaping will provide various species of plants that are native to the Island and common in the locality to enhance any significant native vegetation,
- (f) the proposed development will not be adversely affected by any landform limitations, including flooding, landslip, unstable soils and steep slopes,
- (g) adequate services in respect of the proposed development can be provided without significant additional cost to the Board or the community of the Island,

Lord Howe Island Regional Environmental Plan 2005

Clause 9

Preliminary

Part 1

---

- (h) the appearance of the proposed development (when considered by itself or in conjunction with existing buildings and works) will not have any significantly adverse impact on the locality,
- (i) the proposed development will not cause any significant overshadowing of adjoining land,
- (j) the proposed development will not cause any significant reduction in the privacy of occupiers of adjoining land.

Clause 10 Lord Howe Island Regional Environmental Plan 2005

Part 2 General provisions applying in particular zones

---

## Part 2 General provisions applying in particular zones

### 10 What are the zones for the purposes of this plan?

For the purposes of this plan, land is within a zone specified below if the land is shown on the map in the manner described below in relation to the zone:

Zone 1 Rural—coloured light brown and edged in black

Zone 2 Settlement—coloured pink and edged in black

Zone 5 Special Uses—coloured yellow and edged in black

Zone 6 Recreation—coloured light green and edged in black

Zone 7 Environment Protection—coloured orange and edged in black

Zone 8 Permanent Park Preserve—coloured dark green and edged in black

Zone 9 Marine Park—coloured light blue and edged in black

**Note.** There is no land zoned as Zone 3 Business or Zone 4 Industrial on the Island.

### 11 Zone 1 Rural

- (1) The objectives of Zone 1 Rural are as follows:
  - (a) to enable sustainable agriculture,
  - (b) to encourage the availability of Island grown products for both the local population and for tourists,
  - (c) to provide a rural ambience in areas near Zone 2 Settlement,
  - (d) to ensure that agricultural activities are not in conflict with the protection of the natural environment.
- (2) Except as otherwise provided by this plan, development for the purposes of any of the following may be carried out on land within Zone 1 Rural without the consent of the consent authority:
  - (a) agriculture (other than buildings ancillary to agriculture and other than aquaculture or intensive agriculture),
  - (b) vegetation restoration.
- (3) Except as otherwise provided by this plan, demolition and development for the purposes of any of the following may be carried out on land within Zone 1 Rural only with the consent of the consent authority:
  - (a) buildings (other than dwellings) ancillary to agriculture,
  - (b) intensive agriculture,
  - (c) public utility installations,
  - (d) public utility undertakings,

Lord Howe Island Regional Environmental Plan 2005

Clause 12

General provisions applying in particular zones

Part 2

- 
- (e) roads,
  - (f) rural industries.
- (4) Except as otherwise provided by this plan, development is prohibited on land within Zone 1 Rural unless it may be carried out under subclause (2) or (3).

## **12 Zone 2 Settlement**

- (1) The objectives of Zone 2 Settlement are as follows:
- (a) to provide opportunities for limited residential and commercial development that maintains the dispersed housing pattern of the settlement area and is in sympathy with existing development in relation to the following:
    - (i) setbacks,
    - (ii) building mass and style,
    - (iii) visual amenity,
    - (iv) landscaped character,
  - (b) to ensure that any development is only permitted in locations where, in the consent authority's opinion:
    - (i) the development will not involve unacceptable infrastructure costs for the Board or the community of the Island, and
    - (ii) there is an adequate area available for the treatment or disposal of any effluent arising from the proposed development by an appropriate effluent treatment or disposal system, and
    - (iii) the land is capable of supporting the proposed development and is suitable in terms of the land's physical constraints (such as vulnerability to erosion, slip or flooding), and
    - (iv) the development (including any effluent treatment or disposal system referred to in subparagraph (ii)) will not adversely affect groundwater quality,
  - (c) to avoid or minimise environmental damage and protect areas that:
    - (i) comprise significant habitat for species of animals that are native to the Island, or
    - (ii) have significant native vegetation.



Clause 13 Lord Howe Island Regional Environmental Plan 2005

Part 2 General provisions applying in particular zones

---

- (2) Except as otherwise provided by this plan, development for the purposes of home businesses or vegetation restoration may be carried out on land within Zone 2 Settlement without the consent of the consent authority.
- (3) Except as otherwise provided by this plan, any other development may be carried out on land within Zone 2 Settlement only with the consent of the consent authority.

### **13 Zone 5 Special Uses**

- (1) The objectives of Zone 5 Special Uses are as follows:
  - (a) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island,
  - (b) to maintain efficient services (such as education, health and transport services and the administration of the Island) and associated infrastructure.
- (2) Except as otherwise provided by this plan, development for the purposes of vegetation restoration may be carried out on land within Zone 5 Special Uses without the consent of the consent authority.
- (3) Except as otherwise provided by this plan, demolition and development for the purposes of any of the following may be carried out on land within Zone 5 Special Uses only with the consent of the consent authority:
  - (a) accommodation for seniors or people with a disability,
  - (b) airports,
  - (c) cemeteries,
  - (d) depots,
  - (e) dwellings, erected by or on behalf of the Board, for the accommodation of staff of the Board,
  - (f) education facilities,
  - (g) fuel storage depots,
  - (h) hospitals,
  - (i) places of assembly,
  - (j) premises of a public authority,
  - (k) public utility installations,
  - (l) public utility undertakings,
  - (m) roads,
  - (n) telecommunications facilities.

Lord Howe Island Regional Environmental Plan 2005

Clause 14

General provisions applying in particular zones

Part 2

- 
- (4) Except as otherwise provided by this plan, development is prohibited on land within Zone 5 Special Uses unless it may be carried out under subclause (2) or (3).

**14 Zone 6 Recreation**

- (1) The objectives of Zone 6 Recreation are as follows:
- (a) to set aside land for open space,
  - (b) to provide opportunities for the passive and active enjoyment of open space areas,
  - (c) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island.
- (2) Except as otherwise provided by this plan, development for the purposes of vegetation restoration may be carried out on land within Zone 6 Recreation without the consent of the consent authority.
- (3) Except as otherwise provided by this plan, demolition and development for the purposes of any of the following may be carried out on land within Zone 6 Recreation only with the consent of the consent authority:
- (a) boatsheds,
  - (b) clubs,
  - (c) public utility installations,
  - (d) public utility undertakings,
  - (e) recreation areas,
  - (f) roads,
  - (g) telecommunications facilities.
- (4) Except as otherwise provided by this plan, development is prohibited on land within Zone 6 Recreation unless it may be carried out under subclause (2) or (3).

**15 Zone 7 Environment Protection**

- (1) The objectives of Zone 7 Environment Protection are as follows:
- (a) to protect areas that may be vulnerable to erosion or that are a habitat, or corridor, for animals that are native to the Island or significant native vegetation,
  - (b) to protect the scenic amenity of land in the zone,
  - (c) to restore lost or disturbed natural resources, particularly if this may enhance the World Heritage values of the natural environment of the Island,

Clause 16 Lord Howe Island Regional Environmental Plan 2005

Part 2 General provisions applying in particular zones

- 
- (d) to provide utility services that are essential to the community's needs in a manner that is in sympathy with the World Heritage values of the natural environment of the Island.
  - (2) Except as otherwise provided by this plan, development for the purposes of vegetation restoration may be carried out on land within Zone 7 Environment Protection without the consent of the consent authority.
  - (3) Except as otherwise provided by this plan, demolition, subdivision and development for the purposes of any of the following may be carried out on land within Zone 7 Environment Protection only with the consent of the consent authority:
    - (a) observation platforms,
    - (b) public utility installations,
    - (c) public utility undertakings,
    - (d) roads,
    - (e) telecommunications facilities,
    - (f) the control of erosion,
    - (g) walking tracks.
  - (4) Except as otherwise provided by this plan, development is prohibited on land within Zone 7 Environment Protection unless it may be carried out under subclause (2) or (3).

**16 Zone 8 Permanent Park Preserve**

- (1) The objective of Zone 8 Permanent Park Preserve is to protect and maintain the Permanent Park Preserve.
- (2) Except as otherwise provided by this plan, development for any purposes may be carried out on land within Zone 8 Permanent Park Preserve without the consent of the consent authority.

**Note.** Environmental assessment in respect of development that is permissible without consent may be required under Part 5 of the *Environmental Planning and Assessment Act 1979*.

Further, any operations undertaken in the Permanent Park Preserve must be in accordance with any plan of management for the Permanent Park Preserve in force under Part 5 of the *National Parks and Wildlife Act 1974* (as applied by section 15B of the *Lord Howe Island Act 1953*).

**17 Zone 9 Marine Park**

- (1) The objectives of Zone 9 Marine Park are as follows:
  - (a) to protect marine ecosystems, habitats and species within Lord Howe Island Marine Park,

Lord Howe Island Regional Environmental Plan 2005

Clause 17

General provisions applying in particular zones

Part 2

- 
- (b) to protect the scenic amenity of the Marine Park,
  - (c) to permit appropriate uses, such as fishing and tourism, that are consistent with any zoning plan for the Marine Park made under section 16 of the *Marine Parks Act 1997*.
- (2) Except as otherwise provided by this plan, demolition and development for the purposes of any of the following may be carried out on land within Zone 9 Marine Park only with the consent of the consent authority:
- (a) breakwaters,
  - (b) dredging that is for navigation purposes and, in the consent authority's opinion, is minor,
  - (c) jetties,
  - (d) land reclamation,
  - (e) platforms,
  - (f) pontoons,
  - (g) public utility installations,
  - (h) public utility undertakings,
  - (i) ramps (solid or suspended),
  - (j) slipways,
  - (k) stairs,
  - (l) wharves.
- (3) Except as otherwise provided by this plan, development is prohibited on land within Zone 9 Marine Park unless it may be carried out under subclause (2).

Clause 18 Lord Howe Island Regional Environmental Plan 2005

Part 3 Special provisions

---

## Part 3 Special provisions

### Division 1 Provisions that apply to particular kinds of development

#### 18 Interpretation

- (1) A reference in this Division to a building that is ancillary to tourist accommodation, staff accommodation or commercial premises does not include a reference to water storage facilities, human waste storage or treatment facilities (such as septic tanks) or exempt development.
- (2) A reference in the Division to a dwelling includes a reference to staff accommodation that is a dwelling.
- (3) A reference in this Division to staff accommodation does not include a reference to staff accommodation that is a dwelling.
- (4) In this Division:  
*minimum dwelling area*, in relation to an allotment, means the area calculated by allowing:
  - (a) 3,000 square metres for any proposed or existing dwelling (except an existing dwelling referred to in paragraph (b)) on the allotment, or
  - (b) 2,500 square metres for any existing dwelling on the allotment that was one of a group of multiple dwellings on a single allotment immediately before the commencement of this plan.

#### 19 What additional controls apply to subdivision?

- (1) Despite clause 11, land within Zone 1 Rural may be subdivided with the consent of the consent authority, but only if the area of each proposed allotment is at least 2 hectares.
- (2) The consent authority must not consent to the subdivision of land within Zone 2 Settlement unless:
  - (a) the area of each proposed allotment (except for an allotment referred to in paragraph (b) or (c)) is at least 3,000 square metres, or
  - (b) if there are one or more existing dwellings (but no existing tourist accommodation, staff accommodation or commercial premises) on a proposed allotment—the total area of the allotment is at least the minimum dwelling area, or
  - (c) if there is existing tourist accommodation, staff accommodation or commercial premises on a proposed allotment—the total area occupied by any existing buildings comprising, or ancillary to,

Lord Howe Island Regional Environmental Plan 2005

Clause 20

Special provisions

Part 3

---

the accommodation or premises is no more than 15 percent of the balance of the area of the allotment remaining after the minimum dwelling area is deducted from the total area of the allotment.

- (3) Despite subclauses (1) and (2) and anything to the contrary in Part 2, land may be subdivided with the consent of the consent authority if:
- (a) the consent authority is satisfied that the purpose of the proposed subdivision is to make a minor boundary adjustment between adjoining allotments, and
  - (b) the proposed subdivision will not divide the land into a greater number of allotments than already exist.

**20 What additional controls apply to tourist accommodation, staff accommodation and commercial premises?**

- (1) The consent authority must not consent to the erection, enlargement or extension of any building comprising, or ancillary to, tourist accommodation, staff accommodation or commercial premises on an allotment unless:
- (a) the total area of the allotment occupied by any existing or proposed buildings comprising, or ancillary to, the accommodation or premises is no more than 15 percent of the balance of the area of the allotment remaining after the minimum dwelling area is deducted from the total area of the allotment, and
  - (b) it is proposed that at least 50 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 35 percent of the total area of the allotment, and
  - (c) the proposed development is carried out on a part of the allotment that does not have any significant native vegetation, and
  - (d) the consent authority is satisfied that there is a demonstrated business need for the development.
- (2) Subclause (1) does not apply to the rebuilding of any part of a building that comprises, or is ancillary to, tourist accommodation, staff accommodation or commercial premises.
- (3) The consent authority must not consent to development for the purposes of staff accommodation that is ancillary to tourist accommodation unless the land on which the development is proposed to be carried out is the subject of the same lease as the tourist accommodation.

Clause 21	Lord Howe Island Regional Environmental Plan 2005
Part 3	Special provisions

---

- (4) The consent authority must not consent to development for the purposes of tourist accommodation unless it is satisfied that the total number of persons permitted to be accommodated in all forms of tourist accommodation on the Island will be no more than 400 persons (excluding those under the age of 5 years) at any time.
- (5) In this clause:  
*lease* means:
- a lease granted and in force under section 21 (Leases in perpetuity for residence) or section 22 (Special leases) of the *Lord Howe Island Act 1953*, or
  - a permission to occupy Crown lands granted and in force under section 31A (Permissive occupancies) of that Act, or
  - a permissive occupancy of Crown lands in force under section 31A (Permissive occupancies) of that Act.

**Note.** Under the *Lord Howe Island Regulation 2004*, the carrying out of a commercial undertaking, including the provision of public accommodation provided predominantly for tourists as a commercial undertaking, requires a licence granted by the Board.

## 21 What additional controls apply to the erection of dwellings?

The consent authority must not consent to the erection of one or more dwellings on an allotment unless:

- the gross floor area of each proposed dwelling is no more than 300 square metres, and
- the total area of the allotment is at least the minimum dwelling area, and
- the total area of the allotment occupied by any existing or proposed buildings comprising, or ancillary to, tourist accommodation, staff accommodation or commercial premises is no more than 15 percent of the balance of the area of the allotment remaining after the minimum dwelling area is deducted from the total area of the allotment, and
- it is proposed that at least 50 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 35 percent of the total area of the allotment, and
- the proposed dwelling or dwellings are erected on a part of the allotment that does not have any significant native vegetation.

Lord Howe Island Regional Environmental Plan 2005

Clause 22

Special provisions

Part 3

---

## 22 Concession for erection of certain dual occupancies

- (1) Despite clause 21 (1) (a) and (b), the consent authority may consent to the erection of a dwelling on an allotment even though the proposal does not conform to those provisions if:
  - (a) it is proposed that the dwelling be erected as part of a dual occupancy, and
  - (b) it is proposed that the dual occupancy be comprised of that dwelling (*the new dwelling*) together with a dwelling that already exists on the land (*the existing dwelling*), and
  - (c) it is proposed that the new dwelling be occupied by the children, siblings, parents, grandparents or grandchildren of those proposing to reside in the existing dwelling, and
  - (d) the combined gross floor area of the proposed dual occupancy is no more than 400 square metres, and
  - (e) it is proposed that each dwelling have at least 50 square metres of private open space at ground level.
- (2) This clause does not apply in relation to a dwelling, erected by or on behalf of the Board, for the accommodation of staff of the Board.

**Note.** Allotments occupied by dual occupancies will not be able to be subdivided under clause 19 (2) unless the total area of each proposed allotment is at least the minimum dwelling area. The minimum dwelling area is generally 3,000 square metres for each dwelling on the proposed allotment.

## 23 What additional control applies to the new use of a building as a dwelling?

The consent authority must not consent to a new use of a building as a dwelling unless the building was erected prior to the commencement of this plan.

## 24 Limit on number of dwellings to which consent may be given

- (1) In any period, consent may be granted for the erection of no more than the total number of dwellings determined by the Board and approved by the Director-General in respect of that period for the purposes of this clause.
- (2) Regardless of the total number of dwellings determined for the purposes of subclause (1), consent may be granted for the erection of no more than a total of 25 dwellings during a period of 20 years commencing on the date on which this plan commences.
- (3) This clause does not apply in relation to the rebuilding of a lawfully erected dwelling.



Clause 25	Lord Howe Island Regional Environmental Plan 2005
Part 3	Special provisions

- 
- (4) A reference in subclauses (1) and (2) to the granting of consent to the erection of a dwelling includes a reference to the granting of consent to a new use referred to in clause 23.

**25 What additional controls apply to enlargements or extensions of dwellings?**

- (1) The consent authority must not consent to the enlargement or extension of a dwelling on an allotment unless:
- the proposed gross floor area of the dwelling is no more than 300 square metres, and
  - the proposed enlargement or extension will not result in the removal of any significant native vegetation, and
  - it is proposed that at least 50 percent of the total area of the allotment be comprised of landscaped areas and that various species of plants that are native to the Island and common to the locality be retained or planted on at least 35 percent of the total area of the allotment.
- (2) Despite subclause (1) (a), the consent authority may consent to the enlargement or extension of a dwelling having a proposed gross floor area that is more than 300 square metres if:
- the dwelling forms part of a dual occupancy, and
  - it is proposed that the dwelling be occupied by the children, siblings, parents, grandparents or grandchildren of those proposing to reside in the other dwelling, and
  - the proposed combined gross floor area of the dual occupancy is no more than 400 square metres.
- (3) This clause does not apply to the rebuilding of any part of a dwelling.

**26 Accommodation for seniors or people with a disability**

- (1) Despite clauses 12 and 13, development for the purposes of accommodation for seniors or people with a disability may only be carried out, on land within Zone 2 Settlement or Zone 5 Special Uses, by or on behalf of the Board.
- (2) In this clause:
- accommodation for seniors or people with a disability*** means a hostel or residential care facility.
- hostel*** means residential accommodation that is, or is intended to be, used permanently as accommodation for seniors or people with a disability where:
- meals, laundering, cleaning and other facilities are provided on a shared basis, and

Lord Howe Island Regional Environmental Plan 2005

Clause 27

Special provisions

Part 3

- (b) at least one staff member is available on site 24 hours a day to provide management services.

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

***residential care facility*** means residential accommodation that is, or is intended to be, used permanently as accommodation for seniors or people with a disability and that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care.

***seniors*** means people aged 55 years or more.

#### **27 What is the maximum height applying to buildings?**

- (1) Despite anything to the contrary in Part 2 or any other provisions of this Part, the erection of a building that has a height of more than 7.5 metres above natural ground level is prohibited.
- (2) Subclause (1) does not apply to the erection of:
  - (a) a building for the purposes of public utility undertakings, and
  - (b) aerials, masts or communication structures.

#### **28 Advertisements or signs**

- (1) Despite anything to the contrary in Part 2, the placement or erection of an advertisement or sign may be carried out, but only with the consent of the consent authority.
- (2) Despite subclause (1), the placement or erection of the following kinds of advertisements or signs is prohibited:
  - (a) any advertisement or sign placed or erected on land within Zone 6 Recreation, Zone 7 Environment Protection, Zone 8 Permanent Park Preserve or Zone 9 Marine Park,
  - (b) any advertisement or sign that promotes an event and is placed on public property.

#### **29 Vegetation restoration**

Development for the purposes of vegetation restoration must be carried out in accordance with the *Lord Howe Island Board Vegetation Rehabilitation Plan*, as adopted by the Board in March 2003.

Clause 30	Lord Howe Island Regional Environmental Plan 2005
Part 3	Special provisions

---

## **Division 2 Provisions that apply to particular land**

### **30 What setbacks apply to buildings in Zone 1, 2 or 5?**

- (1) This clause applies to land within Zone 1 Rural, Zone 2 Settlement or Zone 5 Special Uses.
- (2) Any building proposed to be erected on an allotment of land to which this clause applies must comply with the following requirements:
  - (a) if the allotment has one boundary adjoining a road—the building must be erected at least 10 metres from that boundary and at least 5 metres from any other boundary of the allotment,
  - (b) if the allotment has more than one boundary adjoining a road—the building must be erected at least 10 metres from one of those boundaries and at least 5 metres from any other boundary of the allotment,
  - (c) in any other case—the building must be erected at least 5 metres from any boundary of the allotment.
- (3) Despite subclause (2), a proposed building (including any alteration to, or any enlargement or extension of, an existing building) that does not comply with the requirements set out in subclause (2) may be erected with the consent of the consent authority on land to which this clause applies if, in the consent authority's opinion, compliance with the requirements would be unreasonable (for example, because of the physical constraints of the land) or unnecessary.

### **31 Landscaping to be carried out in Zone 2**

The consent authority must not consent to the carrying out of any development on land within Zone 2 Settlement unless it is satisfied that there will be no significantly adverse impact on the existing landscaped character and dispersed pattern of housing in that zone.

### **32 What additional controls apply to land adjoining Zone 7 or 8?**

- (1) Despite anything to the contrary in Part 2 or the other provisions of this Part, development consent is required for development that is proposed to be carried out:
  - (a) within 10 metres of land within Zone 7 Environment Protection, or
  - (b) within 20 metres of land within Zone 8 Permanent Park Preserve.
- (2) In determining a development application for development referred to in subclause (1), the consent authority must take into consideration any of the following matters that are of relevance to the proposed development:

Lord Howe Island Regional Environmental Plan 2005

Clause 33

Special provisions

Part 3

- (a) the desirability of restoring the land on which it is proposed that the development be carried out, as far as is possible, to its original natural state,
- (b) the need to encourage the growth of only plants that are native to the Island on the land on which it is proposed that the development be carried out,
- (c) the need to prevent plants that are not native to the Island spreading to Zone 8 Permanent Park Preserve,
- (d) the *Lord Howe Island Board Vegetation Rehabilitation Plan*, as adopted by the Board in March 2003 and amended from time to time.

### 33 What controls apply to development along the foreshore?

- (1) Despite anything to the contrary in Part 2 or the other provisions of this Part, development on the foreshore area is prohibited.
- (2) Despite subclause (1), development on the foreshore area may be carried out with consent if, in the consent authority's opinion:
  - (a) the proposed development is in the public interest and does not significantly reduce public access to the foreshore, and
  - (b) the bulk and scale of the proposed development will not detract from the visual amenity of the foreshore area, and
  - (c) the proposed development addresses any need to restore lost or disturbed plants that are native to the Island, particularly if restoring those plants may enhance visual amenity, and
  - (d) there is a demonstrated Island community-based, or marine-based, business need for it, and
  - (e) the proposed development will not be adversely affected by, or adversely affect, coastal processes, and
  - (f) in the case of proposed development involving the erection of a structure—the purpose of that structure could not practicably be fulfilled by an existing structure, and
  - (g) in the case of development proposed to be carried out on land that is also within Zone 9 Marine Park—the proposed development is not inconsistent with any advice about the development that is provided to the consent authority by the Marine Parks Authority.

- (3) In this clause:

***foreshore area*** means the land between the heavy red line shown on Sheet 2 of the map and the mean high water mark.

Clause 34	Lord Howe Island Regional Environmental Plan 2005
Part 3	Special provisions

---

### 34 What development may be carried out on unzoned land?

- (1) Development that may be carried out with or without the consent of the consent authority, under Part 2 or any other provisions of this Part, on land in a zone adjoining unzoned land may be carried out with the consent of the consent authority on the unzoned land.
- (2) The carrying out of any other development on unzoned land is prohibited.
- (3) The consent authority must not consent to development on unzoned land unless it is satisfied that the proposed development will have a minor, or no, significantly adverse impact on the amenity of the locality and the future pattern of development of land in any adjoining zone.
- (4) In this clause:  
*unzoned land* means land that is not within a zone listed in clause 10.

### 35 Land adjacent to Blinky Beach—airport uses

Despite anything to the contrary in Part 2, development on land shown hatched black on the map may be carried out for any purpose associated with airports with the consent of the consent authority.

## Division 3 Heritage conservation

### 36 Definitions

In this Division:

*heritage item* means a place, building, tree or work listed in Schedule 3.

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

*maintenance*, in relation to a heritage item, means the ongoing protective care of the item. It does not include alterations (such as extensions or additions) or the introduction of new materials or technology.

*relic* means any deposit, object or material evidence (including human remains) that relates to the settlement or use of the Island and is more than 50 years old.

**Note.** An item identified by this plan as a heritage item may also be a relic. Therefore, consideration should be given, in particular cases, to whether any of the clauses in this Division applying to relics (such as clause 37 (1) (f)) apply to such heritage items as well as to relics that are not identified by this plan as heritage items.

Lord Howe Island Regional Environmental Plan 2005

Clause 37

Special provisions

Part 3

---

### 37 Development affecting heritage items

- (1) Despite anything to the contrary in Part 2, the following development may be carried out only with the consent of the consent authority:
  - (a) wholly or partially destroying, dismantling or defacing a heritage item,
  - (b) altering a heritage item 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) moving the whole or any part of a heritage item,
  - (e) erecting a building on, or subdividing, land on which a heritage item is located,
  - (f) disturbing or excavating any land, 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.
- (2) Development consent is not required by this clause if:
  - (a) in the consent authority's opinion:
    - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item, and
    - (ii) the proposed development would not adversely affect the heritage significance of the heritage item, and
  - (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the proponent in writing before any work is carried out that:
    - (i) the consent authority is satisfied that, in its opinion, the proposed development meets the criteria set out in paragraph (a) (i) and (ii), and
    - (ii) development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains or to relics in the form of grave goods:
  - (a) the creation of a new grave or monument,
  - (b) the excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

Clause 38 Lord Howe Island Regional Environmental Plan 2005

Part 3 Special provisions

---

### 38 Assessment

- (1) Before granting consent required by clause 37, the consent authority must consider the extent to which the carrying out of the proposed development may adversely affect the heritage significance of the heritage item concerned or (in the case of development referred to in clause 37 (1) (f)) the relic concerned.
- (2) For the purposes of subclause (1), the consent authority must consider a statement that addresses the following issues:
  - (a) the heritage significance of the item or relic as part of the environmental heritage of the Island,
  - (b) any impact that the proposed development may have on the heritage significance of the heritage item and its setting (including any landscape or horticultural features) or the relic,
  - (c) any measures proposed to conserve the heritage significance of the item and its setting or the relic,
  - (d) whether any site known to contain relics (or any other site that, in the opinion of the consent authority, potentially contains relics) may be adversely affected by the proposed development,
  - (e) the extent to which the carrying out of the proposed development may affect any historically significant allotment boundaries, including historically significant curtilages and roads.
- (3) The statement is to address other issues relating to the heritage significance of the item or relic concerned if the consent authority or proponent is aware of such issues.
- (4) The consent authority may also determine that it is necessary for a conservation management plan to be prepared in relation to the heritage item or relic concerned.
- (5) In this clause:

*conservation management plan* means a document, prepared in accordance with the requirements of the Heritage Office in relation to such plans, that identifies conservation policies and management mechanisms that are appropriate to enable the heritage significance of a heritage item or relic to be retained.

## Division 4 Miscellaneous

### 39 What development applications are required to be advertised?

The following development is advertised development:

- (a) development for the purposes of public utility installations,
- (b) development for the purposes of public utility undertakings,

Lord Howe Island Regional Environmental Plan 2005

Clause 40

Special provisions

Part 3

- 
- (c) development that, in the opinion of the consent authority, is likely to have a significantly adverse impact on the environment.

**40 Requirement for environmental report**

- (1) The consent authority must not consent to the following development unless it has considered an environmental report containing the matters specified in Schedule 2:
- (a) development for the purposes of public utility installations,
  - (b) development for the purposes of public utility undertakings,
  - (c) development that, in the opinion of the consent authority, is likely to have a significantly adverse impact on the environment.
- (2) An environmental report is not required to be prepared in relation to development referred to in subclause (1) if the development is designated development.
- Note.** Under section 78A of the *Environmental Planning and Assessment Act 1979*, a development application for designated development must be accompanied by an environmental impact statement.
- (3) An environmental report is not required to be prepared under subclause (1) (c) if:
- (a) in the opinion of the consent authority, the significantly adverse impacts that the development is likely to have on the environment is comprised exclusively of impacts on:
    - (i) land that is, or is part of, critical habitat, or
    - (ii) threatened species, populations or ecological communities, or their habitats, and
  - (b) a species impact statement has been prepared in relation to the proposed development and, in the opinion of the consent authority, those impacts are comprehensively addressed by the species impact statement.



## Lord Howe Island Regional Environmental Plan 2005

Schedule 1 Exempt development

**Schedule 1 Exempt development**

(Clause 7)

**Note.** Publications referred to in this Schedule, including Australian Standards, may be inspected at the office of the Board.

<b>Column 1</b>	<b>Column 2</b>
<b>What can be erected, used or carried out as exempt development?</b>	<b>Development standards and other requirements</b>
<b>Advertisement or sign</b>	(a) Must not cover any mechanical ventilation vents. (b) Must not be internally illuminated.
Advertisement or sign behind a shop window	No additional requirements.
Advertisement or sign on a vehicle or trailer	(a) The vehicle or trailer must primarily be used for the conveyance of goods or passengers. (b) The vehicle or trailer must not be parked solely for the purposes of advertising or promotion.
Business identification sign	(a) Not more than one for each business premises concerned. (b) Must be installed on the land from which the business is operating. (c) Must not exceed 0.9 square metre. (d) If on premises with an awning—the advertisement or sign must be located below the level of the awning. (e) If installed on premises without an awning—the top of the advertisement or sign must be located less than 2 metres above ground level. (f) Must not cover more than 20 percent of the area of the front of any building from which the business is operating.
Navigation sign (including a public notice erected on, or placed in, Zone 8 Permanent Park Preserve or Zone 9 Marine Park)	Must be installed by or on behalf of a public authority.

## Lord Howe Island Regional Environmental Plan 2005

Exempt development

Schedule 1

Column 1	Column 2
What can be erected, used or carried out as exempt development?	Development standards and other requirements
Public notice (including a public notice erected on, or placed in, Zone 8 Permanent Park Preserve or Zone 9 Marine Park)	Must be installed by or on behalf of a public authority.
Replacing an advertisement, or sign (but not any part of an advertisement or a sign that is a structure)	Advertisement or sign must relate to the purpose for which the land on which it is placed is used.
Temporary advertisement or sign relating to an event	<ul style="list-style-type: none"> <li>(a) Must not exceed 5 square metres.</li> <li>(b) Must not be installed more than 28 days before the subject event.</li> <li>(c) Must be removed within 48 hours after the subject event.</li> <li>(d) Limit of 2 per event.</li> </ul>
Tourist directory sign (including a tourist directory sign erected on, or placed in, Zone 8 Permanent Park Preserve or Zone 9 Marine Park)	Must be installed by or on behalf of a public authority.
<b>Aerial or antenna</b>	<ul style="list-style-type: none"> <li>(a) Must be installed on land within Zone 1 Rural, Zone 2 Settlement or Zone 5 Special Uses.</li> <li>(b) If roof mounted—topmost point must not be more than 3.5 metres above topmost point of roof.</li> </ul>
<b>Awning or patio (not enclosed)</b>	<ul style="list-style-type: none"> <li>(a) Must be located on land within Zone 2 Settlement.</li> <li>(b) Maximum area of 10 square metres.</li> <li>(c) Must comply with following setbacks: <ul style="list-style-type: none"> <li>(i) if allotment on which awning or patio is to be installed has one boundary adjoining a road—must be installed at least 10 metres from that boundary and at least 5 metres from any other boundary of the allotment,</li> </ul> </li> </ul>

## Lord Howe Island Regional Environmental Plan 2005

Schedule 1 Exempt development

<b>Column 1</b> <b>What can be erected, used or carried out as exempt development?</b>	<b>Column 2</b> <b>Development standards and other requirements</b>
<b>Barbecue</b>	<ul style="list-style-type: none"> <li>(ii) if allotment has more than one boundary adjoining a road—awning or patio must be installed at least 10 metres from one of those boundaries and at least 5 metres from any other boundary of allotment,</li> <li>(iii) in any other case—awning or patio must be installed at least 5 metres from any other boundary of allotment.</li> <li>(d) Roof water must be disposed of without causing nuisance to adjoining premises.</li> <li>(a) Must be installed on land within Zone 2 Settlement.</li> <li>(b) Maximum area of 2 square metres.</li> <li>(c) Maximum height, including any chimneys, of 1.8 metres.</li> <li>(d) Must not be installed in any location visible at street level.</li> </ul>
<b>Building alterations (external)</b>	<ul style="list-style-type: none"> <li>(a) Non-structural alterations to the exterior of a building only, such as painting, cement rendering, cladding, attaching fittings and decorative work.</li> <li>(b) Any recladding must not change roof shape or increase building footprint.</li> <li>(c) Any new windows to be offset to any windows in building on adjoining property.</li> <li>(d) Must not reduce light or ventilation to the building.</li> <li>(e) Structural support members must not be removed.</li> <li>(f) Colour selection of materials used must be compatible with the neighbourhood.</li> </ul>

Lord Howe Island Regional Environmental Plan 2005

Exempt development

Schedule 1

<b>Column 1</b>	<b>Column 2</b>
<b>What can be erected, used or carried out as exempt development?</b>	<b>Development standards and other requirements</b>
<b>Building alterations (internal)</b>	<ul style="list-style-type: none"> <li>(a) Must not affect the load-bearing capacity of any load-bearing component of the building.</li> <li>(b) May be made to lawfully completed buildings only.</li> <li>(c) Does not include any conversion of non-habitable rooms to habitable rooms.</li> <li>(d) Does not include any change to configuration of rooms whether by removal of existing walls or partitions or by other means.</li> <li>(e) Does not include any alterations that result in change in classification of building concerned under the <i>Building Code of Australia</i>.</li> <li>(f) Does not include fit out of commercial kitchen or of any business premises, such as a restaurant or cafe, intended to be used for preparation and consumption of food.</li> <li>(g) Must not reduce window arrangements for light and ventilation, reduce doorways for egress or enclose internal open living space.</li> <li>(h) Must not compromise fire safety or affect accessibility to a fire exit from any part of the building.</li> </ul>
<b>Cabana, cubby house, garden shed, gazebo, green house or bird aviary</b>	<ul style="list-style-type: none"> <li>(a) Must be erected on land within Zone 1 Rural or Zone 2 Settlement.</li> <li>(b) Maximum area of 10 square metres.</li> <li>(c) Maximum height of 2.4 metres.</li> <li>(d) Must not be erected in any location visible at street level.</li> <li>(e) No more than one of each per allotment.</li> <li>(f) No internal plumbing.</li> <li>(g) Roof water must be disposed of without causing nuisance to adjoining premises.</li> <li>(h) Must not be used for dwelling or for commercial premises.</li> </ul>

## Lord Howe Island Regional Environmental Plan 2005

Schedule 1 Exempt development

Column 1	Column 2
What can be erected, used or carried out as exempt development?	Development standards and other requirements
<b>Clothes hoist or line</b>	<ul style="list-style-type: none"> <li>(a) Must be installed on land within Zone 2 Settlement or Zone 5 Special Uses.</li> <li>(b) Must be installed to manufacturer's specifications.</li> <li>(c) Must not be visible from street.</li> </ul>
<b>Demolition of a structure</b>	<ul style="list-style-type: none"> <li>(a) Must comply with AS 2601—2001, <i>Demolition of structures</i>.</li> <li>(b) The erection of the structure would be exempt development under this plan.</li> </ul>
<b>Domestic solid fuel or oil heater</b>	<ul style="list-style-type: none"> <li>(a) Must be installed on land within Zone 2 Settlement.</li> <li>(b) Fireplace must be installed in accordance with manufacturer's instructions.</li> </ul>
<b>Driveway or pathway</b>	<ul style="list-style-type: none"> <li>(a) Must be of structurally sound and stable construction and have adequate reinforcement.</li> <li>(b) Must not be elevated or suspended above natural ground level.</li> <li>(c) Stormwater must not be directed by the driveway or pathway onto adjoining property.</li> </ul>
<b>Fabric shade structure</b>	<ul style="list-style-type: none"> <li>(a) Must be erected on land within Zone 1 Rural, Zone 2 Settlement or Zone 5 Special Uses.</li> <li>(b) Maximum area of 20 square metres.</li> <li>(c) On land within Zone 2 Settlement must not be erected in any location visible at street level.</li> </ul>
<b>Flagpole</b>	<ul style="list-style-type: none"> <li>(a) Maximum height of 6 metres.</li> <li>(b) Must not extend into any obstacle height limitation surface (as identified on the map marked "Lord Howe Airport Obstacle Limitation Surfaces" deposited in the office of the Board) surrounding the Lord Howe Island Airport.</li> </ul>
<b>Mooring</b> (including on land within Zone 9 Marine Park)	Must be located in accordance with permission obtained under the <i>Marine Parks Act 1997</i> and <i>Lord Howe Island Act 1953</i> .

Lord Howe Island Regional Environmental Plan 2005

Exempt development

Schedule 1

Column 1	Column 2
What can be erected, used or carried out as exempt development?	Development standards and other requirements
<b>Park or street furniture</b> (comprising seats, bins, picnic tables or shelters)	<ul style="list-style-type: none"> <li>(a) Construction must be carried out by or on behalf of the Board.</li> <li>(b) Must be installed on land under the control of the Board.</li> </ul>
<b>Playground equipment</b>	<ul style="list-style-type: none"> <li>(a) In the case of residential use—a maximum height of 2.5 metres.</li> <li>(b) In the case of non-residential use—a maximum height of 2.5 metres and maximum ground coverage of 10 square metres.</li> <li>(c) Must be designed, fabricated and installed in accordance with AS 1924.2—1981, <i>Playground equipment for parks, schools and domestic use, Part 2: Design and construction—Safety aspects</i>.</li> </ul>
<b>Ramp for persons with a disability</b>	<ul style="list-style-type: none"> <li>(a) Maximum height of 1 metre.</li> <li>(b) Grade must comply with AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i> and be a maximum of 1:14.</li> </ul>
<b>Satellite dish</b>	Installation and use must be in accordance with the <i>Satellite Earth-Station Dish Policy</i> , adopted by the Board on 13 December 1996.
<b>Telecommunications facility</b> (comprising microcell installation, in-building coverage installation, pit, manhole, underground equipment shelter or housing, underground conduit or cable, public pay phone cabinet or booth, pillar, roadside cabinet, pedestal or external equipment shelter)	Must be carried out by or on behalf of a public authority.
<b>Water tank</b> (including on land within Zone 6 Recreation, Zone 7 Environment Protection or Zone 8 Permanent Park Preserve if carried out by or on behalf of the Board)	<ul style="list-style-type: none"> <li>(a) Materials must be non-reflective and muted, natural tones.</li> <li>(b) Any storm water or overflow from water tank must be directed away from any neighbouring property.</li> </ul>

Lord Howe Island Regional Environmental Plan 2005

Schedule 2 Contents of environmental report

---

## Schedule 2 Contents of environmental report

(Clause 40)

- 1 A statement summarising the contents of the environmental report.
- 2 A statement of the objectives of the proposed development.
- 3 An analysis of the proposed development, including the following:
  - (a) a full description of the proposed development,
  - (b) details of any existing development that may be superseded by the proposal,
  - (c) a general description of the environment that, in the opinion of the consent authority, is likely to be adversely affected by the proposed development,
  - (d) a detailed description of any aspects of the environment that, in the opinion of the consent authority, are likely to be significantly adversely affected by the proposed development, including an assessment of whether there is any significant native vegetation that is likely to be significantly adversely affected by the proposed development,
  - (e) the likely impacts of the proposed development on the environment, having regard to the following:
    - (i) the nature and extent of the proposed development,
    - (ii) the nature and extent of any building or work associated with the proposed development,
    - (iii) the way in which any such building or work is proposed to be designed, constructed and operated,
    - (iv) any rehabilitation measures to be undertaken in connection with the proposed development,
  - (f) a full description of the measures proposed to mitigate any adverse impacts of the proposed development on the environment.

**Note.** The matters to be included in item 3 (e) might include any of the following that are of relevance to the proposed development:

- (a) the likelihood of soil contamination arising from the proposed development,
- (b) any impact of the proposed development on plants, or animals, that are native to the Island,
- (c) the likelihood of air, noise or water pollution arising from the proposed development,
- (d) any impact of the proposed development on the health of people in the neighbourhood of the proposed development,

## Lord Howe Island Regional Environmental Plan 2005

## Contents of environmental report

## Schedule 2

- 
- (e) any hazards arising from the proposed development,
  - (f) any impact of the proposed development on traffic in the neighbourhood of the proposed development,
  - (g) any impact of the proposed development on local climate,
  - (h) any social or economic impacts of the proposed development,
  - (i) any visual impact of the proposed development on the scenic quality of land in the neighbourhood of the proposed development,
  - (j) any impact of the proposed development on soil erosion and the silting up of rivers or lakes,
  - (k) any impact of the proposed development on any heritage significance, within the meaning of Division 3 of Part 3, of the land on which it is proposed to carry out the proposed development.
- 4** A compilation (in a single section of the environmental report) of the measures referred to in item 3 (e) (iv).
  - 5** The reasons justifying the carrying out of the proposed development in the manner proposed, having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.
  - 6** A list of any approvals that must be obtained under any other Act or law before the proposed development may lawfully be carried out.
  - 7** An assessment of the compatibility of the proposal with the World Heritage values of the Island.
  - 8** A detailed evaluation of the visual impact of the proposed development and measures to be taken to reduce any detrimental visual impact, including the extent to which vegetation may be used to restore a natural landscape character.
  - 9** A detailed evaluation of any adverse impact of the proposed development upon a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations.
  - 10** Justification for the proposal in terms of:
    - (a) the aims of the *Lord Howe Island Regional Environmental Plan 2005*, and
    - (b) any objectives of the zone in which the proposed development is proposed to be carried out as set out in that plan, and
    - (c) any relevant development controls that are set out in that plan.
-



## Lord Howe Island Regional Environmental Plan 2005

## Schedule 2 Contents of environmental report

- 
- 11** An assessment of whether there are any feasible alternatives to the carrying out of the proposed development, having regard to its objectives (as set out in item 2), and including:
- (a) the consequences of not carrying out the proposed development, and
  - (b) the reasons justifying the carrying out of the proposed development.
- 12** For the purposes of item 5, the *principles of ecologically sustainable development* are as follows:
- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
    - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
    - (ii) an assessment of the risk-weighted consequences of various options,
  - (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
  - (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
  - (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
    - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and
    - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
    - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Lord Howe Island Regional Environmental Plan 2005

Heritage items

Schedule 3

---

### **Schedule 3     Heritage items**

(Clause 36)

- Baxter house, Lagoon Road, Portion 158.
- Boatsheds, Lagoon Road, Government Reserve.
- Cargo shed related to wharf, Lagoon Road, Government Reserve.
- Family cemetery at "Pinetrees", Lagoon Road, Portion 236.
- Government House, Bowker Avenue, Portion 37.
- House (formerly teacher's residence and formerly G Nichols' house), Lagoon Road, Portion 12.
- "Janetville", King's house, Lagoon Road, Portion 127.
- "Kentia" (formerly house of A Christian), Lagoon Road, Portion 111.
- Main cemetery, Cemetery Road, part Portion 76.
- Old Settlement Beach area, beyond northern end of Lagoon Road, including Portions 74, 75, 275 and 276.
- Pair of mature Norfolk Island pine trees, Lover's Bay, Government Reserve, Lagoon Road.
- "Palmhaven", Garton house, south end of Anderson Road, Portion 161.
- Public hall, corner Lagoon Road and Ned's Beach Road, Portion 61.
- Soldier Creek area, being the site of Johnson's farm and 1882 Commissioner's Camp, Lagoon Road, Portions 126 and 123.
- Stone-lined drains on golf course, Lagoon Road, Portions 118, 120 and 299.
- Thompson family cemetery, off Ocean View Drive, Portion 55.
- Thompson house, Ned's Beach Road, Portions 199 and 209.
- Traces of T B Wilson's house, Lagoon Road, Portion 285.
- War Memorial, Lagoon Road, Portion 35.
- World War I Memorial, Lagoon Road, Portion 36.

Lord Howe Island Regional Environmental Plan 2005

Dictionary

---

## Dictionary

(Clause 5)

**accommodation for seniors or people with a disability**—see clause 26.

**agriculture** includes horticulture, floriculture, hydroponics and the use of land for any purposes of animal husbandry, including the keeping or breeding of livestock, poultry or bees.

**airport** means an airport for use by members of the public.

**allotment** means:

- (a) a lot in a current plan (within the meaning of the *Conveyancing Act 1919*), or
- (b) a portion held or occupied under:
  - (i) a lease granted and in force under section 21 (Leases in perpetuity for residence) or section 22 (Special leases) of the *Lord Howe Island Act 1953*, or
  - (ii) a permission to occupy Crown lands granted and in force under section 31A (Permissive occupancies) of that Act, or
  - (iii) a permissive occupancy of Crown lands in force under section 31A (Permissive occupancies) of that Act.

**aquaculture** means the cultivation of fish or other organisms (including plants) of the sea, estuarine or fresh waters for the purposes of harvesting the fish or other organisms or their progeny for commercial purposes.

**Board** means the Board constituted under Division 1 of Part 2 of the *Lord Howe Island Act 1953*.

**boatshed** means a building or place used for marine-based commercial uses and the maintenance and storage of boats and related materials, but that is not intended for, nor capable of, habitation.

**business identification sign** means a sign, not internally illuminated, that, in respect of any place or premises to which it is affixed, contains one or more of the following:

- (a) a reference to the identity or a description of the place or premises,
- (b) a reference to the identity or a description of any person residing or carrying on an occupation at the place or premises,
- (c) particulars of any occupation carried on at the place or premises,
- (d) such directions or cautions as are usual or necessary relating to the place or premises or the occupation carried on at the place or within the premises,
- (e) particulars or notifications required or permitted to be displayed under any State or Commonwealth Act,
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
- (g) particulars of any activities held or to be held at the place or premises,

Lord Howe Island Regional Environmental Plan 2005

Dictionary

---

- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

**cemetery** means a building or place where human remains are permanently deposited or disposed of, and includes a crematorium and ancillary buildings such as chapels, mortuaries and interment walls.

**club** means a building, including the premises of a club registered under the *Registered Clubs Act 1976*, that is used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind.

**commercial premises** means a building or place, used as an office or for other business or commercial purposes (other than for a home business) and includes a restaurant or shop, but does not include a club, a depot, a fuel storage depot, a hospital, accommodation for seniors or people with a disability, a place of assembly, a place of public worship or tourist accommodation.

**depot** means a building or place used mainly for the storage of any plant, machinery, motor vehicles or stock of materials or spare parts used in the course of any one business or industrial undertaking or public utility undertaking, but does not include any part of the building or place used for sale by retail, wholesale or otherwise.

**dual occupancy** means 2 dwellings, whether attached or detached, on a single allotment.

**dwelling** means a room or suite of rooms occupied, or used (or so constructed or adapted as to be capable of being occupied or used), as a separate domicile, but does not include:

- (a) accommodation for seniors or people with a disability, or
- (b) tourist accommodation.

**education facility** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

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

**gross floor area** means the sum of the areas of each floor of a building, including covered decks, garages and outbuildings, where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, and
- (b) cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, and
- (c) space for the loading and unloading of goods, and
- (d) exempt development, commercial premises, public accommodation and uncovered decks.

## Lord Howe Island Regional Environmental Plan 2005

## Dictionary

---

**height**, in relation to a building, means the distance measured vertically from any point on the building (not being a vent, aerial, flagpole or chimney or the like) to the natural ground level immediately below that point.

**home business** means a business carried out in an existing dwelling or existing ancillary building on the same allotment, but only if:

- (a) the business is undertaken by an occupant of the dwelling, and
- (b) not more than one employee (being an employee who is not an occupant of the dwelling) is employed on the premises at any one time, and
- (c) only goods or products manufactured on the premises, or goods or products ancillary to the services offered on the premises, are sold on the premises directly to the public.

**hospital** means a building or buildings where medical, surgical or psychiatric treatment is provided to people who are ill or injured and who are accommodated overnight or longer on the premises, whether or not day patients are also treated there.

**intensive agriculture** means any form of agriculture involving the intensive housing, feeding (generally of a product that is not produced on the land on which the intensive agriculture is carried out) or slaughtering of animals and includes an abattoir, a cattle feedlot, an intensive piggery, a poultry farm or an intensive aquaculture farm.

**Island**—see clause 3.

**landscaped area** of an allotment means any part of the allotment that is not occupied by a building, driveway, parking area, clothes drying area, covered walkway or pergola, and includes any part of the allotment used for a swimming pool or open air recreation facility.

**multiple dwellings** means 3 or more dwellings, whether attached or not, that each have private open space at ground level.

**natural ground level**, in relation to a site, means the level of the site as if the land comprising the site were undeveloped and did not include any fill.

**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 commercial gain or not.

**place of public worship** means a building or place used for the purposes of religious worship or ceremony by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**premises of a public authority** means premises used by a public authority to carry out its functions and includes buildings used by a public authority for business or commercial purposes.

Lord Howe Island Regional Environmental Plan 2005

Dictionary

---

**public utility installation** means a building or work used for a public utility undertaking, but does not include a building used:

- (a) principally for administration or as business premises, or
- (b) as a showroom, or
- (c) as a workshop, or
- (d) as a depot.

**public utility undertaking** means any of the following undertakings, or uses associated with those undertakings, carried on by, or on behalf of, the Board or any government agency acting under any Commonwealth or State Act:

- (a) water transport, air transport or wharf undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
- (c) the provision of waste disposal, waste transfer or waste recycling services,
- (d) communications installations, fuel storage depots or meteorological stations,
- (e) public health, information or education facilities.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by a public authority to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse, a showground or the premises of a club whether or not registered under the *Registered Clubs Act 1976*.

**road** means a public way intended for vehicular and pedestrian travel, including a bridge and a causeway.

**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 on the Island.

**sign** means a display of symbols, messages or other devices for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure or the carrying out of a work.

**significant native vegetation** means vegetation on land that is identified as having significant native vegetation on Sheet 3 of the map.

## Lord Howe Island Regional Environmental Plan 2005

## Dictionary

---

**staff accommodation** means a building or buildings providing for the accommodation of persons directly employed in connection with tourist accommodation or a commercial operation, but does not include a building or place providing for the accommodation of persons directly employed in connection with accommodation for seniors or people with a disability.

**telecommunications facility** has the same meaning as **facility** has in the *Telecommunications Act 1997* of the Commonwealth.

**temporary advertisement or sign** means an advertisement or sign displayed for not more than 2 months that:

- (a) announces any local event of governance, religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and
- (b) does not include any advertising of a commercial nature (other than the name of the event's sponsor).

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

**the map** means the map consisting of 3 sheets marked "Lord Howe Island Regional Environmental Plan 2005".

**tourist accommodation** means a building or buildings providing for the accommodation of tourists, including holiday cabins, guest-houses and lodges.

**Note.** Recreation facilities and restaurants may be ancillary to tourist accommodation. Accordingly, they may be subject to provisions expressed to apply to development for the purposes of tourist accommodation or to buildings ancillary to tourist accommodation.

**tourist directory sign** means an advertisement or sign erected by the Board or another public authority and the purpose of which is to direct the attention of the public to services, activities, features or facilities likely to be of interest especially to tourists.

**vegetation restoration** means the maintenance or rehabilitation of natural areas, including by weed eradication and erosion control and by revegetation of corridors and other areas with species of plants that are native to the Island and common in the locality.



New South Wales

## **Blacktown Local Environmental Plan 1988 (Amendment No 205)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRW0000119/S69)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1            Blacktown Local Environmental Plan 1988 (Amendment No 205)

---

## **Blacktown Local Environmental Plan 1988 (Amendment No 205)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 205)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from partly Zone No 4 (a) (the General Industrial Zone) and partly Zone No 6 (a) (the Public Recreation Zone) to partly Zone No 4 (a) (the General Industrial Zone) and partly Zone No 6 (d) (the Recreation—Environmental Protection Zone) under *Blacktown Local Environmental Plan 1988*.

### **3 Land to which plan applies**

This plan applies to part of Lot 1, DP 1068260, Old Windsor Road, Seven Hills, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 205)” 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 by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Blacktown Local Environmental Plan 1988 (Amendment No 205)



New South Wales

## **Hastings Local Environmental Plan 2001 (Amendment No 46)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (GRA6322696/S69; 032.2004.002.001)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 46)

---

## **Hastings Local Environmental Plan 2001 (Amendment No 46)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 46)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone 1 (r1) Rural Residential to Zone 7 (h) Environment Protection—Habitat under *Hastings Local Environmental Plan 2001* (the 2001 plan), and
- (b) to remove the land to which this plan applies from the application of clause 24 of the 2001 plan relating to habitat areas.

### **3 Land to which plan applies**

- (1) To the extent that this plan rezones land, it applies to so much of Lot 9, DP 1033160, Old King Creek Road, Kings Creek, as is shown coloured orange and lettered “7 (h)” on the map marked “Hastings Local Environmental Plan 2001 (Amendment No 46)” deposited in the office of the Hastings Council.
- (2) To the extent that this plan removes the application of clause 24 of the 2001 plan from land, it applies to Lot 9, DP 1033160, Old King Creek Road, Kings Creek, as shown coloured light brown and lettered “1 (r1)” or coloured orange and lettered “7 (h)” and edged heavy black on that map.

### **4 Amendment of Hastings Local Environmental Plan 2001**

*Hastings Local Environmental Plan 2001* is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Hastings Local Environmental Plan 2001 (Amendment No 46)



New South Wales

## **Holroyd Local Environmental Plan 1991 (Amendment No 49)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRW0000075/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Holroyd Local Environmental Plan 1991 (Amendment No 49)

---

## Holroyd Local Environmental Plan 1991 (Amendment No 49)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 49)*.

### 2 Aims of plan

- (1) This plan aims to amend *Holroyd Local Environmental Plan 1991 (the 1991 plan)* so as:
  - (a) to prohibit apartment buildings and mixed use development on land within Zone Nos 2 (a) (the Residential "A" Zone), 2 (c) (the Higher Density Residential Zone), 2 (d) (the Residential "D" Zone), 3 (a) (the Business General Zone), 3 (b) (the Neighbourhood Business Zone), 4 (a) (the Industrial General Zone), 4 (b) (the Industrial Light Zone) and 4 (c) (the Industrial Special Zone) under the 1991 plan, and
  - (b) to clarify that while dwellings and residential flat buildings are prohibited on land within Zone Nos 3 (a), 3 (b), 4 (a), 4 (b) and 4 (c) under the 1991 plan:
    - (i) a single dwelling or a residential flat building attached to or used in conjunction with a shop or commercial premises is permissible on land within Zone No 3 (a) or 3 (b), and
    - (ii) a single dwelling or a residential flat building used in conjunction with an industry and situated on the same land as the industry is permissible on land within Zone No 4 (a), 4 (b) or 4 (c), and
  - (c) to effect minor law revision.
- (2) The aim referred to in subclause (1) (a) was intended to have been given effect by amendments to be included in a plan that has since been made, being *Holroyd Local Environmental Plan 1991 (Amendment No 42)*.

Holroyd Local Environmental Plan 1991 (Amendment No 49)

Clause 3

---

**3 Land to which plan applies**

This plan applies to land situated in the City of Holroyd within Zone Nos 2 (a), 2 (c), 2 (d), 3 (a), 3 (b), 4 (a), 4 (b) and 4 (c) under *Holroyd Local Environmental Plan 1991*.

**4 Amendment of Holroyd Local Environmental Plan 1991**

*Holroyd Local Environmental Plan 1991* is amended as set out in Schedule 1.

Holroyd Local Environmental Plan 1991 (Amendment No 49)

Schedule 1 Amendments

---

## Schedule 1 Amendments

(Clause 4)

**[1] Clause 9 Zone objectives and development control table**

Insert “apartment buildings;” and “mixed use development;” in alphabetical order in the Table to the clause in Item 4 of the matter relating to Zone Nos 2 (a), 2 (c), 2 (d), 3 (b), 4 (a), 4 (b) and 4 (c).

**[2] Clause 9, Table**

Omit “Brothels;” from Item 4 of the matter relating to Zone No 3 (a).

Insert instead “Apartment buildings; brothels;”.

**[3] Clause 9, Table**

Omit “dwellings and residential flat buildings (other than those attached to or used in conjunction with shops or commercial premises or otherwise permitted under clause 32);” from Item 4 of the matter relating to Zone No 3 (a).

Insert instead “dwellings (other than a single dwelling attached to or used in conjunction with shops or commercial premises);”.

**[4] Clause 9, Table**

Insert “mixed use development;” in alphabetical order in Item 4 of the matter relating to Zone No 3 (a).

**[5] Clause 9, Table**

Insert “residential flat buildings (other than a residential flat building attached to or used in conjunction with shops or commercial premises or otherwise permitted under clause 32);” in alphabetical order in Item 4 of the matter relating to Zone No 3 (a).

**[6] Clause 9, Table**

Omit “dwellings and residential flat buildings (other than those attached to or used in conjunction with shops or commercial premises);” from Item 4 of the matter relating to Zone No 3 (b).

Insert instead “dwellings (other than a single dwelling attached to or used in conjunction with shops or commercial premises);”.

**[7] Clause 9, Table**

Insert “residential flat buildings (other than a residential flat building attached to or used in conjunction with shops or commercial premises);” in alphabetical order in Item 4 of the matter relating to Zone No 3 (b).

Holroyd Local Environmental Plan 1991 (Amendment No 49)

Amendments

Schedule 1

---

**[8] Clause 9, Table**

Omit “dwellings and residential flat buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted);” from Item 4 of the matter relating to Zone No 4 (a).

Insert instead “dwellings (other than a single dwelling used in conjunction with an industry and situated on the same land as the industry);”.

**[9] Clause 9, Table**

Insert “residential flat buildings (other than a residential flat building used in conjunction with an industry and situated on the same land as the industry);” in alphabetical order in Item 4 of the matter relating to Zone Nos 4 (a), 4 (b) and 4 (c).

**[10] Clause 9, Table**

Omit “dwellings and residential flat buildings (other than those used in conjunction with industry and situated on the same land as the industry);” wherever occurring in Item 4 of the matter relating to Zone Nos 4 (b) and (4) (c).

Insert instead “dwellings (other than a single dwelling used in conjunction with an industry and situated on the same land as the industry);”.

**[11] Clause 10 Advertising of certain development applications**

Omit “or a residential flat building” from clause 10 (1) (b).

Insert instead “, a residential flat building, an apartment building or a mixed use development”.

**[12] Clause 35 Development standards—floor space ratios**

Omit “residential flat” from clause 35 (8).





New South Wales

# Hunter's Hill Local Environmental Plan No 51

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000030/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Hunter's Hill Local Environmental Plan No 51

---

## Hunter's Hill Local Environmental Plan No 51

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Hunter's Hill Local Environmental Plan No 51*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 6 (b) (Recreation Private) to Zone No 2 (a3) (Residential "A3") under *Hunter's Hill Local Environmental Plan No 1*.

### 3 Land to which plan applies

This plan applies to Lot 107, DP 1057852, and known as Nos 1–5 North Parade, Hunters Hill, as shown edged heavy black and lettered "2 (a3)" on the map marked "Hunter's Hill Local Environmental Plan No 51" deposited in the office of the Hunter's Hill Council.

### 4 Amendment of Hunter's Hill Local Environmental Plan No 1

*Hunter's Hill Local Environmental Plan No 1* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Hunter's Hill Local Environmental Plan No 51



New South Wales

## **Murray Local Environmental Plan 1989 (Amendment No 12)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q03/00249/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Murray Local Environmental Plan 1989 (Amendment No 12)

---

## Murray Local Environmental Plan 1989 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Murray Local Environmental Plan 1989 (Amendment No 12)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies to Zone No 2 (v) (Village or Urban) under *Murray Local Environmental Plan 1989* so as to allow development for commercial purposes.

### 3 Land to which plan applies

This plan applies to Lot 1, DP 834746 and Lot 50, DP 840058, bounded by Perricoota, Kirchoffer and Boundary Roads and the Cobb Highway, Moama, Parish of Moama and County of Cadell, as shown edged heavy black and lettered "2 (v)" on the map marked "Murray Local Environmental Plan 1989 (Amendment No 12)" deposited in the offices of the Murray Shire Council.

### 4 Amendment of Murray Local Environmental Plan 1989

*Murray Local Environmental Plan 1989* is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Murray Local Environmental Plan 1989 (Amendment No 12)



New South Wales

## **Pittwater Local Environmental Plan 1993 (Amendment No 77)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000075/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Pittwater Local Environmental Plan 1993 (Amendment No 77)

---

## **Pittwater Local Environmental Plan 1993 (Amendment No 77)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 77)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 1 (a) (Non-urban "A") to Zone No 7 (a) (Environment Protection "A") under *Pittwater Local Environmental Plan 1993 (the 1993 plan)*, and
- (b) to allow, with the consent of Pittwater Council:
  - (i) the subdivision of part of the land into 2 lots, one lot being land within Zone No 7 (a) (Environment Protection "A") and the residual lot being land within Zone No 1 (a) (Non-urban "A") under the 1993 plan, and
  - (ii) the erection of a dwelling-house on the residual lot, and
- (c) to allow, with the consent of the Council, the erection of a dwelling-house on each of 5 existing rural residential lots, being land within Zone No 1 (a) (Non-urban "A") under the 1993 plan.

### **3 Land to which plan applies**

- (1) To the extent that this plan rezones land, it applies to part of Lot 3, Section F, DP 11784, Ingleside Road, Ingleside, as shown coloured orange on Sheet 2 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 77)" deposited in the office of the Council of Pittwater.
- (2) To the extent that this plan allows the subdivision of land and the erection of a dwelling-house on certain land, it applies to Lot 3, Section F, DP 11784, Ingleside Road, Ingleside, as shown edged heavy black on Sheet 1 of that map.

Pittwater Local Environmental Plan 1993 (Amendment No 77)

Clause 4

- 
- (3) To the extent that this plan allows the erection of dwelling-houses on certain other land, it applies to Lots 74, 79, 83, 84 and 85, Section B, DP 11784, Ingleside Road, Ingleside, as shown edged heavy black on Sheet 1 of that map.

**4 Amendment of Pittwater Local Environmental Plan 1993**

*Pittwater Local Environmental Plan 1993* is amended as set out in Schedule 1.

Pittwater Local Environmental Plan 1993 (Amendment No 77)

Schedule 1 Amendments

---

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

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

Pittwater Local Environmental Plan 1993 (Amendment No 77)—  
Sheet 2

### [2] Clause 14B

Insert after clause 14A:

#### 14B Subdivision of certain land at Ingleside Road, Ingleside

- (1) This clause applies to Lot 3, Section F, DP 11784, Ingleside Road, Ingleside.
- (2) Despite any other provision of this plan, the council may consent to the subdivision of the land to which this clause applies so as to create 2 lots, one of which comprises land within Zone No 7 (a) as shown coloured orange on Sheet 2 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 77)” and the other lot comprising the residue, being land within Zone No 1 (a).

### [3] Clause 17C

Insert after clause 17B:

#### 17C Dwelling-houses on certain land at Ingleside Road, Ingleside

- (1) This clause applies to Lot 3, Section F, DP 11784, Ingleside Road, Ingleside.
- (2) Despite any other provision of this plan, a person may, with the consent of the council, erect a dwelling-house on the residue lot within Zone No 1 (a) created pursuant to a subdivision of land under clause 14B.
- (3) The council must not grant consent to development for the purposes of a dwelling-house on the lot referred to in subclause (2) unless:
  - (a) satisfactory provision has been made with the Sydney Water Corporation for the supply of water to that lot, and
  - (b) in the opinion of the council, adequate vehicular access to that lot is available, and



Pittwater Local Environmental Plan 1993 (Amendment No 77)

Amendments

Schedule 1

- 
- (c) in the opinion of the council, adequate provision has been made in relation to that lot for stormwater management, water quality and effluent control and the disposal of sewage, and
  - (d) in the opinion of the council, adequate provision has been made in relation to that lot for bush fire management.
- (4) The council must not grant consent to the carrying out of development unless the consent includes a condition requiring that development is not to commence unless satisfactory arrangements have been made for obtaining a section 73 Compliance Certificate from the Sydney Water Corporation in relation to the provision, adjustment or amplification of water, sewerage or stormwater systems, as required by that Corporation.

**[4] Schedule 12 Development of certain land at Ingleside**

Insert in numerical order of street number in respect of Ingleside Road, Ingleside:

Lot 74, Section B, DP 11784,  
No 2 Ingleside Road,  
Ingleside.

Lot 79, Section B, DP 11784,  
No 10 Ingleside Road,  
Ingleside.

Lot 83, Section B, DP 11784,  
No 16 Ingleside Road,  
Ingleside.

Lot 84, Section B, DP 11784,  
No 18 Ingleside Road,  
Ingleside.

Lot 85, Section B, DP 11784,  
No 20 Ingleside Road,  
Ingleside.



New South Wales

## Rockdale Local Environmental Plan No 172

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/00755/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Rockdale Local Environmental Plan No 172

---

## Rockdale Local Environmental Plan No 172

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Rockdale Local Environmental Plan No 172*.

### 2 Aims of plan

The aims of this plan are, in relation to the Tempe House site at Arncliffe:

- (a) to refine the overall masterplanning for the Discovery Point precinct at that site by reconfiguring building envelopes and redistributing floor space between development sites, and
- (b) to improve the amenity of the public domain, and
- (c) to improve residential amenity, and
- (d) to improve the amenity and viability of the retail and commercial formats, and
- (e) to provide more practical and feasible building solutions for development sites over the rail line, and
- (f) to retain key aspects of the approved masterplan for the area including permissible land uses and total floor space areas, maximum building heights, public domain and landscape principles, conservation of heritage items, view corridors, and environmental management principles.

### 3 Land to which plan applies

This plan applies to the Tempe House site at Arncliffe, which is the land to which Clause 46D of *Rockdale Planning Scheme Ordinance* applies, that is, the land bounded by the Princes Highway on the east, Cooks River on the north, the Illawarra Railway Line on the west, and Lusty and Arncliffe Streets on the south, as shown coloured aqua with red edging and lettered 10 (a1) or dark green with red edging and lettered H on Sheet 1 of the map marked "Rockdale Local Environmental Plan No 149" deposited in the office of Rockdale City Council.

Rockdale Local Environmental Plan No 172

Clause 4

---

**4 Amendment of Rockdale Planning Scheme Ordinance**

*Rockdale Planning Scheme Ordinance* is amended as set out in Schedule 1.

Rockdale Local Environmental Plan No 172

Schedule 1 Amendments

---

## Schedule 1 Amendments

(Clause 4)

- [1] **Clause 46D Development of “Tempe House” site—general considerations**  
Omit the definition of *DCP No 45* from clause 46D (2).
- [2] **Clause 46D (2), definition of “Development site”**  
Omit “and further described generally in the survey plan prepared by Hard and Forester Consulting Surveyors dated February 2000 and numbered 94900013 Revision 03 deposited in the office of Rockdale City Council”.
- [3] **Clause 46D (2), definition of “Height Control Map”**  
Omit the definition. Insert instead:  
*Height Control Map* means Sheet 1 of the map marked “Rockdale Local Environmental Plan No 172”.
- [4] **Clause 46D (2), definition of “Land Use Map”.**  
Omit “Rockdale Local Environmental Plan No 149”.  
Insert instead “Rockdale Local Environmental Plan No 172”.
- [5] **Clause 46D (5) (e)–(e3)**  
Omit clause 46D (5) (e). Insert instead:
- (e) the gross floor area of all buildings on all of the development sites will not exceed 167,504m<sup>2</sup>, and
  - (e1) the maximum gross floor space for the development site as indicated in Table B to this clause will be met, and
  - (e2) either:
    - (i) the minimum non-residential floor space for the development site as indicated in Table C to this clause will be met, or
    - (ii) a development consent is in force for the development of at least 54,337m<sup>2</sup> of non-residential gross floor area on land to which this clause applies, and
  - (e3) the number of underground car parking spaces on land to which this clause applies will not exceed 2,210, and

Rockdale Local Environmental Plan No 172

Amendments

Schedule 1

**[6] Clause 46D (7) (b)**

Omit “Column 4 of Table A and”.

**[7] Clause 46D (8) (d)**

Omit clause 46D (8) (d) and (e). Insert instead:

(d) unless either:

- (i) the minimum non-residential floor space for the development site as indicated in Table C to this clause will be met, or
- (ii) a development consent is in force for the development of at least 54,337m<sup>2</sup> of non-residential gross floor area on land to which this clause applies.

**[8] Clause 46D (9) (c)**

Omit “and DCP No 45”.

**[9] Clause 46D, Table A**

Omit Column 4 from the Table.

**[10] Clause 46D, Tables B and C**

Omit the Tables. Insert instead:

**Table B—Maximum permitted gross floor space**

<b>Development site</b>	<b>Area (m<sup>2</sup>)</b>
1	13,494
2	8,609
3	26,010
4	8,620
5	16,611
6	21,017
7	17,130
8	41,795
9	14,218

## Rockdale Local Environmental Plan No 172

## Schedule 1 Amendments

---

**Table C—Minimum non-residential gross floor space**

<b>Development site</b>	<b>Area (m<sup>2</sup>)</b>
1	730
2	560
3	7,600
4	—
5	—
6	597
7	2,500
8	41,700
9	650

---



New South Wales

## **Scone Local Environmental Plan 1986 (Amendment No 56)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00272/S69)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1            Scone Local Environmental Plan 1986 (Amendment No 56)

---

## **Scone Local Environmental Plan 1986 (Amendment No 56)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Scone Local Environmental Plan 1986 (Amendment No 56)*.

### **2 Aims of plan**

This plan aims to allow, with the consent of the Upper Hunter Shire Council, the carrying out of development on the land to which this plan applies for the purpose of a “cellar door” wine sales facility, such a facility being commercial premises which are prohibited on land within Zone No 1 (i) (the Intensive Agricultural Zone) under *Scone Local Environmental Plan 1986*.

### **3 Land to which plan applies**

This plan applies to Lot 1, DP 129796, Hunter Road, Moonan Flat, as shown edged heavy black on the map marked “Scone Local Environmental Plan 1986 (Amendment No 56)” deposited in the office of the Upper Hunter Shire Council.

### **4 Amendment of Scone Local Environmental Plan 1986**

*Scone Local Environmental Plan 1986* is amended by inserting at the end of Schedule 6 in Columns 1 and 2, respectively, the following words:

“Cellar door” wine sales facility.    Lot 1, 129796, Hunter Road, Moonan Flat, as shown edged heavy black on the map marked “Scone Local Environmental Plan 1986 (Amendment No 56)”.



New South Wales

## **Shoalhaven Local Environmental Plan 1985 (Amendment No 228)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2000604/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 228)

---

## Shoalhaven Local Environmental Plan 1985 (Amendment No 228)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 228)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 5 (e) (the Special Uses “E” (Proposed Local Roads Reservation and Widening of Local Roads Reservation) Zone) to partly Zone No 3 (b) (the Business “B” (Transitional) Zone) and partly Zone No 5 (e) (the Special Uses “E” (Proposed Local Roads Reservation and Widening of Local Roads Reservation) Zone) under *Shoalhaven Local Environmental Plan 1985* so as:

- (a) to provide for the use of part of the land for commercial purposes, and
- (b) to provide a straight alignment to the road reservation along the western side of Burr Avenue, Nowra.

### 3 Land to which plan applies

This plan applies to land situated in the City of Shoalhaven, being certain land fronting Worrigea and Plunkett Streets and Burr Avenue, Nowra, as shown distinctively coloured, edged with heavy black lines or broken black lines and lettered “3 (b)” or “5 (e)” on the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 228)” deposited in the office of the Council of the City of Shoalhaven.

### 4 Amendment of Shoalhaven Local Environmental Plan 1985

*Shoalhaven Local Environmental Plan 1985* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Shoalhaven Local Environmental Plan 1985 (Amendment No 228)



New South Wales

## **Snowy River Local Environmental Plan 1997 (Amendment No 13)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (QUE0000194/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Snowy River Local Environmental Plan 1997 (Amendment No 13)

---

## **Snowy River Local Environmental Plan 1997 (Amendment No 13)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Snowy River Local Environmental Plan 1997 (Amendment No 13)*.

### **2 Aims of plan**

This plan aims to add certain properties to Schedule 7 (Heritage items) to *Snowy River Local Environmental Plan 1997*.

### **3 Land to which plan applies**

This plan applies to land known as follows:

- (a) Ashfield, Lot 118, DP 720173, Parish of Crackenback,
- (b) Barrymore, Lot 26, DP 270225, Parish of Abington,
- (c) Coolringdon, Lot 2, DP 522635, Parish of Gungarlin,
- (d) Flanagans Hut, Lot 35, DP 756696, Parish of Gungarlin,
- (e) Gaden Trout Hatchery, Lot 1, DP 434685, Parish of Crackenback,
- (f) Narelles Hut, Lot 109, DP 756714, Parish of Murroo,
- (g) Rocky Plain Public School, Lot 184, DP 756709, Parish of Middlingbank,
- (h) Wee Wah, Lot 15, DP 756727, Parish of Townsend.

### **4 Amendment of Snowy River Local Environmental Plan 1997**

*Snowy River Local Environmental Plan 1997* is amended as set out in Schedule 1.

Snowy River Local Environmental Plan 1997 (Amendment No 13)

Amendment

Schedule 1

---

## Schedule 1 Amendment

(Clause 4)

### Schedule 7 Heritage items

Insert after the matter relating to reference number 5.07 under the headings “Ref No”, “Item Description”, “Property Name” and “Property Location/Description”, respectively:

5.08	Rural Buildings	Ashfield	Lot 118 DP 720173, Parish of Crackenback
5.09	Rural Buildings	Barrymore	Lot 26 DP 270225, Parish of Abington
5.10	Gold Dredge	Coolringdon	Lot 2 DP 522635, Parish of Gungarlin
5.11	Stockman’s Hut	Flanagans Hut	Lot 35 DP 756696, Parish of Gungarlin
5.12	Buildings	Gaden Trout Hatchery	Lot 1 DP 434685, Parish of Crackenback
5.13	Ruins	Narelles Hut	Lot 109 DP 756714, Parish of Murroo
5.14	Former Schoolhouse	Rocky Plain Public School	Lot 184 DP 756709, Parish of Middlingbank
5.15	Rural Building	Wee Wah	Lot 15 DP 756727, Parish of Townsend



New South Wales

## **Tweed Local Environmental Plan 2000 (Amendment No 65)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (GRA6322720/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 65)

---

## **Tweed Local Environmental Plan 2000 (Amendment No 65)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 65)*.

### **2 Aims of plan**

This plan aims to amend *Tweed Local Environmental Plan 2000* to restore a dwelling house entitlement for the land to which this plan applies that was lost as a result of the widening and re-alignment of Tyalgum Road, Eungella.

### **3 Land to which plan applies**

This plan applies to Lot 1, DP 129075, Tyalgum Road, Eungella.

### **4 Amendment of Tweed Local Environmental Plan 2000**

*Tweed Local Environmental Plan 2000* is amended by inserting at the end of Schedule 3 under the heading “**Additional development permitted with development consent**” the following words:

Lot 1, DP 129075, Tyalgum Road, Eungella	Development for the purpose of a dwelling house.
---	---





New South Wales

## **Wentworth Local Environmental Plan 1993 (Amendment No 19)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q04/00003/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1           Wentworth Local Environmental Plan 1993 (Amendment No 19)

---

## **Wentworth Local Environmental Plan 1993 (Amendment No 19)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Wentworth Local Environmental Plan 1993 (Amendment No 19)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 1 (a) (the General Rural Zone) to Zone No 4 (a) (the General Industrial Zone) under *Wentworth Local Environmental Plan 1993* so as to provide for sufficient land for industrial purposes in a location the use of which is likely to have minimal impact on surrounding properties.

### **3 Land to which plan applies**

This plan applies to Lots 1 and 2 and part of Lot 3, DP 1010632, in the vicinity of the Silver City Highway and Corbett Avenue, Buronga, Parish of Gol Gol and County of Wentworth, as shown edged heavy black and lettered "4 (a)" on the map marked "Wentworth Local Environmental Plan 1993 (Amendment No 19)" deposited in the office of Wentworth Shire Council.

### **4 Amendment of Wentworth Local Environmental Plan 1993**

*Wentworth Local Environmental Plan 1993* is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Wentworth Local Environmental Plan 1993 (Amendment No 19)



New South Wales

## **Woollahra Local Environmental Plan 1995 (Amendment No 54)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000074/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Woollahra Local Environmental Plan 1995 (Amendment No 54)

---

## **Woollahra Local Environmental Plan 1995 (Amendment No 54)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 54)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 5 (the Special Use Zone) (School) to Zone No 2 (b) (the Residential “B” Zone) under *Woollahra Local Environmental Plan 1995*, and
- (b) to apply a maximum permissible floor space ratio of 0.75:1 for buildings erected on the land to which this plan applies.

### **3 Land to which plan applies**

This plan applies to part of No 21 Wilberforce Avenue, Rose Bay, known as Lot 111, DP 1076937, as shown coloured scarlet, edged red and lettered “2 (b)” on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 54)—Land Use Map” and edged heavy black on the map marked “Woollahra Local Environmental Plan 1995 (Amendment No 54)—Density Map” deposited in the office of Woollahra Municipal Council.

### **4 Amendment of Woollahra Local Environmental Plan 1995**

*Woollahra Local Environmental Plan 1995* is amended as set out in Schedule 1.

Woollahra Local Environmental Plan 1995 (Amendment No 54)

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 1 Definitions

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

Woollahra Local Environmental Plan 1995 (Amendment No 54)—Density Map

### [2] Schedule 1, definition of “land use map”

Insert in appropriate order:

Woollahra Local Environmental Plan 1995 (Amendment No 54)—Land Use Map

## Department of Primary Industries

### FISHERIES MANAGEMENT ACT 1994

Notification Under Section 163(7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2002

Notice of Receipt of Application for Aquaculture Lease

NSW Department of Primary Industries (DPI) incorporating NSW Fisheries advises that an application has been received from Andrew KASKOUTAS and Maria KASKOUTAS of Batemans Bay, for a new aquaculture (oyster) lease over public water land for the purposes of raft and intertidal cultivation of Sydney rock oysters. Location is Chinamans Point, Clyde River, for area to be known as AL05/001 (if granted), of approximately 1.836 hectares. The new lease will consist of 2 sections. Section 1 will encompass existing oyster lease OL75/206 (1.226 hectares), as well as new area of approximately 0.122 hectares. Section 2 will comprise of approximately 0.4880 hectares of former oyster lease OL71/172.

DPI is calling for written submissions from any person supporting or objecting to this oyster lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purposes of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL05/001, to be signed and dated with a return address. If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act 1994. Specific details of the proposed lease can be obtained, or enquiries made with DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification:

Director,  
Fisheries Management,  
Agriculture and Fisheries Division,  
Aquaculture Administration Section,  
Port Stephens Fisheries Centre,  
Locked Bag 1, Nelson Bay NSW 2315.

ANTHONY HURST,  
A/Director,  
Fisheries Management,  
Agriculture and Fisheries Division,  
Department of Primary Industries

### MINERAL RESOURCES

NOTICE is given that the following applications have been received:

#### ASSESSMENT LEASE APPLICATION

(05-284)

No. 33, PEREGRINE MINERAL SANDS NL (ACN 009 307 591), area of about 15 units, for ilmenite, leucoxene, monazite, rutile and zircon, dated 20 October 2005. (Broken Hill Mining Division).

#### EXPLORATION LICENCE APPLICATIONS

(05-279)

No. 2597, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), area of 9 units, for Group 2, dated 19 October 2005. (Sydney Mining Division).

(05-285)

No. 2602, SIBERIA MINING CORPORATION LIMITED (ACN 097 650 194), area of 95 units, for Group 1, dated 20 October 2005. (Wagga Wagga Mining Division).

(05-286)

No. 2603, SIBERIA MINING CORPORATION LIMITED (ACN 097 650 194), area of 1 unit, for Group 1, dated 20 October 2005. (Broken Hill Mining Division).

(05-287)

No. 2604, SIBERIA MINING CORPORATION LIMITED (ACN 097 650 194), area of 100 units, for Group 1, dated 20 October 2005. (Broken Hill Mining Division).

(05-288)

No. 2605, SIBERIA MINING CORPORATION LIMITED (ACN 097 650 194), area of 100 units, for Group 1, dated 20 October 2005. (Wagga Wagga Mining Division).

(05-289)

No. 2606, ZEDEX MINERALS LIMITED (ACN 107 523 428), area of 11 units, for Group 1, dated 21 October 2005. (Armidale Mining Division).

(05-290)

No. 2607, SHIELD ENERGY LTD (ACN 114 702 831), area of 11 units, for Group 1 and Group 2, dated 21 October 2005. (Inverell Mining Division).

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

NOTICE is given that the following application has been granted:

#### EXPLORATION LICENCE APPLICATION

(05-2637)

No. 2532, now Exploration Licence No. 6467, WARATAH COAL PTY LTD (ACN 114 165 669), County of Fitzroy, area of 5681 hectares, for Group 9, dated 12 October 2005, for a term until 11 October 2007.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

**EXPLORATION LICENCE APPLICATION**

(05-094)

No. 2478, NORTHERN ENERGY CORPORATION LIMITED (ACN 081 244 395), County of Arrawatta, Map Sheet (9139). Withdrawal took effect on 10 October 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

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

(T97-1287)

Exploration Licence No. 5393, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 4 units. Application for renewal received 21 October 2005.

(T99-0101)

Exploration Licence No. 5655, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 3 units. Application for renewal received 21 October 2005.

(T00-0059)

Exploration Licence No. 5793, GOLDEN REEF ENTERPRISES PTY LTD (ACN 008 138 136), area of 8 units. Application for renewal received 17 October 2005.

(T03-0082)

Exploration Licence No. 6150, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 21 units. Application for renewal received 17 October 2005.

(T03-0836)

Exploration Licence No. 6162, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 49 units. Application for renewal received 21 October 2005.

(T03-0119)

Exploration Licence No. 6163, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 4 units. Application for renewal received 21 October 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

**RENEWAL OF CERTAIN AUTHORITIES**

Notice is given that the following authorities have been renewed:

(T01-0191)

Exploration Licence No. 5958, GREENSHIRE PTY LIMITED (ACN 006 790 325), Counties of Menindee and Yancowinna, Map Sheet (7133, 7134), area of 74 units, for a further term until 23 June 2007. Renewal effective on and from 19 October 2005.

(05-1351)

Consolidated Coal Lease No. 745 (Act 1973), GUJARAT NRE AUSTRALIA PTY LIMITED (ACN 111 244 896), Parish of Cordeaux, County of Camden; Parish of Wallandoola,

County of Camden; Parish of Woonona, County of Camden and Parish of Wedderburn, County of Cumberland, Map Sheet (9029-2-N, 9029-3-N), area of 6420 hectares, for a further term until 30 December 2023. Renewal effective on and from 7 October 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

**TRANSFERS**

(05-4274)

Consolidated Coal Lease No. 766 (Act 1973), formerly held by HTT HUNTLEY HERITAGE PTY LIMITED (ACN 086 238 682), has been transferred to GUJARAT NRE FCGL PTY LTD (ACN 111 928 762). The transfer was registered on 7 October 2005.

(T01-0200)

Exploration Licence No. 5944, formerly held by SUPERSORB MINERALS NL (receivers and managers appointed) (ACN 078 002 365), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 22 June 2005.

(05-1309)

Mining Lease No. 975 (Act 1973), formerly held by AUSTRALIAN DIATOMITE MINING PTY LIMITED (ACN 002 129 713), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 14 October 2005.

(05-1309)

Mining Lease No. 976 (Act 1973), formerly held by AUSTRALIAN DIATOMITE MINING PTY LIMITED (ACN 002 129 713), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 14 October 2005.

(05-1309)

Mining Lease No. 1178 (Act 1973), formerly held by AUSTRALIAN DIATOMITE MINING PTY LIMITED (ACN 002 129 713), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 14 October 2005.

(05-1309)

Mining Lease No. 1195 (Act 1973), formerly held by AUSTRALIAN DIATOMITE MINING PTY LIMITED (ACN 002 129 713), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 14 October 2005.

(05-1309)

Mining Lease No. 1217 (Act 1973), formerly held by AUSTRALIAN DIATOMITE MINING PTY LIMITED (ACN 002 129 713), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 14 October 2005.

(05-1309)

Mining Lease No. 1256 (Act 1973), formerly held by AUSTRALIAN DIATOMITE MINING PTY LIMITED (ACN 002 129 713), has been transferred to ADE ENVIRONMENTAL PTY LTD (ACN 111 779 232). The transfer was registered on 14 October 2005.

(05-4496)

Mining Lease No. 1360 (Act 1992), formerly held by GLOUCESTER COAL LTD (ACN 008 881 712), CIM STRATFORD PTY LTD (ACN 070 387 914) and ICA COAL PTY LTD (ACN 066 784 558), has been transferred to CIM STRATFORD PTY LTD (ACN 070 387 914) and GLOUCESTER COAL LTD (ACN 008 881 712). The transfer was registered on 7 October 2005.

(05-4496)

Mining Lease No. 1409 (Act 1992), formerly held by GLOUCESTER COAL LTD (ACN 008 881 712), CIM STRATFORD PTY LTD (ACN 070 387 914) and ICA COAL PTY LTD (ACN 066 784 558), has been transferred to CIM STRATFORD PTY LTD (ACN 070 387 914) and GLOUCESTER COAL LTD (ACN 008 881 712). The transfer was registered on 7 October 2005.

(05-4496)

Mining Lease No. 1447 (Act 1992), formerly held by GLOUCESTER COAL LTD (ACN 008 881 712), CIM STRATFORD PTY LTD (ACN 070 387 914) and ICA COAL PTY LTD (ACN 066 784 558), has been transferred to CIM STRATFORD PTY LTD (ACN 070 387 914) and GLOUCESTER COAL LTD (ACN 008 881 712). The transfer was registered on 7 October 2005.

(05-4496)

Mining Lease No. 1528 (Act 1992), formerly held by GLOUCESTER COAL LTD (ACN 008 881 712), CIM STRATFORD PTY LTD (ACN 070 387 914) and ICA COAL PTY LTD (ACN 066 784 558), has been transferred to CIM STRATFORD PTY LTD (ACN 070 387 914) and GLOUCESTER COAL LTD (ACN 008 881 712). The transfer was registered on 7 October 2005.

(05-4496)

Mining Lease No. 1538 (Act 1992), formerly held by GLOUCESTER COAL LTD (ACN 008 881 712), CIM STRATFORD PTY LTD (ACN 070 387 914) and ICA COAL PTY LTD (ACN 066 784 558), has been transferred to CIM STRATFORD PTY LTD (ACN 070 387 914) and GLOUCESTER COAL LTD (ACN 008 881 712). The transfer was registered on 7 October 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources



# Roads and Traffic Authority

## ROAD TRANSPORT (GENERAL) ACT 2005

General Class 3 Concrete Pipe Carrier Notice under Division 5 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of Part 2, Division 5 of the Road Transport (Mass, Loading and Access) Regulation 2005, by this Notice, exempt vehicles carrying concrete pipes from the provisions of Clause 75 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, subject to the conditions and requirements set out in this Notice.

PAUL FORWARD,  
Chief Executive,  
Roads and Traffic Authority

## INDEX

### Part 1 Preliminary

- 1.1 Citation
- 1.2 Commencement
- 1.3 Interpretations
- 1.4 Effect
- 1.5 Application

### Part 2 Operating and travel requirements

- 2.1 Operating requirements
- 2.2 Travel requirements

### Part 3 Dimension limits

- 3.1 Width of vehicles and loads
- 3.2 Compliance with other dimension limits

### Part 4 Definitions

#### Part 1 – Preliminary

- 1.1 Citation
 

This Notice may be cited as the General Class 3 Concrete Pipe Carrier Notice 2005.
- 1.2 Commencement
 

This Notice takes effect on 2 November 2005.
- 1.3 Interpretations
  - 1.3.1 Unless stated otherwise, words and expressions used in this Notice that are defined in Part 4 of this Notice or the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 2005 have the same meanings as those set out in that Part or that Dictionary.
  - 1.3.2 Except where a contrary intention is indicated, the index, diagrams and notes in the text of this Notice do not form part of this Notice.
- 1.4 Effect
 

This Notice remains in force until 28 February 2006 unless it is amended or repealed earlier.

#### 1.5 Application

- 1.5.1 This Notice applies provided that the motor vehicles, of the kind described in clause 1.5.2 are operated in accordance with the operation and travel requirements in Part 2 to this Notice.
- 1.5.2 This Notice applies to a Class 3 vehicle used to carry concrete pipes loaded transversely which does not, apart from its load of concrete pipes, exceed 2.5 metres in width.

Note: The concessional arrangements allowed by this Notice do not apply to B-doubles or road trains

#### Part 2 – Operating and travel requirements

##### 2.1 Operating requirements

- 2.1.1 A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment whenever the vehicle is operating as a Class 3 vehicle carrying concrete pipes and must be produced to a police officer or an authorised officer when requested.

##### 2.2 Travel requirements

- 2.2.1 A Class 3 vehicle carrying concrete pipes wider than 2.5 m must comply with the provisions of Part 4 – Requirements for Class 1 Vehicles (Other than Agricultural Machines or Agricultural Implements) of the General Class 1 Oversize Notice 2002.
- 2.2.2 For the purposes of this Notice, the following roads in Emu Plains are deemed to be included in the Sydney Metropolitan Travel Zone for Overdimension Notices in Part 6 of the General Class 1 Oversize Notice 2002:  
M4 Motorway, Russell Street, Old Bathurst Road, Great Western Highway.

#### Part 3 – Dimension limits

- 3.1 The width of any load of concrete pipes carried on a Class 3 vehicle operating under this Notice must not exceed 2.65 metres.
- 3.2 A Class 3 vehicle and its load must comply with all other dimension limits provided in the Regulations, including those relating to overhangs.

#### Part 4 – Definitions

- “authorised officer” means a person employed by the RTA as an enforcement officer.
- “Class 3 vehicle” means a restricted access vehicle other than a Class 1 vehicle or a Class 2 vehicle.
- “information sheet” means advice published or adopted by the Authority (and available on request from the Authority).

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

IAN REYNOLDS,  
General Manager,  
Blacktown City Council  
(by delegation from the Minister for Roads),  
14 October 2005

**SCHEDULE****1. Citation**

This Notice may be cited as Blacktown City Council 25 Metre B-Double Route Notice No. 8/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 1 July 2006, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

Type	Road Name	Starting Point	Finishing Point
25	Fourth Avenue	Sunnyholt Road	Boral Concrete Plant

**ROAD TRANSPORT (GENERAL) ACT 2005**

Notice Under the Road Transport (Mass, Loading and Access) Regulation 2005

NARRABRI SHIRE COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which Road Trains may be used.

IAN McCALLUM,  
General Manager,  
Narrabri Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as the Narrabri Shire Council Road Train Repeal Notice No. 1/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Amendment**

The Narrabri Shire Council Road Trains Notice No. 2/2004 is amended by omitting the following from that Notice:

Type	Road	Starting point	Finishing point
RT	Namoi Street, Narrabri	Saleyards Lane	Barwan Street

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

G. L. P. FLEMING,  
General Manager,  
Cabonne Council  
(by delegation from the Minister for Roads),  
25 October 2005

---

**SCHEDULE**
**1. Citation**

This Notice may be cited as Cabonne Council 25 Metre B-Doubles Notice No. 1/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until five (5) years from the date of approval unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	MR238	Nangar Road, Cabonne Council	Nanima Street, Eugowra	Entrance to Oakleigh Feedlot, 1315 Nangar Road	80km/h speed limit applies for B-Doubles

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

PAUL BENNETT,  
General Manager,  
Narromine Shire Council  
(by delegation from the Minister for Roads),  
25 October 2005

**SCHEDULE****1. Citation**

This Notice may be cited as Narromine Shire Council Road Train Notice No. 3/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 31 January 2006, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

Road Train routes within the Narromine Shire Council.

Type	Road No.	Road Name	Conditions
RT	000	<p>All local and regional roads within Narromine Shire Council area that are situated west of the Newell Highway and outside the town areas of Narromine and Trangie.</p> <p>Within the town of Narromine, travel is restricted to the following roads:</p> <ul style="list-style-type: none"> <li>• Existing Road Train Routes;</li> <li>• Cathundril Street from Dandaloo Street to A'Beckett Street;</li> <li>• Warren Road from the Mitchell Highway to the Narromine/Eumungerie Road;</li> <li>• Old Backwater Road from Dandaloo Street to Fifth Avenue;</li> <li>• Nellie Vale Road from Dandaloo Street to Algalah Street; and</li> <li>• Dappo Road from Algalah Street to A'Beckett Street.</li> </ul> <p>Within the town of Trangie, travel is restricted to the following roads:</p> <ul style="list-style-type: none"> <li>• Existing Road Train routes;</li> <li>• Mungery Street;</li> <li>• Harris Street from Campbell Street to Bimble Box Lane;</li> <li>• Campbell Street from Harris Street to Nicholas Street;</li> <li>• Bimble Box Lane from Mungery Street to Mitchell Highway; and</li> <li>• Weemabah Street from the Mitchell Highway to Trangie Rural Traders.</li> </ul>	<p>Routes will operate from 1 November 2005 to 31 January 2006.</p> <p>Travel is not permitted on the following roads between Narromine and Trangie, for that part of them that lie between the Mitchell Hwy and the railway line:</p> <ul style="list-style-type: none"> <li>• "Silverdale" access;</li> <li>• Herrings Lane; and</li> <li>• Mungeribar Lane.</li> </ul> <p>Travel is not permitted on the following roads between Narromine and Tomingley West, for that part of them that lie between the Peak Hill Railway Road and the railway line:</p> <ul style="list-style-type: none"> <li>• Haberworth Lane;</li> <li>• Hargreaves Road;</li> <li>• Fairview Road;</li> <li>• Tinks Lane; and</li> <li>• Wyanga Road.</li> </ul> <p>There is no access from local roads to the Newell Highway South of Dubbo.</p>

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

DAVID L. RAWLINGS,  
General Manager,  
Bombala Council  
(by delegation from the Minister for Roads),  
26 October 2005

---

SCHEDULE

**1. Citation**

This Notice may be cited as Bombala Council 25m B-Double Notice No. 3/2005.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

B-Double routes within Bombala Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	093	Delegate Road	“Riverview” via Delegate	Vic border	Vehicles exceeding 30 tonne must use low level crossing at Delegate River. Extension of existing route.

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road  
at Broadwater in the Bega Valley 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 Bega Valley Shire Council area, Parish of Yowaka and County of Auckland, shown as Lot 2 Deposited Plan 1002285.

(RTA Papers: 1/32.1250)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road  
at Canowindra in the Cabonne 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 Cabonne Council area, Parish of Canowindra and County of Bathurst, shown as:

Lots 5, 6 and 7 Deposited Plan 836346;

Lots 5, 6, 7 and 8 Deposited Plan 1056589; and

Lot 169 Deposited Plan 750368.

(RTA Papers: 72.1184)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road  
at Molong in the Cabonne 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 Cabonne Council area, Parish of Molong and County of Ashburnham, shown as Lots 41 and 42 Deposited Plan 709682.

(RTA Papers: FPP 7/72.120; RO 7/72.120)

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

Notice of Compulsory Acquisition of Land at Lidsdale  
in the Lithgow 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 Lithgow City Council area, Parish of Lidsdale and County of Cook, shown as Lot 7 Deposited Plan 1084545, partly comprising part of the land remaining in Certificate of Title Volume 5420 Folio 211.

The land is said to be in the possession of Lithgow City Council.

(RTA Papers: 5M2829; RO 18/258.160)

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

Notice of Compulsory Acquisition and Dedication as Public Road of Land between Yerryong and Bulee in the Shoalhaven 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 and further dedicates the land 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 Shoalhaven City Council area, Parishes of Jerrawangala, Tianjara, Boolijah, Sassafras, St George and Coolumburra and County of St Vincent, shown as:

Lot 31 Deposited Plan 1075211, being part of the land in Certificate of Title Auto Consol 4646-17;

Lots 32 and 33 Deposited Plan 1075211, being parts of the land in Certificate of Title Auto Consol 3174-32;

Lots 64 to 68 inclusive Deposited Plan 1075869;

Lots 100 to 111 inclusive Deposited Plan 1078152;

Lots 11 and 12 Deposited Plan 1080225, being parts of the land in Certificate of Title 38/755956; and

Lots 13 to 32 inclusive Deposited Plan 1080225;

excluding any existing easements from the compulsory acquisition of the land listed above.

The Lots comprise the whole of the land revoked from Jerrawangala and Morton National Parks by the National Parks and Wildlife (Further Adjustment of Areas) Act 2005 No 60 and is said to be in the possession of the Minister administering the National Parks and Wildlife Act 1974.

(RTA Papers: FPP 5M3308; RO 404.1396)

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

Notice of Compulsory Acquisition and Dedication as Public Road of Land at Medlow Bath 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 and further dedicates the land 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 Blue Mountains City Council area, Parish of Kanimbla and County of Cook, shown as:

Lot 10 Deposited Plan 1072922 being part of the land confirmed for railway purposes by notification in the Government Gazette of 19 May 1865 on page 1076; and

Lot 11 Deposited Plan 1072922 being part of the land resumed for railway purposes by notification in Government Gazette No 365 of 6 June 1902 on page 4114.

The land is said to be in the possession of Rail Corporation New South Wales.

(RTA Papers: FPP 5M2416; RO 5/44.12327)

**ROADS ACT 1993**

Order - Section 31

Fixing or Varying of Levels of parts of Windsor Road  
in the Baulkham Hills Shire 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 parts of Windsor Road, between Roxborough Park Road and Norwest Boulevard in Baulkham Hills, as shown on Roads and Traffic Authority plan No. 0184.031.MD.0003 and between Acres Road and Old Windsor Road at Kellyville as shown on RTA drawing number 0184.031.MD.0002.

Peter Cook  
Project Manager  
Roads and Traffic Authority of New South Wales  
PO Box 558, Blacktown 2148

(RTA Papers: FPP 31.5357; RO 31-11087 and 31-11088)



## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8, 25 and 51 of the Anti-Discrimination Act 1977, to the WESTERN NSW COMMUNITY LEGAL CENTRE INC to advertise and employ persons in the following positions:

- an Indigenous Front Desk Administrator;
- a female Indigenous Field Officer; and
- a female Rural Women's Outreach Solicitor.

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

Dated this 17th day of October 2005.

BOB DEBUS, M.P.,  
Attorney General

### ART GALLERY OF NEW SOUTH WALES ACT 1980

#### De-accessioning of items from the collection of the Art Gallery of New South Wales

HER Excellency the Governor, with the advice of the Executive Council has approved, pursuant to section 10 of the Art Gallery of New South Wales Act 1980, the de-accessioning of the following items:

- *Adventure series #5 and #7* 2003-04 edition 18/25 by Tracey Moffatt,
- *Lord Nelson* After John Flaxman (1755-1826),
- 274.1988 *Untitled 1985*, Polaroid photograph by Debra Phillips,
- 274.1988 *Untitled 1985*, Polaroid photograph by Debra Phillips,
- 274.1988 *Untitled 1985*, Polaroid photograph by Debra Phillips,
- 274.1988 *Untitled 1985*, Polaroid photograph by Debra Phillips.

BOB DEBUS, M.P.,  
Minister for the Arts

### BANKS AND BANK HOLIDAYS ACT 1912

#### Proclamation

(L.S.) 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 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Sunday, 25 December 2005, to be observed as a public holiday throughout New South Wales.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

### EDUCATION ACT 1990

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

#### Notice of Compulsory Acquisition of Land for Public School

THE Minister for Education and Training with the approval of Her Excellency the Governor, declares by delegate 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 Education Act 1990.

Dated at Sydney, this 25th day of October 2005.

RAY MASTERTON,  
Manager,  
Sites and Office Accommodation  
(delegate of the Minister for Education and Training)

#### SCHEDULE

All that piece or parcel of land situate in the Local Government Area of Gosford, Parish of Patonga and County of Northumberland, containing an area of 148.6 square metres or thereabouts and being Lot 1, Deposited Plan 1035922.

### ELECTRONIC TRANSACTIONS ACT 2000

#### Establishment of Case Management System

I, BOB DEBUS, M.P., establish CourtLinkNSW as an electronic case management system under section 14B of the Electronic Transactions Act 2000.

Dated: 25 October 2005.

BOB DEBUS, M.P.,  
Attorney General

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

#### Notice of Compulsory Acquisition of Land in the Local Government Area of Fairfield

THE Minister administering the Environmental Planning and Assessment Act 1979 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 Environmental Planning and Assessment Act 1979.

Dated at Sydney this 26th day of October 2005.

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Planning

## SCHEDULE

1. All that piece or parcel of land situated in the Local Government Area of Fairfield, Parish of Melville, County of Cumberland, being Lot 5, Deposited Plan 13961, being the whole of the land comprised in Folio Identifier 5/13961 said to be in the ownership of Anthony DIMECH.
2. All that piece or parcel of land situated in the Local Government Area of Fairfield, Parish of Melville, County of Cumberland, being Lot 6, Deposited Plan 13961, being the whole of the land comprised in Folio Identifier 6/13961 said to be in the ownership of Anthony DIMICH.

---

**FLUORIDATION OF PUBLIC WATER SUPPLIES  
ACT 1957**

Direction for the Addition of Fluorine to a  
Public Water Supply (Urbenville)

PURSUANT to section 6A of the Fluoridation of Public Water Supplies Act 1957, I, ROBYN KRUK, Director-General of the Department of Health, do hereby direct the Tenterfield Shire Council to add fluorine to the public water supply under its control to the village of Urbenville (in this notification referred to as the "Urbenville Water Supply").

This approval is subject to the following terms and conditions:

1. The Tenterfield Shire Council may only add fluorine to the Urbenville Water Supply in accordance with this approval and any provisions, directions or approvals made or varied from time to time under the Fluoridation of Public Water Supplies Act 1957, the Code of Practice for the Fluoridation of Public Water Supplies made under that Act as in force from time to time, and the Fluoridation of Public Water Supplies Regulation 2002 or any subsequent Regulation made in its place; and
2. The Tenterfield Shire Council shall maintain the content of fluorine in the Urbenville Water Supply at a target concentration level of 1.0 mg/L with an overall accuracy of +/- 5% and within an operating range of not more than 1.5 mg/L and not less than 0.9 mg/L and generally in accordance with the provisions of Part 10 of the Code of Practice for the Fluoridation of Public Water Supplies; and
3. The Tenterfield Shire Council shall have commenced the upward adjustment of fluorine in the Urbenville Water Supply by no later than 30 November 2006, unless otherwise approved by the Chief Dental Officer of NSW Health or that officer's approved representative.

Signed at Sydney this 19th day of October 2005.

ROBYN KRUK,  
Director-General

---

**FLUORIDATION OF PUBLIC WATER SUPPLIES  
ACT 1957**

Direction for the Addition of Fluorine to a  
Public Water Supply (Tenterfield)

PURSUANT to section 6A of the Fluoridation of Public Water Supplies Act 1957, I, ROBYN KRUK, Director-General of the Department of Health, do hereby direct the

Tenterfield Shire Council to add fluorine to the public water supply under its control to the town of Tenterfield (in this notification referred to as the "Tenterfield Water Supply").

This approval is subject to the following terms and conditions:

1. The Tenterfield Shire Council may only add fluorine to the Tenterfield Water Supply in accordance with this approval and any provisions, directions or approvals made or varied from time to time under the Fluoridation of Public Water Supplies Act 1957, the Code of Practice for the Fluoridation of Public Water Supplies made under that Act as in force from time to time, and the Fluoridation of Public Water Supplies Regulation 2002 or any subsequent Regulation made in its place; and
2. The Tenterfield Shire Council shall maintain the content of fluorine in the Tenterfield Water Supply at a target concentration level of 1.0 mg/L with an overall accuracy of +/- 5% and within an operating range of not more than 1.5 mg/L and not less than 0.9 mg/L and generally in accordance with the provisions of Part 10 of the Code of Practice for the Fluoridation of Public Water Supplies; and
3. The Tenterfield Shire Council shall have commenced the upward adjustment of fluorine in the Tenterfield Water Supply by no later than 30 November 2006, unless otherwise approved by the Chief Dental Officer of NSW Health or that officer's approved representative.

Signed at Sydney this 19th day of October 2005.

ROBYN KRUK,  
Director-General

---

**FORESTRY ACT 1916**
**PROCLAMATION**

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

---

**SCHEDULE**

Central Division

*Land District of Tumbarumba North;  
Greater Hume Shire Council Area;  
Hume Forestry Region.*

Carabost State Forest No. 647, No. 18 Extension. An area of about 1311.3 hectares in the Parish of Bulalgee, County of Wynyard, being the land within Lot 170 in Deposited Plan 704919, Lot 2 in Deposited Plan 846993 and Lot 2 in Deposited Plan 1071285, EXCLUSIVE OF all public roads including Crown roads within the abovedescribed lands. (04/0548)

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

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

**GAME AND FERAL ANIMAL CONTROL  
REGULATION 2004**

Game Council NSW

Notification of Suspension of Schedule 1  
Conditions of NSW Game Hunting Licences

IN pursuance of the Game and Feral Animal Control Regulation 2004, the Game Council of NSW gives notice of:

The suspension of operations of provisions in Clauses 4, 5, 7, 8 and 9 of Schedule 1 of the Game and Feral Animal Control Regulation 2004 on the following specified land: Lots, PT3 and PO 1968/14Q, DP 754877; Lot 7, DP 227420; Lot B, 70961; Lots 7 and 9, DP 237079; Lot 18, DP 535179; Lot 16, DP 535180 and Lot 1, DP 584821 Bungendore and Lot 1, DP 1043928 Byabarra; for the period 1 November 2005 to 1 November 2007, for the control of wild deer on the land.

Approved by Game Council of NSW this 17th day of October 2005.

BRIAN BOYLE,  
Acting Chief Executive Officer,  
for and on behalf of the Game Council of NSW

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

Assigned Name: Macartney Oval.  
Designation: Reserve.  
L.G.A.: Randwick City Council.  
Parish: Botany.  
County: Cumberland.  
L.P.I. Map: Botany Bay.  
1:100,000 Map: Sydney 9130.  
Reference: GNB 5040.

Assigned Name: The Coast Hospital Memorial Park.  
Designation: Reserve.  
L.G.A.: Randwick City Council.  
Parish: Botany.  
County: Cumberland.  
L.P.I. Map: Botany Bay.  
1:100,000 Map: Sydney 9130.  
Reference: GNB 5040.

Assigned Name: Bob-a-Day Park.  
Designation: Reserve.  
L.G.A.: Randwick City Council.  
Parish: Botany.  
County: Cumberland.  
L.P.I. Map: Botany Bay.  
1:100,000 Map: Sydney 9130.  
Reference: GNB 5040.

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](http://www.gnb.nsw.gov.au).

WARWICK WATKINS,  
Chairperson

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

**HARNESS RACING ACT 2002**

Order

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, pursuant to section 8(5) of the Harness Racing Act 2002, do, by this my Order, hereby set out below the manner in which, and the criteria on which, certain members of Harness Racing New South Wales are to be nominated under section 8(1) of the Act.

**TAB Clubs Representative**

By inviting nominations in writing from harness racing clubs, excluding non-TAB harness racing clubs and the NSW Harness Racing Club Ltd.

**Country Racing Representative**

By inviting nominations in writing from harness racing clubs, excluding TAB clubs and the NSW Harness Racing Club Ltd.

**Industry Participant Representative**

By the Department of Gaming and Racing advertising in the press and in a harness racing industry periodical for applications from persons involved with the harness racing industry wishing to be considered for appointment to this position.

In the event that there is more than one nominee for the positions of TAB Clubs Representative and Country Racing Representative respectively, the Department of Gaming and Racing shall conduct a ballot of the relevant groups of harness racing clubs to determine elected representatives.

Following receipt of applications for the position of Industry Participant Representative, an independent panel comprising persons nominated by the Minister for Gaming and Racing, shall select an eligible representative from the applications received

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

**Explanatory Note**

The Harness Racing Act 2002, provides, inter alia, that the Minister is to determine, by Order published in the *Government Gazette*, the manner in which, and the criteria on which, persons are to be nominated as members of the Board of Harness Racing New South Wales.

**HERITAGE ACT 1977**

Order Under Section 57(2)

I, the Minister for Infrastructure and Planning, on the recommendation of the Heritage Council of New South Wales, pursuant to section 57(2) of the Heritage Act 1977 (the Act), do, by this Order, grant an exemption from section 57(1) of the Act, to the activities described in Schedule C in relation to the item described in Schedule A situated on the land described in Schedule B.

Dated: Sydney, 17 October 2005.

FRANK SARTOR, M.P.,  
Minister for Planning

## SCHEDULE A

The item known as the Lord Howe Island Group (the Island), comprises Lord Howe Island and offshore islands, situated on the land described in Schedule B.

## SCHEDULE B

The Lord Howe Island Group is the Island described in section 3(1) of the Lord Howe Island Act 1953.

## SCHEDULE C

1. Development carried out in accordance with the Lord Howe Island Regional Environmental Plan 2005 (as amended) other than development which relates to the heritage items listed in Schedule 3 to the Plan.
2. Implementation of the Lord Howe Island Permanent Park Preserve Plan of Management, June 1986 (as amended) and the Lord Howe Island Marine Park Zoning Plan.
3. Implementation of a works programme that has been approved by a public authority.
4. The erection, removal and modification of signage for information, interpretation or directional purposes by or on behalf of a public authority.
5. The maintenance, repainting, cleaning and repair of buildings, works, public services and utilities and landscape features including but not limited to erosion control, road and path resurfacing, and routine horticultural maintenance.

## LOCAL GOVERNMENT ACT 1993

Decrease in Number of Councillors  
Strathfield Municipal Council

I, KERRY HICKEY, M.P., Minister for Local Government, in pursuance of sections 224A and 294A of the Local Government Act 1993, do hereby approve of the number of councillors of the Strathfield Municipal Council being decreased from nine to seven and that the two existing casual vacancies in civic office of the Council are not to be filled.

## PROVIDED:

1. The decrease does not take place until the next ordinary election of the Council.
2. Future casual vacancies arising in civic office of the Council after the date of this approval but before the next ordinary election are to be filled so as to maintain the approved number of seven Councillors.

Dated this 17th day of October 2005.

KERRY HICKEY, M.P.,  
Minister for Local Government

## NATIONAL PARKS AND WILDLIFE ACT 1974

Parks and Reserves of the Northern Richmond Range  
Plan of Management

A plan of management for the Parks and Reserves of the Northern Richmond Range, which includes Richmond Range National Park, Toonumbar National Park, Mallanganee National Park and Hogarth Range Nature Reserve, was adopted by the Minister for the Environment on 26 July 2005.

Copies of the plan may be obtained from the NPWS Northern Rivers Region Office, 75 Main Street, Alstonville (telephone: 6627 0200). The cost of the plans is \$8.50 each.

The plan is also available on the NPWS web site: [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

## PIPELINES ACT 1967

## Licence No. 26 – Variation No. 6

## Instrument of Grant of Variation of Licence Area

I, The Honourable JAMES JACOB SPIGELMAN, A.C., Lieutenant Governor of the State of NSW, acting with the advice of the Executive Council in exercise of the powers conferred on me by section 19 of the Act do hereby grant the application for Variation No. 6 of the Licence Area specified in Licence No. 26 to ALINTA DEGP PTY LTD (ABN 77 006 919 115) and ALINTA DEEGP PTY LTD (ABN 15 068 570 847):

- (i) by including therein the lands described in the First Schedule; and
- (ii) by excluding therein the lands described in the Second Schedule.

Signed at Sydney, this 12th day of October 2005.

The Hon. JAMES JACOB SPIGELMAN, A.C.,  
Lieutenant Governor

By His Excellency's Command

## FIRST SCHEDULE

## Lands to be Included

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney Office.

Deposited Plan No.	Instrument Item No.
DP 1040107.	Item 1, Book 3411, No. 883, Lot 1 in DP 1070365.
	Item 2, Folio 3/1038293, Lot 3 in DP 1038293.
	Item 3, Folio 22/1058013, Pt Lot 22 in DP 1058013.
	Item 4, Folio 20/1058013, Lot 20 in DP 1058013.
	Item 5, Folio 41/1063600, Lot 41 in DP 1063600.
	Item 6, Folio 42/1063600, Lot 42 in DP 1063600.
	Item 7, Road Reserve Variable Width, Widemere Road.
	Item 8, Volume 10087, Folio 94, Lot 1 in DP 515773.
	Item 9, Volume 13779, Folio 138, Lot 34 in DP 657040.
	Item 10, Volume 121220, Folio 106, Lot 35 in DP 3082.
	Item 11, Road 10.05 wide, Canal Street.
	Item 12, Volume 7875, Folio 123, Lot 37 in DP 3082.
	Item 13, Volume 12471, Folio 126, Lot 1 in DP 368374.

Deposited Plan No.	Instrument Item No.	Deposited Plan No.	Instrument Item No.
	Item 14, Road Variable Width, Hassall Street.	DP 1006337.	Item 13, Part of land in DP 910751, <i>Government Gazette</i> dated 19 November 1880, Folio 5953-4.
	Item 15, Folio 1/1056295, Lot 1 in DP 1056295.		Item 21, Folio 1/913122, Lot 1 in DP 913122.
	Item 16, Road 20.115 Wide, Gipps Street.	DP 1010562.	Item 18, Prospect Creek.
	Item 17, Folio 2/1056295, Lot 2 in DP 1056295.	DP 1016593.	Item 18, Easement for telecommunications in Lot 2, DP 188972.
	Item 18, Road 20 wide, Gipps Street.		
	Item 19, Folio 3/1056295, Lot 3 in DP 1056295.	DP 1023524.	Item 1, Book 3411, No. 883.
	Item 20, Road 20.12 wide, Dublin Street.		Item 2, Folio 29/249417, Lot 29 in DP 249417.
	Item 21, Folio 1/1005322, Lot 1 in DP 1005322.		Item 3, Volume 12743, Folio 235, Lot 30 in DP 249417.
	Item 22, Folio 1/721539, Lot 1 in DP 721539.		Item 4, Road Reserve Variable Width, Widemere Road.
	Item 23, Volume 2432, Folio 142, Lot 2 in DP 68487.		Item 5, Volume 10087, Folio 94, Lot 1 in DP 515773.
	Item 24, Prospect Creek.		Item 6, Volume 13779, Folio 138, Lot 34 in DP 657040.
	Item 25, Prospect Creek.		Item 7, Volume 12200, Folio 106, Lot 35 in DP 3082.
	Item 26, Volume 11523, Folio 126, Lot 19 in DP 240319.		Item 8, Road 10.05 wide, Canal Street.
	Item 27, Folio 18/240319, Lot 18 in DP 240319.		Item 9, Volume 7875, Folio 123, Lot 37 in DP 3082.
	Item 28, Folio 103/794292, Lot 103 in DP 794292.		Item 10, Volume 12471, Folio 126, Lot 1 in DP 368374.
	Item 29, Volume 14701, Folio 143, Lot 2 in DP 622727.		Item 11, Road Variable Width, Hassall Street.
	Item 30, Road Reserve, Variable Width, Warren Road/Cumberland Highway.		Item 12, Folio 2/540411, Lot 2 in DP 540411.
	Item 31, Folio 20/599957, Lot 20 in DP 599957.		Item 13, Gipps Street.
	Item 32, Folio 2/849480, Lot 2 in DP 849480.		Item 14, Folio 2/1005322, Lot 2 in DP 1005322.
	Item 33, Folio 4/849480, Lot 4 in DP 849480.		Item 15, Dublin Street.
	Item 34, Folio 34/850596, Lot 34 in DP 850596.		Item 16, Folio 1/1005322, Lot 1 in DP 1005322.
	Item 35, Folio 33/850596, Lot 33 in DP 850596.		Item 17, Folio 1/721539, Lot 1 in DP 721539.
DP 1017917.	Item 1, Folio 2/188972, Lot 2 in DP 188972		Item 18, Volume 2432, Folio 142, Lot 2 in DP 68487.
DP 1017913.	Item 1, Folio 1/1041588, Lot 1 in DP 1041588		Item 19, Volume 11523, Folio 126, Lot 19 in DP 240319.
			Item 20, Folio 18/240319, Lot 18 in DP 240319.
			Item 21, Folio 103/794292, Lot 103 in DP 794292.
			Item 22, Volume 14701, Folio 143, Lot 2 in DP 622727.
			Item 23, Road Variable Width, Warren Road.
			Item 24, Folio 4/849480, Lot 4 in DP 849480.
			Item 25, Folio 2/849480, Lot 2 in DP 849480.
			Items 26 and 27, Lot 20 in DP 599957.
			Item 28, Folio 34/850596, Lot 34 in DP 850596.
			Item 29, Folio 33/850596, Lot 33 in DP 850596.

#### SECOND SCHEDULE

##### Lands to be Excluded

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney Office.

Deposited Plan No.	Instrument Item No.
DP 1002746.	Item 13, Prospect Creek.
DP 1002869.	Item 9, Folio 89/754892, Lot 89 in DP 754892.
	Item 10, Folio 220/754892, Lot 220 in DP 754892.
	Item 11, Auto Consol 1491-184, Lot 126 in DP 754892.

**PIPELINES ACT 1967**

Notification of Vesting of Easements for Pipeline

Alinta DEGP Pty Ltd and Alinta DEEGP Pty Ltd  
Pipeline Licence No. 26  
Eastern Gas Pipeline

I, The Honourable JAMES JACOB SPIGELMAN, A.C., Lieutenant Governor of the State of NSW, acting with the advice of the Executive Council in exercise of the powers conferred on me by section 21 of the Pipelines Act 1967, hereby declare that the lands and easements over the lands described in the Schedule are vested in ALINTA DEGP PTY LTD (ABN 77 006 919 115) and ALINTA DEEGP PTY LTD (ABN 15 068 570 847), being Variation No. 6 to Licence No. 26.

Signed at Sydney, this 12th day of October 2005.

The Hon. JAMES JACOB SPIGELMAN, A.C.,  
Lieutenant Governor

By His Excellency's Command

**SCHEDULE****Lands to be Included**

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney Office.

<b>Deposited Plan No.</b>	<b>Instrument Item No.</b>
DP 1040107.	Item 1, Book 3411, No. 883, Lot 1 in DP 1070365. Item 2, Folio 3/1038293, Lot 3 in DP 1038293. Item 3, Folio 22/1058013, Pt Lot 22 in DP 1058013. Item 4, Folio 20/1058013, Lot 20 in DP 1058013. Item 5, Folio 41/1063600, Lot 41 in DP 1063600. Item 6, Folio 42/1063600, Lot 42 in DP 1063600. Item 7, Road Reserve Variable Width, Widemere Road. Item 8, Volume 10087, Folio 94, Lot 1 in DP 515773. Item 9, Volume 13779, Folio 138, Lot 34 in DP 657040. Item 10, Volume 121220, Folio 106, Lot 35 in DP 3082. Item 11, Road 10.05 wide, Canal Street. Item 12, Volume 7875, Folio 123, Lot 37 in DP 3082. Item 13, Volume 12471, Folio 126, Lot 1 in DP 368374. Item 14, Road Variable Width, Hassall Street. Item 15, Folio 1/1056295, Lot 1 in DP 1056295. Item 16, Road 20.115 Wide, Gipps Street. Item 17, Folio 2/1056295, Lot 2 in DP 1056295. Item 18, Road 20 wide, Gipps Street.

**Deposited Plan No.****Instrument Item No.**

	Item 19, Folio 3/1056295, Lot 3 in DP 1056295. Item 20, Road 20.12 wide, Dublin Street. Item 21, Folio 1/1005322, Lot 1 in DP 1005322. Item 22, Folio 1/721539, Lot 1 in DP 721539. Item 23, Volume 2432, Folio 142, Lot 2 in DP 68487. Item 24, Prospect Creek. Item 25, Prospect Creek. Item 26, Volume 11523, Folio 126, Lot 19 in DP 240319. Item 27, Folio 18/240319, Lot 18 in DP 240319. Item 28, Folio 103/794292, Lot 103 in DP 794292. Item 29, Volume 14701, Folio 143, Lot 2 in DP 622727. Item 30, Road Reserve, Variable Width, Warren Road/Cumberland Highway. Item 31, Folio 20/599957, Lot 20 in DP 599957. Item 32, Folio 2/849480, Lot 2 in DP 849480. Item 33, Folio 4/849480, Lot 4 in DP 849480. Item 34, Folio 34/850596, Lot 34 in DP 850596. Item 35, Folio 33/850596, Lot 33 in DP 850596.
DP 1017917.	Item 1, Folio 2/188972, Lot 2 in DP 188972.
DP 1017913.	Item 1, Folio 1/1041588, Lot 1 in DP 1041588.

**PIPELINES ACT 1967**

Alinta DEGP Pty Ltd and Alinta DEEGP Pty Ltd  
Pipeline Licence No. 26  
Eastern Gas Pipeline

**Notification of Extinguishments Under Section 21A**

IT is hereby notified that, pursuant to section 21A of the Pipelines Act 1967, the easements over lands excluded from the Licence Area consequent to the grant of Variation No. 6 to Pipeline Licence No. 26, as specified in the Schedule, are extinguished and such restrictions as to user as may have applied, cease to have effect.

Signed at Sydney, this 12th day of October 2005.

CARL SCULLY, M.P.,  
Minister for Utilities

**SCHEDULE****Lands to be Excluded**

All those pieces or parcels of land described in the instrument annexed to the following Deposited Plans lodged at the NSW Department of Land, Sydney Office.

Deposited Plan No.	Instrument Item No.	Deposited Plan No.	Instrument Item No.
DP 1002746.	Item 13, Prospect Creek.		Items 26 and 27, Lot 20 in DP 599957.
DP 1002869.	Item 9, Folio 89/754892, Lot 89 in DP 754892. Item 10, Folio 220/754892, Lot 220 in DP 754892. Item 11, Auto Consol 1491-184, Lot 126 in DP 754892.		Item 28, Folio 34/850596, Lot 34 in DP 850596. Item 29, Folio 33/850596, Lot 33 in DP 850596.
DP 1006337.	Item 13, Part of land in DP 910751, Government Gazette, dated 19 November 1880, Folio 5953-4. Item 21, Folio 1/913122, Lot 1 in DP 913122.	<b>PUBLIC WORKS ACT 1912</b> <b>LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991</b> Compulsory Acquisition – Scone Police Staff House 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 <i>Government Gazette</i> 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.L.C., Minister for Commerce <hr/> SCHEDULE Land Lot 34 in Deposited Plan 1084699. Department of Commerce Reference: 296.	
DP 1010562.	Item 18, Prospect Creek.		
DP 1016593.	Item 18, Easement for telecommunications in Lot 2, DP 188972.		
DP 1023524.	Item 1, Book 3411, No. 883. Item 2, Folio 29/249417, Lot 29 in DP 249417. Item 3, Volume 12743, Folio 235, Lot 30 in DP 249417. Item 4, Road Reserve Variable Width, Widemere Road. Item 5, Volume 10087, Folio 94, Lot 1 in DP 515773. Item 6, Volume 13779, Folio 138, Lot 34 in DP 657040. Item 7, Volume 12200, Folio 106, Lot 35 in DP 3082. Item 8, Road 10.05 wide, Canal Street. Item 9, Volume 7875, Folio 123, Lot 37 in DP 3082. Item 10, Volume 12471, Folio 126, Lot 1 in DP 368374. Item 11, Road Variable Width, Hassall Street. Item 12, Folio 2/540411, Lot 2 in DP 540411. Item 13, Gipps Street. Item 14, Folio 2/1005322, Lot 2 in DP 1005322. Item 15, Dublin Street. Item 16, Folio 1/1005322, Lot 1 in DP 1005322. Item 17, Folio 1/721539, Lot 1 in DP 721539. Item 18, Volume 2432, Folio 142, Lot 2 in DP 68487. Item 19, Volume 11523, Folio 126, Lot 19 in DP 240319. Item 20, Folio 18/240319, Lot 18 in DP 240319. Item 21, Folio 103/794292, Lot 103 in DP 794292. Item 22, Volume 14701, Folio 143, Lot 2 in DP 622727. Item 23, Road Variable Width, Warren Road. Item 24, Folio 4/849480, Lot 4 in DP 849480. Item 25, Folio 2/849480, Lot 2 in DP 849480.		
		<b>PUBLIC WORKS ACT 1912</b> <b>LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991</b> Clarence Valley and Coffs Harbour Regional Water Supply Compulsory Acquisition THE Minister for Utilities, with the approval of Her Excellency the Governor-in-Council, declares that the Interests in Land described in the Schedule hereto (“Interests in Land”), are acquired by compulsory process under s.19 of the Land Acquisition (Just Terms Compensation) Act 1991, for an authorised work within the meaning of the Public Works Act 1912. On publication of this notice in the <i>Government Gazette</i> the Interests in Land are vested in the Minister for Utilities pursuant to section 4 of the Public Works Act 1912. CARL SCULLY, M.P., Minister for Utilities <hr/> <b>LOCAL GOVERNMENT ACT 1993</b> Clarence Valley and Coffs Harbour Regional Water Supply Vesting of Interests in Land in Clarence Valley Council THE Minister for Utilities, declares that the Interests in Land, which were acquired pursuant to the above notice for the purpose of the Clarence Valley and Coffs Harbour Regional Water Supply Scheme, are vested in the Clarence Valley Council pursuant to s59(1)(a) of the Local Government Act 1993. CARL SCULLY, M.P., Minister for Utilities	

## SCHEDULE

Notices pursuant to s19(1) of the Land Acquisition (Just Terms Compensation) Act 1991 and s59(1)(a) of the Local Government Act 1993, in relation to the Clarence Valley and Coffs Harbour Regional Water Supply.

## Interests in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1058858 (SB55452) as '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE' within Lot 118 in Deposited Plan 752834 and Lot 211 in Deposited Plan 844797.

Deposited Plan 1058855 (SB55453) as '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE' within Lot 11 in Deposited Plan 733368.

Deposited Plan 1065876 (SB55458) as '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 2 in Deposited Plan 869498.

Deposited Plan 1065874 (SB55459) as '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 1 in Deposited Plan 325998.

NSW Department of Commerce Reference: 252.

**SPORTING INJURIES INSURANCE ACT 1978**

## Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the PUBLISHERS' CUP INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Cricket and Soccer.

Dated: Sydney, 26 October 2005.

ROB THOMSON,  
Deputy Chairperson,  
Sporting Injuries Committee

**STATUTORY AND OTHER OFFICES  
REMUNERATION ACT 1975**

## ERRATUM

THE Annual Report and Determination of the Judges Magistrates and Related Group of 28 September 2005, is amended as set out hereunder.

Page 9: Replace the office of "Master or acting Master (under the Supreme Court Act 1970)" with "Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)."

Page 14: paragraph 9 should read as follows:

9. Non metropolitan accommodation and meal rates have also been adjusted as set out in the Determination.

HELEN WRIGHT,  
Statutory and Other Offices  
Remuneration Tribunal

**SUBORDINATE LEGISLATION ACT 1989****PHOTO CARD REGULATION 2005**

## For Public Comment

NOTICE is given, in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a new Regulation to assist with the implementation of the Photo Card Act 2005. The proposed Regulation covers the following issues in relation to Photo Card:

- The setting of a fee.
- No eligibility for proof of age card holders.
- The circumstances in which a photograph taken by the RTA can be kept or used.
- Grounds for cancellation.
- Surrendering a Photo Card prior to the issue of a driver licence.
- The requirement to provide the RTA with change of name and address details.
- Penalty notice offences and penalties.

Copies of the Regulatory Impact Statement and the draft Regulation are available on the RTA website, <http://www.rta.nsw.gov.au>. Comments and submissions on the Regulation are invited and must be received in writing by Thursday, 17 November 2005. Send submissions to: Driver and Vehicle Strategy Branch, Roads and Traffic Authority, PO Box K198, Haymarket NSW 1238. Fax: (02) 9218 6559. E-mail: [photocard\\_RIS@rta.nsw.gov.au](mailto:photocard_RIS@rta.nsw.gov.au).

**SYDNEY WATER ACT 1994****LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Easement at Bulli in the Local Government Area of Wollongong

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency the Governor, that the interest in land described in the First Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Sydney Water Act 1994.

Dated at Sydney this 20th day of July 2005.

Signed for Sydney Water Corporation	)	
by its Attorneys Jeffrey Francis	)	
COLENSO and Kevin Andrew	)	Jeffrey Francis
HANLEY, who hereby state at the	)	Colenso
time of executing this instrument	)	
have no notice of the revocation of	)	
the Power of Attorney Registered	)	Kevin Andrew
No. 323, Book 4465 under the	)	Hanley
Authority of which this Instrument	)	
has been executed.	)	

## SCHEDULE 1

An Easement for Water Supply Purposes more fully described in Memorandum 7158329B lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all that piece or parcel of land in the Local Government Area of Wollongong, Parish of Woonona, County of Camden, and in the State of New South Wales, being part of Lot A in Deposited Plan 35975, and shown on Deposited Plan 1063836 as "(A) PROPOSED



EASEMENT FOR WATER SUPPLY PURPOSES 3 WIDE AND VARIABLE WIDTH” and said to be in the possession of The Council of the City of Wollongong.

Sydney Water Reference: 2002/00984F.

**THREATENED SPECIES CONSERVATION ACT 1995**

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act 1995, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

**Endangered Species** (Part 1 of Schedule 1)

*Caladenia porphyrea* D.L. Jones, an orchid.

**Endangered Population** (Part 2 of Schedule 1)

Long-nosed Potoroo *Potorous tridactylus* (Kerr 1792) the Cudgen population in the Tweed local government area.

**Vulnerable Species** (Schedule 2)

*Eucalyptus leucoxydon* F. Muell. subsp. *pruinosa* (F. Muell. Ex. Miq.) Boland, Yellow Gum.

**Key Threatening Process** (Schedule 3)

Invasion, establishment and spread of Lantana (*Lantana camara* L. sens. lat).

Any person may make a written submission regarding these Preliminary Determinations. Send submissions to: Scientific Committee, PO Box 1967, Hurstville NSW 2220. Attention: Suzanne Chate. Submissions must be received by 23 December 2005.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au), by contacting the Scientific Committee Unit, PO Box 1967, Hurstville NSW 2220. Telephone (02) 9585 6940 or Facsimile (02) 9585 6606, or in person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr LESLEY HUGHES,  
Chairperson

**RACING ADMINISTRATION ACT 1998**

Order

Sports Betting

I, GRANT ANTHONY McBRIDE, Minister for Gaming and Racing, in pursuance of section 18 of the Racing Administration Act 1998, hereby amend the Schedule of Sports Betting Events and Approved Forms of Betting published in the *Government Gazette* of 3 January 2003 (as amended), by including the following:

Sport	Sporting Events or Classes of Sporting Events	Approved Forms of Betting
Miscellaneous	Jockey Challenge	Winner

Dated at Sydney this 19th day of October 2005.

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

**RACING ADMINISTRATION ACT 1998 (NEW SOUTH WALES)**

Bookmaker Sports Betting Rules

IN accordance with the provisions of section 23 of the Racing Administration Act 1998, the Minister for Gaming and Racing has approved of the following amendments to the Bookmaker Sports Betting Rules:

**New Rule 5.2.10**

**5.2.10 Jockey Challenge**

5.2.10.1 “Jockey Challenge” is betting on a jockey achieving the highest aggregate points scored in accordance with these rules for achieving a place in races conducted at a particular race meeting or over a racing carnival. A racing carnival shall include a series of race meetings as approved by Racing NSW.

5.2.10.2 Prior to commencement of betting, wagering operators will prepare a list of jockeys and opening prices. The list will include an “any other” price option to cover any jockey who is not included in the original list. At all times the “any other” option shall be treated as one entity.

5.2.10.3 Bookmakers accepting bets on the Jockey Challenge at all times must display appropriate signage as approved by Racing NSW Stewards.

5.2.10.4 In the event of a race meeting being abandoned or postponed all bets are void and moneys are to be refunded except as provided by 5.2.10.5 and 5.2.10.6.

5.2.10.5 In the event of a race meeting not being completed as originally programmed all bets shall be deemed void and moneys are to be refunded, except when it is determined by Racing NSW stewards that a jockey has an unassailable lead, in which case all bets stand.

5.2.10.6 In the case of Jockey Challenge betting on a racing carnival should any of the programmed carnival race meetings not be completed in their entirety, all bets shall be deemed void and moneys are to be refunded, except when it is determined by Racing NSW stewards that a jockey has an unassailable lead, in which case all bets stand.

5.2.10.7 No points shall be allocated in relation to a race scheduled to be conducted at a race meeting if that race is postponed to another race meeting, abandoned or declared a no race by the Stewards on the day of the race meeting.

5.2.10.8 The winner will be the jockey who has the most points accumulated at the end of the competition. Points will be accrued per race and calculated as follows:

- 3 points for a winning ride
- 2 points for a second placed ride
- 1 point for a third placed ride

Points will only be allocated to the jockey(s) who actually ride the winning or placed horse(s) in a race. Points will not be allocated to any rider who

may have been engaged to ride a horse but was subsequently replaced by permission or direction of the Stewards.

There will be no refunds of bets should a jockey be replaced by another rider.

- 5.2.10.9 In the event of a dead heat for any or all of the placings jockey points will be allocated on a proportionate fractional basis i.e.

Dead Heat for a Win	Dead Heat for Second	Dead Heat for Third
Points 1st – 2.5, 2.5	Points 1st – 3	Points 1st – 3
2nd – 0	2nd – 1.5, 1.5	2nd – 2
3rd – 1	3rd – 0	3rd – 0.5, 0.5

In the event of a triple dead heat for any or all of the placings, points will be allocated on a proportionate fractional basis i.e.:

Triple Dead Heat for Win	Triple Dead Heat for Second	Triple Dead Heat for Third
Points 1st – 2, 2, 2,	Points 1st – 3	Points 1st – 3
2nd – 0	2nd – 1, 1, 1	2nd – 2
3rd – 0	3rd – 0	3rd – 0.3, 0.3, 0.3

- 5.2.10.10 In the event of two or more jockeys being tied on the same number of points at the completion of the competition all successful bets will be paid according to Bookmaker Sports Betting Rule 5.1.8.
- 5.2.10.11 Allocated points will not be subject to change in the case of any future disqualification. Any disputation regarding the declared winner will be adjudicated by Racing NSW stewards whose decision shall be final.
- 5.2.10.12 Payment will be declared at the end of each race meeting or carnival, unless otherwise directed by the Stewards.
- 5.2.10.13 Any matter in respect to a Jockey challenge at a race meeting or racing carnival not provided for in this Rule shall be determined by the Racing NSW stewards officiating at the race meeting or racing carnival to which that matter relates.

## TOTALIZATOR ACT 1997 (NEW SOUTH WALES)

### Tab Limited Sports Betting Rules

IN accordance with the provisions of section 54 of the Totalizator Act 1997, the Minister for Gaming and Racing has approved of the following amendments to TAB Limited Sports Betting Rules:

#### New Rule 5.2.10

##### 5.2.10 Jockey Challenge

- 5.2.10.1 “Jockey Challenge” is betting on a jockey achieving the highest aggregate points scored in accordance with these rules for achieving a place

in races conducted at a particular race meeting or over a racing carnival. A racing carnival shall include a series of race meetings as approved by Racing NSW.

- 5.2.10.2 Prior to commencement of betting, wagering operators will prepare a list of jockeys and opening prices. The list will include an “any other” price option to cover any jockey who is not included in the original list. At all times the “any other” option shall be treated as one entity.
- 5.2.10.3 In the event of a race meeting being abandoned or postponed all bets are void and moneys are to be refunded except as provided by 5.2.10.4 and 5.2.10.5.
- 5.2.10.4 In the event of a race meeting not being completed as originally programmed all bets shall be deemed void and moneys are to be refunded, except when it is determined by Racing NSW stewards that a jockey has an unassailable lead, in which case all bets stand.
- 5.2.10.5 In the case of Jockey Challenge betting on a racing carnival should any of the programmed carnival race meetings not be completed in their entirety, all bets shall be deemed void and moneys are to be refunded, except when it is determined by Racing NSW stewards that a jockey has an unassailable lead, in which case all bets stand.
- 5.2.10.6 No points shall be allocated in relation to a race scheduled to be conducted at a race meeting if that race is postponed to another race meeting, abandoned or declared a no race by the Stewards on the day of the race meeting.
- 5.2.10.7 The winner will be the jockey who has the most points accumulated at the end of the competition. Points will be accrued per race and calculated as follows:  
3 points for a winning ride  
2 points for a second placed ride  
1 point for a third placed ride  
Points will only be allocated to the jockey(s) who actually ride the winning or placed horse(s) in a race. Points will not be allocated to any rider who may have been engaged to ride a horse but was subsequently replaced by permission or direction of the Stewards.  
There will be no refunds of bets should a jockey be replaced by another rider.
- 5.2.10.8 In the event of a dead heat for any or all of the placings jockey points will be allocated on a proportionate fractional basis i.e.

Dead Heat for a Win	Dead Heat for Second	Dead Heat for Third
Points 1st – 2.5, 2.5	Points 1st – 3	Points 1st – 3
2nd – 0	2nd – 1.5, 1.5	2nd – 2
3rd – 1	3rd – 0	3rd – 0.5, 0.5

In the event of a triple dead heat for any or all of the placings, points will be allocated on a proportionate fractional basis i.e.:

<b>Triple Dead Heat for Win</b>	<b>Triple Dead Heat for Second</b>	<b>Triple Dead Heat for Third</b>
Points 1st – 2, 2, 2,	Points 1st – 3	Points 1st – 3
2nd – 0	2nd – 1, 1, 1	2nd – 2
3rd – 0	3rd – 0	3rd – 0.3, 0.3, 0.3

- 5.2.10.9 In the event of two or more jockeys being tied on the same number of points at the completion of the competition all successful bets will be paid according to TAB Limited Sports Betting Rule 5.1.8.
- 5.2.10.10 Allocated points will not be subject to change in the case of any future disqualification. Any disputation regarding the declared winner will be adjudicated by Racing NSW stewards whose decision shall be final.
- 5.2.10.11 Payment will be declared at the end of each race meeting or carnival, unless otherwise directed by the Stewards.
- 5.2.10.12 Any matter in respect to a Jockey challenge at a race meeting or racing carnival not provided for in this Rule shall be determined by the Racing NSW stewards officiating at the race meeting or racing carnival to which that matter relates.

## **ENERGY AND UTILITIES ADMINISTRATION ACT 1987**

### Guidelines for Savings Action Plans

I, Carl Scully, MP, Minister for Utilities, hereby give notice that pursuant to section 34R (3) of the Energy and Utilities Administration Act 1987 I have issued the attached Guidelines for Energy Savings Action Plans and Guidelines for Water Savings Action Plans.

A draft savings action plan must be prepared in accordance with the attached Guidelines.

Copies of the Guidelines are available on the website of the Department of Energy, Utilities and Sustainability at [www.deus.nsw.gov.au](http://www.deus.nsw.gov.au) or by telephoning (02) 8281 7777.

CARL SCULLY, M.P.,  
Minister for Utilities

GUIDELINES FOR  
ENERGY SAVINGS ACTION PLANS



---

## // TABLE OF CONTENTS

<b>Introduction</b>	<b>2</b>
Why Energy Savings Action Plans?	2
Who is Required to Develop Energy Savings Action Plans?	3
Skills Needed to Prepare an Energy Savings Action Plan	3
What is in these Guidelines?	3
<b>Making an Energy Savings Plan</b>	<b>6</b>
Determining How Much Energy is Used	6
Planning at Management Level	9
Technical Review	14
Assessing Your Opportunities	18
<b>The Energy Savings Action Plan</b>	<b>20</b>
Implementing and Reviewing Plans	22
<b>Glossary of Terms</b>	<b>24</b>
<b>Appendices</b>	<b>26</b>
Appendix A Links to Existing Energy Programs	26
Appendix B Principles Used In Preparing These Guidelines	28
<b>Templates and Tables</b>	
Template 1 Baseline Energy Use	8
Template 2 Management Review	10
Template 3 Energy Management Actions	13
Template 4 Energy Savings Measures	19
Template 5 Introduction to Plan	21
Template 6 Annual Progress Report of Outcomes	23
Table 1 Ranking Management Systems	10

---

## // INTRODUCTION

### Why Energy Savings Action Plans?

Increasing energy consumption leads to growth in greenhouse gas emissions, localised atmospheric pollution and demands on water and other natural resources. Electricity generation represents 43 percent of total greenhouse gas emissions in New South Wales. Rising greenhouse gas emissions contribute to the threat of global climate change which, according to the CSIRO, means a future for New South Wales of more extreme weather events with higher temperatures, lower rainfall, more storms and rising sea levels.

Electricity consumption is forecast to grow by around 2 percent per annum and peak demand by around 3 percent per annum. Increasing growth in peak demand results in increasing pressures on the electricity supply system which can drive up costs for the industry and consumers. Significant investment is already being spent on new network infrastructure over the next five years to service this rising peak demand.

The promotion of energy savings measures will reduce greenhouse gas emissions in the electricity sector, reduce the electricity bills paid by electricity customers, reduce peak loads to get the greatest benefit from new network investment and further protect electricity supply reliability.

Experience in New South Wales and elsewhere has demonstrated that even the largest and most sophisticated energy users – nevermind the users for whom energy is a relatively small part of their operations – can find additional opportunities for cost-effective energy savings. There are various techniques available for identifying and assessing those potential savings and the purpose of Energy Savings Action Plans is to identify and help deliver those savings in a practical, effective and flexible way.

Accordingly, the *Energy Administration Amendment (Water and Energy Savings) Act 2005* gives the NSW Department of Energy, Utilities and Sustainability (DEUS) the responsibility to promote improvements in the energy efficiency of key businesses, Local Government and NSW Government agencies. Specifically, this includes:

- providing guidelines for the preparation of Energy Savings Action Plans for use by business, Local Government and NSW Government agencies
- ensuring good quality Energy Savings Action Plans are in place for designated high energy users and
- ensuring program participants report on their progress towards implementing cost-effective energy efficiency improvements on an annual basis, and revise their Energy Savings Action Plans every four years.

DEUS recognises that many businesses have already taken the initiative to identify where they can save energy. Any work completed by an organisation for internal purposes or under another government or utility-sponsored program, can be used to partially or wholly fulfil their requirements but an acceptable Savings Action Plan must still be submitted. Appendix A outlines how other programs relate to Energy Savings Action Plans.

DEUS is working with the Commonwealth Government to ensure that the Energy Savings Action Plans prepared by NSW energy users fulfil many of the requirements for the Commonwealth's Energy Efficiency Opportunities Assessment Procedure.





### Who is Required to Develop Energy Savings Action Plans?

These Guidelines are designed to assist any organisation in developing an Energy Savings Action Plan as a first step to identifying and implementing substantial energy savings. The following organisations within New South Wales are required to develop Energy Savings Action Plans after being designated by the Minister for Utilities in a gazetted Savings Order:

- business and government agencies with high energy use at a site
- large local councils.

### Skills Needed to Prepare an Energy Savings Action Plan

Energy Savings Action Plans need to be prepared by an experienced person with:

- relevant demonstrated experience in conducting energy and / or water efficiency studies
- understanding of the industry sector relevant to organisations required to develop an Energy Savings Action Plan
- understanding of business management systems related to energy
- skills in communicating and negotiating with management teams
- ability to identify energy efficiency measures.

DEUS is developing training support to assist internal and external assessors and managers in preparing Energy Savings Action Plans.

### What is in these Guidelines?

These Guidelines are provided to assist all designated users in developing and implementing Energy Savings Action Plans. The overarching aim of these Guidelines is to make sure that actual energy savings are made and sustained over the long term.

The *Energy Administration Amendment (Water and Energy Savings) Act 2005* provides that an Energy Savings Action Plan **must** be prepared in accordance with these Guidelines.

These Guidelines outline the steps required for organisations to:

- acquire and use accurate energy and operating data on an ongoing basis
- identify and promote improved management practices related to energy
- identify measures that will result in actual and sustainable energy savings
- implement measures that are highly cost-effective for you
- confidently report your achievements to stakeholders and shareholders.

The approach outlined in these Guidelines is based on similar approaches used elsewhere in Australia and overseas for identifying energy and water savings measures.

There are a number of tasks identified in these Guidelines – some can be done in parallel but others are in sequence. This section provides an overview of the tasks required and the rationale for each one. The next section titled “Making an Energy Savings Action Plan” provides more detail on tasks and templates for data collection. Templates have been designed as a guide, organisations may choose to modify the templates to suit their needs.

Appendix A outlines how work undertaken through another program relates to the tasks involved in preparing an Energy Savings Action Plan.

### **Task 1. Determining How Much Energy is Used**

The first step is to use 12 months of energy usage data to identify the existing **baseline energy use**. This baseline energy use should accurately reflect normal operating conditions. See page 6 for detail on what energy use should be included in the baseline.

To ensure that baseline energy use is representative, there is a step of recording anomalies, which takes into account any unusual operating circumstances during the baseline period. Months where unusual energy usage was recorded can be omitted, and substituted with an earlier period that is representative of normal conditions.

### **Task 2. Planning at Management Level**

It is invaluable that energy management be driven from the top down in organisations to ensure significant energy efficiency savings can be made and sustained. To this end it is vital to involve senior management levels at the outset to gain commitment to, and understanding of, the requirements for Energy Savings Action Plans. The term used for this step is an **Energy Management Review**.

Most national and international energy management programs include a management review.

### **Task 3. Determining How Energy is used and Efficiency Opportunities**

A technical review is used to break down energy usage at a site. This breakdown will help assess what appliances and processes are consuming energy, and will facilitate the assessment of energy utilisation and opportunities for improvement. Technical reviews should be conducted to a level that enables investment decisions to be made based on whether an opportunity meets or exceeds an organisation's hurdle rate of return and other applicable business investment criteria.

With regard to local councils, it is recommended as a guide that the top 10 sites be included in the Energy Savings Action Plan to capture the bulk of the energy use. However, the measures in the Plan may relate to more or fewer sites.

### **Task 4. Putting the Energy Savings Action Plan Together**

The Energy Savings Action Plan itself is a compilation of all the tasks undertaken in identifying energy use and a priority list for implementation of savings measures. The plan will be assessed by DEUS (see guide on page 18) in making recommendations to the Minister for Utilities as to the approval of the Plan.

### **Task 5. Implementing and Reviewing Energy Savings Action Plans**

Energy Savings Action Plans will include a prioritised list of management and technical actions to be implemented over the next 4 years. Annual reports are to be prepared that demonstrate organisations' progress towards implementation of actions, and Energy Savings Action Plans will be reviewed every 4 years.

### **Relationship to Water Savings Action Plans**

For sites that are required to prepare and implement an Energy Savings Action Plan and a Water Savings Action Plan the two Plans may be combined within a single 'Energy and Water Savings Action Plan', making sure to fully meet the requirements set out in both Guidelines.

### **Confidentiality**

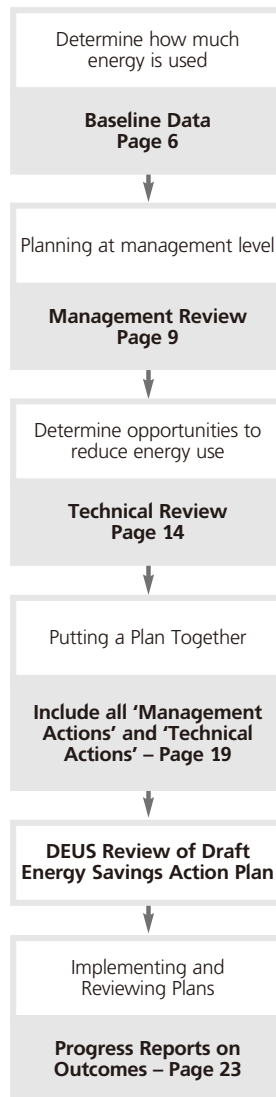
Information provided to DEUS by a designated user through the Plan process will be treated confidentially when it is commercially confidential in its nature and nominated as such by the user.







**Steps in Preparing an Energy Savings Action Plan**



---

## // MAKING AN ENERGY SAVINGS ACTION PLAN

### Determining How Much Energy is Used

This section describes what energy use is included in Energy Savings Action Plans, and outlines how to collect this information.

All designated users must determine their **baseline energy use**.

#### What is Baseline Energy Use?

Your organisation's baseline energy use is the energy you would expect to use on a regular and repeatable basis and the timing of that consumption. It is an important measure as it will form the basis from which energy savings opportunities will be assessed.

#### What Energy is Included and Excluded from the Baseline?

Energy use that is to be included in the baseline energy use includes:

- energy that is imported to sites, such as electricity and steam
- energy that is consumed by stationary equipment on site, such as natural gas, coal, LPG or diesel
- energy use that is used as a direct input to electrolytic or metallurgical processes.

Energy use that can be excluded from the baseline energy use includes:

- energy that is consumed by mobile equipment such as diesel, petrol, CNG and LPG consumed by trucks, commercial or passenger vehicles and forklift trucks
- energy that is used as a direct input to the production process, such as gas used as feedstock in some chemical processes (with the exception of electrolytic or metallurgical processes).

Organisations wishing to include all energy use are encouraged to do so.

Organisations are encouraged to discuss with DEUS specific circumstances which may impact upon baseline energy calculations.

#### How to Determine Baseline Energy Use

**Step One:** Collate **monthly historical energy use data** for all sites that are included in the organisation's Energy Savings Action Plan. While collating this data you need to consider:

- that data needs to be obtained for a representative 12 month period prior to commencing the Energy Savings Action Plan. This may be a 12 month period immediately prior to the development of the Energy Savings Action Plan, or the most recent calendar or financial year's energy data
- **if this energy use data is not available from within your organisation**, it should be obtained from your energy suppliers.





**Step Two:** Confirm that the data used to determine baseline energy use is **based on normal operations** and is corrected for any material variation from normal operations:

- variation from normal operations could include, for example, refurbishments or shutdowns, product changes or significant market effects
- where variations in energy use have occurred, the organisation should either use data from an alternative normal period or quantify the impact on the expected energy consumption and adjust the baseline energy use accordingly.

**Step Three:** Provide your baseline energy use to DEUS as part of your Energy Savings Action Plan using Template 1 (see page 8).

The template includes:

- a calculation for variation from normal operations and
- the **Business Activity Indicators** for your site's business sector (see box below).

#### **Business Activity Indicators**

Business activity indicators are units of measurement that represent the business operations. Preferably these are the same indicators that your organisation uses to assess business efficiency. The indicators will assist your organisation manage energy and will not be used as a performance monitoring tool across organisations. Examples are:

- for commercial office buildings the Australian Building Greenhouse Rating Scheme
- for commercial space and shopping centres "leasable area" in m<sup>2</sup>
- for accommodation and hospitals "number of bed nights or meals"
- for manufacturing and laundries "quantity of production" in tonnes or other units
- for education "number of full time student equivalents"

For other sectors, as nominated and agreed with DEUS.

**Template 1 – Baseline Energy Use (sample assessment)**

<b>Organisation Name</b>	AAA Pty Ltd		
To be completed for all sites that are included in the organisation's Energy Savings Action Plan. <b>Energy consumption should be reported in the most appropriate units – i.e. kWh, GJ.</b>			
Site Number	1	2	3
Baseline Start Date	1-Jan-05	1-Jan-05	1-Dec-04
Baseline End Date	31-Dec-05	31-Dec-05	31-Dec-05
<b>A</b> = baseline energy use per annum (kWh)	50,000	66,000	65,000
Greenhouse Emissions	45 tonnes	59 tonnes	59 tonnes
Is baseline representative of normal Energy use YES / NO	YES	NO	NO
If NO, description of variation (e.g. restrictions, shutdown, refurbishment etc)		Increased energy consumption due to office refurbishment for 2 months	March 2005 unscheduled shutdown
<b>B</b> = Impact of variation on energy use (i.e. variation from normal) kWh per annum	0	8,000	3,000
<b>C</b> = A – B baseline energy use corrected for variation (kWh)	50,000	58,000	68,000
Business Activity Indicators	m <sup>2</sup>	m <sup>2</sup>	tonnes
<b>D</b> = Quantity of Site Business Activity Indicator per annum (corrected for variations)	1,800	2,000	25,000
<b>E</b> = C / D baseline Energy use key performance indicator (KPI)	27.78	29.00	2.48
Baseline KPI units	kWh/ m <sup>2</sup>	kWh/ m <sup>2</sup>	kWh/ tonne
Baseline summer peak Electrical use (kVa or kW)	1,200	1,000	1,200
Baseline winter peak Electrical use (kVa or kW)	850	700	850





## Planning at Management Level

An **Energy Management Review** seeks to ensure that energy efficiency is incorporated into existing management practices of an organisation and accountabilities are identified for priority actions.

### What is an Energy Management Review?

An Energy Management Review is a structured assessment of the systems the organisation has in place for managing energy. This means that all levels of business management – financial, production, maintenance, OHS&E and operation – will need to be included in the review. The ISO 14000 management system audit is an example of this type of approach.

All designated users must undertake an Energy Management Review for sites which require an Energy Savings Action Plan.

Where a recent Energy Management Review has been conducted and meets the requirements of this section, this review can be used to fulfil part, or all, of the requirements of this section.

### Energy Management Review Steps

The steps outlined below provide a guide to the type of approach that should be undertaken to assess current performance of management systems for energy and set priorities and accountabilities for improvement.

**Step One:** Determine where an Energy Management Review should be carried out and who should be involved.

- as a minimum, the management review should be conducted with representatives from senior management, and the finance and the engineering / facility management divisions of the site in question
- where an organisation must prepare an Energy Savings Action Plan for more than one site, the Management Review should include representatives from a corporate level.

**Step Two:** Identify the key areas in which you will review your organisation's performance in sustainable energy management. These may include, for example:

- **senior management commitment** to, and involvement in energy management
- **understanding of energy savings potential** at operations and maintenance levels, and within new capital works
- management of **energy targets and key performance indicators**
- **energy metering and monitoring**
- **energy management reporting**
- **energy supply management** and alternative energy supply options
- incorporation of energy management into **operating and maintenance procedures**
- **accountabilities for energy management**
- **training and awareness procedures**
- **compliance with legal or other requirements.**

**Step Three:** As a team, assess current performance, strengths and weaknesses in each area using a matrix such as that in Template 2.

**Template 2 – Management Review (sample assessment)**

Area	Review Area	Rating				
		Low	Moderate	Minimum Sustainable	Industry Leader	Best Practice
A	Senior management commitment					
B	Understanding of energy savings potential					
C	Energy targets and key performance indicators					
D	Energy metering and monitoring					
E	Energy management reporting					
F	Energy supply management					
G	Operating and maintenance procedures					
H	Accountabilities for energy management					
I	Training and awareness procedures					
J	Compliance with legal and / or regulatory requirements					

As a guide, the table below provides an indicative ranking system for how your organisation meets each of the Management Review Areas.

**Table 1 – Ranking Management Systems**

	Management Review Area	Ranking	Descriptor
A	Senior management commitment	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Executive-level management policy for improving energy efficiency or reducing energy costs that includes targets. This policy is reported on the organisation's website and in Annual Reports and communicated to all employees. Sub-targets are established for major facilities, and regularly updated.
		Industry Leader	In addition to minimum sustainable, business practices are routinely audited, and publicly reported.
		Best Practice	In addition to industry leader, organisations can demonstrate that energy management is ingrained into corporate culture.

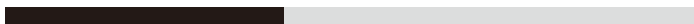




	Management Review Area	Ranking	Descriptor
<b>B</b>	Understanding of energy savings potential	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Energy efficiency opportunities are based on a comprehensive review of energy use by major users, and of savings opportunities in each major operation covering operating procedures, maintenance procedures, and capital works.
		Industry Leader	Cost-effective measures are routinely implemented, energy operating and maintenance procedures for energy intensive plant, and documented internal communications strategy implemented.
		Best Practice	In addition to industry leader, all innovation measures implemented.
<b>C</b>	Energy targets and key performance indicators	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	KPIs established and tracked monthly for large sites, and grouped to allow for internal benchmarking of similar facilities where applicable. Sites have routine visibility of this data, and review thoroughly where they show large variance from target.
		Industry Leader	In addition to minimum sustainable, KPIs are included in job description.
		Best Practice	In addition to industry leader, KPIs are benchmarked against world best practice performance and facilities in top quartile.
<b>D</b>	Energy metering and monitoring	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations maintain a baseline database for all sites, and basic plant monitoring enables access to interval metering data for major energy streams.
		Industry Leader	In addition to minimum sustainable, sub-metering installed throughout plant and results reported and tracked at regular management meetings.
		Best Practice	Energy consumption metered as per industry leader, regular reporting of consumption at board level.
<b>E</b>	Energy management reporting	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations report savings opportunities with extended payback periods (>5 years) and whether they plan to implement these measures and over what time-frame.
		Industry Leader	In addition to minimum sustainable, business practices are routinely audited, and publicly reported.
		Best Practice	In addition to industry leader, organisations can demonstrate that energy management is ingrained into corporate culture.

	Management Review Area	Ranking	Descriptor
<b>F</b>	Energy supply management	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations have formal processes for energy procurement, and assess opportunities for alternative energy supply options based on capital and operating costs.
		Industry Leader	In addition to minimum sustainable, product life cycles studies are carried out.
		Best Practice	In addition to industry leader, organisation acts on product life cycle measures to reduce cradle to grave impacts.
<b>G</b>	Operating and maintenance procedures	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Opportunities assessment includes potential improvements to operating and maintenance procedures, and planned projects to improve energy efficiency incorporate formal operating procedures and training to ensure sustainability.
		Industry Leader	In addition to minimum sustainable, product life cycles studies are carried out.
		Best Practice	In addition to industry leader, organisation acts on product life cycle measures to reduce cradle to grave impacts.
<b>H</b>	Accountabilities for energy management	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations have an executive-level manager who is accountable for energy management, together with at least one person at each site and an energy management group that coordinates energy management activities at major sites.
		Industry Leader	In addition to minimum sustainable, KPIs are included in job description.
		Best Practice	In addition to industry leader, KPIs are benchmarked against world best practice performance and in top quartile.
<b>I</b>	Training and awareness procedures	Low	No activity / absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Basic energy-awareness activities are in place at each major facility, and energy management training is provided to operations and maintenance teams in energy intensive areas.
		Industry Leader	In addition to minimum sustainable, business practices are routinely audited, and publicly reported.
		Best Practice	In addition to industry leader, organisations can demonstrate that energy management is ingrained into corporate culture.





	Management Review Area	Ranking	Descriptor
J	Compliance with legal and other regulatory requirements	Low	Regularly fails compliance requirements.
		Moderate	Occasionally fails compliance requirements.
		Minimum Sustainable	Limited compliance failures.
		Industry Leader	Compliance within allowable limits.
		Best Practice	Consistently above compliance requirements.

**Step Four:** Identify and assess actions needed to improve the management systems that the organisation currently has in place for managing energy. With the management representatives, gain agreement on management actions to address all sustainability measures defined in this section. Use Template 3 (below) for each of the agreed energy management actions to detail:

- the specific energy management action
- timeframe for implementation of the action and
- person/s responsible for implementing the action.

**Template 3 – Energy Management Actions (sample assessment)**

Proj No	Energy Management Action	Responsibility	Planned Completion Date	Actual Completion Date
1	Incorporate energy efficiency into the existing corporate and site environmental policies <b>Step 1.</b> Review existing policy and prepare updated draft <b>Step 2.</b> Gain approval and sign off by CEO <b>Step 3.</b> Communicate changes to all staff	Name of Senior Manager	Apr 05	
2	Implement an energy savings awareness program <b>Step 1.</b> <b>Step 2...</b> etc	Name of Senior Manager	May 05	
3	Assign specific responsibility for energy efficiency to operation managers, including targets. <b>Step 1.</b> <b>Step 2...</b> etc	Name of Senior Manager	June 05	
4				
5				

---

## Technical Review

A **technical review** will be implemented as a stand-alone study of opportunities for improving energy efficiency, or as part of an Energy Performance Contract development process.

### What is a Technical Review?

A **technical review** is a review of energy use and an investigation of energy saving measures within an organisation. It includes but is not limited to the identification of energy usage trends (such as peak electricity consumption), energy using devices and equipment, operating and maintenance procedures and opportunities to utilise renewable or low-emission on-site generation.

### Recently Conducted Technical Reviews

Where a recent technical review has been conducted and where the level of detail provided for the site is equivalent to that outlined in this section, then the existing technical review may be used to fulfil some or all of the requirements of this section. For example, savings may have been achieved through a voluntary program such as Energy Smart Business Program or an Energy Performance Contract (EPC).

### What Level of Technical Review?

A technical review should be a stand-alone investigation of energy use and opportunities for improvement that is of sufficient detail to enable implementation decisions to be made – generally a Level 3 Energy Audit under Australian Standard 3598:2000. The outcome should include Business Cases (in the normal format used by your organisation for capital or operational expenditure) for each cost-effective project identified.

A Detailed Feasibility Study conducted as part of an Energy Performance Contract development process may fulfil a large portion of requirements for an Energy Savings Action Plan.

### Before commencing an on-site technical review

Before commencing a technical review the energy use assessor (internal or external) should meet with the organisation's management team to:

- confirm the objectives of the technical review
- arrange meetings with key representatives and
- agree on how outcomes from the technical review will be distributed and actions decided.





### Possible exemptions from a technical review

Some sites may be exempt from the detailed technical review if they can demonstrate:

- a representative site has the same energy consuming devices, processes, and operating and maintenance practices as other nominated sites for review **and**
- a representative site has a similar energy consumption to the other nominated sites for review **and**
- the opportunities identified by a detailed technical review at the representative site are equally applicable to the other nominated sites.

Special conditions at a site such as recent change in ownership or proposed redevelopments should be discussed with DEUS.

### Detailed Technical Review Guidelines

For sites requiring detailed technical reviews, the following guidelines indicate the level of information and detail that may be required to support implementation decisions:

- preparation of an energy balance – essentially a model based on measured energy use to compare with actual consumption. (Reconciliation of model results and actual consumption can be used to identify and quantify waste)
- a detailed investigation of each energy using device, equipment item and process across the site and preparation of an inventory, including as appropriate:
  - energy consumption patterns and levels
  - description of energy use, operating, maintenance and cleaning procedures and
  - control systems, normal working hours, start up and shutdown procedures
- in addition, for major energy uses / processes / equipment items:
  - usage trends and patterns utilising the monitoring required in this section
  - energy consumption indicators (KPIs) including a comparison of current consumption against predicted energy use and
  - identification of appropriate energy use targets
- in production and manufacturing organisations, a consideration of scheduling and lengths of production runs
- quantification of out-of-hours consumption and identification of measures to reduce out-of-hours consumption and
- investigation of opportunities to reduce peak electrical demand (on weekday afternoons in December to February and early evenings on weekdays in June to August).

Use the information captured to identify measures to improve energy efficiency and reduce cost. In identifying measures, consider:

- opportunities to improve operating and maintenance procedures
- opportunities to utilise alternative energy sources, such as onsite renewable or low-emission generation, and fuel switching to reduce greenhouse gas emissions and
- opportunities to maximise cost-effective energy efficiency improvements within proposed capital upgrades, operating procedures and process changes.

### Information Collected

For sites requiring detailed technical reviews, you should aim to provide or record the following:

- an energy balance – essentially an energy model for the site with breakdown of consumption based on the assessment conducted
- the name of the assessor and any other personnel involved in the review
- a description of the site and an outline of the methodology used in the technical review undertaken
- a description of existing energy sources, energy using equipment, devices and processes across the site. For major items include:
  - current energy consumption patterns and levels
  - a description of energy use, operating, maintenance and cleaning procedures
  - a description of control systems, normal working hours, start up and shutdown procedures.
- a table identifying the meters monitored during the review, dates logged and data
- benchmarking of current energy use for major energy uses (KPIs) against best practice where available
- graphs of historical and current site energy use profiles and KPIs
- suggestion and commentary of an appropriate energy savings target
- details of all identified measures including cost-effective measures. For each measure specify:
  - description of the measure
  - summary of where the measure is to be applied and a photograph of the existing equipment, as appropriate
  - estimated energy saving (kWh / annum) and peak demand savings where applicable (in particular summer afternoon and winter evening peak demand impacts)
  - estimate of water and other savings (e.g. lamp replacement costs) resulting from the measure
  - expected costs and benefits from the implementation of the measure, supported with appropriate engineering calculations and / or quotations
  - Internal Rate of Return (IRR) of the measure
  - estimated time required to implement the measure.





### Monitoring

For sites requiring detailed technical review, it is recommended that sub-metering be installed, if not already, for all major energy consuming processes or items of equipment. For example:

- any individual piece of equipment, process or facility consuming about 15% or more of the total site energy consumption, where the total consumption is more than 10 GWh per year.

### Analysis of Energy Use

The monitoring data should be reviewed to identify usage trends and wastage, and presented where possible in graphical format. Any changes in energy use patterns during the technical review should be analysed and explained.

Ideally, any obvious energy wastage for which immediate corrective action is possible (e.g. after-hours lighting, compressed air leaks etc), should be addressed during the monitoring period. Where action is taken and savings achieved, this should be highlighted on graphical outputs.

### Detailed Feasibility Study as part of an EPC

Energy Performance Contracting (EPC) is simply a method to implement energy and water efficiency, peak energy demand reduction or greenhouse abatement projects in existing facilities. Under an EPC, an Energy Services Company (ESCO) identifies and then guarantees savings that could be made by implementing a range of energy conservation measures in a facility. EPCs have successfully been utilised in the government sector, but are equally useful in the private sector.

The Australasian Energy Performance Contracting Association (AEPICA) has developed a recommended procurement process, adopted by Commonwealth, State and local Governments. This is described in the Best Practice Guide to EPC available free on the AEPICA website – [www.aepca.asn.au](http://www.aepca.asn.au).

Typically an energy performance contract lasts 5 – 10 years and ends when the accumulated savings, discounted for inflation, equal the capital value of the contract. Any variation to this can be negotiated between the customer and the ESCO. EPC projects are supported by appropriate levels of measurement and verification of savings agreed prior to the project commencing.

One of the important stages of an EPC is the production of a Detailed Feasibility Study (DFS) – a major investigation of the energy and water saving potential of a site. A DFS may fulfil a large portion of the requirements for an Energy Savings Action Plan.



## Assessing Your Opportunities

A complete **Energy Savings Action Plan** details energy savings measures and assesses their costs and benefits. Template 4 on the following page provides guidance on how to present information on savings measures.

Organisations should include energy savings measures which have been completed and implemented in the last five years. This allows organisations to demonstrate the actions they have already undertaken to save energy.

### Assess Cost Effectiveness of Each Savings Measure

The energy savings measures identified in the technical review should be presented in order of their **cost effectiveness**. All assumptions made in the financial assessment should be made explicit.

**Internal Rate of Return (IRR)** can be used to rank measures. For the purposes of this exercise, IRR should be calculated using a 10-year project life. Shorter project lives may be accepted after consultation with DEUS where specific information about the project's life can be demonstrated.

**Net Present Value (NPV)** can also be calculated to assess the viability of an individual measure.

### Grouping Savings Measures

It is suggested that measures are grouped into the following categories, using the results of the financial assessment:

- **Cost-Effective Opportunities:** energy savings measures that exceed the organisation's hurdle rate of return (cost of capital). This includes measures which can be implemented with little or no capital cost or which are highly cost-effective
- **Potential Cost-Effective Opportunities:** energy savings measures that are below an organisation's hurdle rate of return (cost of capital) but which may become cost-effective, for example financial assistance is accessed. Measures may be eligible for funding from the NSW Government's Energy Savings Fund on a competitive basis.





Template 4 – Energy Savings Measures

Project Number	Measure Description	Responsibility	Cost to Implement	Savings: Energy (kWh or MJ) p.a. Peak Electrical (kVA)	Total Cost Savings (Energy + water + labour + other) (\$ p.a.)	Internal Rate of Return	Time Required to Implement	Planned Completion Date
<b>Previous Actions Over Last Five Years</b>								
1								
<b>Cost-Effective Opportunities</b>								
2								
<b>Potential Cost-Effective Opportunities</b>								
3								
4								
5								
<b>Total Energy Savings for Site 1</b>								
								<b>Total Savings as a Percentage of Total Site Use (%)</b>

## // THE ENERGY SAVINGS ACTION PLAN

The Energy Savings Action Plan for your organisation must be submitted to DEUS by the date specified by DEUS for your organisation. The Plan should utilise the outcomes of the assessment of the **baseline energy use, energy management review** and **technical review** and be based on the templates provided in those sections. A guide to compiling your Plan is as follows.

The Savings Action Plan must be signed by a person authorised to sign for and on behalf of the designated user.

Plan Section	Includes	Template/ Section	Page # in these Guidelines
Overview and introduction to the business	Introduction to Plan	Template 5	21
Baseline Energy Use	Identification of <b>baseline energy use</b> Any ongoing work – e.g. where sites have not had technical reviews completed and the timing of any proposed reviews.	Template 1 n/a	8
Energy Management Actions	<b>Energy management review</b> – identification of the strengths, weaknesses and improvements to systems for managing energy. <b>Energy management actions</b> – listed with timeframes and responsibilities.	Template 2 Template 3	10 13
Energy Savings Measures	Attach a copy of the <b>technical review</b> for each site where appropriate All energy savings measures. For each measure, list: <ul style="list-style-type: none"> <li>– description of the measure</li> <li>– person responsible for implementing the measure</li> <li>– measure costs</li> <li>– estimate of energy saving</li> <li>– estimate of net energy and other savings</li> <li>– Internal Rate of Return</li> <li>– time required to implement</li> <li>– consideration of training needs.</li> </ul>	Technical Review Template 4	14-17 19







**Template 5 – Introduction to Plan (sample assessment)**

<p><b>Organisation Name:</b></p> <hr/> <p><b>Brief introduction to the business:</b> (description, how many sites etc)</p> <hr/> <p><b>Background / History of energy savings within the organisation:</b> (e.g. involvement in an existing voluntary program)</p> <hr/> <p><b>Introduction to energy savings within the organisation:</b> (how has this Plan been developed, objectives)</p> <hr/> <p><b>How plan integrates with existing business operations:</b></p> <hr/> <p><b>Signoff of the Plan:</b> Short signed statement 'I certify that this Savings Action Plan has been prepared in accordance with the Guidelines issued by the Minister for Utilities. I am authorised to submit this Plan, on behalf of the designated user, to DEUS'.</p>
--

Site Number	National Meter Identification (Electricity & Gas)	Level of review conducted and why	Site Location and Description
1	41011443385	Level 3 review using industry benchmarks	Corner of Smith Street and Henry Lane. Five-storey commercial office block.
2			
3			



## Implementing and Reviewing Plans

### Implementing Energy Savings Action Plans

As part of the Energy Savings Action Plans, designated users must state what actions will be implemented over the next 4 years. Information needs to include initial set up costs and annual costs for each measure and timeframes for implementation.

Measures may be eligible for funding from the NSW Government's Energy Savings Fund on a competitive basis.

### Progress Reports

Designated users must prepare an annual progress report of outcomes (Template 6) and submit this to DEUS.

### Review of Energy Savings Action Plans

Energy Savings Action Plans must be reviewed every 4 years.





**Template 6 – Annual Progress Report of Outcomes**

<b>Organisation Name:</b> AAA Pty Ltd		
To be completed for all sites that are included in the organisation's Energy Savings Action Plan. <b>Energy consumption should be reported in the most appropriate units (e.g. kWh, GJ).</b>		
Site Number	1	2
All Project(s) implemented at site	Project 1,3,4,6,14	Project 1,3,4,6,14
<b>F</b> = Estimated energy savings kWh / annum	4,000	4,000
<b>G</b> = Baseline energy use KPI (from baseline report)	21.0	21.0
Baseline KPI units	kWh/m <sup>2</sup>	kWh/m <sup>2</sup>
Current report start date	1-Apr-06	1-Apr-06
Current report end date	31-Mar-07	31-Mar-07
Site Energy use for report period (for e.g. kWh)	126,500	126,500
<b>A</b> = Current annual Energy use (kWh)	53,000	53,000
Site Business Activity Indicator	m <sup>2</sup>	m <sup>2</sup>
Quantity of Site Business Activity Indicator for report period	1,150	1,150
<b>B</b> = Annualised Site Business Activity Indicator	2,300	2,300
Is current energy use representative of normal use Y/N	YES	NO
If NO, description of abnormality (e.g. restrictions, shutdown, refurbishment etc)		Refurbishment
<b>C</b> = Energy use impact of abnormality (i.e. variation from normal) kWh/annum	0	-3,000
<b>D</b> = A – C		
Current annual energy use corrected for abnormality (kWh)	53,000	56,000
Energy use KPI units	kWh/m <sup>2</sup>	kWh/m <sup>2</sup>
<b>E</b> = D / B Current annual energy use KPI	23.04	24.35
<b>H</b> = G – (F / B) Forecast energy use KPI including implemented projects	19.26	19.26
<b>I</b> = E – H Variation of current use KPI from forecast energy use	3.78	5.09
Explanation of variation		
Baseline summer Peak Electrical use (kVA or kW)	1,200	1,200
Baseline winter Peak Electrical use (kVA or kW)	850	850
Current summer Peak Electrical use (kVA or kW)	1050	1300
Current winter Peak Electrical use (kVA or kW)	835	855
% Saving Peak Electrical use (summer)	-12.5%	+8%
% Saving Peak Electrical use (winter)	-2%	+1%

---

## // GLOSSARY OF TERMS

**Baseline Energy Use** means historical energy use for all sites included in the organisation's Energy Savings Action Plan over a 12 month period, adjusted for variations.

**Business Activity Indicator** means a representative indicator of the site's business operation, preferably the indicator that the business uses to assess their own efficiency.

**Designated user** means an entity required to prepare an Energy Savings Action Plan under the Energy Administration Amendment (Water and Energy Savings) Act 2005.

**Detailed Level Technical Review** means a comprehensive investigation of energy efficiency measures.

**Energy Efficiency Benchmark** means a benchmark indicator of energy use for an industry sector, approved for use by DEUS. e.g. the Australian Building Greenhouse Rating scheme for commercial office buildings.

**Energy Savings Measure** means a measure that will reduce energy consumption including:

- measures that reduce the total volume of energy being used – such as kWh or electricity, or MJ of gas.
- measures that reduce the peak consumption of energy – such as kVA, or kW of electrical demand.

**Energy Management Actions** means actions identified in the Management Review to improve the organisation's management practices and systems for managing energy, such as targets, operating and maintenance practices, accountabilities, monitoring and reporting systems.

**Energy Savings Action Plan** means an organisation's plan to reduce energy consumption and improve an organisation's energy management practices by implementing Energy Saving Measures and Energy Management Actions.

**Internal Rate of Return (IRR)** means the savings (expressed as an interest rate) received for an Energy Saving Measure based on the Measure Cost and Measure Savings, yearly over a defined timeframe. It can be compared with the interest rate from investing the capital in an alternative investment (e.g. bank or shares).

The Internal Rate of Return should be calculated using a 10-year project life. Shorter project lives may be accepted after consultation with DEUS where specific information about the project's life can be demonstrated.

**Management Review** means a review of the organisation's management practices and systems for managing energy and may include targets, operating and maintenance practices, accountabilities, monitoring and reporting systems, as detailed in these Guidelines.

**Measure Cost** includes costs directly associated with the purchase and installation of devices or equipment within an Energy Saving Measure. It does not include training costs, project management costs or other staff costs.





**Measure Saving** includes savings in direct energy costs (such as energy consumption and / or energy demand charges), and indirect costs such as chemical costs, water costs, labour and maintenance costs and operating costs associated with an Energy Saving Measure.

**Out-of-hours-consumption** means energy use when normal business processes are not operating (for example when a production facility is shutdown or when a commercial building has no occupants).

**Recent** refers to a reasonable amount of time elapsed, since which no material changes have occurred at a site that would render previous actions to improve energy efficiency unsuitable for use in meeting the requirements of the Guidelines (e.g. a technical review was conducted 12 months previously and the business processes and practices have not significantly changed since the review).

**Sites** means all sites for which an Energy Savings Action Plan is required, for which the organisation is responsible for energy use or has an account with an energy supplier.

**Summer Peak Demand** means the maximum electrical demand (in kVA or kW) of the site on a hot summer's afternoon – generally between 12pm and 5pm on a weekday.

**Technical Review** means a review of energy use and investigation of Energy Saving Measures as detailed in these Guidelines within an organisation, including but not limited to, energy usage and trends, energy using devices and equipment, operating and maintenance procedures, opportunities to utilise alternate energy sources, or use renewable or low-emission generation on-site.

**Variation from normal operation** means any variations to energy use within the organisation as impacted by changes such as redevelopments, refurbishments, upgrades, shutdowns, purchase or sale of sites, new or stopped leases and greenfield sites.

**Winter Peak Demand** means the maximum electrical demand (in kVA or kW) of the site on a cold winter's evening – generally between 5pm and 10pm on a weekday.

---

## // APPENDICES

### Appendix A Links to Existing Energy Programs

#### Links to Existing Energy Saving Programs

Some organisations will be members of the existing local and national voluntary energy savings programs. The following is a brief description of some current programs. Commentary on links between these programs and the Guidelines is included within the Guidelines and shown in the diagram below.

#### Energy Smart Business Program

Through the Energy Smart Business (ESB) program, organisations enter into voluntary partnerships with the NSW Government to identify and implement cost-effective energy efficiency measures. Organisations sign a Memorandum of Understanding (MoU) outlining their commitment over a three to five year period to carry out energy efficiency projects over 75% of operations wherever cost-effective.

Since its launch in December 1997 ESB has achieved a high level of success in terms of the number of participating partner companies, CO<sub>2</sub> reductions and cost savings.

#### Energy Smart Government Program

The Energy Smart Government program overcomes market barriers and helps NSW Government agencies identify and implement actions to save energy and reduce greenhouse emissions – results that can be shared with staff, stakeholders and the community.

These results also contribute to performance requirements under the NSW Government Energy Management Policy.

#### ICLEI Cities for Climate Protection Program

The Cities for Climate Protection™ (CCP) Campaign was established by ICLEI in 1993 at an international summit of municipal leaders held at the UN headquarters in New York. ICLEI strives to provide cities participating in the CCP with substantial assistance in achieving their emissions reduction goals. Technical tools and information, training workshops, and overall assistance have been designed to link the global issue of climate change with air quality and other local issues such as energy costs, traffic congestion and waste management.

Local government participants in the program undertake and complete five performance milestones:

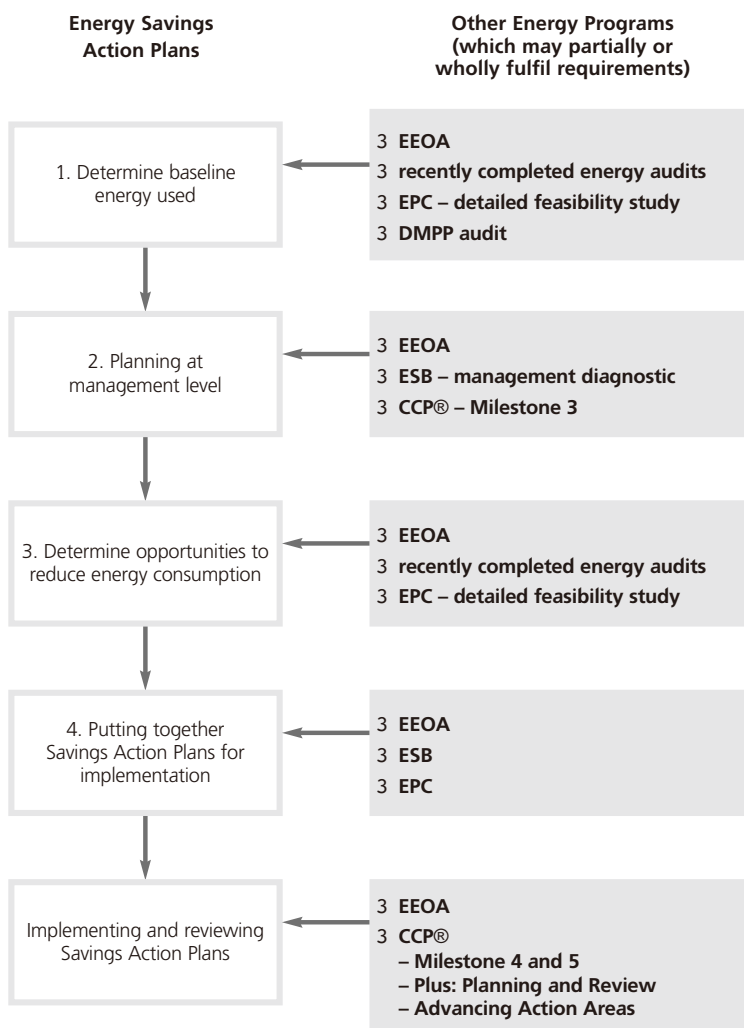
- conduct an energy and emissions inventory and forecast
- establish an emissions target
- develop and obtain approval for the Local Action Plan
- implement policies and measures
- monitor and verify results.

The inventory developed in the first Milestone profiles energy use and greenhouse gas (GHG) emissions for a base year for municipal operations (including buildings, facilities, and waste streams) and the wider community. Some of these activities may link into the requirements for an Energy Savings Action Plan.





**Indicative Links to Other Energy Programs**



**Notes:** EEOA – Energy Efficiency Opportunity Assessment, part of Commonwealth Government’s ‘Securing Australia’s Energy Future’ initiative  
 EPC – Energy Performance Contract  
 ESB – Energy Smart Business program  
 DMPP – Demand Management and Planning Project, joint initiative of Transgrid and Energy Australia, managed by DEUS  
 CCP® – Cities for Climate Protection – ICLEI – A/NZ – Local Governments for Sustainability Campaigns (International Council for Local Environmental Initiatives)

---

## Appendix B Principles Used In Preparing These Guidelines

The following principles were used in preparing these plans:

- Energy Savings Action Plans are to be primarily targeted at energy efficiency measures that are highly cost-effective
- consideration should also be given to energy efficiency measures that are not cost-effective over a longer timeframe and to opportunities for funding such measures (e.g. performance contracts, external funding and grant sources)
- overall Energy Savings Action Plans should achieve an average of 20% energy savings across all organisations
- management within organisations need to be involved in preparing Energy Savings Action Plans
- organisations that have participated in programs such as the Energy Smart Business program and Cities for Climate Protection should be given credit for their actions, where those actions meet the requirements of the Guidelines
- where organisations have taken voluntary action to date, this may be used in the preparation of an Energy Savings Action Plan. Where the voluntary action does not fully meet the Guideline requirements, additional activities may be required. For example a detailed technical review may have been conducted that meets the requirements of the Guidelines but may need to be augmented with an evaluation of cost-effective energy saving opportunities and the preparation of an Energy Savings Action Plan.





# GUIDELINES FOR WATER SAVINGS ACTION PLANS



 DEPARTMENT OF ENERGY,  
UTILITIES AND SUSTAINABILITY  
NEW SOUTH WALES GOVERNMENT

Water  for Life Plan  
NSW GOVERNMENT

---

## // TABLE OF CONTENTS

<b>Introduction</b>	<b>2</b>
Why Water Savings Action Plans?	2
Who is Required to Develop Water Savings Action Plans?	2
Skills Needed to Prepare a Water Savings Action Plan	2
What is in these Guidelines?	3
<b>Making a Water Savings Action Plan</b>	<b>6</b>
Determining How Much Water is Used	6
Planning at Management Level	8
Technical Review	13
Assessing Your Opportunities	18
<b>The Water Savings Action Plan</b>	<b>20</b>
Implementing and Reviewing Plans	21
<b>Glossary of Terms</b>	<b>23</b>
<b>Appendices</b>	<b>25</b>
Appendix A Links to Existing Water Programs	25
Appendix B Principles Used In Preparing these Guidelines	28
<b>Templates and Tables</b>	
Template 1 Baseline Water Use	7
Template 2 Management Review	9
Template 3 Water Management Actions	13
Template 4 Water Savings Measures	19
Template 5 Introduction to Plan	21
Template 6 Annual Progress Report of Outcomes	22
Table 1 Ranking Management Systems	10
Table 2 Levels of Technical Review	14

## // INTRODUCTION

### Why Water Savings Action Plans?

As detailed in the NSW Government's 2004 Metropolitan Water Plan for Sydney, "Sydney is using more water than is sustainable". Over the next 25 years, the existing shortfall between the amount of water used and the amount provided by catchments will increase.

The Metropolitan Water Plan includes a range of initiatives to respond to the current drought and increase the certainty of future water supplies. The Plan – and the *Energy Administration Amendment (Water and Energy Savings) Act 2005* – gives the NSW Department of Energy, Utilities and Sustainability (DEUS) the responsibility to promote improvements in the water efficiency of key businesses, local government and NSW government agencies.

Experience in NSW and elsewhere has demonstrated that even the largest and most sophisticated water users – nevermind the users for whom water is a relatively small part of their operations – can find additional opportunities for cost-effective water savings. There are various techniques available for identifying and assessing those potential savings, and the purpose of Water Savings Action Plans is to identify and help deliver those savings in a practical, effective and flexible way.

Specifically, DEUS will promote improvements in water efficiency by:

- providing the guidelines for Water Savings Action Plans for use by business, Local Government and NSW Government agencies
- ensuring good quality Water Savings Action Plans are in place for designated high water users and
- ensuring program participants report on their progress towards implementing cost-effective water efficiency improvements on an annual basis, and revise their Water Savings Action Plan every four years.

DEUS recognises that many businesses have already taken the initiative to identify where they can save water. Any work completed by an organisation for internal purposes or under another government or utility-sponsored program, can be used to partially or wholly fulfil their requirements but an acceptable Savings Action Plan must still be submitted. Appendix A outlines how other programs relate to Water Savings Action Plans.

### Who is Required to Develop Water Savings Action Plans?

These Guidelines are designed to assist any organisation in developing a Water Savings Action Plan as a first step to identifying and implementing substantial water savings. The following organisations within Sydney Water's area of operations (Sydney, Blue Mountains and Illawarra) are legally required to develop Water Savings Action Plans after being designated by the Minister for Utilities in a gazetted Savings Order:

- business and government agencies with high water use at a site
- local councils.

### Skills Needed to Prepare a Water Savings Action Plan

Water Savings Action Plans need to be prepared by an experienced person with:

- relevant water management experience
- understanding of the designated user's industry sector
- understanding of business management systems
- skills in communicating and negotiating with management teams
- ability to identify water efficiency measures.

DEUS is developing training support to assist internal and external assessors and managers in preparing Water Savings Action Plans.





## What is in these Guidelines?

These Guidelines are provided for all designated users developing and implementing Water Savings Action Plans under the Metropolitan Water Plan. The overarching aim of these Guidelines is to make sure that actual water savings are made.

The *Energy Administration Amendment (Water and Energy Savings) Act 2005* provides that a Water Savings Action Plan **must** be prepared in accordance with these Guidelines.

In this document we lay out a process in steps that will ensure your organisation will be able to:

- use accurate data
- identify and promote improved management practices related to water
- identify measures that will result in actual savings
- implement measures that are highly cost-effective for you and
- confidently report your achievements to stakeholders and shareholders.

The approach outlined in these Guidelines is based on similar approaches used elsewhere in Australia and overseas for identifying energy and water savings measures.

There are a number of tasks identified in these Guidelines – some can be done in parallel, but others need to be done in sequence. This section provides an overview of the tasks required and the rationale for each one. The next section titled, “Making a Water Savings Action Plan”, provides more detail on tasks, and provides templates for data collection. Templates have been designed as a guide, organisations may choose to modify the templates to suit their needs.

Appendix A outlines how work undertaken through another program relates to the tasks involved in preparing a Savings Action Plan.

### Task 1. Determining How Much Water is Used

The first step is to use 12 months of water usage data to identify the existing **baseline water use**. This baseline water use needs to accurately reflect regular operating conditions. For this reason you should record any anomalies in the baseline, which takes into account any unusual operating circumstances in the baseline year, and makes sure your actual future savings are recognised against the correct starting point.

### Task 2. Planning at Management Level

It is invaluable to involve the right level of management at the right time in your water planning and identify the appropriate level of accountability. The term used for this step is a **Water Management Review**.

### Task 3. Determining How Water is Used and Efficiency Opportunities

A **technical review** is used to break down water usage at a site. This breakdown will help assess what appliances and processes are consuming water, and will facilitate the assessment of water utilisation and opportunities for investment. Technical reviews should be conducted to a level that enables investment decisions to be made based on whether an opportunity meets or exceeds an organisation’s hurdle rate of return and other applicable business investment criteria.

With regard to local councils, it is recommended as a guide that the top 10 sites be included in the Water Savings Action Plan to capture the bulk of the water use. However, the measures in the Plan may relate to more or fewer sites.

---

**Task 4. Putting the Plan Together**

The Plan itself is a compilation of all the tasks undertaken in identifying water use and a priority list for implementation of savings measures. The plan will be assessed by DEUS (see guide on page 20) in making recommendations to the Minister for Utilities as to the approval of the Plan.

**Task 5. Implementing and Reviewing Plans**

Plans will include a list of actions that will be implemented over the next 4 years. Annual progress reports on outcomes are to be prepared, and Plans reviewed every 4 years.

**Relationship to Energy Savings Action Plans**

For sites that are required to prepare and implement an Energy Savings Action Plan and a Water Savings Action Plan the two Plans may be combined within a single 'Energy and Water Savings Action Plan', making sure to fully meet the requirements set out in both Guidelines.

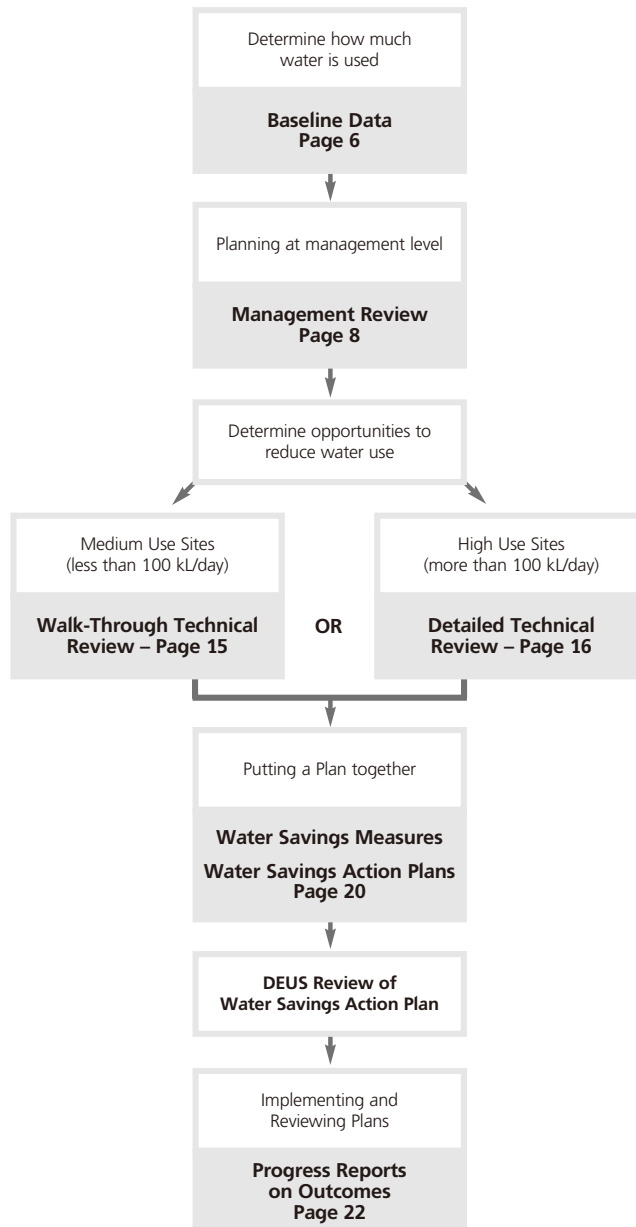
**Confidentiality**

Information provided to DEUS by a designated user through the Plan process will be treated confidentially when it is commercially confidential in its nature and nominated as such by the user.





**Steps in Preparing a Water Savings Action Plan**



---

## // MAKING A WATER SAVINGS ACTION PLAN

### Determining How Much Water is Used

Monthly water use data will determine what detail is required for the rest of the process in developing Water Savings Action Plans. This section describes how to collect this information.

All designated users must determine their **baseline water use**.

#### What is Baseline Water Use?

Your organisation's baseline water use is simply what water you would expect to use on a regular and repeatable basis. It is an important measure as it will determine what water savings are achievable in any given year.

#### How to Determine Baseline Water Use

**Step One:** Collate **monthly historical water use data** for all sites that are included in the organisation's Water Savings Action Plan. While collating this data you need to consider:

- that data needs to be obtained for a representative 12 month period prior to commencing the investigation
- **if this water use data is not available from within your organisation**, it should be obtained from Sydney Water by providing your account details.

**Step Two:** Confirm that the data used to determine baseline water use is **based on normal operations** and is corrected for any variation from normal operations:

- variation from normal operations includes water restrictions, refurbishments or shutdowns
- where variations in water use have occurred, the organisation should either use data from an alternative normal period or quantify the impact on the expected water consumption and adjust the baseline water use accordingly.

**Step Three:** Provide baseline water use to DEUS as part of Water Savings Action Plan using Template 1 (see page 7).

Where the baseline is not representative of normal operations, include a description of the reasons for your varied water use (e.g. restrictions, shutdown, refurbishment), the impact of those factors on your normal water use (i.e. variation from normal) and make an allowance in the baseline water use for that variation.

The template includes:

- a calculation for variation from normal operations and
- the **Business Activity Indicator** for your site's business sector (see box).





**Business Activity Indicator**

The business activity indicator is a unit of measurement that represents the business operation. Preferably it is the same indicator that your organisation uses to assess business efficiency. The indicators will assist your organisation manage water and will not be used as a performance monitoring tool across organisations. Examples are:

- for commercial buildings and shopping centres "leasable area" in m<sup>2</sup>
- for hotels and hospitals "number of bed nights or meals"
- for manufacturing and laundries "quantity of production" in tonnes or other units
- for education "number of full time student equivalents"
- for irrigators "area"(e.g. golf courses, show grounds reserves) in m<sup>2</sup>
- for swimming pools, clubs and pubs "number of patrons"

For other sectors, as nominated and agreed with DEUS

**Template 1 – Baseline Water Use**

**Organisation Name**

To be completed for all sites that are included in the organisation's Water Savings Action Plan.

Site Description	Normal operation	With variation from Normal operation
Address	123 Smith St	321 Jones St
Sydney Water Account Number/s	23 333 555	23 333 601
Baseline Start Date	1-Jan-03	1-Jan-03
Baseline End Date	1-Jan-04	1-Jan-04
<b>A</b> = baseline water use per annum (kL)	50,000	50,000
Business Activity Indicator	tonnes	tonnes
<b>B</b> = Quantity of Site Business Activity Indicator per annum (corrected for variations)	1,800	2,000
Is baseline representative of normal water use YES/NO	YES	NO
If NO, description of variation (e.g. restrictions, shutdown, refurbishment etc)		Plant shutdown for (July + August 03)
<b>C</b> = Impact of variation on water use (i.e. variation from normal) kL per annum	0	-8,000
<b>D</b> = A – C baseline water use corrected for variation (kL)	50,000	58,000
<b>E</b> = D / B baseline water use key performance indicator (KPI)	27.8	29.0
Baseline KPI units	kL/tonne	kL/tonne



## Planning at Management Level

A **Water Management Review** seeks to ensure that water efficiency is incorporated into existing management practices of an organisation and accountabilities are identified for priority actions.

### What is a Water Management Review?

The review is a structured assessment of the systems the organisation has in place for managing water. This means that all levels of business management – financial, production, maintenance, OHS&E and operation – will need to be included in the review. The ISO 1400 type management system audit is an example of this approach.

All designated users must undertake a Water Management Review for sites which require a Water Savings Action Plan.

Where a recent Water Management Review has been conducted and meets the requirements of this section, this review can be used to fulfil part, or all, of the requirements of this section.

### Management Review Measures

The steps outlined below provide a guide to the type of approach that should be undertaken to assess current performance of management systems for water and set priorities and accountabilities for improvement.

**Step One:** Determine what level of review the organisation needs to do and who is involved.

- as a minimum, the management review should be conducted with representatives from senior management, and the finance and the engineering/facility management divisions of the site in question
- where an organisation must prepare a Water Savings Action Plan for more than one site, the Management Review should include representatives from a corporate level.

**Step Two:** Identify the key areas in which you will review your organisation's performance in sustainable water management. These may include, for example:

- **senior management commitment** to, and involvement in water management
- **understanding of water savings potential** at operations and maintenance levels, and within new capital works
- management of **water targets and key performance indicators**
- **water metering and monitoring**
- **water management reporting**
- **water supply management** and alternative water supply options such as recycling
- incorporation of water management into **operating and maintenance procedures**
- **accountabilities for water management**
- **training and awareness procedures**
- **compliance with legal or other requirements.**





**Step Three:** As a team, assess current performance, strengths and weaknesses in each area using a matrix, such as that in Template 2.

**Template 2 – Management Review (sample assessment)**

Area	Review Area	Rating				
		Low	Moderate	Minimum Sustainable	Industry Leader	Best Practice
A	Senior management commitment					
B	Understanding of water savings potential					
C	Water targets and key performance indicators					
D	Water metering and monitoring					
E	Water management reporting					
F	Water supply management					
G	Operating and maintenance procedures					
H	Accountabilities for water management					
I	Training and awareness procedures					
J	Compliance with legal and/or regulatory requirements					

**Table 1 – Ranking Management Systems**

As a guide, the table below provides an indicative ranking system for how your organisation meets each of the Management Review Areas.

	Management Review Area	Ranking	Descriptor
<b>A</b>	Senior management commitment	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Executive-level management policy for improving water efficiency or reducing water costs that includes targets. This policy is reported on the organisation's website and in Annual Reports and communicated to all employees. Sub-targets are established for major facilities, and regularly updated.
		Industry Leader	In addition to minimum sustainable, business practices are routinely audited, and publicly reported.
		Best Practice	In addition to industry leader, organisations can demonstrate that water management is ingrained into corporate culture.
<b>B</b>	Understanding of water savings potential	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Water efficiency opportunities are based on a comprehensive review of water use by major users, and of savings opportunities in each major operation covering operating procedures, maintenance procedures, and capital works.
		Industry Leader	Cost-effective measures are routinely implemented, water operating and maintenance procedures for water intensive plant, and documented internal communications strategy implemented.
		Best Practice	In addition to industry leader, all innovation measures implemented.
<b>C</b>	Water targets and key performance indicators	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	KPIs established and tracked monthly for large sites, and grouped to allow for internal benchmarking of similar facilities where applicable. Sites have routine visibility of this data, and review in operations meetings where they show large variance from target.
		Industry Leader	In addition to minimum sustainable, KPIs are included in job descriptions.
		Best Practice	In addition to industry leader, KPIs are benchmarked against world best practice performance and facilities in top quartile.
<b>D</b>	Water metering and monitoring	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations maintain a baseline database for all sites, and basic plant monitoring enables access to metering data for major water streams.



	Management Review Area	Ranking	Descriptor
		Industry Leader	In addition to minimum sustainable, sub-metering installed throughout plant and results reported and tracked at regular management meetings.
		Best Practice	Water consumption metered as per industry leader, regular reporting of consumption at board level.
E	Water management reporting	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations report savings opportunities with extended payback periods (>5 years) and whether they plan to implement these measures and over what time-frame.
		Industry Leader	In addition to minimum sustainable, business practices are routinely audited, and publicly reported.
		Best Practice	In addition to industry leader, organisations can demonstrate that water management is ingrained into corporate culture.
F	Water supply management	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations have formal processes for water procurement, and assess opportunities for alternative water supply options (such as water recycling and reuse) based on capital and operating costs.
		Industry Leader	In addition to minimum sustainable, product life cycles studies are carried out.
		Best Practice	In addition to industry leader, organisation acts on product life cycle measures to reduce cradle to grave impacts.
G	Operating and maintenance procedures	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Opportunities assessment includes potential improvements to operating and maintenance procedures, and planned projects to improve water efficiency incorporate formal operating procedures and training to ensure sustainability.
		Industry Leader	In addition to minimum sustainable, product life cycles studies are carried out.
		Best Practice	In addition to industry leader, organisation acts on product life cycle measures to reduce cradle to grave impacts.
H	Accountabilities for water management	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Organisations have an executive-level manager who is accountable for water management, together with at least one person at each site and a water management group that coordinates water management activities at major sites.

	Management Review Area	Ranking	Descriptor
		Industry Leader	In addition to minimum sustainable, KPIs are included in job description.
		Best Practice	In addition to industry leader, KPIs are benchmarked against world best practice performance and in top quartile.
I	Training and procedures awareness	Low	No activity/absent.
		Moderate	Informal management practices.
		Minimum Sustainable	Basic water-awareness activities are in place at each major facility, and water management training is provided to operations and maintenance teams in water intensive areas.
		Industry Leader	In addition to minimum sustainable, business practices are routinely audited, and publicly reported.
		Best Practice	In addition to industry leader, organisations can demonstrate that water management is ingrained into corporate culture.
J	Compliance with legal and other regulatory requirements	Low	Regularly fails compliance requirements.
		Moderate	Occasionally fails compliance requirements.
		Minimum Sustainable	Limited compliance failures.
		Industry Leader	Compliance within allowable limits.
		Best Practice	Consistently above compliance requirements.

**Step Four:** Determine the actions needed to improve the management systems that the organisation currently has in place for managing water. With the management representatives, gain agreement on management actions to address all sustainability measures defined in this section. Use Template 3 (see page 13) for each of the agreed water management actions to detail:

- the specific water management action
- timeframe for implementation of the action and
- person/s responsible for implementing the action.





### Template 3 – Water Management Actions (sample assessment)

Proj No	Water Management Action	Planned Responsibility	Planned Completion Date	Actual Completion Date
1	Incorporate water efficiency into the existing corporate and site environmental policies <b>Step 1.</b> Review existing policy and prepare updated draft <b>Step 2.</b> Gain approval and sign off by CEO <b>Step 3.</b> Communicate changes to all staff	Name of Senior Manager	Jan 06	
2	Implement a water savings awareness program <b>Step 1.</b> <b>Step 2.</b> ...etc	Name of Senior Manager	March 06	
3	Assign specific responsibility for water efficiency to operation managers, including targets. <b>Step 1.</b> <b>Step 2.</b> ...etc	Name of Senior Manager	March 06	
4				
5				

### Technical Review

The depth and detail of a **technical review** will vary for each site, and is determined by the level of water use at that site.

#### What is a Technical Review?

A **technical review** is a review of water use and an investigation of water saving measures within an organisation. It includes but is not limited to the identification of water usage trends, water using devices and equipment, operating and maintenance procedures, and opportunities to utilise stormwater, water re-use or recycled water.

#### Recently Conducted Technical Reviews

Where a recent technical review has been conducted **and** where the level of detail provided for the site is equivalent to that outlined in this section, then the existing technical review may be used to fulfil some or all of the requirements of this section. For example, savings may have been achieved through a voluntary program such as Sydney Water Every Drop Counts business program, the International Council for Local Environmental Initiatives (ICLEI) Water Campaign or an Energy Performance Contract (EPC) which includes water efficiency measures.



**What Level of Technical Review?**

The two levels of technical review are:

**Walk-Through Technical Review** For sites consuming less than 100 kL/day **and** where water efficiency benchmarks are available from DEUS for the organisation’s industry sector.

**Detailed Technical Review** For sites consuming greater than 100kL/day or for sites consuming less than 100 kL/day where **no** water efficiency benchmarks are available.

The work for this section can be conducted as a combination of both on-site and desk-top work.

**Table 2 – Levels of Technical Review**

Baseline water use for the site	Undertake Walk-Through Review	Undertake Detailed Review
MEDIUM < 100 kL/day With water efficiency benchmarks available	3	
MEDIUM < 100 kL/day Without water efficiency benchmarks available		3
HIGH >100 kL/day		3

**Before commencing an on-site technical review**

Before commencing a technical review the water use assessor (internal or external) should meet with the organisation’s management team to:

- confirm the objectives of the technical review
- arrange meetings with key representatives and
- agree on how outcomes from the technical review will be distributed and actions decided.

**Possible exemptions from a technical review**

Some sites may be exempt from the detailed technical review if they can demonstrate:

- a representative site has the same water consuming devices, processes, and operating and maintenance practices as other nominated sites for review **and**
- a representative site has a similar water consumption to the other nominated sites for review **and**
- the opportunities identified by a detailed technical review at the representative site are equally applicable to the other nominated sites.

Special conditions at a site such as recent change in ownership or proposed redevelopments should be discussed with DEUS.





### Walk-Through Technical Review

A complete walk-through review should include:

- preparation of a water balance for the site. This should include the development of a model or “flow chart” of water consumption on the site utilising the equipment/device inventory and known flows for the equipment (e.g. from suppliers, equipment manuals) and reconciling this with total water use
- a breakdown of water usage across the site and site activities
- inspection of water using equipment, devices and processes across the site as part of preparing a water use inventory
- investigation of water consumption within water using equipment, devices and processes
- investigation of usage trends and patterns using monitoring as detailed below in this section
- preparation of Key Performance Indicators (KPIs) of water consumption (using baseline data) in relation to an appropriate business activity indicator
- comparison of monthly KPIs with industry benchmarks (where available) for baseline water consumption, with consideration of site specific factors (e.g. climate) where appropriate.

### Information Collected

For sites requiring walk-through technical reviews, provide or record the following:

- name of the assessor and any other personnel involved in the review
- brief description of the site and the technical review undertaken
- overview of existing water using equipment, water reticulation system, devices and processes across the site (the water use inventory)
- graphical historical site water use profiles and KPIs
- either tabular or graphical representation of major water use/process/equipment across the site
- details of **all** identified measures. For each measure specify:
  - brief description of the measure
  - estimated water saving (kL/annum)
  - estimate of energy and other savings (e.g. chemical treatment costs) resulting from the measure
  - the measured costs and savings, supported with appropriate calculation and/or quotation
  - Internal Rate of Return (IRR) calculated over 10 years
  - estimated time taken to implement the measure.



### Monitoring

Regular water meter readings should be taken over a four week period to determine water usage.

If required, install sub-meters to large water using appliances where flow patterns cannot be determined from the main meter.

### Analysis of Water Use

The monitoring data should be reviewed to identify usage trends and leakage, and presented in graphical format. Any changes in water use patterns identified during the technical review should be analysed and explained.

Ideally any obvious water wastage for which immediate corrective action is possible (e.g. leaks, malfunctioning float valves etc), should be addressed during the monitoring period. When action is taken and savings achieved, this should be highlighted on graphical outputs.

### Detailed Technical Review

For sites requiring detailed technical reviews, the review should include **all** activities required for the walk-through technical review as detailed in a walk-through **Technical Review** as well as:

- a detailed investigation of each water-using device, equipment item and process across the site and preparation of an inventory, including as appropriate:
  - current water consumption
  - description of water use, operating, maintenance and cleaning procedures
  - control systems, normal working hours, start up and shutdown procedures
- in addition, for major water uses/processes/equipment items:
  - usage trends and patterns utilising the monitoring required in this section
  - water consumption indicators (KPIs) including a comparison of current consumption against predicted water use
  - identification of appropriate water use targets
- in production and manufacturing organisations, a consideration of scheduling and lengths of production runs
- quantification of out-of-hours flow and identification of measures to reduce out-of-hours flow
- investigation of opportunities to reduce water pressure.

Use the information captured to identify measures to improve water efficiency and reduce cost. In identifying measures, consider:

- opportunities to improve operating and maintenance procedures
- opportunities to utilise alternative water sources, such as stormwater, water re-use within the site, and use of recycled effluent where practical.





### Information Collected

For sites requiring detailed technical reviews, provide or record the following:

- conduct a water balance for the site with breakdown of consumption based on monitoring conducted
- the executive summary of major findings of the review, measures, costs, and savings for each major water use/process/equipment
- the name of the assessor and any other personnel involved in the review
- a description of the site and an outline of the methodology used in the technical review undertaken
- a description of existing water reticulation system, water using equipment, devices and processes across the site. For major items include:
  - the current water consumption
  - the description of water use, operating, maintenance and cleaning procedures as well as any leakage
  - the control systems, normal working hours, start up and shutdown procedures and
  - the re-use opportunities
- a table identifying the meters monitored during the review, dates logged and data
- benchmarking of current water use for major water uses (KPIs) against best practice (where available)
- graphs of historical and current site water use profiles and KPIs
- graphical summary of the monitoring from all meters and sub-meters conducted during the technical review including:
  - commentary on usage and interpretation of monitoring graphs and
  - identification of the opportunities to reduce out-of-hours-flow where appropriate
- suggestion and commentary of an appropriate water savings target and
- details of all identified measures including cost-effective measures. For each measure specify:
  - description of the measure
  - summary of where the measure is to be applied and a photograph of the existing equipment, as appropriate
  - estimated water saving (kL/annum)
  - estimate of energy and other savings (e.g. chemical treatment costs) resulting from the measure
  - expected costs and savings from the implementation of the measure, supported with appropriate calculations and/or quotations
  - IRR of the measure
  - estimated time required to implement the measure.

### Monitoring

All meters should be continuously monitored (e.g. consumption for each 15 minute period) for a minimum of 4 to 6 weeks.

For sites requiring detailed technical review, sub-metering should be installed, if not already, for all major water uses. That is:

- any individual piece of equipment, process or facility consuming about 15% or more of the total site water consumption and where the flow to the equipment, process or facility is more than 10kL/day.

### Analysis of Water Use

The monitoring data should be reviewed to identify usage trends and leakage, and presented where possible in graphical format. Any changes in water use patterns during the technical review should be analysed and explained.

Ideally any obvious water wastage for which immediate corrective action is possible (e.g. leaks, malfunctioning float valves etc), should be addressed during the monitoring period. Where action is taken and savings achieved, this should be highlighted on graphical outputs.

### Assessing Your Opportunities

A complete **Water Savings Action Plan** details water savings measures and assesses their costs and benefits. Template 4 on the following page provides guidance on how to present information on savings measures.

Organisations should include water savings measures which have been completed and implemented in the last five years. This allows organisations to demonstrate the actions they have already undertaken to save water.

### Assess Cost Effectiveness of Each Savings Measure

The water savings measures identified in the technical review should be presented in order of their **cost effectiveness**. All assumptions made in the financial assessment should be made explicit.

**Internal Rate of Return (IRR)** can be used to rank measures. For the purposes of this exercise, IRR should be calculated using a 10-year project life. Shorter project lives may be accepted after consultation with DEUS where specific information about the project's life can be demonstrated.

**Net Present Value (NPV)** can also be calculated to assess the viability of an individual measure.

### Grouping Savings Measures

It is suggested that measures are grouped into the following categories, using the results of the financial assessment:

- **Cost-Effective Opportunities:** water savings measures that exceed the organisation's hurdle rate of return (cost of capital). This includes measures which can be implemented with little or no capital cost or which are highly cost-effective
- **Potential Cost-Effective Opportunities:** water savings measures that are below an organisation's hurdle rate of return (cost of capital) but which may become cost-effective if circumstances change, for example financial assistance is accessed. Measures may be eligible for funding from the NSW Government's Water Savings Fund on a competitive basis.





Template 4 – Water Savings Measures

Project Number	Measure Description	Responsibility	Cost to Implement	Savings: Water (ML or kL) p.a. Energy (kW or MJ) p.a.	Total Cost Savings (Water + Energy + Chemical + other) (\$ p.a.)	Internal Rate of Return	Time Required to Implement	Planned Completion Date
<b>Previous Actions Over Last Five Years</b>								
1								
<b>Cost-Effective Opportunities</b>								
2								
<b>Potential Cost-Effective Opportunities</b>								
3								
4								
5								
<b>Total Water Savings for Site 1</b>						<b>Total Savings as a Percentage of Total Site Use (%)</b>		

// THE WATER SAVINGS ACTION PLAN

The Water Savings Action Plan for your organisation must be submitted to DEUS by the date specified by DEUS for your organisation. The Plan should utilise the outcomes of the assessment of the **baseline water use, management review** and **technical review** and be based on the templates provided in those sections. A guide to compiling your Plan is as follows.

The Savings Action Plan must be signed by a person authorised to sign for and on behalf of the designated user.

Plan Section	Includes	Template/ Section	Page # in these Guidelines
Overview and introduction to the business	Introduction to Plan	Template 5	21
Baseline water use	Identification of <b>baseline water use</b> Any ongoing work – e.g. where sites have not had technical reviews completed and the timing of any proposed reviews.	Template 1 n/a	7
Water Management Actions	<b>Water management review</b> – identification of the strengths, weaknesses and improvements to systems for managing water.	Template 2	9
	<b>Water management actions</b> – listed with timeframes and responsibilities.	Template 3	13
Water Savings Measures	Attach a copy of the <b>technical review</b> for each site where appropriate	Technical Review	13-18
	All water savings measures. For each measure, list: – description of the measure – person responsible for implementing the measure – measure costs – estimate of water saving – estimate of net energy and other savings – Internal Rate of Return – time required to implement – consideration of training needs.	Template 4	19





### Template 5 – Introduction to Plan (sample assessment)

<p><b>Organisation Name:</b></p> <hr/>
<p><b>Brief introduction to the business:</b> (description, how many sites etc)</p> <hr/>
<p><b>Background/History of water savings within the organisation:</b> (e.g. involvement in an existing voluntary program)</p> <hr/>
<p><b>Introduction to water savings within the organisation:</b> (how has this Plan been developed, objectives)</p> <hr/>
<p><b>How plan integrates with existing business operations:</b></p> <hr/>
<p><b>Signoff of the Plan:</b> Short signed statement 'I certify that this Savings Action Plan has been prepared in accordance with the Guidelines issued by the Minister for Utilities. I am authorised to submit this Plan, on behalf of the designated user, to DEUS'.</p>

Site Number	Sydney Water Account Number(s)	Level of review conducted and why	Site Location and Description
1	011632	Level 2 review using industry benchmarks	Corner of Smith Street and Henry Lane. Five-storey apartment block.
2			
3			

## Implementing and Reviewing Plans

### Implementing Water Savings Action Plans

As part of the Water Savings Action Plans, designated users must state what actions will be implemented over the next 4 years. Information needs to include initial set-up costs and annual costs for each measure and timeframes for implementation.

Measures may be eligible for funding from the NSW Government's Water Savings Fund on a competitive basis.

### Progress Reports of Outcomes

Designated users must prepare an annual progress report of outcomes (Template 6) and submit this to DEUS.

### Review of Water Savings Action Plans

Water Savings Action Plans must be reviewed every 4 years.

**Template 6 – Annual Progress Report of Outcomes (sample assessment)**

<b>Organisation Name</b>		
To be completed for all sites that are included in the organisation's Water Savings Action Plan.		
Site Description	Normal operations	With variations from normal operations
Address	123 Smith St	321 Jones St
Sydney Water Account Number/s	23 333 555	23 333 601
All Project (s) implemented at site	Project 1,3,4,6,14	Project 1,3,4,6,14
<b>F</b> = Estimated water savings kL/annum	4,000	4,000
<b>G</b> = Baseline water use KPI (from baseline report)	29.0	29.0
Baseline KPI units	kL/tonne	kL/tonne
Current report start date	1-Apr-06	1-Apr-06
Current report end date	31-Mar-07	31-Mar-07
Site water use for report period (kL)	26,500	26,500
<b>A</b> = Current annual water use (kL)	53,000	53,000
Site Business Activity Indicator	tonnes	tonnes
Quantity of Site Business Activity Indicator for report period	1,150	1,150
<b>B</b> = Annualised Site Business Activity Indicator	2,300	2,300
Is current water use representative of normal use YES/NO	YES	NO
If NO, description of abnormality (e.g. restrictions, shutdown, refurbishment etc)		Water restrictions
<b>C</b> = Water use impact of abnormality (i.e. variation from normal) kL/annum	0	-3,000
<b>D</b> = A – C Current annual water use corrected for abnormality (kL)	53,000	56,000
Water use KPI units	tonnes/annum	tonnes/annum
<b>E</b> = D / B Current annual water use KPI	23.04	24.35
<b>H</b> = G – F / B Forecast water use KPI including implemented projects	27.26	27.26
<b>I</b> = E – H Variation of current use KPI from forecast water use	-4.22	-2.91
Explanation of variation	Better than expected savings	Better than expected savings



## // GLOSSARY OF TERMS

**Baseline Water Use** means historical water use for all sites included in the organisation's Water Savings Action Plan over a 12 month period, adjusted for variations.

**Business Activity Indicator** means a representative indicator of the site's business operation, preferably the indicator that the business uses to assess their own efficiency.

**Designated user** means an entity required to prepare a Water Savings Action Plan under the Energy Administration Amendment (Water and Energy Savings) Act 2005.

**Detailed Level Technical Review** means a comprehensive investigation of water efficiency measures.

**Internal Rate of Return (IRR)** means the savings (expressed as an interest rate) received for a Water Saving Measure based on the Measure Cost and Measure Savings, yearly over a defined timeframe. It can be compared with the interest rate from investing the capital in an alternative investment (e.g. bank or shares).

The Internal Rate of Return should be calculated using a 10-year project life. Shorter project lives may be accepted after consultation with DEUS where specific information about the project's life can be demonstrated.

**Major Water Use** means any individual piece of equipment, process or facility consuming about 15% or more of the total site water consumption and where the flow to the equipment, process or facility is more than 10kL/day.

**Management Review** means a review of the organisation's management practices and systems for managing water such as targets, operating and maintenance practices, accountabilities, monitoring and reporting systems, as detailed in these Guidelines.

**Measure Cost** includes costs directly associated with the purchase and installation of devices or equipment within a Water Saving Measure. It does not include training costs, project management costs or other staff costs.

**Measure Saving** includes savings in direct water costs (such as Sydney Water Charges for water supply, wastewater and trade waste), and indirect costs such as chemical costs, heat / energy costs, labour and maintenance costs and operating costs associated with a Water Savings Measure.

**Out-of-hours flow** means water use when normal business processes are not operating (for example when a production facility is shutdown or when a commercial building has no occupants).

**Recent** refers to a reasonable amount of time elapsed, since which no material changes have occurred at a site that would render previous actions to improve water efficiency unsuitable for use in meeting the requirements of the Guidelines (e.g. a technical review was conducted 12 months previously and the business processes and practices have not significantly changed since the review).

**Sites** means all sites for which a Water Savings Action Plan is required for which the organisation is responsible for water use or has an account with Sydney Water.



**Technical Review** means a review of water use and investigation of Water Saving Measures as detailed in these Guidelines within an organisation, including but not limited to, water usage and trends, water using devices and equipment, operating and maintenance procedures, opportunities to utilise stormwater, water re-use and recycled water.

**Variation from normal operation** means any variations to water use within the organisation as impacted by changes such as water restrictions, redevelopments, refurbishments, upgrades, shutdowns, purchase or sale of sites, new or stopped leases and greenfield sites.

**Walk-Through Technical Review** means a general investigation of Water Efficiency Measures.

**Water Efficiency Benchmark** means a benchmark indicator of water use for an industry sector, approved for use by DEUS.

**Water Savings Measure** means a measure that will reduce water consumption from the Sydney Water supply including:

- water conservation measures that will reduce water used in equipment, devices and/or processes, reduce leaks, improve operating and/or maintenance practices
- measures that capture/utilise storm water, re-use water within the site or use recycled water.

**Water Management Actions** means actions identified in the Management Review to improve the organisation's management practices and systems for managing water, such as targets, operating and maintenance practices, accountabilities, monitoring and reporting systems.

**Water Savings Action Plan** means an organisation's plan to reduce water consumption from Sydney Water's supply and improve an organisation's water management practices by implementing Water Savings Measures and Water Management Actions.





---

## // APPENDICES

### **Appendix A Links to Existing Water Programs**

#### **Links to Existing Water Savings Programs**

Some organisations will be members of the existing local and national voluntary water savings programs. The following is a brief description of two current programs. Commentary on links between these programs and the Guidelines is included within the Guidelines and shown in the diagram on page 27.

#### **Sydney Water's current Every Drop Counts Business Program**

The current Sydney Water Every Drop Counts (EDC) Business program addresses both technical improvements (with technical reviews) and non-technical factors (with management reviews). The program is available to commercial and industrial organisations, local government and State Agencies.

Non-technical factors include staff awareness and training, incorporating water in operating and maintenance procedures, monitoring and reporting of water use. The approach is similar to the management approach to environmental management taken by ISO14001, the International Standard for environmental management systems. The non-technical (management) elements of the EDC business program support businesses by integrating water management into their existing business management systems and day-to-day business activities.

#### **ICLEI Water Campaign™ for Local Government**

ICLEI-Local Governments for Sustainability was founded in 1990 by local governments at the United Nations Headquarters in New York as the International Council for Local Environmental Initiatives (ICLEI). ICLEI is a democratically governed membership association of cities, towns, counties, metropolitan governments, and local government associations.

For local government, ICLEI provides the Water Campaign™ program that aims to improve water quality and promote water conservation. The program provides a performance based framework for local government to address water management activities, through identifying opportunities to implement cost saving water efficient measures. The program is designed to build the capacity of local government by taking a holistic approach to water resource management. It covers water use within Council's own properties (as addressed by these Guidelines) and also community water use and catchment areas.

---

ICLEI's Water Campaign commenced in Australia in 2002 and is a voluntary program for local government to participate in.

The program is based around a structured program with 5 milestones:

- Milestone 1 Inventory of water consumption and water quality issues
- Milestone 2 Establish goals for water conservation and improvement in water quality
- Milestone 3 Develop a local action plan
- Milestone 4 Implement water conservation and water quality actions
- Milestone 5 Monitor and report progress.

The scope of the Water Campaign™ is therefore broader than these Guidelines, which are focused on water savings within the Council's own properties.

Activities conducted under these Guidelines can contribute towards the achievement of milestones within the Water Campaign™ program in relation to the Council's own properties by:

- identifying water use baselines (Milestone 1)
- understanding current water management practices (Milestone 3)
- understanding current water usage (Milestone 3)
- identifying opportunities to save water (including reuse/recycling) (Milestone 3)
- developing a water savings action plan (Milestone 3)
- implementing water savings opportunities (Milestone 4)
- monitoring water usage and reporting progress (Milestone 5).

Since these Guidelines also target State Agencies and large business, it is likely that a proportion of community water usage will also be captured by the Guidelines within many local government areas, though given the broader scope of the Water Campaign™, additional work will be required by local government to fulfil the requirements of the Water Campaign™ milestones.

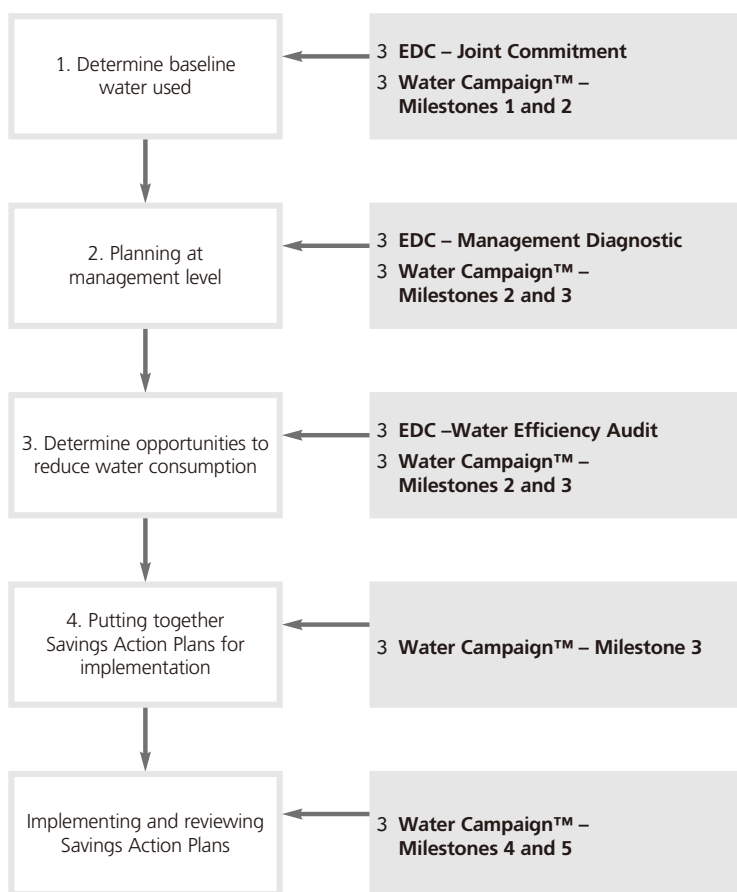




**Indicative Links to Other Water Programs**

**Water Savings Action Plans**

**Other Water Programs  
(which may partially or wholly fulfil requirements)**



**Note:** EDC – Sydney Water’s Every Drop Counts Program Water Campaign™ – ICLEI – A/NZ – Local Governments for Sustainability Campaigns (International Council for Local Environmental Initiatives)

---

## Appendix B Principles Used in Preparing These Guidelines

The following principles were used in preparing these plans:

- Water Savings Action Plans are to be primarily targeted at water efficiency measures that are highly cost-effective
- consideration should also be given to water efficiency measures that are not cost-effective over a longer timeframe and to opportunities for funding such measures (e.g. performance contracts, external funding and grant sources)
- overall Water Savings Action Plans should achieve an average of 20% water savings across all organisations
- management within organisations need to be involved in preparing Water Savings Action Plans
- councils or businesses that have taken action to improve water efficiency (e.g. through programs such as Every Drop Counts or self-initiated action) should be given credit for those actions to date, where they meet the requirements of the Guidelines
- where organisations have taken voluntary action to date, this may be used in the preparation of a Water Savings Action Plan. Where the voluntary action does not fully meet the Guideline requirements, additional activities may be required. For example a detailed technical review may have been conducted that meets the requirements of the Guidelines but may need to be augmented with an evaluation of cost-effective water saving opportunities and the preparation of a Water Savings Action Plan.



# 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

### CLARENCE VALLEY COUNCIL

Roads Act 1993

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, the Clarence Valley Council dedicates the land described in the Schedule hereunder as public road. Dated 24th October 2005. STUART McPHERSON, General Manager, Clarence Valley Council, Locked Bag 23, Grafton NSW 2460.

#### SCHEDULE

Land shown as intended to be dedicated to the public as road in the Plan of Subdivision, Deposited Plan 1070578 situated at Stockyard Creek in the Parish of Copmanhurst, County of Clarence. [1714]

### COFFS HARBOUR CITY COUNCIL

Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named roads as follows:

Location	New Name
Off Redwood Street, Coffs Harbour at Lot 36, DP 777278.	Jarrah Court.
Off Split Solitary Road, Sapphire Beach at Lot 11, DP 1081287.	Whitewater Place.

COFFS HARBOUR CITY COUNCIL, Locked Bag 155, Coffs Harbour NSW 2450. [1715]

### GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder.

Description	Name
The existing road located approximately 1.7km north east of the Karuah Bridge, running north west off Tarean Road, Karuah.	Mosquito Creek Road, Karuah.
The lane that runs parallel to Bengal Street and south off King Street, Coolongolook.	Bengal Lane, Coolongolook.

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428. [1708]

### LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

In accordance with section 10 of the Roads Act 1993, Council dedicates the land held by it and described in the Schedule below as Public Road. TONY FARRELL, Acting General Manager, Lake Macquarie City Council, Box 1906 HRMC 2310.

#### SCHEDULE

Lot 104 in Deposited Plan 1088351; Lot 105 in Deposited Plan 1088351 and Lot 106 in Deposited Plan 1088351.

[1706]

### PALERANG COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

PALERANG COUNCIL declares with the approval of His Excellency the Lieutenant Governor, that the land described in Schedule A below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of sewage treatment. Dated at Bungendore this 12th day of October 2005. PETER BASCOMB, General Manager, Palerang Council, PO Box 348, Bungendore NSW 2621.

#### SCHEDULE A

Lot 7003, DP 1020399.

[1712]

### PARKES SHIRE COUNCIL

#### ERRATUM

THE notice published in the *Government Gazette* of 19th August 2005, under Parkes Shire Council has been withdrawn and the following notice replaces it.

### PARKES SHIRE COUNCIL

Roads Act 1993, Section 162.1

Naming of Public Roads – Attwells Lane and Magill Lane

NOTICE is hereby given that in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

Location	Name
Shire Road 135, formerly named Stones Road.	Attwells Lane.
Road off Bogan Road (Shire Road 76), 4km from State Highway 17.	Magill Lane.

No objections to the proposed names were received within the prescribed period of time. A. McCORMACK, General Manager, Parkes Shire Council, PO Box 337, Parkes NSW 2870. [1710]

**RICHMOND VALLEY COUNCIL**

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

RICHMOND VALLEY COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of an existing public road. Dated at Casino, this 24th October 2005. B. A. WILKINSON, General Manager, Richmond Valley Council, Locked Bag 10, Casino NSW 2470.

**SCHEDULE**

Lot 1, DP 1044914.

[1717]

**WYONG SHIRE COUNCIL**

Naming of Roads in Subdivisions

NOTICE is hereby given that in accordance with Part 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<b>Location</b>	<b>Names</b>
Lot 1, DP 528286, Pavitt Crescent, Wyong; Lot 5, DP 431152; Lot 30, DP 663079; Lot 1, DP 661016.	Palm Tree Road, Wattle Tree Place, Amsterdam Circuit, London Place, and Donaldson Street.
Lot 2, DP 613925, Railway Road, Warnervale.	Sundew Close.
Lot 1, DP 1078176; Lots 2, 3 and 4, DP 1062909, Wilfred Barrett Drive, Magenta.	Magenta Drive, Edgewood Place, Sandbar Terrace, Pebble Beach Avenue, Turnberry Avenue, Millbrook Place, Sawgrass Crescent, and Birkdale Place.

No objections to the proposed names were received within the prescribed period of time. K. YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong NSW 2259.

[1716]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CAROLE ANNE MATHEWS, late of Hammond Care Nursing Home, 341 Terrigal Drive, Erina, in the State of New South Wales, who died on 4th August 2005, must send particulars of his/her claim to the executor, Trevor Arney, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby NSW 2077, 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 executor has notice. Probate was granted in New South Wales on 18th October 2005. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby NSW 2077. [1707]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of TRENT ALEXANDER AGOLZERI, late of 1 Karoo Crescent, Hornsby Heights, in the State of New South Wales, book binder, who died on 24th June 2005, must send particulars of his/her claim to the executors, George John Agolzeri and Dorothy Marian Agolzeri, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby NSW 2077, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executors have notice. Letters of Administration was granted in New South Wales on 17th October 2005. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby NSW 2077. [1709]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANASTASIA SOTIROS, late of Mona Vale, in the State of New South Wales, widow, who died on 17th August 2005, must send particulars of his claim to the executor, c.o. Rees & Tuckerman, Solicitors, 678 Pittwater Road, Brookvale NSW 2100, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales to James Dimitri Staras on 18th October 2005. REES & TUCKERMAN, Solicitors, 678 Pittwater Road (PO Box 34), Brookvale NSW 2100 (DX 831, Sydney), tel.: (02) 9905 1469. [1718]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARIA HOLUBYNSKYJ, late of 45 Meryll Avenue, Baulkham Hills, in the State of New South Wales, pensioner, who died on 9th July 2005, must send particulars of his/her claim to the executors, Hryhorij Holubynskyj (in the will called Hryhory Holubynskyj) and Valentina Kulyk, 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 executors have notice. Probate was granted in New South Wales on 14th October 2005. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170 (PO Box 1163, Liverpool BC 1871), (DX 5034, Liverpool), tel.: (02) 9601 7300. [1719]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BETTY JEAN STEEL MOUNSER, late of 42 Gungah Bay, Oatley, in the State of New South Wales, who died on 4th September 2004, must send particulars of their claim to the executor, Michael Edward Mounser, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale NSW 2223, within one (1) calendar month from publication of this notice. After that time the assets of the



estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 23rd September 2005. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022. [1720]

### COMPANY NOTICES

NOTICE of voluntary winding up.—BUCTIONS BUTCHERY PTY LTD, ACN 000 435 503 (in liquidation).—Notice is hereby given pursuant to section 491 of the Corporations Law that at a general meeting of members of the abovenamed company held on 30th September 2005, it was resolved that the company be wound up voluntarily and that for such purpose Graeme Baldwin be appointed Liquidator of the company. GRAEME BALDWIN, Liquidator, c.o. Baldwin & Co., Chartered Accountants, 1st floor, 152-156 Argyle Street, Camden NSW 2570, tel.: (02) 4655 7580. [1711]

NOTICE of application for winding up order in the Supreme Court of New South Wales No. 5385 of 2005.—SYDNEY INVESTMENT HOUSE EQUITIES PTY LTD, ACN 104 131 991.—1. A proceeding for the winding up of Sydney Investment House Equities Pty Ltd was commenced by the plaintiff, Chu Chen Lie on 11th October 2005, and will be heard by the Supreme Court of New South Wales at Law Courts Building, Queens Square, Sydney, at 11:00 a.m. on 11th November 2005. Copies of documents filed may be obtained from the plaintiff's address for service. 2. The plaintiff's address for service is c.o. Lang Gellert & Noonan, Solicitors, Level 1, 9-13 Bronte Road, Bondi Junction NSW 2022. 3. Any person intending to appear at the hearing must file a notice of appearance, in the prescribed form, together with any affidavit on which the person intends to rely and serve a copy of the notice and affidavit on the plaintiff at the plaintiff's address for service at least 3 days before the date fixed for the hearing. Date: 11th November 2005. Name of plaintiff or plaintiff's legal practitioner Benedict Noonan. LANG GELLERT & NOONAN, Solicitors, Level 1, 9-13 Bronte Road, Bondi Junction NSW 2022 (DX 12011, Bondi Junction), tel.: (02) 9389 8011. [1713]

NOTICE of meeting of members.—ZAMMIT ENTERPRISES PTY LTD, ACN 001 629 983 (in liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, the final meeting of members of the abovenamed company will be held at the office of K. H. Perry & Co Pty Ltd, Suite 12, Westlakes Arcade, 108-112 The Boulevard, Toronto NSW 2283, on the 7th day of December 2005, at 10:00 o'clock, for the purpose of laying before the meeting the liquidators final account and report and giving any explanation thereof. Dated this 26th day of October 2005. IAN HAMILTON PERRY, Liquidator, c.o. K. H. PERRY & CO PTY LTD, Chartered Accountants, Suite 12, Westlakes Arcade, 108-112 The Boulevard (PO Box 20), Toronto NSW 2283, tel.: (02) 4958 5322. [1721]

### OTHER NOTICES

NOTICE of dissolution of partnership.—Notice is hereby given that the partnership heretofore subsisting between myself, Brendan John Sparke of 10 'Beachwood Estate', Firewheel Place, Suffolk Park NSW 2481 and Madonna Ahearn of 191 Crabbes Creek Road, Crabbes Creek NSW 2483, carrying on the business of Sparkeys (ABN 33190704 505) under the business name Sparkeys Strawberries has been dissolved as of Tuesday, 11th October 2005. [1722]

ISSN 0155-6320

---

Authorised to be printed  
ROBERT J. GALLAGHER, Government Printer.