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NEW SOUTH WALES

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## LEGISLATION

### Proclamations



New South Wales

## Proclamation

under the

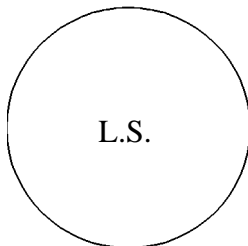
Terrorism Legislation Amendment (Warrants) Act 2005 No 54

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 *Terrorism Legislation Amendment (Warrants) Act 2005*, do, by this my Proclamation, appoint 13 September 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 7th day of September 2005.

By Her Excellency's Command,



L.S.

BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

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# Regulations

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New South Wales

## Institute of Teachers Amendment (Elections) Regulation 2005

under the

Institute of Teachers Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Institute of Teachers Act 2004*.

CARMEL TEBBUTT, M.L.C.,  
Minister for Education and Training

### Explanatory note

The object of this Regulation is to prescribe the following matters under the *Institute of Teachers Act 2004*:

- (a) certain further matters to be included in the accreditation list and electoral list required to be kept under that Act,
- (b) the manner in which the elected members of the Quality Teaching Council established under that Act are to be elected,
- (c) the manner in which a short-term or permanent vacancy in the office of such an elected member is to be filled.

This Regulation is made under the *Institute of Teachers Act 2004*, including sections 13 (1) (a), 17, 18 (1) (d) and 52 (the general regulation-making power) and Schedule 2.

Clause 1 Institute of Teachers Amendment (Elections) Regulation 2005

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## **Institute of Teachers Amendment (Elections) Regulation 2005**

under the

Institute of Teachers Act 2004

### **1 Name of Regulation**

This Regulation is the *Institute of Teachers Amendment (Elections) Regulation 2005*.

### **2 Amendment of Institute of Teachers Regulation 2005**

The *Institute of Teachers Regulation 2005* is amended as set out in Schedule 1.

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Insert in alphabetical order of definitions in clause 3 (1):

*casual teacher* means a person employed as a teacher on a casual basis.

*Catholic systemic school* means a school that is part of a system of non-government schools registered as Catholic systemic schools under Part 7 of the *Education Act 1990*, being a school that is part of a system of schools under the auspices of the Catholic Education Commission of New South Wales.

*election of a representative of Catholic systemic school principals* means an election for the purposes of electing a representative of Catholic systemic school principals as a member of the Council for the purposes of section 13 (1) (a) of the Act.

*election of a representative of Catholic systemic school teachers* means an election for the purposes of electing a representative of Catholic systemic school teachers for the purposes of section 13 (1) (a) of the Act.

*election of a representative of government primary school principals* means an election for the purposes of electing a representative of government primary school principals as a member of the Council for the purposes of section 13 (1) (a) of the Act.

*election of a representative of government school teachers* means an election for the purposes of electing a representative of government school teachers as a member of the Council for the purposes of section 13 (1) (a) of the Act.

*election of a representative of government secondary school principals* means an election for the purposes of electing a representative of government secondary school principals as a member of the Council for the purposes of section 13 (1) (a) of the Act.

*election of a representative of independent school teachers* means an election for the purposes of electing a representative of independent school teachers as a member of the Council for the purposes of section 13 (1) (a) of the Act.

*electoral list* means the list referred to in section 17 of the Act.

**K** means kindergarten.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

---

*part-time teacher* means a person employed as a teacher on a part-time basis.

**[2] Clause 4 Additional particulars on accreditation list**

Insert “(but only if the relevant person has consented to the inclusion of that information on the list)” after “English” in clause 4 (e).

**[3] Clause 4 (f)**

Insert “(but only if the relevant person has consented to the inclusion of that information on the list)” after “status”.

**[4] Clause 13**

Insert after clause 12:

**13 Maintenance of electoral list**

- (1) The Institute must, in maintaining the electoral list, specify the following in relation to each person enrolled on the list who is employed to teach (whether or not as a principal but otherwise than as a casual teacher or a part-time teacher):
  - (a) the person or body by whom the person is employed,
  - (b) the single category of election of elected members of the Council for which the person is entitled to vote, in accordance with the following:
    - (i) any person who is enrolled only as a person employed to teach (otherwise than as a principal) in a government school is entitled to vote at an election of representatives of government school teachers on the Council,
    - (ii) any person who is enrolled only as a person employed to teach as a principal in a K–Year 6 government primary school is entitled to vote at an election of a representative of government primary school principals on the Council,
    - (iii) any person who is enrolled only as a person employed to teach as a principal in a Year 7–Year 12 government secondary school is entitled to vote at an election of a representative of government secondary school principals on the Council,
    - (iv) any person who is enrolled only as a person employed to teach as a principal in a K–Year 10 or K–Year 12 government school is entitled to vote either at an election of a representative of government primary school principals on the

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

- 
- Council or at an election of a representative of government secondary school principals on the Council, according to the category of election that the person nominated when he or she applied for inclusion on the roll of teachers,
- (v) any person who is enrolled only as a person employed to teach (otherwise than as a principal) in a non-government school that is a Catholic systemic school is entitled to vote at an election of a representative of Catholic systemic school teachers on the Council,
  - (vi) any person who is enrolled only as a person employed to teach as a principal in a non-government school that is a Catholic systemic school is entitled to vote at an election of a representative of Catholic systemic school principals on the Council,
  - (vii) any person who is enrolled only as a person employed to teach (whether or not as a principal) in a non-government school that is not a Catholic systemic school is entitled to vote at an election of a representative of independent school teachers on the Council,
- (c) whether or not the person is accredited.
- (2) The Institute must, in maintaining the electoral list, specify the following in relation to each person enrolled on the list who is a casual teacher or a part-time teacher:
- (a) the single category of election of elected members of the Council for which the person is entitled to vote, which is to be:
    - (i) an election of a representatives of government school teachers on the Council, or
    - (ii) an election of a representative of Catholic systemic school teachers on the Council, or
    - (iii) an election of a representative of independent school teachers on the Council,depending on the category of election that the person nominated when he or she applied for inclusion on the roll of teachers,
  - (b) whether or not the person is accredited.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

- 
- (3) The Institute must, in maintaining the electoral list, specify the following in relation to each person enrolled on the list who is not employed to teach:
- (a) the person or body by whom the person is employed,
  - (b) the single category of election of elected members of the Council for which the person is entitled to vote, depending on the category of election that the person nominated when he or she applied for inclusion on the roll of teachers.

**[5] Parts 4 and 5**

Insert after Part 3:

## **Part 4 Election of elected members of Quality Teaching Council**

### **Division 1 Definitions**

#### **14 Definitions**

- (1) In this Part (and in Schedules 1 and 2):
- category of election* means 1 of the categories of elections specified in the definition of *election* in this subclause.
- close of nominations* means the time and date for the close of nominations for an election that have been fixed under this Part by the notice of the election, by a call for further nominations or, if that close has been postponed, the time and date to which that close has been postponed.
- close of the ballot* means the time and date for the close of any ballot for an election that have been fixed under this Part by the notice of the election or, if that close has been postponed, the time and date to which that close has been postponed.
- close of the electoral list* means the time and date for the close of the electoral list for an election that have been fixed under this Part by the notice of the election or, if that close has been postponed, the time and date to which that close has been postponed.
- elected member* means an elected member of the Council as referred to in section 13 (1) (a) of the Act.
- election* means an election of 1 of the following categories:
- (a) an election of a representative of government school teachers,

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

- 
- (b) an election of a representative of government primary school principals,
  - (c) an election of a representative of government secondary school principals,
  - (d) an election of a representative of Catholic systemic school teachers,
  - (e) an election of a representative of Catholic systemic school principals,
  - (f) an election of a representative of independent school teachers.

**elector** means a person entitled to vote in an election.

**electoral list for an election** means the electoral list delivered to the returning officer under clause 38.

**enrolled** means enrolled on the electoral list.

**non-rural area** means each of the Department of Education and Training's regions of Northern Sydney, South Western Sydney, Sydney and Western Sydney and the Newcastle and Wollongong School Education Groups.

**non-rural teacher**, in relation to a candidate for an election, means a person who, at the close of the nominations for an election, was enrolled as a person employed to teach in a government school in non-rural area or (if the person is a casual teacher) as a person employed to teach in a government school and whose home address is in a non-rural area.

**notice of an election** means a notice under clause 22.

**representative of Catholic systemic school principals**—see clause 16 (e).

**representative of Catholic systemic school teachers**—see clause 16 (d).

**representative of government primary school principals**—see clause 16 (b).

**representative of government school teachers**—see clause 16 (a).

**representative of government secondary school principals**—see clause 16 (c).

**representative of independent school teachers**—see clause 16 (f).

**returning officer** means the returning officer designated under clause 17.

**rural area** means the Department of Education and Training's regions of Hunter/Central Coast (other than the Newcastle



## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

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School Education Group), Illawarra and South Coast (other than the Wollongong School Education Group), New England, North Coast, Riverina and Western NSW.

*rural teacher*, in relation to a candidate for an election, means a person who, at the close of the nominations for an election, was enrolled as a person employed to teach in a government school in a rural area or, if the person is a casual teacher, a person employed to teach in a government school and whose home address is in a rural area.

- (2) In this Part, a reference to a Form is a reference to a Form set out in Schedule 1.

## Division 2 Election of members

### 15 Manner of conduct of election

For the purposes of section 13 (1) (a) of the Act, the election of elected members of the Council is to be held and conducted in the manner set out in this Part.

### 16 Election of members to represent categories of teachers and principals

There are to be 6 categories of elected members of the Council, as follows:

- (a) 5 members are to be elected from persons employed to teach (other than as a principal) in a government school (these are called *representatives of government school teachers*) and of those 5 members at least 2 must be rural teachers,
- (b) 1 member is to be elected from persons employed as a principal in a government school that is a primary school (*representative of government primary school principals*),
- (c) 1 member is to be elected from persons employed as a principal in a government school that is a secondary school (*representative of government secondary school principals*),
- (d) 1 member is to be elected from persons employed to teach (other than as a principal) in a non-government school that is a Catholic systemic school (*representative of Catholic systemic school teachers*),

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

- 
- (e) 1 member is to be elected from persons employed as a principal in a non-government school that is a Catholic systemic school (*representative of Catholic systemic school principals*),
- (f) 1 member is to be elected from persons employed to teach (whether or not as a principal) in a non-government school that is not a Catholic systemic school (*representative of independent school teachers*).

**Note.** The composition of the Council, as provided for by this clause, reflects the proportion of members of the teaching service who are government school teachers, government primary school principals, government secondary school principals, Catholic systemic school teachers, Catholic systemic school principals and independent school teachers. If the composition of the teaching service changes over time, this clause may be amended to reflect that change.

### **Division 3      Returning officer**

#### **17    Designation of returning officer**

The Electoral Commissioner of New South Wales, or a person or body approved by the Electoral Commissioner of New South Wales for the purposes of exercising the functions of a returning officer under this Regulation, is the returning officer for an election.

#### **18    Functions of returning officer**

- (1) The returning officer is to conduct elections under this Part.
- (2) For the purposes of conducting an election, the returning officer may determine any matter not provided for by the Act or this Regulation.

#### **19    Delegation by returning officer**

The returning officer may delegate any of the returning officer's functions under this Part (other than this power of delegation) to any member of staff of the returning officer.

#### **20    Decision of returning officer final**

If the returning officer is permitted or required by this Part to make a decision on any matter relating to the holding of a ballot, the decision of the returning officer on that matter is final.

## Institute of Teachers Amendment (Elections) Regulation 2005

Schedule 1 Amendments

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**Division 4 Pre-ballot procedure****21 Timing of second and subsequent elections**

Each election of elected members of the Council after the first such election is to be held so that the result of the election is declared at least 1 month before the expiry of the term of the existing elected members of the Council.

**22 Notice of election**

- (1) As soon as possible after having been notified in writing by or on behalf of the Minister that 1 or more elected members of the Council are required to be elected, the returning officer must cause notice of that fact:
  - (a) to be sent to the Chief Executive, and
  - (b) to be published in the Gazette, and
  - (c) to be published in a daily newspaper circulating generally throughout the State.
- (2) The notice:
  - (a) must state that an election is to be held for the purpose of electing:
    - (i) one or more representatives of government school teachers, or
    - (ii) a representative of government primary school principals, or
    - (iii) a representative of government secondary school principals, or
    - (iv) a representative of Catholic systemic school teachers, or
    - (v) a representative of Catholic systemic school principals, or
    - (vi) a representative of independent school teachers, and
  - (b) must specify how many candidates are to be elected, and
  - (c) must call for nominations of candidates, and
  - (d) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (e) must specify the qualifications that qualify a person to nominate a candidate or be nominated as a candidate, and
  - (f) must fix the time and date for the close of nominations, and

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

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- (g) must specify the qualifications that entitle a person to vote, and
  - (h) must indicate that a nominee is entitled to submit information for a candidate information sheet and must specify the maximum amount of information that the returning officer considers is suitable for inclusion in a candidate information sheet, and
  - (i) must state that the electoral list will be closed as at the close of nominations, and
  - (j) must fix the time and date for the determination of the order of the candidates on the ballot-papers, and
  - (k) must fix the time and date for the close of the ballot.
- (3) The close of nominations is to be not less than 21 days nor more than 28 days after the date when the notice of the election is first published in a daily newspaper circulating generally in New South Wales.
- (4) The close of the ballot is to be not less than 28 days after the close of nominations and not less than 56 days after the date the notice of election is first published in a daily newspaper circulating generally in New South Wales.
- (5) A notice can relate to more than 1 category of election, but if it does, it must make clear who is qualified to nominate, to be nominated and to vote in each category of election.

**23 Extension of closing times**

- (1) The returning officer may, if of the opinion that an election would otherwise fail, fix later times and dates instead of those previously fixed.
- (2) The times and dates, and the publication of notice of them, must be in accordance with clause 22 (3) and (4).
- (3) A new date must not be more than 14 days after the corresponding date that was previously fixed.
- (4) The returning officer may exercise the power conferred by this clause more than once in respect of an election.

**24 Notification of Minister**

As soon as possible after having been notified in writing by or on behalf of the Minister that 1 or more elected members of the Council are required to be elected, the returning officer must also notify the Minister in writing of the times and dates fixed:

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

- 
- (a) for the close of nominations and of the electoral list, and
  - (b) for the determination of the order of candidates, and
  - (c) for the close of the ballot,
- including any later times and dates.

**Division 5 Nominations****25 Qualifications to be nominated****(1) General qualifications**

A person is qualified to be nominated as a candidate for an election if the person:

- (a) has the qualifications specified in this clause, and
- (b) has not served more than 1 full term as a member of the Council (whether an elected member, an appointed member or the chairperson), and
- (c) is not a candidate for another category of election notice of which has been given but which is yet to be held, and
- (d) in any election after the third anniversary of the first election of elected members of the Council of any category—is accredited under Part 4 of the Act.

**(2) Election of representative of government school teachers**

Any person who, at the time of nomination:

- (a) is enrolled as a person employed to teach (other than as a principal) in a government school, and
- (b) is employed full-time or part-time as a teacher in a government school,

is qualified to be nominated as a candidate for an election of 1 or more representatives of government school teachers.

**(3) Election of representative of government primary school principals**

Any person who, at the time of nomination:

- (a) is enrolled as a person employed as a principal in a government primary school, and
- (b) holds a substantive position, and undertakes duties, as a principal in a government primary school,

is qualified to be nominated as a candidate for an election of a representative of government primary school principals.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

---

(4) **Election of representative of government secondary school principals**

Any person who, at the time of nomination:

- (a) is enrolled as a person employed as a principal in a government secondary school, and
- (b) holds a substantive position, and undertakes duties, as a principal in a government secondary school,

is qualified to be nominated as a candidate for an election of a representative of government secondary school principals.

(5) **Election of representative of Catholic systemic school teachers**

Any person who, at the time of nomination:

- (a) is enrolled as a person employed to teach (other than as a principal) in a Catholic systemic school, and
- (b) is employed full-time or part-time as a teacher in a Catholic systemic school,

is qualified to be nominated as a candidate for an election of a representative of Catholic systemic school teachers.

(6) **Election of representative of Catholic systemic school principals**

Any person who, at the time of nomination:

- (a) is enrolled as a person employed as a principal in a Catholic systemic school, and
- (b) holds a substantive position, and undertakes duties, as a principal in a Catholic systemic school,

is qualified to be nominated as a candidate for an election of a representative of Catholic systemic school principals.

(7) **Election of representative of independent school teachers**

Any person who, at the time of nomination:

- (a) is enrolled as a person employed to teach (whether or not as a principal) in a non-government school that is not a Catholic systemic school, and
- (b) is employed full-time or part-time as a teacher, or the duties of a principal, in a non-government school that is not a Catholic systemic school,

is qualified to be nominated as a candidate for an election of a representative of independent school teachers.

## Institute of Teachers Amendment (Elections) Regulation 2005

Schedule 1 Amendments

---

**26 Qualifications for nominating candidates**

A person is qualified to nominate a candidate for an election of a particular category only if the person is, at the time of nomination, also qualified to be nominated as a candidate for that category.

**27 Nominations**

- (1) A nomination of a candidate:
  - (a) must be in writing in the form provided by the returning officer, and
  - (b) must set out the full name of the candidate nominated and the residential address of that candidate, and
  - (c) must be made by at least 2 persons (other than the candidate) who are qualified to nominate a candidate for that category of election, by virtue of clause 26, and
  - (d) must set out the full names and residential addresses of the persons nominating the candidate, and
  - (e) must include the written consent to the nomination by the candidate, and
  - (f) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) For the purpose of enabling the returning officer to form an opinion:
  - (a) as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate for that category of election, or
  - (b) as to whether a person who has been nominated is qualified to be nominated for that category of election,the returning officer may require the Chief Executive to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) The Chief Executive must comply with such a request as soon as possible after it is made.
- (5) Each candidate must be nominated on a separate nomination form.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

- 
- (6) On receipt of the nomination, the returning officer must endorse on it the date and time of receipt.
  - (7) Once a valid nomination reaches the returning officer, the nominee becomes a candidate for election.

**28 Withdrawal of nomination**

- (1) A candidate who has been nominated in an election may withdraw the nomination.
- (2) A withdrawal of nomination:
  - (a) must be in writing, and
  - (b) must contain a statement, signed by the candidate, stating that the candidate withdraws the nomination, and
  - (c) must be lodged with the returning officer before the close of nominations.

**29 Candidate information sheets**

- (1) A person who is nominated for election may submit to the returning officer a statement, in Form 1, containing information intended for inclusion in a candidate information sheet.
- (2) A candidate information sheet for 1 candidate cannot refer to another candidate standing in the election without the written consent of that other candidate.
- (3) The candidate information sheet may be given to the returning officer at any time before the close of nominations.

**Division 6 Procedure on close of nominations (election of 5 representatives of government school teachers)****30 Application of Division**

This Division applies to an election of 5 representatives of government school teachers.

**31 Procedure on close of nominations**

- (1) If no person has been duly nominated as a candidate by the close of nominations, then the returning officer must call for further nominations in accordance with clause 32.
- (2) If only 1, 2 or 3 persons has been duly nominated as a candidate by the close of nominations, then:



## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

- 
- (a) that person is, or those persons are, taken to have been elected, and
    - (b) the returning officer must call for further nominations in accordance with clause 32.
  - (3) If only 4 persons have been duly nominated as a candidate by the close of nominations and at least 1 of those persons is a rural teacher, then:
    - (a) those persons are taken to have been elected, and
    - (b) the returning officer must call for further nominations in accordance with clause 32.
  - (4) If only 4 persons have been duly nominated as a candidate by the close of nominations and all 4 of those persons are non-rural teachers, then:
    - (a) none of those persons is taken to have been elected, and
    - (b) the returning officer must call for further nominations in accordance with clause 32.
  - (5) If only 5 persons have been duly nominated as a candidate by the close of nominations and at least 2 of the persons are rural teachers, then those 5 persons are taken to have been elected.
  - (6) If only 5 persons have been duly nominated as a candidate by the close of nominations and of those persons 1 is a rural teacher and 4 are non-rural teachers, then:
    - (a) the rural teacher is taken to have been elected, and
    - (b) the returning officer must call for further nominations in accordance with clause 32.
  - (7) If 5 or more persons have been duly nominated as a candidate by the close of nominations and none of those persons is a rural teacher then none is taken to have been elected and the returning officer must call for further nominations in accordance with clause 32.
  - (8) If 6 or more persons have been duly nominated as a candidate by the close of nominations and 1 of those persons is a rural teacher then:
    - (a) the rural teacher is taken to have been elected, and
    - (b) the returning officer must call for further nominations in accordance with clause 32.
  - (9) If 6 or more persons have been duly nominated as a candidate by the close of nominations and 2 of those persons are rural teachers then:

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

- 
- (a) the rural teachers are taken to have been elected, and
  - (b) a ballot must be held to fill the remaining 3 positions.
- (10) If 6 or more persons have been duly nominated as a candidate by the close of nominations and 3 or more of those persons are rural teachers then a ballot must be held to fill all 5 positions.
- (11) If the returning officer is required by this clause to call for further nominations then the persons been duly nominated but not taken to have been elected after the first call for nominations are to be treated as having been nominated after the call for further nominations. No ballot is to be held until the call for further nominations has closed.

**32 Call for further nominations**

- (1) As soon as possible after determining (in accordance with clause 31) that a call for further nominations must be made, the returning officer must cause a notice calling for further nominations:
- (a) to be sent to the Chief Executive, and
  - (b) to be published in the Gazette, and
  - (c) to be published in a daily newspaper circulating generally throughout the State.
- (2) The notice:
- (a) must state that an election is to be held for the purpose of electing a representative or representatives of government school teachers, and
  - (b) must specify that nominations will be accepted from both rural and non-rural teachers though in some cases only a rural teacher will be elected and non-rural teachers will be on the replacement list for filling casual vacancies, and
  - (c) must specify the number of members required to be elected, and
  - (d) must call for nominations of candidates, and
  - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (f) must specify the qualifications that qualify a person to nominate a candidate or be nominated as a candidate, and
  - (g) must fix the time and date for the close of nominations.
- (3) The close of nominations is to be not less than 21 days nor more than 28 days after the date when the notice of the call is first

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

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published in a daily newspaper circulating generally in New South Wales and not the date specified under clause 22.

- (4) The close of the ballot is to be not less than 28 days after the close of nominations and not less than 56 days after the notice of the call is first published in a daily newspaper circulating generally in New South Wales and not the date specified under clause 22.
- (5) A notice can relate to more than 1 category of election, but if it does it must make clear who is qualified to nominate, to be nominated and to vote in each election.

**33 Procedure on close of further nominations**

- (1) Clause 31 applies to determine the procedure after the close of further nomination in the same way that it applies to the first close of nominations, but any person who has been taken to have been elected is taken to have been nominated as a rural teacher or a non-rural teacher, as the case may be.
- (2) Clause 31 does not so apply until after the close of further nominations.

**Division 7 Procedure on close of nominations (other elections)****34 Application of Division**

This Division applies to an election that is not an election of 5 representatives of government school teachers.

**35 Contested elections**

If the number of persons who have been duly nominated as candidates for an election exceeds 1, a ballot must be held.

**36 Uncontested elections**

If only 1 person has been duly nominated as candidates for an election, that person is taken to be elected.

**Division 8 Electoral list****37 Notification that electoral list is required**

As soon as practicable after the close of nominations, the returning officer is to request the Institute to deliver the electoral list for the election to the returning officer.

**Note.** Part 3 of the Act provides for the keeping of the electoral list.

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

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### **38 Delivery of electoral list**

- (1) The Chief Executive is to deliver the following to the returning officer within 7 days after receiving a request under clause 37:
  - (a) the electoral list (in written or electronic form) that sets out (as at the close of nominations) in relation to the relevant category of election:
    - (i) the full name of each person enrolled on it and the address to which that person's ballot-paper is to be sent, and
    - (ii) the single category of election for which each person is qualified to vote,
  - (b) an appropriately addressed written label or envelope (or an electronic record enabling labels to be produced or envelopes to be addressed) for every person whose name and address is on that electoral list and who is qualified to vote in relation to the relevant election.
- (2) The address to which a person's ballot-paper is to be sent is to be the one nominated by the person or otherwise made available to the Institute. However, if none has been nominated by the person, the address is to be one nominated by the Chief Executive as the address at which the person is usually employed (or the address of the persons's headquarters in the case of a person who has more than one usual place of employment).
- (3) The Chief Executive Officer must certify, in accordance with Form 2, that the electoral list for the election complies with this clause.
- (4) This clause does not apply to an election held as a consequence of an earlier election for which there have been insufficient nominations, and a call for further nominations, if an electoral list for the earlier election has already been provided to the returning officer.

### **39 Inspection of electoral list**

The returning officer is to allow any person to inspect the electoral list for an election without charge during the normal office hours of the returning officer.

### **40 Information concerning government school teachers**

The Institute may, on the request of the Electoral Commissioner, provide information, in relation to any person employed to teach in a government school, as to whether the person is enrolled as being employed to teach in a rural area or a non-rural area.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

---

**Division 9 Entitlement to vote****41 Entitlement to vote**

Any person is entitled to vote at an election of the category for which the person is specified on the electoral list as being entitled to vote at the close of the electoral list.

**42 No other persons entitled to vote**

Only a person who is enrolled at the close of the electoral list as a person entitled to vote in a particular category of election is entitled to vote at that category of election.

**Division 10 Ballot-papers****43 Position on ballot-paper**

- (1) The order of candidates' names on ballot-papers for an election that is a contested election is to be determined by a ballot held by the returning officer.
- (2) That is to be done at the office of the returning officer at the time, and on the date, last fixed for the determination by notice of the election.
- (3) The ballot is to be conducted by the returning officer in the presence of at least 2 persons who are not candidates for election.
- (4) The ballot is to be conducted in the following manner:
  - (a) the returning officer must, at the place determined by the returning officer and before all persons present, make out in respect of each candidate a slip bearing the name under which the candidate has been nominated,
  - (b) the returning officer must then enclose the slips in separate identical containers, securely seal each container and deposit all the containers in a securely fastened box,
  - (c) the returning officer must then shake and rotate the box and, on request, permit any other person present to do the same,
  - (d) the returning officer must then unfasten the box and take out and open each container one by one,
  - (e) the returning officer must then announce to the persons present, and record, the name of the candidate whose name appears on the slip enclosed in the container first taken from the box and, in consecutive order, the name of the

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

---

candidates whose names appear on the slip enclosed in the container next taken from the box and so on until the placing of all names has been determined,

- (f) the returning officer must sign the record and allow any of the persons present to do the same.
- (5) Each candidate or an agent of the candidate is entitled to be present at a ballot in accordance with this clause.

**44 Form of ballot-papers**

- (1) If there is to be a contested election, the returning officer is to have ballot-papers printed for the election.
- (2) The names of the candidates are to be printed in 1 column.
- (3) The name of the candidate that has been first taken from the ballot-box in the determination of the order of names under clause 43 is to be shown closest to the top of the ballot-papers. The name of the candidate that has been next taken from the ballot-box is to be shown immediately below the name of the candidate that has been first taken, and so on.
- (4) The ballot-paper must contain:
  - (a) the names of the candidates with a small square opposite each name, and
  - (b) if, in the opinion of the returning officer, the names of 2 or more candidates are so similar as to cause confusion, such other matter as will, in the opinion of the returning officer, distinguish those candidates, and
  - (c) the directions as to the manner in which a vote is to be recorded on the ballot-paper, and directions as to how the ballot-paper is to be returned to the returning office, being directions in Form 3 (in the case of an election of a representative of government school teachers) or Form 4 (in any other case).
- (5) The ballot-paper may contain such other directions as the returning officer considers appropriate.

**45 Candidate information sheets**

- (1) If there is to be a ballot, the returning officer is to prepare a candidate information sheet. The returning officer must base the information in that sheet on what has been set out in the statutory declarations received by the returning officer before the close of nominations under clause 29.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

- 
- (2) If a ballot is to be held, the returning officer must compile a candidate information sheet consisting of the information submitted by the candidate.
  - (3) In compiling a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information submitted by the candidate:
    - (a) as the returning officer considers to be false or misleading in a material particular, or
    - (b) as the returning officer considers to be inappropriate for inclusion in the candidate information sheet, or
    - (c) as exceeds the maximum amount of information that the returning officer considers is suitable for inclusion in the candidate information sheet (as specified in the notice of election given under clause 22).
  - (4) If a candidate does not submit any information, the returning officer may, in compiling the candidate information sheet, include in respect of the candidate the words "NO INFORMATION RECEIVED".
  - (5) The names of the candidates and the information about them must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.
  - (6) Where a ballot is to be taken, the returning officer must cause any candidate information sheet compiled under this clause to be printed in sufficient quantity to be distributed with all ballot-papers.

**Division 11 Distribution of ballot-papers****46 Distribution of ballot-papers**

- (1) The returning officer is to provide sufficient ballot-papers for each person entitled to vote in an election.
- (2) The returning officer must send to each elector:
  - (a) a ballot-paper, printed in accordance with clause 44, on which to record his or her vote, and
  - (b) an large unsealed reply-paid envelope addressed to the returning officer and bearing on the back:
    - (i) the words "full name and address of elector" together with appropriate spaces for the insertion of a name and address, and

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

- 
- (ii) the words “signature of elector”, together with an appropriate space for the insertion of a signature, and
    - (c) where appropriate, a copy of the candidate information sheet prepared under clause 45.
  - (3) Those items must be sent, not later than 20 days before the date fixed for the close of the ballot, by post to the address nominated in the electoral list of each person enrolled at the date of the close of nominations for the election.

**47 Initialling of ballot-paper**

A ballot-paper is to be initialled by the returning officer (or by a person authorised by the returning officer) before the returning officer sends it to an elector. The initials may be written or stamped.

**48 Notation that ballot-paper sent**

The returning officer is to make an appropriate notation on the electoral list to show that the elector has been sent the ballot-paper.

**49 Duplicates**

- (1) If an elector satisfies the returning officer that he or she has spoilt by reason of accident or mistake any ballot-paper handed or sent to him or her, the returning officer may, on receipt of the spoilt ballot-paper:
  - (a) hand or send to the elector a new ballot-paper, and
  - (b) cancel and preserve the spoilt paper.
- (2) The returning officer may, at any time before the close of the ballot, send or deliver to an elector a new ballot-paper if the elector satisfies the returning officer by statutory declaration:
  - (a) that the elector’s previous ballot-paper in the election has not been received or has been lost or destroyed, and
  - (b) that the elector has not already received another ballot-paper for the election, and
  - (c) that the elector has not already voted at the election.
- (3) The returning officer must maintain a record of all ballot-papers sent or delivered to electors under this clause.



## Institute of Teachers Amendment (Elections) Regulation 2005

Schedule 1 Amendments

---

- (4) The returning officer may, at the request of an elector, send or deliver to the elector a duplicate of an envelope or candidate information sheet.

**Division 12 The ballot****50 Type of ballot**

A ballot in an election is to be a postal ballot.

**51 Voting not compulsory**

Voting is not compulsory.

**52 Method of voting**

At an election, an elector is:

- (a) required to record a vote for at least the number of candidates specified in the instructions on the ballot-paper, and
- (b) permitted to record a vote for as many more candidates as the elector pleases,

so as to indicate, in such manner as is required by this Part, the candidates for whom the elector votes and the order of the elector's preference for them.

**53 Recording of votes**

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it and clause 52, and
- (b) must place the completed ballot-paper in the envelope provided, and
- (c) must seal the envelope, and
- (d) must write legibly the person's full name and address on, and sign, the back of the envelope in the spaces provided, and
- (e) must return the envelope to the returning officer before the close of the ballot.

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

---

## **Division 13    Scrutiny of votes**

### **54    Ascertaining result of ballot**

The result of a ballot for an election is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

### **55    Scrutineers**

- (1) Each candidate at an election is entitled to appoint a scrutineer to represent the candidate in respect of the ballot. The appointment is to be by notice in writing sent or delivered to the returning officer.
- (2) A candidate for election may not act as a scrutineer.
- (3) A scrutineer appointed in accordance with this clause is entitled to be present at any proceeding in the election for which the person who appointed the scrutineer is a candidate, from the ballot for the position on the ballot-paper, to the examination, opening and counting of votes by the returning officer, to the final sealing, endorsement and signing of the parcels of papers used in the election.
- (4) Any scrutineer, whether appointed by a candidate or not, may be present at any counting table during the counting of votes.

### **56    Examination of envelopes**

- (1) The returning officer must, as soon as practicable after the receipt of an envelope purporting to contain a ballot-paper, examine the envelope for the purpose of deciding whether to accept or reject the envelope.
- (2) The returning officer is to reject an envelope purporting to contain a ballot-paper issued in respect of an election if:
  - (a) the envelope does not have legibly marked on its rear flap the name, address and signature that appear to the returning officer to be those of a person enrolled, or
  - (b) the envelope is not sealed, or
  - (c) the envelope is not received by the returning officer at or before the time stated on ballot-papers issued in respect of the election as the time at or before which the envelope is to be so received.

## Institute of Teachers Amendment (Elections) Regulation 2005

Schedule 1 Amendments

---

- (3) The returning officer must examine the name on the back of an envelope not rejected under subclause (1), and:
  - (a) if satisfied that a person of that name is an elector, must accept the envelope without opening it and must place it in a locked ballot-box, or
  - (b) if not so satisfied, must reject the envelope.
- (4) If it appears to the returning officer that the signature on the back of an envelope is not the signature of the person whose name and address are there, the returning officer may make any inquiries in respect of the apparent anomaly that the returning officer thinks fit.
- (5) If, after making those inquiries, the returning officer is satisfied that the signature is not the signature of that person, the officer must reject the envelope.
- (6) If an envelope is to be rejected, its contents must also be rejected and the returning officer must not open it.
- (7) The returning officer:
  - (a) must keep a record of any rejection of an envelope, and
  - (b) must note in that record the reason for the rejection, and
  - (c) must keep a record of the total number of envelopes rejected.

**57 Scrutiny of votes**

The scrutiny of votes in a ballot must be conducted as follows, after the close of the ballot:

- (a) the returning officer must unlock the ballot-box referred to in clause 56, remove the envelopes and then remove the ballot-papers from the envelopes,
- (b) the returning officer must then reject all ballot-papers in an envelope if the envelope contains more than 1 ballot-paper,
- (c) the returning officer must then place the ballot-papers and envelopes in separate piles or containers,
- (d) the returning officer must unfold and examine each ballot-paper and reject those that are informal,
- (e) the returning officer must then proceed to count the votes, and ascertain the result of the ballot, in accordance with Division 14.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

**58 Informal ballot-papers**

- (1) The returning officer is to reject a ballot-paper as being informal if:
  - (a) the elector has failed to record a vote on it in accordance with the directions printed on the ballot-paper, or
  - (b) it has not been initialled by the returning officer, or
  - (c) it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.
- (2) However, a ballot-paper is not informal just because of the existence of marks or writing on the paper (such as a tick or a cross) that are not in accordance with the directions for its completion if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. However, in the case of an election of more than 1 representative of government school teachers, a ballot-paper that shows 2 or more crosses or ticks is informal.
- (3) A ballot-paper that shows at least 1 preference is not informal just because a second or later preference has been repeated or omitted. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission that makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.
- (4) A ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.

**Division 14 Method of counting****59 Counting the votes: optional preferential system**

The method of counting the votes is to be that set out in Schedule 2.

**60 Special provisions for election of a representative of government school teachers**

- (1) This clause applies if, in relation to an election of a representative of government school teachers, the procedure referred to in clause 59 would result in a person who is not a rural teacher being elected.

## Institute of Teachers Amendment (Elections) Regulation 2005

Schedule 1 Amendments

---

- (2) If the election of that person would mean that there were not, and could not be, at least 2 rural teachers on the Council then the election of that person is to be disregarded and the counting is to continue until a rural teacher is elected.

**61 Recount**

- (1) Any candidate present when the returning officer declares the result of the count at an election under clause 62, or later notified of the result under clause 62 or otherwise, may request a recount of the ballot-papers.
- (2) If such a request is made, the returning officer may again have the papers scrutinised and counted and is to inform the persons present of the results of the recount.

**Division 15 Miscellaneous****62 Declaring the election**

- (1) As soon as practicable after counting votes in an election and ascertaining the result of an election, the returning officer is to declare the result of the election.
- (2) The returning officer is then is to notify the Chief Executive, in writing:
- (a) of the candidate or candidates elected, and
  - (b) of the order in which unsuccessful candidates were excluded from the counting of votes.
- (3) The Chief Executive is to cause notice of the candidate or candidates elected in the election:
- (a) to be sent to each candidate in the election, and
  - (b) to be published in the Gazette, and
  - (c) to be published in a daily newspaper circulating generally throughout New South Wales.

**63 Misconduct in voting**

A person must not:

- (a) vote, or attempt to vote, more than once in an election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote.

Maximum penalty: 5 penalty units.

**Note.** Section 307B of the *Crimes Act 1900* makes it an offence for a person to give information to another person who is exercising or

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

---

performing any power, authority, duty or function under, or in connection with, a law of the State (which would include the returning officer designated under this Part) knowing that the information is false or misleading or that it omits any matter or thing without which the information is misleading.

**64 Validity of election**

- (1) An election is not invalid just because there was a formal defect or error in or relating to the election, if the election was held substantially in accordance with this Part.
- (2) In particular, an election is not invalid just because:
  - (a) a person whose name is on the electoral list did not receive a ballot-paper, or
  - (b) the returning officer did not receive a ballot-paper sent to the returning officer.

**65 Death of candidate**

- (1) If a candidate dies after the close of nominations and before the close of the ballot in an election:
  - (a) the returning officer is to cause notice of the death to be published in 1 or more newspapers that circulate generally throughout the State, and
  - (b) the count is to proceed in accordance with this Part and, if the deceased candidate is elected, the election of the deceased candidate is to be disregarded and the count is to be continued.
- (2) However, if the deceased elected candidate was taken to have been elected by virtue of clause 31, a fresh election must be held to replace the candidate so taken to have been elected.

**66 Security of election materials**

- (1) After the result of an election has been declared, the returning officer is to make a parcel of the papers used in the election.
- (2) If there was a ballot, the officer is to make 2 parcels:
  - (a) one parcel containing the marked and unmarked ballot-papers, including any rejected envelopes or informal ballot-papers, together with the copies of the relevant electoral list, and
  - (b) the other parcel containing the other papers (including, but not limited to, any candidate information statements or sheets and any notices) used in the election.

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

- 
- (3) The returning officer is to seal, endorse and sign each parcel, and to allow any scrutineers, candidates, or agents of candidates, who are present to watch the returning officer carry out those actions and countersign the parcel.
  - (4) The returning officer is to have each parcel kept securely for at least 12 months, and then destroyed.
  - (5) If a court so directs, or any legislation so requires or permits, the returning officer is to allow any person to inspect any of the election materials, except the sealed parcels of marked ballot-papers.

## **Part 5 Filling vacancies in office of elected members of the Council**

### **67 Appointment of persons to act temporarily in office of elected member**

- (1) This clause applies if it is expected by the Minister that an elected member will be absent from 2 or more consecutive meetings of the Council for illness or another reason, other than a vacancy in the office of that member.
- (2) For the purposes of clause 3 (2) of Schedule 2 to the Act, the Minister may appoint a person to act in the office of the elected member at the meetings from which the elected member will be absent.
- (3) If possible, the person appointed must have been a candidate for the election in which the elected member was elected and must, at the date of appointment, still be a person who is qualified to be nominated at an election for the relevant category of election held on that date.
- (4) The Minister must offer the appointment to the candidate last excluded from the count at that election, then to the second last person excluded and so on until a person agrees to be appointed.
- (5) In the case of a representative of government school teachers, if the elected member was, at the time of nomination for his or her election, a person enrolled as a person who teaches in a rural area and there would, in the absence of that person, be fewer than 2 rural teachers on the Council, the person appointed must, at the time of appointment, also be enrolled as a person who teaches in a rural area, and accordingly, the Minister must offer the appointment to the candidate last excluded from the count at that election that at the time of appointment is enrolled as a person

## Institute of Teachers Amendment (Elections) Regulation 2005

## Amendments

## Schedule 1

---

who teaches in a rural area, then to the second last such person excluded and so on until such a person agrees to be appointed.

- (6) If the procedure in this clause does not result in the appointment of any person, the Minister may appoint any person to act in the office of the elected member, being a person who would be qualified as a candidate for any relevant category of election held on the date of appointment. The Minister must first give notice of the Minister's intention to appoint a replacement person and call for expressions of interest from eligible persons wishing to be considered for replacement appointment. An expression of interest is to be accompanied by the relevant nomination form and a completed Form 1.

**68 Filling of casual vacancy in office of elected member in first 30 months of term of office**

- (1) For the purposes of clause 5 (2) of Schedule 2 to the Act, if the office of an elected member becomes vacant during the first 30 months of the term of that office, the vacancy is to be filled in accordance with this clause.
- (2) In the case of a vacancy in the office of a representative of government school teachers if the elected member was, at the time of nomination for his or her election, enrolled as a person who teaches in a rural area and there would, in the absence of that person, be fewer than 2 rural teachers on the Council, the vacancy is to be filled by a person who, at the time of appointment, is enrolled as a person who teaches in a rural area being the last such person excluded from the count in the election in which the elected member was elected.
- (3) In the case of a representative other than a representative of government school teachers, the vacancy is to be filled by the candidate last excluded from the count in the election in which the elected member was elected who, at the date of appointment, is still be a person who is qualified to nominate at an election for the relevant category of election.
- (4) Despite subclauses (2) and (3), if an elected member was elected at an uncontested election, his or her vacancy is to be filled by an election. The method of counting for such an election is the method referred to in clause 59. If the elected member being replaced was elected as a representative of government school teachers who is a rural teacher, only persons who are, at the time of nomination in the second election, enrolled as rural teachers are qualified to nominate for that election.



Institute of Teachers Amendment (Elections) Regulation 2005

Schedule 1 Amendments

**69 Filling of vacancy in office of member appointed to fill casual vacancy**

- (1) For the purposes of clause 5 (2) of Schedule 2 to the Act, if the office of a member filling a vacancy in the office of an elected member under clause 68 itself becomes vacant during the first 30 months of that office, the new vacancy is to be filled in accordance with clause 68, subject to this clause.
- (2) However, the process of filling vacancies set out in this clause can continue only until positions have been filled 3 times in each category other than government school teachers, where it can continue until positions have been filled 5 times. After that, a by-election will be held for the vacant position, unless this occurs in the last 6 months of the 3 year term, in that case, the filling of positions by the list of persons in the order in which they were elected or finished in the counting for the election will continue.

**[6] Schedules 1 and 2**

Insert at the end of the Regulation:

**Schedule 1 Forms**

(Clause 14 (2))

**Form 1 Information in support of candidature for election to the Council**

(Clauses 29 (1) and 67 (6))

(Institute of Teachers Act 2004)

- 1 Name.....
- 2 School.....
- 3 Information in support of candidature:  
.....  
.....  
.....  
.....  
.....

Signed .....

Dated .....

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

## Form 2 Certificate of Chief Executive

(Clause 38 (3))

(Institute of Teachers Act 2004)

I, ..... Chief Executive of the Institute of Teachers, certify that the attached electoral list containing ..... pages and ..... names, commencing with the name ..... and ending with the name ....., is a true and correct list of persons eligible to be enrolled on the electoral list by virtue of section 17 of the *Institute of Teachers Act 2004* as at ..... on the ..... day of ..... 20 ...

.....  
[Chief Executive]

.....  
[date]

## Form 3 Ballot-paper for election of representative of government school teachers

(Clause 44 (4) (c))

(Institute of Teachers Act 2004)

### Election of government school teacher representative members of Quality Teaching Council

READ CAREFULLY THE FOLLOWING INSTRUCTIONS BEFORE VOTING

- 1 You must vote for at least [*insert number of candidates*] candidates in the order of your preference by placing the numbers [*insert consecutive numbers, beginning with the number "1" and ending with the number equal to the number of candidates to be elected*] in the squares opposite the names of those candidates. You may, if you so desire, indicate your preference for the remaining candidates using the numbers [*insert the 2 next highest number*] and so on.
- 2 After marking your ballot-paper, fold it so that the vote cannot be seen, then place it in the business reply envelope and seal the envelope. PRINT YOUR NAME AND ADDRESS AND SIGN YOUR NAME IN THE SPACE PROVIDED ON THE REAR FLAP OF THE ENVELOPE. Post or deliver the business reply envelope so that it will be received by the returning officer NOT LATER THAN..... [*indicate date and time of close of ballot*].
- 3 Your vote will not be accepted unless your particulars and signature are shown on the rear flap of the business reply envelope. Remember to show the registered address to which voting materials were posted.

Page 33

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

- 
- 4 Only 1 ballot-paper is to be enclosed in each business reply envelope, otherwise the ballot-papers will not be accepted.
  - 5 Any correspondence concerning this election should be addressed to the *[insert name of other returning officer]*.

**Form 4 Ballot-paper for election of other representatives**

(Clause 44 (4) (c))

(Institute of Teachers Act 2004)

**Election of *[indicate category of representative]* member of the Quality Teaching Council**

READ CAREFULLY THE FOLLOWING INSTRUCTIONS BEFORE VOTING

- 1 You must vote for at least 1 candidate in the order of your preference by placing a tick or a cross or the number 1 in the square opposite the names of that candidate. You may, if you so desire, indicate your preference for the remaining candidates using the numbers 2, 3, 4, 5 and so on.
- 2 After marking your ballot-paper, fold it so that the vote cannot be seen, then place it in the business reply envelope and seal the envelope. PRINT YOUR NAME AND ADDRESS AND SIGN YOUR NAME IN THE SPACE PROVIDED ON THE REAR FLAP OF THE ENVELOPE. Post or deliver the business reply envelope so that it will be received by the returning officer NOT LATER THAN..... *[indicate date and time of close of ballot]*.
- 3 Your vote will not be accepted unless your particulars and signature are shown on the rear flap of the business reply envelope. Remember to show the registered address to which voting materials were posted.
- 4 Only 1 ballot-paper is to be enclosed in each business reply envelope, otherwise the ballot-papers will not be accepted.
- 5 Any correspondence concerning this election should be addressed to the returning officer *[insert name of returning officer]*.

**Schedule 2 Counting of votes under optional preferential system**

(Clause 59)

**1 General**

This Schedule sets out the method of counting votes according to the optional preferential system. The counting is to be carried out under the supervision of the returning officer.

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

---

## 2 Definitions

In this Schedule:

***absolute majority of votes*** means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers.

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

***exhausted ballot-paper*** means a ballot-paper on which there is no indication of a next preference for a continuing candidate.

***next preference*** means the first of the subsequent preferences marked on a ballot-paper that is not given to an elected or excluded candidate. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission that makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.

***unrejected ballot-papers*** means all ballot-papers not rejected as informal.

## 3 Election of candidate

If only 1 candidate is to be elected, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:

- (a) The unrejected ballot-papers are arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.
- (b) The total number of first preferences given for each candidate on such ballot-papers are then counted.
- (c) The candidate who has received the largest number of first preference votes is elected if that number constitutes an absolute majority of votes.
- (d) If no candidate has received an absolute majority of first preference votes, a second count is made.
- (e) On the second count the candidate who has received the fewest first preference votes is excluded, and each unexhausted ballot-paper counted to him or her is counted to the candidate next in the order of the voter's preference.
- (f) If a candidate then has an absolute majority of votes, he or she is elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his or her

## Institute of Teachers Amendment (Elections) Regulation 2005

## Schedule 1 Amendments

---

unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference is repeated until 1 candidate has received an absolute majority of votes.

- (g) The candidate who has received an absolute majority of votes is elected.

**4 Election of 2 candidates**

If 2 candidates are to be elected, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:

- (a) One of the candidates is elected in accordance with clause 3 of this Schedule.
- (b) All the unrejected ballot-papers are rearranged under the names of the respective candidates in accordance with the first preferences marked on the ballot-papers, except that each ballot-paper on which a first preference for the elected candidate is indicated is placed in the parcel of the candidate next in the order of the voter's preference.
- (c) The number of ballot-papers in the parcel of each candidate is counted and the total number of votes so counted to each candidate is ascertained.
- (d) If a candidate then has an absolute majority of votes he or she is elected. If not, the count proceeds according to clause 3 (d), (e) and (f) of this Schedule, until 1 candidate has received an absolute majority of votes.
- (e) Clause 3 (d) and (e) of this Schedule is to be read for the purposes of this clause as if a reference in those paragraphs to first preference votes were a reference to all the votes counted to a candidate under this clause.
- (f) The candidate who has received an absolute majority of votes is elected.

**5 Election of 3 or more candidates**

- (1) If 3 or more candidates are to be elected, 2 of the candidates are elected in accordance with clauses 3 and 4 of this Schedule.
- (2) The third and every subsequent candidate is elected in the manner provided in clause 4 of this Schedule as regards the election of a second candidate. However, a ballot-paper on which a first preference for any elected candidate is marked is placed in the parcel of the continuing candidate next in the order of the voter's preference.

Institute of Teachers Amendment (Elections) Regulation 2005

Amendments

Schedule 1

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## **6 Exhausted ballot-papers**

In the process of counting under clause 3, 4 or 5 of this Schedule, exhausted ballot-papers are set aside as finally dealt with and are not taken into account in the election of a candidate under the appropriate clause.

## **7 Equality**

- (1) If, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates):
  - (a) the candidate who had the fewest votes at the last count before the equality occurred is excluded, or
  - (b) if they had an equal number of votes at all preceding counts, the candidate whose name is on a slip drawn in accordance with subclause (2) is excluded.
- (2) For the purposes of subclause (1) (b) the returning officer writes the names of the candidates who have an equal number of votes on similar slips of paper. The returning officer then folds the slips so as to prevent the names being seen, mixes them, and draws 1 slip at random.

## **8 End of counting**

The process of counting each of the unexhausted ballot-papers of an excluded candidate to the continuing candidate next in the order of the voter's preference is not repeated if there is only one continuing candidate. Instead, that continuing candidate is elected.



New South Wales

# Sydney Turf Club Amendment (General Meeting Requisitions) Regulation 2005

under the

Sydney Turf Club Act 1943

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Turf Club Act 1943*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

## Explanatory note

Under clause 25 of the *Regulations for the Sydney Turf Club* in the First Schedule to the *Sydney Turf Club Act 1943*, an extraordinary general meeting of the Sydney Turf Club may be convened on the requisition of not less than 20 members.

The object of this Regulation is to amend the *Regulations for the Sydney Turf Club* to provide for an extraordinary general meeting to be convened on the requisition of not less than 5% of members.

This Regulation is made under the *Sydney Turf Club Act 1943*, including sections 4 (8) and 32 (the general regulation-making power).

Clause 1            Sydney Turf Club Amendment (General Meeting Requisitions) Regulation  
                         2005

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## **Sydney Turf Club Amendment (General Meeting Requisitions) Regulation 2005**

under the

Sydney Turf Club Act 1943

### **1 Name of Regulation**

This Regulation is the *Sydney Turf Club Amendment (General Meeting Requisitions) Regulation 2005*.

### **2 Amendment of Sydney Turf Club Act 1943 No 22**

The *Regulations for the Sydney Turf Club* in the First Schedule to the *Sydney Turf Club Act 1943* are amended as set out in Schedule 1.



Sydney Turf Club Amendment (General Meeting Requisitions) Regulation  
2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 25 Extraordinary general meetings**

Omit “twenty members”.

Insert instead “the prescribed number of members”.

**[2] Clause 25**

Insert at the end of clause 25:

The prescribed number of members for the purposes of this clause is equal to 5% of the members of the Club.



New South Wales

# Terrorism (Police Powers) Regulation 2005

under the

Terrorism (Police Powers) Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Terrorism (Police Powers) Act 2002*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe certain positions held by persons to whom the Commissioner of Police and the Crime Commissioner may delegate their power to authorise applications for covert search warrants, and
- (b) to prescribe the documents to be kept, and the manner in which those documents may be inspected, in relation to the issue of a covert search warrant, and
- (c) to prevent certain documents from being made available for inspection if their disclosure is likely to identify a person and therefore jeopardise that or any other person's safety, and
- (d) to provide that the Attorney General may approve such forms as may be necessary or convenient for the administration of the Act.

This Regulation is made under the *Terrorism (Police Powers) Act 2002*, including sections 27E (2), 27F (2), 27L (2) and 32 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

Terrorism (Police Powers) Regulation 2005

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## Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Delegation of powers to give authorisation	3
5 Keeping and inspection of records	3
6 Certified records not available for inspection	4
7 Approved forms	4

Terrorism (Police Powers) Regulation 2005

Clause 1

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## **Terrorism (Police Powers) Regulation 2005**

under the

Terrorism (Police Powers) Act 2002

### **1 Name of Regulation**

This Regulation is the *Terrorism (Police Powers) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 13 September 2005.

### **3 Definitions**

In this Regulation:

*eligible Judge* has the same meaning as in Part 3 of the Act.

*the Act* means the *Terrorism (Police Powers) Act 2002*.

### **4 Delegation of powers to give authorisation**

- (1) For the purposes of section 27E (2) (a) of the Act, the position of Assistant Commissioner, Counter Terrorism is prescribed.
- (2) For the purposes of section 27E (2) (b) of the Act, the position of Commander, Counter Terrorist Co-ordination Command is prescribed.
- (3) For the purposes of section 27F (2) of the Act, the position of Assistant Commissioner is prescribed.

### **5 Keeping and inspection of records**

- (1) For the purposes of section 27L (2) of the Act, the following documents must be kept in relation to each covert search warrant that is issued:
  - (a) any written application for the warrant,
  - (b) any record relating to the warrant made by or on behalf of an eligible Judge,
  - (c) a copy of any occupier's notice,
  - (d) any report on the execution of the warrant.

Clause 6            Terrorism (Police Powers) Regulation 2005

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- (2) During the hours that the Supreme Court registry is open to the public, the documents may be inspected by the occupier of the premises to which the covert search warrant relates or by any other person who is given an occupier's notice relating to the warrant under the Act.

**6 Certified records not available for inspection**

- (1) An eligible Judge may at any time issue a certificate to the effect that the Judge is satisfied that:
- (a) a document or part of a document referred to in clause 5 contains matter:
    - (i) that could disclose a person's identity, and
    - (ii) that, if disclosed, is likely to jeopardise that or any other person's safety, or
  - (b) a document or part of a document referred to in clause 5 contains matter that, if disclosed, may seriously compromise the investigation of any matter.
- (2) The document or part of the document to which the certificate relates is not to be made available for inspection under clause 5 (2).
- (3) The certificate is to be kept with the document to which it relates.
- (4) An eligible Judge (whether or not the one that issued the certificate) may revoke the certificate if satisfied (after consideration of submissions from any interested party) that disclosure of the matter to which it relates is no longer likely to jeopardise any person's safety or seriously compromise the investigation of any matter.

**7 Approved forms**

The Attorney General may approve such forms as may be necessary or convenient for the administration of the Act.

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## Other Legislation

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New South Wales

### Notice adjusting description of lands

under the

National Park Estate (Southern Region Reservations) Act 2000

I, the Director-General of the Department of Environment and Conservation, with the approval of the Minister administering the *National Parks and Wildlife Act 1974*, the Minister administering the *Forestry Act 1916* and the Minister administering the *Crown Lands Act 1989*, and pursuant to section 10 of the *National Park Estate (Southern Region Reservations) Act 2000 (the Act)*, adjust the description of lands in Schedules 1 and 2 to the Act by amending those Schedules as set out in Schedule 1 to this notice.

In accordance with section 10 (5) of the Act, I certify that the adjustments effected by this notice will not result in any significant reduction in the size or value of national park estate land or State forest land.

In accordance with section 10 (9) of the Act, I declare that:

- (a) the land identified as lots 15, 17, 25, 26, 28–30 on the plan numbered 1075211, and as lots 51, 52, 59 and 61 on the plan numbered DP1075869, that is lodged for registration in the office of the Registrar-General is part of Main Road 92 and, accordingly, is vested in the roads authority for that public road under the *Roads Act 1993*,
- (b) the land identified as lots 6 and 10 on the plan numbered DP1075211 that is lodged for registration in the office of the Registrar-General ceases to be part of Main Road 92 and, accordingly, is divested from the relevant roads authority for that road and becomes part of Parma Creek Nature Reserve subject to the relevant provisions of the Act applicable to Schedule 1 to the Act, and
- (c) the land identified as lots 41–43 and 49 on the plan numbered DP1075869 that is lodged for registration in the office of the Registrar-General ceases to be part of Main Road 92 and, accordingly, is divested from the relevant roads

Notice adjusting description of lands

Explanatory note

---

authority for that road and becomes part of Jerrawangla National Park subject to the relevant provisions of the Act applicable to Schedule 1 to the Act.

Director-General of the Department of Environment and Conservation

Dated this 7th day of September 2005.

Notice adjusting description of lands

Amendments

Schedule 1

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## Schedule 1 Amendments

**[1] Schedule 1 State forest reserved as national park or state recreation area or dedicated as nature reserve**

Omit “3,667 hectares” from clause 19. Insert instead “3,664” hectares”.

**[2] Schedule 1, clause 19**

Insert after the first paragraph:

That area does not include the land identified as lots 28–30 on the plan numbered DP1075211, and as lots 51 52, 59 and 61 on the plan numbered DP1075869, that is lodged for registration in the office of the Registrar General.

**[3] Schedule 1, clause 19**

Insert at the end of the clause:

**(2) Former area of public road**

An area of about 5 hectares, being the land identified as lots 41–43 and 49 on the plan numbered DP1075869 that is lodged for registration in the office of the Registrar-General.

**[4] Schedule 1, clause 29**

Omit “234 hectares”. Insert instead “228 hectares”.

**[5] Schedule 1, clause 29**

Insert at the end of the clause:

That area does not include the land identified as lots 15, 17, 25 and 26 on the plan numbered DP1075211 that is lodged for registration in the office of the Registrar-General.

**(2) Former area of public road**

An area of about 6 hectares, being the land identified as lots 6 and 10 on the plan numbered DP1075211 that is lodged for registration in the office of the Registrar-General.

**[6] Schedule 2 Crown lands reserved as national park or state recreation area or dedicated as nature reserve**

Omit the first paragraph of clause 60. Insert instead:

An area of about 3,212 hectares, being the land designated as 867-02 on the diagrams catalogued Misc R 00081 (Third Edition) and Misc R 00082 (Third Edition) in the Department of



## Notice adjusting description of lands

Schedule 1      Amendments

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Environment and Conservation, excluding the land shown coloured pink on sheets 2 and 5 of the plan numbered DP1075211 that is held by the Department.

**[7] Schedule 2, clause 60**

Insert after the second paragraph:

An area of about 82 hectares, being the land shown coloured orange on sheets 4 and 7 of the plan numbered DP1075211 that is held by the Department of Environment and Conservation.

# OFFICIAL NOTICES

## Appointments

### STATE EMERGENCY AND RESCUE MANAGEMENT ACT 1989

Changes to the Appointment of the State Emergency  
Operations Controller

I, Professor Marie Bashir, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of Schedule 1 (5) (2) of the State Emergency and Rescue Management Act 1989, hereby revoke the appointment of Deputy Police Commissioner David Barry MADDEN as State Emergency Operations Controller.

Dated at Sydney this 7th day of September 2005.

M. BASHIR,  
Governor

By Her Excellency's Command,

TONY KELLY, M.L.C.,  
Minister for Justice, Minister for Juvenile Justice,  
Minister for Emergency Services,  
Minister for Lands and Minister for Rural Affairs

### STATE EMERGENCY AND RESCUE MANAGEMENT ACT 1989

Changes to the Appointment of the Deputy State  
Emergency Operations Controller

I, Professor Marie Bashir, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of Schedule 1 (5) (2) of the State Emergency and Rescue Management Act 1989, hereby revoke the appointment of Acting Deputy Police Commissioner Terry COLLINS as Deputy State Emergency Operations Controller.

Dated at Sydney this 7th day of September 2005.

M. BASHIR,  
Governor

By Her Excellency's Command,

TONY KELLY, M.L.C.,  
Minister for Justice, Minister for Juvenile Justice,  
Minister for Emergency Services,  
Minister for Lands and Minister for Rural Affairs

### STATE EMERGENCY AND RESCUE MANAGEMENT ACT 1989

Changes to the Appointment of the State Emergency  
Operations Controller

I, Professor Marie Bashir, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of Schedule 1 (5) (2) of the State Emergency and Rescue Management Act 1989, hereby approve the appointment of Acting Deputy Commissioner Terry COLLINS, NSW Police, as State Emergency Operations Controller for the purpose of administering the requirements of the State Emergency and Rescue Management Act 1989.

Dated at Sydney this 7th day of September 2005.

M. BASHIR,  
Governor

By Her Excellency's Command,

TONY KELLY, M.L.C.,  
Minister for Justice, Minister for Juvenile Justice,  
Minister for Emergency Services,  
Minister for Lands and Minister for Rural Affairs

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## Department of Lands

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### DUBBO OFFICE

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

**Phone: (02) 6841 5200      Fax: (02) 6841 5231**

#### NOTIFICATION OF CLOSING OF ROADS

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

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

\_\_\_\_\_  
Description

*Local Government Area – Dubbo City Council;  
Land District – Dubbo*

Lot 21, DP 1073710, Parish of Warrie, County of Lincoln (not being land under the Real Property Act).

File No.: DB00 H 74.

Note: On closing, the title for Lot 21 shall remain vested in the State of New South Wales as Crown Land.

#### ROADS ACT 1993

##### ORDER

Transfer of a Crown Road to a Council

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

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

\_\_\_\_\_  
SCHEDULE 1

The Crown Public Road shown as Lot 7 in DP 1067219, Parish of Rouse, County of Bligh.

\_\_\_\_\_  
SCHEDULE 2

Road Authority: Mid-Western Regional Council. File No. DB05 H 586. Council's Reference MW:tk:R9018001.'

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### GOULBURN OFFICE

**159 Auburn Street (PO Box 748), Goulburn NSW 2580**

**Phone: (02) 4828 6725      Fax: (02) 4828 6730**

#### NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

\_\_\_\_\_  
Description

*Parish – Young; County – Monteagle;  
Land District – Young; Council – Young*

Lot 2, DP 1079073 (not being land under the Real Property Act). File Reference GB04 H 15:BA

\_\_\_\_\_  
SCHEDULE

Note: On closing, the land within Lot 2, DP 1079073 remains vested in Young Shire Council as operational land under the provisions of section 43, Roads Act 1993.

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

**ERRATUM**

IN pursuance of the provisions of section 257 of the Roads Act 1993, the order "Notification of Closing of Roads" appearing in the *Government Gazette* of 19 August 2005, Folio 4868, under the heading "Grafton Office" specifying "Notification of Closing of Public Roads" and "Land District – Murwillumbah; Shire – Tweed Shire Council; Parish – Murwillumbah; County – Rous" is corrected by deletion of the of the words and figures "File No: GF04H438" and by insertion in lieu the words and figures "File No: GF02H438".

Papers: GF02 H 438.

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

**APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder, are appointed for the terms of office specified 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 Schedules.

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

**SCHEDULE 1**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Danny Gene BROWN (new member), Stephen John BAKER (new member), Edward Kay SMITH (re-appointment), Peter James CONNOR (new member)	Southgate Flood Refuge Reserve Trust	Reserve No.: 60275 Public Purpose: Refuge in time of flood Notified: 3 February 1928 File No.: GF81 R 334

**Term of Office**

For a term commencing 8 September 2005 and expiring 7 September 2010.

**SCHEDULE 2**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Reginald Bruce BARNIER (re-appointment), Keith Patrick MORAN (re-appointment), Bernard MAKINGS (re-appointment), Basil Anthony MORAN (re-appointment)	Tyndale Flood Refuge Reserve Trust	Reserve No.: 36645 Public Purpose: Refuge in time of flood Notified: 31 October 1903 File No.: GF80 R 312

**Term of Office**

For a term commencing the date of this notice and expiring 8 September 2010.

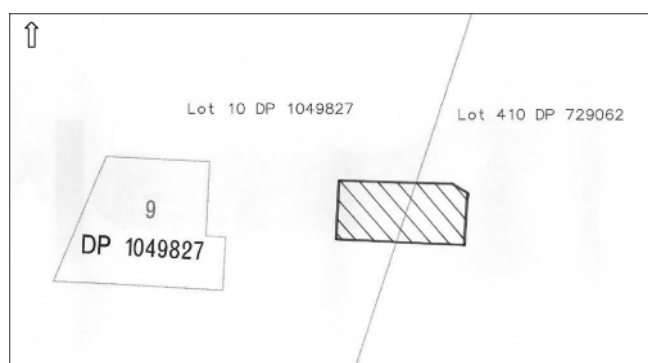
**ADDITION TO RESERVED CROWN LAND**

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

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

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Lismore Local Government Area: Byron Shire Council Locality: Byron Bay Lot PT 10, DP No. 1049827, Parish Byron, County Rous; Lot PT 410, DP No. 729062, Parish Byron, County Rous, being the area illustrated by hatching on the diagram hereunder. Area: 502.1 square metres File No.: GF82 R 60/1	Reserve No.: 49122 Public Purpose: Preservation of native flora and public recreation Notified: 30 July 1913 Lot PT 410, DP No. 729062, Parish Byron, County Rous Lot 10, section 62, DP No. 758207, Parish Byron, County Rous Lot 8, DP No. 112111, Parish Byron, County Rous Lot 3, DP No. 248009, Parish Byron, County Rous Lot 4, DP No. 248009, Parish Byron, County Rous Lot 12, DP No. 111263, Parish Byron, County Rous Lot 8, DP No. 248668, Parish Byron, County Rous Lot 7009, DP No. 1026798, Parish Byron, County Rous Lot 13, DP No. 112794, Parish Byron, County Rous New Area: 4.822 hectares



**NOTIFICATION OF CLOSING OF ROAD**

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

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

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Description

*Land District – Grafton;*  
*L.G.A. – Clarence Valley Council*

Roads Closed: Lot 1, DP 10856739 at Maclean, Parish Yamba, County Clarence.

File No.: GF03 H 16.

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SCHEDULE

On closing, the land within Lot 1, DP 10856739 becomes vested in Clarence Valley Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: 3717.

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**MAITLAND OFFICE**

**Cnr Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323**

**Phone: (02) 4934 2280 Fax: (02) 4934 2252**

**APPOINTMENT OF CORPORATION TO MANAGE  
RESERVE TRUST**

PURSUANT to section 92 (6B) of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2 for that part of the reserve referred to in Column 3 of the Schedule.

This appointment acknowledges that the trust board members that were appointed in the *Government Gazette* of 8 October 2004 to manage the affairs of the reserve trust specified in Column 2 hereunder will now have the function of managing the balance of Reserve 87894, i.e. excluding the part referred to in Column 3 of the Schedule.

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

SCHEDULE 1

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Lands Administration Ministerial Corporation	Lake Liddell Recreation Area (R87894) Reserve Trust	Part Reserve No. 87894 for the public purpose of public recreation notified in the Gazette of 17 August 1973 being Lots 24, 25, 26, 27, 28, 38, 39, 40 and 41 in DP 241179 having an area of 19.17 ha
File No.: Department of Lands 05/1274		

**MOREE OFFICE****Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****NOTIFICATION OF CLOSING OF A ROAD**

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

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

## Description

*Land District – Moree; Council – Moree Plains;  
Parish - Illingrammindi; County – Stapyllton*

Lot 1 in DP 1087040.

File No.: ME04 H 5.

Note: On closing, the title for the land in Lot 1, DP 1087040 remains vested in the State of New South Wales as Crown Land.

**ORANGE OFFICE****92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****ESTABLISHMENT OF RESERVE TRUST**

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

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

## SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Molong Cemetery Reserve Trust	Dedication No.: 1010448 Public Purpose: Cemetery and cemetery extensions Notified: 2 July 1863 File No.: OE95 A 7/2

**ASSIGNMENT OF NAME TO A RESERVE TRUST**

PURSUANT to Clause 4 (3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder, is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

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

## SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Mandagery Lane (R86106) Reserve Trust	Reserve No.: 86106 Public Purpose: Public recreation Notified: 9 December 1966 File No.: OE95 A 7/2

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

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

## Description

*Parish – Bathurst; County – Bathurst;  
Land District – Bathurst;  
Shire – Bathurst Regional Council*

Road Closed: Lot 1 in Deposited Plan 1086098.

File No.: OE04 H 63.

Note: On closing, the land within Lot 1, DP 1086098 remains vested in Bathurst Regional Council as operational land for the purposes of the Local Government Act 1993.

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

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

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

## SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Cabonne Council	Molong Cemetery Reserve Trust	Dedication No. 1010448 Public Purpose: Cemetery Cemetery Extensions Notified: 2 July 1863 File Reference: OE95 A 7/2

**SYDNEY METROPOLITAN OFFICE**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935, Parramatta NSW 2124)**  
**Phone: (02) 8836 5300 Fax: (02) 8836 5365**

**NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

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

Description

*Land District – Metropolitan; L.G.A – Liverpool*

Lot 100, DP 1086252 at Kemps Creek, Parish Cabramatta, County Cumberland. MN97H200

Note: On closing, title for the land in lot 100 remains vested in the Crown as Crown land.

**REVOCATION OF RESERVATION OF CROWN LAND**

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

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

SCHEDULE

*COLUMN 1*

Land District: Windsor  
 Council: Baulkham Hills  
 Parish: Maroota  
 County: Cumberland  
 Location: South Maroota  
 Reserve No.: 93530  
 Purpose: Future Public Requirements  
 Date of Notification:  
 5 September 1980  
 File Nos: MN84 H 412 and  
 MN85 H 260

*COLUMN 2*

Part being Lot 164,  
 DP 752039 containing  
 12.42 hectares and Lot 249,  
 DP 704612 containing  
 9614m<sup>2</sup>



## Department of Natural Resources

### WATER ACT 1912

AN application for a license under Section 10 of the Water Act 1912, as amended, has been received from:

READYMIX HOLDINGS PTY LIMITED for a pump on the Bellinger River on Lot 21, DP 593052, Parish of South Bellingen, County of Raleigh for Industrial (Concrete Plant) purposes (new license). Allocation entitlement by way of permanent transfer. (Our Ref: 6323563, GA2: 476125).

Any enquiries regarding the above should be directed to the undersigned (telephone: 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

### WATER ACT 1912

AN application for a license under section 10 of the Water Act 1912, as amended, has been received from:

Steven Gregory EDWARDS and Robyne Margaret Mary EDWARDS for a pump on Rous River Lot 2, DP 786748, Parish Kynnumboon, County Rous for irrigation of 2 hectares (3 megalitres) (new license – entitlement by way of permanent transfer) (Our Ref: GRA6323381, GA2: 476104).

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 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK,  
Resource Access Manager,  
North Coast Region, Grafton

### WATER ACT 1912

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

Maisie Ileen JURD for a pump on Black Creek on an easement within Lot 30, DP 865864, Parish of Allandale, County of Northumberland, for water supply for stock and domestic purposes and irrigation of 2.0 hectares (improved pasture; split of existing license 20SL046938) 20SL061490.

HARDIE AYREFIELD PTY LIMITED for a pump on Black Creek on part Lot 123, DP 1012420, Parish of Belford, County of Northumberland, for irrigation of 8.0 hectares (improved pasture; permanent water transfers) 20SL061513.

Beaumont Kingsley Richmond WARD for a pump on the Allyn River on Lot 16, DP 248699, Parish of Gresford, County of Durham, for water supply for farming (turkey shed cooling) and industrial (turkey shed drinking) purposes and irrigation of 5.0 hectares (lucerne and improved pasture; replacement license, split of existing entitlement 20SL043924) 20SL061509.

DURNDRAX PTY LIMITED for a pump on the Allyn River on Lot 15, DP 248699, Parish of Gresford, County of Durham, for water supply for farming (turkey shed cooling) and industrial (turkey shed drinking) purposes and irrigation of 5.0 hectares (lucerne and improved pasture; replacement license, split of existing entitlement 20SL043924) 20SL061510.

Barry Walter and Dorothy Josephine ROGERS for a pump on the Paterson River on Lot 18, DP 249257, Parish of Houghton, County of Durham for irrigation of 10.0 hectares (lucerne and improved pasture; within former Flood Mitigation Area and previously exempt from licensing) 20SL061533.

Harold Glendon FROST for a pump on the Paterson River on Lot 16, DP 249257, Parish of Barford, County of Durham for irrigation of 4.0 hectares (lucerne and improved pasture; within former Flood Mitigation Area and previously exempt from licensing) 20SL061535.

Andrew Owen and Maree Hilder AMOS for a pump on the Paterson River on Lot 17, DP 249257, Parish of Houghton, County of Durham for irrigation of 4.0 hectares (improved pasture; within former Flood Mitigation Area and previously exempt from licensing) 20SL061537.

Cecil Robert, Hazel May and Thomas Allyn MORTON for a pump on the Paterson River on Lot 4, DP 13089, Parish of Houghton, County of Durham for irrigation of 15.0 hectares (improved pasture; within former Flood Mitigation Area and previously exempt from licensing) 20SL061538.

Peter Lloyd and Susan Unity PICKLES for a pump on the Nowendoc River on Lot 154, DP 753691, Parish of Couatwong, County of Hawes for irrigation of 20.0 hectares (improved pasture; application received prior to embargo; pumping restrictions will apply) 20SL061472.

Stephen Geoffrey and Suzanne Rachelle BROWN and Dean Gerald PEREIRA for a pump on the Manning River on Lot 7, DP 753152, Parish of Bootawa, County of Gloucester for irrigation of 18.0 hectares (improved pasture; application received prior to embargo) 20SL061479.

Jamie Lee EVANS for a pump on the Nowendoc River on Lots 117, 190 and 223, DP 754421, Parish of Khatambuhl and Lot 2, DP 1059443, Parish of Knorrit, all County of Macquarie for irrigation of 12.0 hectares (improved pasture; application received prior to embargo) 20SL061540.

Kenneth Eric and Marianne JOHNSON for a pump on the Gloucester River on part Road within Lot 2, DP 729810, Parish of Barrington, County of Gloucester for water supply for domestic purposes (exempt from current embargo) 20SL061484.

Kevin Andrew and Sharon May COSTA for a pump on the Bowman River on an easement within Lot 22, DP 718524, Parish of Tiri, County of Gloucester for water supply for domestic purposes (exempt from current embargo) 20SL061483.

Keith Oscar and Lorna Marie SMITH for a pump on the Crawford River on Lot 15, DP 753190, Parish of Nerong, County of Gloucester for irrigation of 10.0 hectares (improved pasture; replacement license, split of existing entitlement 20SL060373) 20SL061477.



Any inquiries regarding the above should be directed to Brian McDougall on telephone number (02) 4929 9817.

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

VICKI McBRIDE,  
A/Resource Access Manager,  
Hunter Region

Department of Natural Resources,  
PO Box 2213, Dangar NSW 2309

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### WATER ACT 1912

AN application for an authority under the section 20 of Part 2 of the Water Act 1912, as amended, has been received as follows:

BERELA PASTORAL COMPANY PTY LTD and Leon Bede REARDON for a pump on the Hawkesbury River on Lot 2, DP 881777, Parish of Wilberforce, County of Cook for the irrigation of 23.0 hectares (turf and improved pasture) (Replacement Authority – Replaces 10SL055625) (no increase in authorised area – no increase in annual water entitlement) (Not subject to the 1995 Hawkesbury/Nepean Embargo) (Ref: 10SA002534) (GA2: 493324).

Angelina and Antonio SERRA and others for a pump on the Hawkesbury River on Lots 1 and 2, DP 520343, Parish of Wilberforce, County of Cook for the irrigation of 12.5 hectares (turf) (Replacement Authority – Replaces 10SL020909) (no increase in authorised area – no increase in annual water entitlement) (Not subject to the 1995 Hawkesbury/Nepean Embargo) (Ref:10SA002535) (GA2 :493324).

Any inquiries regarding the above should be directed to the undersigned (telephone: 9895 7194).

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

WAYNE CONNERS,  
Natural Resource Project Officer,  
Sydney/South Coast Region

Department of Natural Resources  
PO Box 3720, Parramatta NSW 2124

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### WATER ACT 1912

APPLICATIONS under Part 2 within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

An application for a license under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

*Murrumbidgee Valley*

Neville Smith TIMBER, for a pump and 2 dams on an unnamed watercourse, Lot 16, DP 1005812, Parish of Bago, County of Wynyard for a water supply for industrial and domestic purposes and for a supply of water for domestic purposes to the occupiers of Lot 14, DP 1005812 and Lot 1, DP 362752. Replacement license to increase pump size and include domestic supplies. Reference: 40SL70716.

Any enquiries regarding the above should be directed to the undersigned (telephone: 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,  
Resource Access Manager,  
Murrumbidgee Region

Department of Natural Resources  
PO Box 156, Leeton NSW 2705  
GA2:520569.

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### WATER ACT 1912

APPLICATIONS under Part 2 within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

Applications for a license under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

*Murrumbidgee Valley*

Richard Anthony JEFFERSON for a pump on the Queanbeyan River, Lot 1, DP 218721 Parish of Googong, County of Murray for a water supply for experimental/research purposes. New license. 40SL71051.

Any inquiries regarding the above should be directed to the undersigned (telephone: 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,  
Resource Access Manager,  
Murray/Murrumbidgee Region

Department of Natural Resources  
PO Box 156, Leeton NSW 2705

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### WATER ACT 1912

#### Volumetric Water Allocation Scheme Section 20Z of the Water Act 1912

THE Water Administration Ministerial Corporation notifies entitlement holders (licences, authorities, group licences) that the Peel Regulated River water source is unlikely to have sufficient water available to meet the requirements of general security entitlements. Accordingly, water allocations for general security entitlements will be reduced to 20% as from 5 September 2005 until a further notification varying this notification is published.

Dated this 5th day of September 2005.

Signed for the Water Administration Ministerial Corporation:

RANDALL HART,  
Regional Director,  
Barwon Region,  
Department of Natural Resources  
(by delegation)

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## Department of Planning

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New South Wales

# Auburn Local Environmental Plan 2000 (Amendment No 16)

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*. (SRW0000015/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Auburn Local Environmental Plan 2000 (Amendment No 16)

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## **Auburn Local Environmental Plan 2000 (Amendment No 16)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Auburn Local Environmental Plan 2000 (Amendment No 16)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to Zone No 3 (a)—the Business (Retail and Office Development) Zone under *Auburn Local Environmental Plan 2000* so as to allow the land to be used for those purposes which are permissible within that zone.

### **3 Land to which plan applies**

This plan applies to land known as 1A Childs Street, Lidcombe, being Lot 14, DP 520693, as shown coloured blue, edged heavy black and lettered “3 (a)” on the map marked “Auburn Local Environmental Plan 2000 (Amendment No 16)” deposited in the office of Auburn Council.

### **4 Amendment of Auburn Local Environmental Plan 2000**

*Auburn Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of *The map* in Schedule 1 the following words:

Auburn Local Environmental Plan 2000 (Amendment No 16)



New South Wales

## **Byron Local Environmental Plan 1988 (Amendment No 117)**

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*. (G04/00107/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1          Byron Local Environmental Plan 1988 (Amendment No 117)

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## **Byron Local Environmental Plan 1988 (Amendment No 117)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Byron Local Environmental Plan 1988 (Amendment No 117)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to allow, with the consent of the Council, the subdivision under the *Community Land Development Act 1989* of the land to which this plan applies into rural residential allotments and common property, and
- (b) to allow, with the consent of the Council, the erection of dwellings on the rural residential allotments, and common buildings and facilities on the common property.

### **3 Land to which plan applies**

This plan applies to the land at Lot 1, DP 189704, Blackbutt Road and Lot 7, DP 718014, Broken Head Road, Broken Head, within the local government area of Byron.

### **4 Amendment of Byron Local Environmental Plan 1988**

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

Byron Local Environmental Plan 1988 (Amendment No 117)

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 4)

### Schedule 8 Land referred to in clause 29

Insert in appropriate order in Schedule 8:

- 49 Lot 1, DP 189704, Blackbutt Road and Lot 7, DP 718014, Broken Head Road, Broken Head, for the purpose of a rural community title (town catchment) settlement that complies with the provisions of section 6.2 of the *Byron Rural Settlement Strategy 1998* adopted by the council, as in force at the commencement of *Byron Local Environmental Plan 1988 (Amendment No 117)*, but only if:
- (a) the council is satisfied that:
    - (i) the land is to be subdivided under the *Community Land Development Act 1989* to create a neighbourhood scheme under which a maximum of 12 neighbourhood lots and one lot that is neighbourhood property are created on each property, being both Lot 1, DP 189704 and Lot 7, DP 718014, and
    - (ii) the neighbourhood lots are to be developed for rural residential purposes, and no more than one dwelling is to be erected on each of the neighbourhood lots, and
    - (iii) the neighbourhood property is to be developed for the purpose of agriculture, environmental repair and ancillary utilities or community facilities, and
    - (iv) no part of the neighbourhood property is to be developed (including by further subdivision) for the purpose of holiday cabins or rural tourist facilities, and
    - (v) development of the land is in accordance with a neighbourhood management statement that includes provision for environmental management and enhancement, and
  - (b) an application for development consent pursuant to this item is made to the council within the period of 5 years immediately after the commencement of *Byron Local Environmental Plan 1988 (Amendment No 117)*.



New South Wales

## **Cessnock Local Environmental Plan 1989 (Amendment No 100)**

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*. (N03/00260/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 100)

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## **Cessnock Local Environmental Plan 1989 (Amendment No 100)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 100)*.

### **2 Aims of plan**

This plan aims to allow, with the consent of Cessnock City Council, the subdivision of the land to which this plan applies into 2 lots, one of which is not to be more than 2 hectares in area, and the erection of a dwelling-house on the lot with the 2 hectare limit.

### **3 Land to which plan applies**

This plan applies to land in the City of Cessnock, being Lot 3, DP 250551, Lovedale Road, Keinbah.

### **4 Amendment of Cessnock Local Environmental Plan 1989**

*Cessnock Local Environmental Plan 1989* is amended by inserting after item 21 in Schedule 5 the following item:

- 22 Lot 3, DP 250551, Lovedale Road, Keinbah—subdivision creating 2 lots, one of which is not to be more than 2 hectares in area, and the erection of a dwelling-house on the lot with the 2 hectare limit.





New South Wales

## **Gosford Local Environmental Plan No 447**

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*. (N03/00138/s69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Gosford Local Environmental Plan No 447

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## **Gosford Local Environmental Plan No 447**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Gosford Local Environmental Plan No 447*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to reclassify the land to which this clause applies from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to extend a provision of the *Gosford Planning Scheme Ordinance* relating to unzoned land so that it applies to canals on St Huberts Island.

### **3 Land to which plan applies**

This plan applies to Lot 91 DP 242253, Lots 53 and 54 DP 241441, Lots 183 and 184 DP 243182 and Lots 366 and 369 DP 245430 as shown edged heavy black on the map marked "Gosford Local Environmental Plan No 447" deposited in the office of the Council of the City of Gosford.

### **4 Amendment of Gosford Planning Scheme Ordinance**

*Gosford Planning Scheme Ordinance* is amended as set out in Schedule 1.

Gosford Local Environmental Plan No 447

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 49 Development on bed of lakes, rivers etc**

Insert after clause 49 (1):

- (1AA) Subclause (1) extends to the land shown uncoloured on the Scheme map, as at the commencement of *Gosford Local Environmental Plan No 477*, forming drainage reserves on St Huberts Island, whether or not any part of those drainage reserves is below the high water mark.

**[2] Schedule 9 Classification or reclassification of public land**

Insert after the matter relating to Erina in Part 2 of Schedule 2:

St Huberts Island – Lot 91 DP 242253, Lots 53 and 54 DP 241441, Lots 183 and 184 DP 243182 and Lots 366 and 369 DP 245430 (drainage reserves or canals), as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 447” deposited in the office of the Council.



New South Wales

## **Gosford Local Environmental Plan No 448**

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*. (C04/00061/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Gosford Local Environmental Plan No 448

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## **Gosford Local Environmental Plan No 448**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Gosford Local Environmental Plan No 448*.

### **2 Aims of plan**

This plan aims to amend the *Gosford Planning Scheme Ordinance*:

- (a) to correct a zoning anomaly in respect of certain land, and
- (b) to correct a typographical error in the numbering of a clause in the Ordinance.

### **3 Land to which plan applies**

In respect of the aim referred to in clause 2 (a), this plan applies to part of Lots 2–4, DP 246900, Hastings Road, Terrigal, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 448” deposited in the office of the Council of the City of Gosford.

### **4 Amendment of Gosford Planning Scheme Ordinance**

The *Gosford Planning Scheme Ordinance* is amended as set out in Schedule 1.

Gosford Local Environmental Plan No 448

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 3 Interpretation**

Insert in appropriate order in the definition of *Scheme map* in clause 3 (1):

Gosford Local Environmental Plan No 448

**[2] Clause 49DL**

Re-number clause 49DJ (Caravan parks and camping grounds), as inserted by *Gosford Local Environmental Plan No 443* (published in Government Gazette No 47 of 27 February 2004 at pages 869–876), as clause 49DL and place the renumbered clause after clause 49DK.



New South Wales

## **Gosford Local Environmental Plan No 449**

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*. (CC0000010/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1            Gosford Local Environmental Plan No 449

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## **Gosford Local Environmental Plan No 449**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Gosford Local Environmental Plan No 449*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from Zone No 4 (a) Industrial (General) to partly Zone No 3 (b) Business (Special) and partly Zone No 5 (d) Special Uses—Roads Reservation under the *Gosford Planning Scheme Ordinance*.

### **3 Land to which plan applies**

This plan applies to Lot 1, DP 417789, Pacific Highway (near Manns Road), West Gosford, as shown edged heavy black on the map marked “Gosford Local Environmental Plan No 449” deposited in the office of the Council of the City of Gosford.

### **4 Amendment of Gosford Planning Scheme Ordinance**

The *Gosford Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of ***Scheme map*** in clause 3 (1) the following words:

Gosford Local Environmental Plan No 449





New South Wales

## **Gosford Local Environmental Plan No 450**

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*. (C04/00050/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 450

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## **Gosford Local Environmental Plan No 450**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Gosford Local Environmental Plan No 450*.

### **2 Aims of plan**

This plan aims to permit, without development consent from Gosford City Council, the carrying out of development that is required in connection with any sewerage scheme carried out by a person carrying on a sewerage undertaking.

### **3 Land to which plan applies**

This plan applies to all land in the Gosford City local government area under the *Gosford Planning Scheme Ordinance* and *Interim Development Order No 122—Gosford*.

### **4 Amendment of Gosford Planning Scheme Ordinance**

The *Gosford Planning Scheme Ordinance* is amended by inserting in item 10 of Schedule 5 the words “or any other sewerage scheme carried out by a person carrying on a sewerage undertaking” after the words “Gosford Regional Sewerage Scheme”.

### **5 Amendment of Interim Development Order No 122—Gosford**

*Interim Development Order No 122—Gosford* is amended by inserting in clause 60 (9) the words “or any other sewerage scheme carried out by a person carrying on a sewerage undertaking” after the words “Gosford Regional Sewerage Scheme”.



New South Wales

## **Hurstville Local Environmental Plan 1994 (Amendment No 66)**

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*. (SRE0000101/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 66)

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## **Hurstville Local Environmental Plan 1994 (Amendment No 66)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 66)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to change the name of Zone No 3 (a) to Neighbourhood Business Zone, and
- (b) to provide that any objectives appearing on the map do not form part of *Hurstville Local Environmental Plan 1994*, and
- (c) to update the objectives of Zone No 3 (a) to reflect council's intention to accommodate small scale retail and business activities to serve the needs of the local community within this zone, and
- (d) to restrict the area of a shop that may be used as a display or sales area to a maximum of 400 square metres where the shop is on land within Zone No 3 (a), and
- (e) to allow, with the consent of the council, the carrying out of development on land known as 695 Forest Road, Peakhurst (Lot 101, DP 1062302) for the purpose of a shop with a display or sales area that exceeds 400 square metres.

### **3 Land to which plan applies**

This plan applies to land within Zone No 3 (a) under *Hurstville Local Environmental Plan 1994*.

### **4 Amendment of Hurstville Local Environmental Plan 1994**

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

Hurstville Local Environmental Plan 1994 (Amendment No 66)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 7 Zones indicated on the map**

Omit “Zone No 3 (a) (General Business Zone)—coloured light blue”.

Insert instead “Zone No 3 (a) (Neighbourhood Business Zone)—coloured light blue”.

**[2] Clause 8 Zone objectives and development control table**

Omit “A copy of the objectives of each zone appears on the map.” from clause 8 (1).

Insert instead “Any objectives appearing on the map do not form part of this plan.”.

**[3] Part 2 General restrictions on development of land**

Omit the heading “**Zone No 3 (a) (General Business Zone)**” from the Table to the Part.

Insert instead “**Zone No 3 (a) (Neighbourhood Business Zone)**”.

**[4] Part 2, Table**

Omit the zone objectives from the matter relating to Zone No 3 (a).

Insert instead:

**Zone objectives**

The objectives of this zone are:

- (a) to provide for small scale retail and business activities to serve the needs of the surrounding local community, and
- (b) to provide for development of a scale and type compatible with the amenity of the surrounding residential area, and
- (c) to facilitate retail and business activities at ground floor level to provide active street frontage.

**[5] Clause 13A**

Insert after clause 13:

**13A Size of display or sales area in shops on land within Zone No 3 (a)**

- (1) The maximum area that may be used as a display or sales area in a shop that is on land within Zone No 3 (a) is 400 square metres.

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Page 3

Hurstville Local Environmental Plan 1994 (Amendment No 66)

Schedule 1 Amendments

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- (2) In calculating the area used as a display or sales area, any part of the shop that is ancillary to the display or sales area or that is used for storage, office or staff convenience purposes is to be excluded.

**[6] Schedule 3 Development of land for certain additional purposes**

Insert before the matter relating to 764 Forest Road, Peakhurst in Columns 1 and 2:

Lot 101, DP 1062302, being land known as 695 Forest Road, Peakhurst	Shop with a display or sales area exceeding 400m <sup>2</sup>
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New South Wales

## **Maclean Local Environmental Plan 2001 (Amendment No 16)**

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*. (GRA6322780/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Maclean Local Environmental Plan 2001 (Amendment No 16)

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## **Maclean Local Environmental Plan 2001 (Amendment No 16)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Maclean Local Environmental Plan 2001 (Amendment No 16)*.

### **2 Aim of plan**

The aim of this plan is to rezone Lots 13 and 14, DP 8634, Coldstream Street, Yamba from Zone No 2 (a) Residential (Low Density) Zone to Zone No 3 (a) Business Zone.

### **3 Land to which plan applies**

This plan applies to Lots 13 and 14, DP 8634, Coldstream Street, Yamba, as shown edged heavy black on the map marked "Maclean Local Environmental Plan 2001 (Amendment No 16)" deposited in the office of the Clarence Valley Council.

### **4 Amendment of Maclean Local Environmental Plan 2001**

*Maclean Local Environmental Plan 2001* is amended by inserting in appropriate order in the definition of *the map* in clause 7 (1):

Maclean Local Environmental Plan 2001 (Amendment No 16)





New South Wales

## **Manly Local Environmental Plan 1988 (Amendment No 70)**

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*. (SRE0000072/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Manly Local Environmental Plan 1988 (Amendment No 70)

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## **Manly Local Environmental Plan 1988 (Amendment No 70)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Manly Local Environmental Plan 1988 (Amendment No 70)*.

### **2 Aims of plan**

This plan aims:

- (a) to clarify that clause 36 of *Manly Local Environmental Plan 1988* also applies to land known as 45–49 Ashburner Street, Manly, and
- (b) to prohibit the conversion of the existing buildings on the land to which this plan applies to seniors housing within the meaning of *State Environmental Planning Policy (Seniors Living) 2004*.

### **3 Land to which plan applies**

This plan applies to land known as 9–13 South Steyne, 45–49 Ashburner Street and 58 North Steyne, Manly, as shown edged heavy black on the map marked “Manly Local Environmental Plan 1988 (Amendment No 57)” deposited in the office of Manly Council.

### **4 Amendment of Manly Local Environmental Plan 1988**

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

Manly Local Environmental Plan 1988 (Amendment No 70)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 36 Development at 9–13 South Steyne, 45–49 Ashburner Street and 58 North Steyne, Manly**

Insert “and 45–49 Ashburner Street” after “9–13 South Steyne” in clause 36 (1) (a).

**[2] Clause 36 (2)**

Insert “or seniors housing within the meaning of *State Environmental Planning Policy (Seniors Living) 2004*” after “residential flat building”.



New South Wales

## Shellharbour Local Environmental Plan 2000 (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*. (WOL2000677/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

Clause 1 Shellharbour Local Environmental Plan 2000 (Amendment No 12)

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## Shellharbour Local Environmental Plan 2000 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Shellharbour Local Environmental Plan 2000 (Amendment No 12)*.

### 2 Aims of plan

This plan aims to amend *Shellharbour Local Environmental Plan 2000* (the *principal plan*):

- (a) to change the adoption date for development control plans relating to exempt and complying development referred to in the principal plan, and
- (b) to amend the land use tables to ensure exempt development is allowed without development consent within all zones except for:
  - (i) Zone 7 (a) (the Environmental Protection (Wetlands) zone), and
  - (ii) Zone 8 (the National Parks and Nature Reserves zone), and
  - (iii) Zone 9 (b) (the Arterial Roads Reservation zone), and
  - (iv) Zone 9 (c) (the Local Roads Reservation zone), and
  - (v) Zone 9 (d) (the Open Space Reservation zone), and
- (c) to correct minor zoning anomalies and rezone a number of properties to reflect current land uses.

### 3 Land to which plan applies

This plan applies to certain land in the local government area of Shellharbour City, being:

- (a) in respect of the aim set out in clause 2 (a)—all land to which *Shellharbour Local Environmental Plan 2000* applies, and
- (b) in respect of the aim set out in clause 2 (b)—all land to which *Shellharbour Local Environmental Plan 2000* applies, other than land within the zones set out in clause 2 (b) (i)–(v), and

Shellharbour Local Environmental Plan 2000 (Amendment No 12)

Clause 4

- 
- (c) in respect of the aim set out in clause 2 (c)—the following land:
- (i) Part Lots 1–3, DP 1039217, 20, 22 and 24 Ashburton Drive, Albion Park, as shown coloured salmon on Sheet 1 of the map marked “Shellharbour City Council Local Environmental Plan 2000 (Amendment No 12)” deposited in the office of Shellharbour City Council,
  - (ii) Part Lot 543, DP 1016311, 14 Avon Close, Albion Park, as shown coloured salmon on Sheet 2 of that map,
  - (iii) Lot 1, DP 39099, Albion Park Primary School, Taylor Road, Albion Park, as shown coloured dark yellow and marked “SCHOOL” on Sheet 3 of that map,
  - (iv) Lot 1129, DP 263029, 13A Tarra Crescent, Oak Flats, as shown coloured dark yellow and marked “MEDICAL PURPOSES” on Sheet 4 of that map,
  - (v) Lot 4210, DP 809265, Nazereth Catholic Primary School, 19–23 College Avenue, Shellharbour City Centre, as shown coloured dark yellow and marked “SCHOOL” on Sheet 5 of that map,
  - (vi) Lot 4213, DP 809265, Anglican Church, Wallaroo Drive, Shellharbour, as shown coloured dark yellow and marked “CHURCH” on Sheet 5 of that map,
  - (vii) Lot 320, DP 515347, 40 King Street, Warilla, as shown coloured light pink on Sheet 6 of that map,
  - (viii) Lot 52, DP 23432, Former Fire Station, 14 Antrim Avenue, Warilla, as shown coloured medium pink on Sheet 6 of that map
  - (ix) Part Lots 1–5, DP 1048510, 26 Towns Street, 40, 42 and 44 Mary Street and 9 Eastern Avenue, Shellharbour, as shown coloured light pink on Sheet 7 of that map.

#### **4 Amendment of Shellharbour Local Environmental Plan 2000**

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

Shellharbour Local Environmental Plan 2000 (Amendment No 12)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

- [1] **Clauses 11 (3), 12 (3), 13 (3), 20 (3), 21 (3), 22 (3), 23 (3), 24 (3), 27 (3), 28 (3), 30 (3), 31 (3), 32 (3), 33 (3), 38 (3), 39 (3), 43 (3), 44 (3), 49 (3), 50 (3), 51 (3), 52 (3) and 53 (3)**

Omit “Development” wherever occurring.

Insert instead “Exempt development and development”.

- [2] **Clause 87 Exempt and complying development**

Omit “*Shellharbour Development Control Plan No 9/98 Exempt Development*, as adopted by the Council on 12 June 2001” from clause 87 (1).

Insert instead “*Shellharbour Development Control Plan No 9/98 for Exempt Development*, as in force on 4 May 2005”.

- [3] **Clause 87 (2)**

Omit “*Shellharbour Development Control Plan No 11/98 Complying Development*, as adopted by the Council on 12 June 2001”.

Insert instead “*Shellharbour Development Control Plan No 11/98 for Complying Development*, as in force on 4 May 2005”.

- [4] **Clause 87 (4)**

Omit “*Shellharbour Development Control Plan No 11/98 Complying Development* adopted by the Council on 12 June 2001”.

Insert instead “*Shellharbour Development Control Plan No 11/98 for Complying Development*”.

- [5] **Schedule 1 Definitions**

Insert at the end of the definition of *the map*:

Shellharbour Local Environmental Plan 2000 (Amendment No 12)



## **Warringah Local Environmental Plan 2000 (Amendment No 11)**

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*. (S03/03424/S69)

FRANK SARTOR, M.P.,  
Minister for Planning



Clause 1            Warringah Local Environmental Plan 2000 (Amendment No 11)

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## **Warringah Local Environmental Plan 2000 (Amendment No 11)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 11)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to amend provisions of *Warringah Local Environmental Plan 2000* about the control of development, including certain existing development, advertised development, local retail centres, noise, flood affected land, safety and security, fences, environmental features on sites, sloping land, landscaped open space, rear building setbacks, private open space, conservation of energy and water, accessibility, parking, management of water and landfill, and
- (b) to amend provisions in the Schedules to that plan about exempt development, State Policies, traffic generating development, subdivision, site analysis and complying development, and
- (c) to amend the definitions of various terms used in that plan, and
- (d) to amend provisions of the Locality Statements in the Appendices to that plan about the control of development, including desired future character statements, land use categories and built form controls, and
- (e) to amend the definition of *the map* in that plan by incorporating an amendment to the map that makes various changes, including the following:
  - (i) correcting mapping anomalies in the current map,
  - (ii) amending the location of boundaries between various localities,
  - (iii) reflecting the removal of various open space reservations, and

Warringah Local Environmental Plan 2000 (Amendment No 11)

Clause 3

- 
- (f) to apply that plan to an area previously classified as “Deferred Matter”, namely to the Collaroy Hospital site, corner Brissenden Avenue and Beach Road, Collaroy.

**3 Land to which plan applies**

This plan applies to all land within the Warringah local government area.

**4 Amendment of Warringah Local Environmental Plan 2000**

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

Warringah Local Environmental Plan 2000 (Amendment No 11)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 14A

Insert after clause 14:

#### **14A How is existing Category One or Category Two development dealt with?**

(1) In this clause:

*existing Category One development:*

- (a) means development that:
  - (i) is classified as Category One, and
  - (ii) was being lawfully carried out when this plan came into force, and
  - (iii) has continued (without abandonment) since this plan came into force and is continuing at the time a development application is lodged, and
- (b) includes development to which paragraph (a) applies that has been changed in accordance with a development consent granted pursuant to this clause.

*existing Category Two development:*

- (a) means development that:
  - (i) is classified as Category Two, and
  - (ii) was being lawfully carried out when this plan came into force, and
  - (iii) has continued (without abandonment) since this plan came into force and is continuing at the time a development application is lodged, and
- (b) includes development to which paragraph (a) applies that has been changed in accordance with a development consent granted pursuant to this clause.

(2) This clause applies to development that involves:

- (a) alterations or additions to a building the use of which is existing Category One development or existing Category Two development, or
- (b) the expansion or intensification of existing Category One development or existing Category Two development, or

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

- 
- (c) the rebuilding of a building the use of which is existing Category One development or existing Category Two development, or
  - (d) any combination of paragraph (a), (b) or (c).
  - (3) This clause does not apply to development that involves a change of use of a building the use of which is existing Category One development or existing Category Two development.
  - (4) Despite clauses 12 (2) (b) and (3) and 20 (1) and (3), the consent authority may consent to the carrying out of development to which this clause applies, but only if the consent authority is satisfied that the development:
    - (a) is of minor environmental impact, and
    - (b) does not, to any significant extent, alter the bulk, size or scale of any existing building or existing land use, and
    - (c) results in an improvement to the existing character of the locality in which it occurs, and
    - (d) is confined to the current lot (or lots) on which the existing Category One development or existing Category Two development is being carried out.
- [2] Clause 20 Can development be approved if it does not comply with a development standard?**
- Insert “(in such a way that does not comply with the development standards)” after “granting consent” in clause 20 (3).
- [3] Clause 23 What development is advertised development?**
- Omit “Clause 15 (2)–(4)” from clause 23 (2). Insert instead “Clause 15”.
- [4] Clause 30**
- Insert after clause 29:
- 30 What applications have to be referred to the Roads and Traffic Authority?**
- (1) Before granting consent to development of the types listed in Schedule 10 (Traffic generating development), the consent authority must provide a copy of the application to the Roads and Traffic Authority of New South Wales, within 7 days of receiving the application, and take into consideration any views expressed by the Roads and Traffic Authority.
  - (2) In the event that the Roads and Traffic Authority has not made its views known within 21 days of receiving the application, or has

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

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advised that it does not have any views on the application, the consent authority may proceed to determine the application.

- (3) Upon granting consent to development of a type listed in Schedule 10 (Traffic generating development), the consent authority must forward a copy of the consent to the Roads and Traffic Authority.

**[5] Clause 39 Local retail centres**

Insert “shops and” after “small-scale” in the first paragraph.

**[6] Clause 43 Noise**

Omit the first dot point to the second paragraph. Insert instead:

- noise from the combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise level by more than 5 dB (A) when measured in accordance with the Environment Protection Authority’s Industrial Noise Policy at the receiving boundary of residential and other noise-sensitive land uses, and

**[7] Clause 47 Flood affected land**

Omit “flood plain land” from the first paragraph.

Insert instead “flood affected land”.

**[8] Clause 47**

Insert at the end of the clause (as a new paragraph):

For the purposes of this clause, *flood affected land* means land below the 1 per cent annual exceedance probability flood level.

**[9] Clause 50 Safety and security**

Omit “, and” from the sixth dot point to the second paragraph.

**[10] Clause 50**

Omit the seventh dot point to the second paragraph.

**[11] Clause 56 Retaining distinctive environmental features on sites**

Omit “unique” from the first paragraph. Insert instead “distinctive”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[12] Clause 57 Development on sloping land**

Insert at the end of the second dot point to the second paragraph:

, and

- excavation of the landform is to be minimised.

**[13] Clause 63 Landscaped open space**

Insert after the seventh dot point:

- enable the establishment of indigenous vegetation and habitat for native fauna, and

**[14] Clause 63A**

Insert after clause 63:

**63A Rear building setback**

In localities where a rear building setback applies, the objectives of the rear building setback controls are:

- to create a sense of openness in rear yards, and
- to preserve the amenity of adjacent land, and
- to maintain the visual continuity and pattern of buildings, rear gardens and landscape elements, and
- to provide opportunities to maintain privacy between dwellings, and
- in medium density areas, to minimise the visual effect of podiums and to control the density of development, and
- to provide opportunities for the planting of substantial native trees.

**[15] Clause 64 Private open space**

Insert “(excluding town houses and villa homes)” after “Apartment style housing” in the Table in the first dot point to the second paragraph.

**[16] Clause 64**

Omit “a total of” from the matter relating to “Apartment style housing” in the second column of the Table in the first dot point to the second paragraph.

**[17] Clause 64**

Omit “, but does not include housing commonly referred to as town houses, villa homes and the like” from the third paragraph.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

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**[18] Clause 68 Conservation of energy and water**

Insert after the fourth dot point to the second paragraph:

- reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks,

**[19] Clause 69**

Omit the clause. Insert instead:

**69 Accessibility—premises available to the public**

The siting, design and construction of premises available to the public are to ensure an accessible continuous path of travel, so that all people can enter and use the premises. Such access is to comply with the requirements of the *Disability Discrimination Act 1992* of the Commonwealth and with Australian Standard AS 1428.2—1992, *Design for access and mobility—Enhanced and additional requirements—Buildings and facilities*.

**[20] Clause 71 Parking facilities (visual impact)**

Omit “behind the front facades of housing where the topography of the site allows” from the first dot point to the second paragraph.

Insert instead “integrated into the house design where topography and other constraints of the site allow”.

**[21] Clause 71**

Omit the second and sixth dot points to the second paragraph.

**[22] Clause 71**

Omit “, and” from the fifth dot point to the second paragraph.

**[23] Clause 74 Provision of carparking**

Omit “to serve a development” from the first paragraph.

Insert instead “within the subject property boundaries”.

**[24] Clause 74**

Omit “number or spaces” from paragraph (a) of the second paragraph.

Insert instead “number of spaces”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

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**[25] Clause 75 Design of carparking areas**

Insert before the first dot point to the first paragraph:

- avoid the use of mechanical car stacking devices, and

**[26] Clause 75**

Insert after the fourth dot point to the first paragraph (before it is amended by this Schedule):

- incorporate unobstructed access to visitor parking spaces, and

**[27] Clause 75**

Insert “, where appropriate” after “stormwater” in the sixth dot point to the first paragraph (before it is amended by this Schedule).

**[28] Clause 76 Management of stormwater**

Insert “Water quality control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.” after “the like.” in the first paragraph.

**[29] Clause 76**

Insert after the first dot point to the second paragraph:

- the design of the stormwater drainage system is in accordance with the Council’s standard specification for engineering works (AUSPEC 1), or

**[30] Clause 76**

Omit “not subject to on-site stormwater detention requirements” from the fourth paragraph.

**[31] Clause 77 Landfill**

Insert after the fourth dot point to the second paragraph:

- where filling to create a building platform is proposed, all fill is to be contained within the footprint of the building, and

**[32] Schedule 1 Exempt development**

Transfer the third paragraph of the matter relating to “FENCE” under the heading “**ERECTION OF A BUILDING OR STRUCTURE**” in the Table to after the first paragraph of that matter.



## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

**[33] Schedule 1, Table**

Insert “per allotment” after “20m<sup>2</sup>” in the second paragraph of the matter relating to “PATIO” under the heading “**ERECTION OF A BUILDING OR STRUCTURE**”.

**[34] Schedule 1, Table**

Insert “per allotment” after “20m<sup>2</sup>” in the second paragraph of the matter relating to “PERGOLA” under the heading “**ERECTION OF A BUILDING OR STRUCTURE**”.

**[35] Schedule 1, Table**

Insert after the matter relating to “PORTABLE CLASSROOMS AND PORTABLE SCHOOL BUILDINGS” under the heading “**ERECTION OF A BUILDING OR STRUCTURE**”:

PORTABLE SPA POOL	Located at least 900mm from side boundaries. Cover is provided in accordance with the requirements of the <i>Swimming Pools Act 1992</i> and <i>Swimming Pools Regulation 1998</i> .
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**[36] Schedule 1, Table**

Omit the matter relating to “WATER TANKS” under the heading “**ERECTION OF A BUILDING OR STRUCTURE**”.

Insert instead:

WATER TANKS	<p>The capacity of the tank to be installed (or the total capacity of tanks to be installed) does not exceed 10,000 litres and each tank:</p> <ul style="list-style-type: none"> <li>• is designed to collect roof water only, but can be topped up from a water supply service pipe, and</li> <li>• is fitted with a first-flush device, and</li> <li>• is prefabricated, is enclosed and has any inlet screened, is structurally sound and is installed in accordance with its manufacturer’s instructions, and</li> <li>• complies with any requirements of the local water supply authority (as does any stand for the tank), and</li> </ul>
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## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Amendments

## Schedule 1

- 
- does not require excavation or filling of more than 1m from natural ground level in order for it to be installed, and
  - does not exceed a height of 2.4m from ground level (including any stand for the tank), and
  - is located behind the front building alignment (and also the side alignment for corner blocks), and
  - is located at least 450mm from any property boundary, and
  - does not rest (in full or in part) on the footing of any building or structure or on a retaining wall, and
  - has a sign affixed stating 'rainwater', and
  - has overflow directed into an existing stormwater system, and
  - is maintained to prevent mosquito breeding and overflow, and
  - has had any plumbing work required to connect the tank to a water supply service pipe or water main done by a licensed plumber, in accordance with the *New South Wales Code of Practice—Plumbing and Drainage*, where that plumbing work has the consent of the public authority responsible for the water supply service pipe or water main and meet any requirements of that authority, and
  - has had any motorised or electric pumps installed by a licensed electrician, and
  - does not have motorised or electric pumps that create an offensive noise.

**[37] Schedule 1, Table**

Insert “and AS 2156.1 and AS 2156.2 (for walking tracks)” after “(for concrete structures)” in the second paragraph of the matter relating to “STAIRCASES INSTALLED IN PUBLIC PARKS AND RECREATION SPACES” under the heading “**PUBLIC WORKS**”.

**[38] Schedule 1, Table**

Omit the third paragraph of the matter relating to “STAIRCASES INSTALLED IN PUBLIC PARKS AND RECREATION SPACES” under the heading “**PUBLIC WORKS**”.

**[39] Schedule 5 State policies**

Omit the heading and matter relating to “**Surplus public land**”.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

Schedule 1 Amendments

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**[40] Schedule 5**

Insert at the end of the Schedule:

**Traffic Generating Development**

It is State policy to ensure that the Roads and Traffic Authority:

- (a) is made aware of, and
- (b) is given an opportunity to make representations in respect of, development referred to in Schedule 10.

**[41] Schedule 7 Matters for consideration in a subdivision of land**

Omit “pipeline” from the matter under the heading “**Drainage**”.

Insert instead “gravity”.

**[42] Schedule 7**

Insert “natural” after “direction of the” in the matter under the heading “**Drainage**”.

**[43] Schedule 7**

Omit “not allowed” from the Table to clause (3) of the matter under the heading “**Access**”.

Insert instead:

access should be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)

**[44] Schedule 7**

Insert at the end of the matter under the heading “**Access**”:

- (4) Subdivisions must provide access for Council service vehicles, emergency vehicles and garbage collection vehicles.

**[45] Schedule 7**

Insert at the end of the matter under the heading “**Bushfire**”:

Asset protection zones identified in a bush fire risk management plan in force under the *Rural Fires Act 1997* should be contained within the property boundaries of the new subdivision.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

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**[46] Schedule 8 Site analysis**

Insert after the third dot point to the fourth paragraph:

- location of windows and private open space within adjoining properties,

**[47] Schedule 8**

Insert after the ninth dot point to the fourth paragraph (before it is amended by this Schedule):

- rock outcrops,
- flood affectation,
- bushfire hazard,

**[48] Schedule 10**

Insert after Schedule 9:

## **Schedule 10 Traffic generating development**

(Clause 30 (1) and (3))

- (1) Development for the purpose of, or being:
- (a) the erection of, or conversion of a building into, a residential flat building comprising 300 or more dwellings or the enlargement or extension of a residential flat building by the addition of 300 or more dwellings, or
  - (b) the erection of a building for the purposes of shops, where the gross floor area of the building is or exceeds 2,000 square metres or the enlargement or extension of a building used for the purpose of shops, where the gross floor area of that enlargement or extension is or exceeds 2,000 square metres, or
  - (c) the erection of a building for the purposes of shops and commercial premises, where the gross floor area of the building is or exceeds 4,000 square metres or the enlargement or extension of a building used for the purposes of shops and commercial premises, where the gross floor area of that enlargement or extension is or exceeds 4,000 square metres, or
  - (d) the erection of a building for the purposes of commercial premises, where the gross floor area of the building is or exceeds 10,000 square metres or the enlargement or extension of a building used for the purposes of

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

- 
- commercial premises, where the gross floor area of that enlargement or extension is or exceeds 10,000 square metres, or
- (e) the erection of a building for the purposes of commercial premises and industry, where the gross floor area of the building is or exceeds 15,000 square metres or the enlargement or extension of a building used for the purposes of commercial premises and industry, where the gross floor area of that enlargement or extension is or exceeds 15,000 square metres, or
  - (f) the erection of a building for the purposes of industry, where the gross floor area of the building is or exceeds 20,000 square metres or the enlargement or extension of a building used for the purposes of industry, where the gross floor area of that enlargement or extension is or exceeds 20,000 square metres, or
  - (g) subdivision of land into 200 or more allotments, where the subdivision includes the opening of a public road, or
  - (h) drive-in theatres or the enlargement or extension of existing drive-in theatres so as to enable the accommodation of more than 200 motor vehicles, or
  - (i) educational establishments accommodating 50 or more students or the enlargement or extension of existing educational establishments to accommodate an additional 50 or more students, or
  - (j) transport terminals, bulk stores, container depots or liquid fuel depots or the enlargement or extension of any existing transport terminal, bulk store, container depot or liquid fuel depot by increasing by more than 8,000 square metres the area of land or the gross floor area of buildings used for that purpose, or
  - (k) junk yards (within the meaning of the *Environmental Planning and Assessment Model Provisions 1980*) or waste facilities (within the meaning of the *Waste Recycling and Processing Corporation Act 2001*), or
  - (l) heliports, airports or aerodromes, or
  - (m) extractive industry or mining, or
  - (n) areas used exclusively for parking or any other development having ancillary accommodation for 200 or more motor vehicles, or the enlargement or extension of a parking area, where the enlargement or extension accommodates 200 or more motor vehicles.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Amendments

## Schedule 1

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- (2) The following development, if the site of the development has direct vehicular or pedestrian access to an arterial road (or a road connecting with an arterial road, where the access is within 90 metres, measured along the road alignment of the connecting road, of the arterial road):
- (a) the erection of, or the conversion of a building into, a residential flat building comprising 75 or more dwellings or the enlargement or extension of a residential flat building by the addition of 75 or more dwellings,
  - (b) the erection of a building for the purposes of shops, where the gross floor area of the building is or exceeds 500 square metres or the enlargement or extension of a building used for the purposes of shops, where the gross floor area of that enlargement or extension is or exceeds 500 square metres,
  - (c) the erection of a building for the purposes of shops and commercial premises, where the gross floor area of the building is or exceeds 1,000 square metres or the enlargement or extension of a building used for the purposes of shops and commercial premises, where the gross floor area of that enlargement or extension is or exceeds 1,000 square metres,
  - (d) the erection of a building for the purposes of commercial premises, where the gross floor area of the building is or exceeds 2,500 square metres or the enlargement or extension of a building used for the purposes of commercial premises, where the gross floor area of that enlargement or extension is or exceeds 2,500 square metres,
  - (e) the erection of a building for the purposes of commercial premises and industry, where the gross floor area of the building is or exceeds 4,000 square metres or the enlargement or extension of a building used for the purposes of commercial premises and industry, where the gross floor area of that enlargement or extension is or exceeds 4,000 square metres,
  - (f) the erection of a building for the purposes of industry, where the gross floor area of the building is or exceeds 5,000 square metres or the enlargement or extension of a building used for the purposes of industry, where the gross floor area of that enlargement or extension is or exceeds 5,000 square metres,
  - (g) subdivision of land into 50 or more allotments,

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

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- (h) tourist facilities, recreation facilities, showgrounds or sportsgrounds, in each case having accommodation for 50 or more motor vehicles or the enlargement or extension of any existing tourist facilities, recreation facilities, showgrounds or sportsgrounds, where that enlargement or extension includes accommodation for 50 or more motor vehicles,
  - (i) premises licensed under the *Liquor Act 1982* or the *Registered Clubs Act 1976*, in each case having accommodation for 50 or more motor vehicles, or the enlargement or extension of such premises where that enlargement or extension includes accommodation for 50 or more motor vehicles,
  - (j) places of assembly or places of worship, in each case having accommodation for 50 or more motor vehicles or the enlargement or extension of any existing places of assembly or places of worship, where that enlargement or extension includes accommodation for 50 or more vehicles,
  - (k) the erection of a building for the purposes of refreshment rooms, where the gross floor area of that building is or exceeds 300 square metres or the enlargement or extension of a building used for the purposes of refreshment rooms, where the gross floor area of that enlargement or extension is or exceeds 300 square metres,
  - (l) drive-in take-away food outlets,
  - (m) service stations (including service stations which have retail outlets),
  - (n) motor showrooms having accommodation for 50 or more motor vehicles or the enlargement or extension of any existing motor showrooms, where that enlargement or extension includes accommodation for 50 or more motor vehicles,
  - (o) the erection of a building for the purposes of a hospital having accommodation for 100 or more beds or the enlargement or extension of a building for the purposes of a hospital, where the enlargement or extension includes accommodation for 100 or more beds.
- (3) Development:
- (a) for the purpose of roadside stalls, or

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

(b) within areas used exclusively for parking or any other development, in each case having ancillary accommodation for 50 or more motor vehicles.

(4) The enlargement or extension of a parking area, where the enlargement or extension includes accommodation for 50 or more motor vehicles.

**[49] Schedule 12 Requirements for complying development**

Insert “existing” after “dispose of it to an” in the first dot point of the matter under the heading “**Water and soil management**” in Part A.

**[50] Dictionary**

Insert in alphabetical order:

***boarding house:***

- (a) means any premises that:
- (i) are wholly or partly let as a lodging for the purposes of providing the occupants with a principal place of residence, and
  - (ii) are used and occupied by at least 4 long term unrelated residents, and
  - (iii) include a communal living space used for eating and recreation, and
  - (iv) are not licensed to sell liquor, and
- (b) does not include premises that have been subdivided or in which there is separate ownership of parts of the premises.

**[51] Dictionary, definition of “business premises”**

Omit the definition. Insert instead:

***business premises*** means a building or place in which an occupation, profession, banking activities or similar activities is or are carried on providing a service directly and regularly to the public, but does not include a building or place elsewhere defined in this Dictionary.

**[52] Dictionary, definitions of “OCA project” and “Olympic Games project”**

Omit the definitions.

**[53] Dictionary, definition of “the map”**

Insert in appropriate order:

Warringah Local Environmental Plan 2000 (Amendment No 11)



## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

**[54] Appendix A Cowan Creek Catchment Locality Statements**

Omit “detached housing” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality A1 Cottage Point.

Insert instead “detached style housing”.

**[55] Appendices A–H**

Insert after the second paragraph wherever occurring of the matter under the headings “**BUILT FORM**” and “**Housing density**” in the Locality Statement for localities A1 Cottage Point, B1 Frenchs Forest East, B3 Oxford Heights/Carnarvon Road, B5 Narrabeen Lakeside, B7 Narrabeen Lake Suburbs, B8 Red Hill, B11 Forest Way Village, B12 Perentie and Dawes Roads, C1 Middle Harbour Suburbs, D1 Collaroy/Narrabeen, D4 Collaroy Plateau, D5 Long Reef, E1 Dee Why North, E2 Dee Why Lagoon Suburbs, E15 Wingala Hill, F4 Brookvale Valley, F5 Curl Curl, G2 Riverview Parade, G3 Manly Lagoon Suburb, G7 Innes Road, G8 Queenscliff and H1 Freshwater Beach:

In calculating housing density, the area of any access corridor (including any right-of-carriageway, access handle, accessway or other area that provides for vehicle access) is to be excluded, whether that access corridor is to be created or is in existence at the time of application for subdivision.

**[56] Appendices A–H**

Omit the matter under the headings “**BUILT FORM**” and “**Building Height**” wherever occurring in the Locality Statement for localities A1 Cottage Point, A2 Booralie Road, A3 Terrey Hills Village, A4 Myoora Road, A5 McCarrs Creek Road, A7 Mona Vale Road North, B1 Frenchs Forest East, B2 Oxford Falls Valley, B3 Oxford Heights/Carnarvon Drive, B7 Narrabeen Lake Suburbs, B8 Red Hill, B9 Mona Vale Road East, B11 Forest Way Village, B12 Perentie and Dawes Roads, C8 Belrose North, C10 Mona Vale Road West, D4 Collaroy Plateau, E1 Dee Why North E15 Wingala Hill, F5 Curl Curl, G11 Aquatic Drive and H1 Freshwater Beach.

Insert instead:

Buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.

Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

**[57] Appendix A**

Omit “houses” wherever occurring in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities A2 Booralie Road and A5 McCarrs Creek Road.

Insert instead “detached style housing”.

**[58] Appendices A and B**

Insert after the fourth paragraph wherever occurring of the matter under the headings “**BUILT FORM**” and “**Housing density**” in the Locality Statement for localities A2 Booralie Road, A4 Myoora Road, A5 McCarrs Creek Road, A7 Mona Vale Road North, B2 Oxford Falls Valley, B9 Mona Vale Road East, C8 Belrose North and C10 Mona Vale Road West:

In calculating housing density, the area of any access corridor (including any right-of-carriageway, access handle, accessway or other area that provides for vehicle access) is to be excluded, whether that access corridor is to be created or is in existence at the time of application for subdivision.

**[59] Appendix A**

Insert after the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality A2 Booralie Road:

**Front building setback for properties with frontage to “The Greenway”**

Development is to maintain a minimum front building setback of 10 metres.

The front building setback area is to be landscaped and generally free of any structures, carparking or site facilities other than driveways, letterboxes and fences.

However, consent may be granted to development that will contravene the minimum front setback on allotments constrained by the location and use of existing buildings, or by topography, for the provision of carparking.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

**Side boundary envelope and side setback for properties with frontage to “The Greenway”**

Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries.

The minimum setback from a building to a side boundary is 0.9 metre.

Fascias, gutters, downpipes, eaves up to 0.675 metre from the boundary, masonry chimneys, flues, pipes, or other services infrastructure may encroach beyond the side boundary envelope.

Screens or sunblinds, light fittings, electricity or gas meters or other services infrastructure and structures not more than 1 metre above natural ground level such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback.

However, consent may be granted for development that, to a minor extent, does not comply with:

- the side boundary envelope, to allow the addition of a second storey to an existing dwelling, or
- the side setback, to allow a single storey outbuilding, carport, pergola or the like.

**Rear building setback for properties with frontage to “The Greenway”**

The minimum rear building setback is 6 metres.

The rear building setback area is to be landscaped and free of any structures.

To measure the rear building setback, the rear building setback is the distance measured perpendicular to the boundary furthest from a public street up to any structure on the allotment.

The rear building setback may be encroached by exempt development, swimming pools and outbuildings that, in total, do not exceed 50 per cent of the rear setback areas.

**[60] Appendices A, B, D, E, F, G and H**

Omit “detached housing” wherever occurring in the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities A3 Terrey Hills Village, B3 Oxford Heights/Carnarvon Drive, B5 Narrabeen Lakeside, B7 Narrabeen Lake Suburbs, D4 Collaroy Plateau, D5 Long Reef, E2 Dee Why Lagoon Suburbs, F4 Brookvale Valley, F5 Curl Curl, G2 Riverview Parade and H1 Freshwater Beach.

Insert instead “detached style housing”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[61] Appendix A**

Insert “(that is, all land with frontage to Tepko Road, including Lot 2 DP 530175 and Lot 4 547022)” after “industrial area” in the fourth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality A3 Terrey Hills Village.

**[62] Appendix A**

Insert “Where development in this area adjoins residential land, it is not to reduce the amenity enjoyed by adjoining occupants. In this regard, the built form of the development within the Tepko Road industrial area is to provide a transition to adjacent residential development, including reasonable landscaped setbacks from rear boundaries.” at the end of the fourth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality A3 Terrey Hills Village.

**[63] Appendix A**

Omit “(including Lot 2 DP530175 and Lot 4 DP 547022)” wherever occurring in the first and third paragraphs of the matter under the headings “**LAND USE**” and “**Category One**” in the Locality Statement for locality A3 Terrey Hills Village.

**[64] Appendix A**

Omit “(including Lot 2 DP530175 and Lot 4 DP 547022)” from the first paragraph of the matter under the headings “**LAND USE**” and “**Category Two**” in the Locality Statement for locality A3 Terrey Hills Village.

**[65] Appendices A and D**

Insert after the first paragraph of the matter under the headings “**BUILT FORM**” and “**Housing density**” wherever occurring in the Locality Statement for localities A3 Terrey Hills Village and D3 Collaroy Footslopes:

In calculating housing density, the area of any access corridor (including any right-of-carriageway, access handle, accessway or other area that provides for vehicle access) is to be excluded, whether that access corridor is to be created or is in existence at the time of application for subdivision.

**[66] Appendix A**

Insert “(other than Tepko Road industrial area)” after “setback” in the heading to the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality A3 Terrey Hills Village.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**[67] Appendices A and B**

Omit the second paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” wherever occurring in the Locality Statement for localities A3 Terrey Hills Village and B1 Frenchs Forest East (before their amendment by this Schedule).

Insert instead:

The maximum front setback is 6.5 metres.

**[68] Appendices A and B**

Omit the first dot point to the fourth paragraph under the headings “**BUILT FORM**” and “**Front building setback**” wherever occurring in the Locality Statement for locality A3 Terrey Hills Village and B1 Frenchs Forest East (before their amendment by this Schedule).

Insert instead:

- on corner blocks or blocks with double street frontage, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or

**[69] Appendix A**

Insert after the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality A3 Terrey Hills Village (before its amendment by this Schedule):

**Front building setback for Tepko Road industrial area**

Development is to maintain a minimum front building setback of 4.5 metres.

The minimum front building setback area is to be landscaped and generally free of any structures, car parking or site facilities other than driveways.

**[70] Appendix A**

Insert “**(other than Tepko Road industrial area)**” after “**setback**” in the heading to the matter under the headings “**BUILT FORM**” and “**Rear building setback**” in the Locality Statement for locality A3 Terrey Hills Village.

**[71] Appendix A**

Insert after the matter under the headings “**BUILT FORM**” and “**Rear building setback**” in the Locality Statement for locality A3 Terrey Hills Village (before its amendment by this Schedule):

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**Rear building setback for Tepko Road industrial area**

Where industrial development adjoins residential land, a minimum rear building setback is required.

The minimum rear building setback is 2 metres for 50 per cent of the length of the building wall and a minimum of 4 metres for the remaining 50 per cent of the building wall.

The rear building setback is to be landscaped and is not to be used for industrial purposes or vehicle access.

To measure the rear building setback, the rear building setback is the distance measured perpendicular to the boundary furthest from a public street up to any structure on the allotment.

**[72] Appendix A**

Omit “houses” from the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality A7 Mona Vale Road North.

Insert instead “detached style housing”.

**[73] Appendices B and G**

Omit “houses” wherever occurring from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities B1 Frenchs Forest East and G3 Manly Lagoon Suburbs.

Insert instead “style housing”.

**[74] Appendix B Narrabeen Lagoon Catchment Locality Statements**

Insert “Fencing is not to detract from the landscaped vista of the streetscape.” after “Parkway.” in the fourth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality B2 Oxford Falls Valley.

**[75] Appendix B**

Omit “houses” from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality B2 Oxford Falls Valley.

Insert instead “detached style housing”.

**[76] Appendix B**

Insert “and its catchment and will ensure that ecological values of natural watercourses are maintained” after “Lagoon” wherever occurring in the fifth paragraph of the matter under the heading “**DESIRED FUTURE**

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**CHARACTER**” in the Locality Statement for localities B2 Oxford Falls Valley and B9 Mona Vale Road East.

**[77] Appendix B**

Omit the second and third paragraphs of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B3 Oxford Heights/Carnarvon Drive.

Insert instead:

The minimum front building setback is 6.5 metres.

The street setback area is to be landscaped and generally free of any structures, carparking or site facilities other than driveways, letterboxes or fences.

Consent may be granted for development to be carried out within the minimum front setback area:

- on corner blocks or blocks with double street frontage, where the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or
- on allotments constrained by the location and use of existing buildings, or by the topography, if it is for the provision of carparking.

**[78] Appendices B and E**

Omit “apartment buildings” wherever occurring in the first and second paragraphs of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities B5 Narrabeen Lakeside and E16 Pittwater Road North.

Insert instead “apartment style housing”.

**[79] Appendix B**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality B5 Narrabeen Lakeside.

Insert instead:

Except within the areas shown as “medium density areas” on the map:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and

- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

Within the areas shown as “medium density areas” on the map, buildings are neither to exceed 3 storeys nor 11 metres.

**[80] Appendix B**

Omit the fourth paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality B5 Narrabeen Lakeside.

**[81] Appendix B**

Insert “The minimum front setback is 6.5 metres.” after “setback.” in the first paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B5 Narrabeen Lakeside.

**[82] Appendix B**

Omit the third paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B5 Narrabeen Lakeside.

**[83] Appendices B–H**

Omit the first dot point to the fourth paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” wherever occurring in the Locality Statement for localities B5 Narrabeen Lakeside, B7 Narrabeen Lake Suburbs, C1 Middle Harbour Suburbs, D1 Collaroy/Narrabeen, D3 Collaroy Footslopes, D4 Collaroy Plateau, D5 Long Reef, E1 Dee Why North, E2 Dee Why Lagoon Suburbs, E13 Dee Why Park, E14 Dee Why Basin, E15 Wingala Hill, E16 Pittwater Road North, E19 Delmar Parade, E20 Mooramba West, F4 Brookvale Valley, F5 Curl Curl, G2 Riverview Parade, G3 Manly Lagoon Suburbs, G7 Innes Road, G8 Queenscliff and H1 Freshwater Beach.



## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

Insert instead:

- on corner blocks or blocks with double street frontage the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or

**[84] Appendices B–G**

Insert at the end of the matter wherever occurring under the headings “**BUILT FORM**” and “**Rear building setback**” in the Locality Statement for localities B5 Narrabeen Lakeside, D1 Collaroy/Narrabeen, D3 Collaroy Footslopes, E2 Dee Why Lagoon Suburbs, F4 Brookvale Valley, G3 Manly Lagoon Suburbs, G7 Innes Road and G8 Queenscliff:

Within medium density areas, above and below ground structures and private open space (including basement carparking, balconies, terraces and the like) must not encroach the rear boundary setback, except:

- light fittings, electricity or gas meters, or other services, infrastructure and structures not more than 1 metre above natural ground level (including steps, landings, ramps and stormwater structures) may encroach beyond the required setback to within a minimum distance of 2 metres of a rear boundary, and
- entrance and stair lobbies at ground floor level may encroach beyond the required setback to within a minimum of 2 metres of a rear boundary.

**[85] Appendices B, D, E, F and G**

Insert “vehicle access ramps,” after “basement carparking,” wherever occurring in the eighth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for localities B5 Narrabeen Lakeside, D1 Collaroy/Narrabeen, D3 Collaroy Footslopes, E2 Dee Why Lagoon Suburbs, F4 Brookvale Valley, G3 Manly Lagoon Suburbs and G7 Innes Road.

**[86] Appendices B–G**

Insert “pedestrian” after “natural ground level including steps, landings,” wherever occurring in the first dot point to the eighth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for localities B5 Narrabeen Lakeside, D1 Collaroy/Narrabeen, D3 Collaroy Footslopes, E2 Dee Why Lagoon Suburbs, F4 Brookvale Valley, G3 Manly Lagoon Suburbs and G7 Innes Road.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[87] Appendices B–H**

Insert after the first paragraph of the matter wherever occurring under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for localities B7 Narrabeen Lake Suburbs, C1 Middle Harbour Suburbs, D1 Collaroy/Narrabeen, D3 Collaroy Footslopes, D4 Collaroy Plateau, D5 Long Reef, E1 Dee Why North, E2 Dee Why Lagoon Suburbs, E13 Dee Why Park, E14 Dee Why Basin, E15 Wingala Hill, E16 Pittwater Road North, E19 Delmar Parade, E20 Mooramba West, F4 Brookvale Valley, F5 Curl Curl, G2 Riverview Parade, G3 Manly Lagoon Suburbs, G7 Innes Road, G8 Queenscliff and H1 Freshwater Beach:

The minimum front building setback is 6.5 metres.

**[88] Appendices B–H**

Omit the third paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” wherever occurring in the Locality Statement for localities B7 Narrabeen Lake Suburbs, C1 Middle Harbour Suburbs, D1 Collaroy/Narrabeen, D3 Collaroy Footslopes, D4 Collaroy Plateau, D5 Long Reef, E1 Dee Why North, E2 Dee Why Lagoon Suburbs, E13 Dee Why Park, E14 Dee Why Basin, E15 Wingala Hill, E16 Pittwater Road North, E19 Delmar Parade, E20 Mooramba West, F4 Brookvale Valley, F5 Curl Curl, G2 Riverview Parade, G3 Manly Lagoon Suburbs, G7 Innes Road, G8 Queenscliff and H1 Freshwater Beach (before their amendment by this Schedule).

**[89] Appendix B**

Omit “where adjoining land has no dwelling on it. Where adjoining properties contain dwellings, the minimum front building setback is to be equal to the average setback of the adjoining dwellings” from the first paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B8 Red Hill.

**[90] Appendix B**

Omit the first dot point of the third paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B8 Red Hill:

Insert instead:

- on corner blocks or blocks with double street frontage, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**[91] Appendix B**

Omit “new houses” from the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality B9 Mona Vale Road East.

Insert instead “new detached style housing”.

**[92] Appendix B**

Insert at the end of the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality B11 Forest Way Village:

Residential development will be interspersed by a range of complementary and compatible uses.

**[93] Appendix B**

Insert at the end of the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality B11 Forest Way Village:

Fencing adjacent to Forest Way is not to detract from the landscaped vista of the streetscape.

**[94] Appendix B**

Omit the second paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B12 Perentie and Dawes Roads.

**[95] Appendix B**

Omit the first dot point of the third paragraph of the matter under the headings “**BUILT FORM**” and “**Front building setback**” in the Locality Statement for locality B12 Perentie and Dawes Roads:

Insert instead:

- on corner blocks or blocks with double street frontage, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[96] Appendix C Middle Harbour Suburbs Locality Statements**

Insert “and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way” after “Tralee Avenue” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality C1 Middle Harbour Suburbs.

**[97] Appendix C**

Omit “houses” from the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality C1 Middle Harbour Suburbs.

Insert instead “style housing”.

**[98] Appendix C**

Insert “and Lot 2 DP 851739, Belrose Bowling Club” after “Club” wherever occurring in the first paragraph of the matter under the headings “**LAND USE**” and “**Category One**” in the Locality Statement for locality C1 Middle Harbour Suburbs.

**[99] Appendix C**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality C1 Middle Harbour Suburbs.

Insert instead:

Buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.

Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

**[100] Appendix C**

Omit the sixth paragraph (counting the note as a paragraph) of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality C1 Middle Harbour Suburbs.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**[101] Appendix C**

Omit “and business” from the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality C5 Forestway Shops.

Insert instead “, business, community and leisure”.

**[102] Appendix C**

Omit “11 metres” from the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality C5 Forestway Shops.

Insert instead “12 metres”.

**[103] Appendix C**

Omit “(except within LRC where not on ground floor)” from the twelfth dot point to the first paragraph of the matter under the headings “**LAND USE**” and “**Category Three**” in the Locality Statement for locality C7 Bare Creek.

**[104] Appendix C**

Omit “houses” wherever occurring in the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities C8 Belrose North and C10 Mona Vale Road West.

Insert instead “detached style housing”.

**[105] Appendix C**

Insert “Fencing is not to detract from the landscaped vista of the streetscape.” at the end of the fourth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality C8 Belrose North.

**[106] Appendix C**

Insert after the matter under the headings “**BUILT FORM**” and “**Minimum front building setback to other roads**” in the Locality Statement for locality C9 Austlink Business Park:

**Side boundary building setback**

Development is to maintain a minimum side boundary building setback.

The minimum setback from a building to a side boundary within an allotment less than one hectare in area is 5 metres.

The minimum setback from a building to a side boundary within an allotment greater than one hectare in area is 10 metres.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[107] Appendix D Collaroy Beach Catchment Locality Statements**

Omit “apartments” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality D1 Collaroy/Narrabeen.

Insert instead “apartment style housing”.

**[108] Appendix D**

Omit “houses” from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality D1 Collaroy/Narrabeen.

Insert instead “style housing”.

**[109] Appendix D**

Omit “New” from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality D1 Collaroy/Narrabeen.

Insert instead “All new”.

**[110] Appendix D**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality D1 Collaroy/Narrabeen.

Insert instead:

Except within the areas shown as “medium density areas” on the map:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and
- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

Within the areas shown as “medium density areas” on the map, buildings are neither to exceed 2 storeys nor 8.5 metres except within the area of land bounded by Pittwater Road and Narrabeen, Ocean and Robertson Streets Narrabeen, where buildings are neither to exceed 3 storeys nor 11 metres.

**[111] Appendices D, E and F**

Omit the fourth paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” wherever occurring in the Locality Statement for localities D1 Collaroy/Narrabeen, E2 Dee Why Lagoon Suburbs and F4 Brookvale Valley.

**[112] Appendix D**

Omit “the Zone of Wave Impact as “WI”, the zone of Slope adjustment as “SA” and the Zone of Reduced Foundation Capacity as “RF”” wherever occurring in the matter under the headings “**BUILT FORM**” and “**Setback to beach**” in the Locality Statement for localities D1 Collaroy/Narrabeen, D2 Collaroy Village and D5 Long Reef.

Insert instead “setback lines which are the Zone of Wave Impact, the Zone of Slope Adjustment and the Zone of Reduced Foundation Capacity as shown on the Council’s Collaroy/Narrabeen/Fishermans beach line hazard maps—A1 8634, sheets 1–3”.

**[113] Appendix D**

Insert after the seventh dot point to the first paragraph of the matter under the heading “**HERITAGE ITEMS**” in the Locality Statement for locality D1 Collaroy/Narrabeen:

- Street trees and plaque, Pittwater Road, near the corner of Birdwood Avenue, Collaroy.

**[114] Appendix D**

Omit the third dot point to the first paragraph of the matter under the heading “**HERITAGE ITEMS**” in the Locality Statement for locality D2 Collaroy Village.

**[115] Appendices D, E, F, G and H**

Omit “apartment buildings” wherever occurring in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities D3 Collaroy Footslopes, E2 Dee Why Lagoon Suburbs, E15 Wingala Hill, E20 Mooramba West, F4 Brookvale Valley, F5 Curl Curl, G3 Manly Lagoon Suburbs, G8 Queenscliff and H1 Freshwater Beach.

Insert instead “apartment style housing”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[116] Appendices D and E**

Omit “apartment development” wherever occurring in the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities D3 Collaroy Footslopes, E13 Dee Why Park and E20 Mooramba West.

Insert instead “apartment style housing”.

**[117] Appendix D**

Omit “Apartment buildings” from the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality D3 Collaroy Footslopes.

Insert instead “Apartment style housing”.

**[118] Appendices D and G**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” wherever occurring in the Locality Statement for localities D3 Collaroy Footslopes and G7 Innes Road.

Insert instead:

Except within the areas shown as “medium density areas” on the map:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and
- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

**[119] Appendix D**

Omit the fifth paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality D3 Collaroy Footslopes.



## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**[120] Appendix D**

Insert after the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” as a new paragraph in the Locality Statement for locality D5 Long Reef:

Development on the site of the “Old Collaroy Hospital” located on land known as Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645 will continue to be used only for health related uses. The northern portion of this site, adjacent to Birdwood Avenue, will be dedicated for the purposes of public open space. Any future development of the old Collaroy Hospital Site will be sympathetic to the pattern, scale and landscape character of the street and surrounding development. In addition any development of the site will address the heritage significance of the existing building known as the “Beach House” located at the corner of Beach Road and Brissenden Avenue.

**[121] Appendix D**

Insert at the end of the matter under the headings “**LAND USE** and “**Category One**” in the Locality Statement for locality D5 Long Reef:

Development for the purpose of health related uses on property known as the “Old Collaroy Hospital” site (Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645).

**[122] Appendix D**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality D5 Long Reef.

Insert instead:

Except within the local retail centre:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and
- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

Within the local retail centre buildings are neither to exceed 3 storeys nor 11 metres.

**[123] Appendix D**

Omit the fourth and fifth paragraphs of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality D5 Long Reef.

**[124] Appendix D**

Insert at the end of paragraph (c) of the third paragraph of the matter under the headings “**BUILT FORM**” and “**Housing density**” in the Locality Statement for locality D5 Long Reef:

, and

- (d) for health related uses on property known as the “Old Collaroy Hospital” site (Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645).

**[125] Appendix D**

Insert before the first paragraph of the matter under the headings “**BUILT FORM**” and “**Landscaped open space**” in the Locality Statement for locality D5 Long Reef:

The minimum area of landscaped open space is 50 per cent of the site area for each development lot on land known as the “Old Collaroy Hospital” site (Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645).

**[126] Appendix D**

Insert “for the remainder of the locality” after “open space” in the first paragraph of the matter under the headings “**BUILT FORM**” and “**Landscaped open space**” in the Locality Statement for locality D5 Long Reef (before its amendment by this Schedule).

**[127] Appendix E**

Omit “houses” from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E1 Dee Why North.

Insert instead “style housing”.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**[128] Appendix E**

Omit “apartment development” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E2 Dee Why Lagoon Suburbs.

Insert instead “apartment style housing”.

**[129] Appendices E and F**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” wherever occurring in the Locality Statement for localities E2 Dee Why Lagoon Suburbs and F4 Brookvale Valley.

Insert instead:

Except within the areas shown as “medium density areas” on the map:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and
- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

Within the areas shown as “medium density areas” on the map, buildings are neither to exceed 2 storeys nor 8.5 metres.

**[130] Appendix E**

Insert “vehicle access ramps,” after “basement carparking,” wherever occurring in the fifth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for localities E4 Dee Why Parade, E7 Pacific Parade, E10 Civic Centre, E13 Dee Why Park, E14 Dee Why Basin, E19 Delmar Parade and E20 Mooramba West.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[131] Appendix E**

Omit “housing” where secondly occurring in the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E4 Dee Why Parade.

Insert instead “apartment style housing”.

**[132] Appendix E**

Omit the sixth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E4 Dee Why Parade.

Insert instead:

Building layout and access are to be in accordance with Map E, available at the office of the Council.

**[133] Appendix E**

Insert after the tenth dot point in the matter under the headings “**LAND USE**” and “**Category Two**” wherever occurring in the Locality Statement for localities E4 Dee Why Parade and E11 Fisher Road:

- veterinary hospitals

**[134] Appendix E**

Omit the eleventh dot point in the matter under the headings “**LAND USE**” and “**Category Three**” wherever occurring in the Locality Statement for localities E4 Dee Why Parade and E11 Fisher Road.

**[135] Appendix E**

Insert after the fourth dot point in the matter under the headings “**LAND USE**” and “**Category Two**” in the Locality Statement for locality E5 Howard Avenue:

- veterinary hospitals

**[136] Appendix E**

Insert “pedestrian” after “natural ground level including steps, landings,” wherever occurring in the first dot point to the fifth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for localities E4 Dee Why Parade, E7 Pacific Parade, E10 Civic Centre, E13 Dee Why Park, E14 Dee Why Basin, E19 Delmar Parade and E20 Mooramba West.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

Schedule 1 Amendments

---

**[137] Appendix E**

Omit “apartment buildings” wherever occurring in the second and third paragraphs of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities E4 Dee Why Parade, E7 Pacific Parade and E8 Sturdee Parade.

Insert instead “apartment style housing”.

**[138] Appendix E**

Insert “a range of community uses and” after “interspersed with” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E7 Pacific Parade.

**[139] Appendix E**

Insert after the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E7 Pacific Parade:

Building layout and access are to be in accordance with Map E available from the office of the Council such that the spaces behind buildings combine to form central courts with vehicle access limited to a restricted number of places generally in the locations shown on Map E.

**[140] Appendix E**

Omit the twelfth dot point in the matter under the headings “**LAND USE**” and “**Category Three**” wherever occurring in the Locality Statement for localities E5 Howard Avenue, E6 Oaks Avenue, E9 Pittwater Road and E12 Mooramba Road.

**[141] Appendix E**

Insert after the ninth dot point in the matter under the headings “**LAND USE**” and “**Category Two**” wherever occurring in the Locality Statement for localities E6 Oaks Avenue and E12 Mooramba Road:

- veterinary hospitals

**[142] Appendix E**

Omit “fragmented” from the fourth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E8 Sturdee Parade.

Insert instead “modulated”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[143] Appendix E**

Omit “Sites are to be amalgamated where necessary” from the sixth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E8 Sturdee Parade.

Insert instead “Site amalgamation will be encouraged”.

**[144] Appendix E**

Insert after the eighth dot point in the matter under the headings “**LAND USE**” and “**Category Two**” in the Locality Statement for locality E9 Pittwater Road:

- veterinary hospitals

**[145] Appendices E and G**

Omit “apartment buildings” wherever occurring in the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for localities E10 Civic Centre, E14 Dee Why Basin and G7 Innes Road.

Insert instead “apartment style housing”.

**[146] Appendix E**

Insert after the third paragraph of the matter under the headings “**BUILT FORM**” and “**Minimum front building setbacks**” in the Locality Statement for locality E10 Civic Centre:

For residential development the front setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letterboxes and garbage storage areas.

**Rear building setback**

The minimum rear building setback is 6 metres.

The rear building setback area is to be landscaped and free of any structures.

To measure the rear building setback the rear building setback is the distance measured perpendicular to the boundary furthest from a public street up to any structure on the allotment.

The rear building setback does not apply to corner allotments.

The rear building setback may be encroached by exempt development, swimming pools and outbuildings which, in total, do not exceed 50 per cent of the rear setback area.

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

---

**[147] Appendix E**

Omit “and uses which are compatible with housing” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E13 Dee Why Park.

Insert instead “interspersed by a range of complementary and compatible uses”.

**[148] Appendix E**

Omit “apartment buildings” from the third paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E13 Dee Why Park.

Insert instead “apartment style housing”.

**[149] Appendix E**

Omit “apartment buildings and houses” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E14 Dee Why Basin.

Insert instead “apartment style housing and detached style housing”.

**[150] Appendix E**

Omit “apartment buildings” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E19 Delmar Parade.

Insert instead “apartment style housing and detached style housing”.

**[151] Appendix E**

Insert “complementary and” after “which are” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E14 Dee Why Basin.

**[152] Appendix E**

Omit “existing houses” from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E15 Wingala Hill.

Insert instead “existing detached style housing”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[153] Appendix E**

Omit “apartment buildings” wherever occurring in the first and second paragraphs of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E16 Pittwater Road North.

Insert instead “apartment style housing”.

**[154] Appendix E**

Insert “and community” after “mix of business” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E17 Town Centre South.

**[155] Appendix E**

Insert “, interspersed by a range of complementary and compatible uses” after “residential uses” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E18 The Strand.

**[156] Appendix E**

Insert after the first dot point of the matter under the headings “**LAND USE**” and “**Category Two**” in the Locality Statement for locality E18 The Strand:

- housing for older people or people with disabilities

**[157] Appendix E**

Omit the twelfth dot point of the matter under the headings “**LAND USE**” and “**Category Three**” in the Locality Statement for locality E18 The Strand.

**[158] Appendix E**

Insert “in landscaped settings interspersed by a range of complementary and compatible uses” after “apartment style housing” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E19 Delmar Parade.

**[159] Appendix E**

Insert “, provided the visual impact is minimised when viewed from the street and surrounding development” after “sites” in the third paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality E19 Delmar Parade.



## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

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**[160] Appendix E**

Omit “and uses which are compatible with housing” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality E20 Mooramba West.

Insert instead “, interspersed by a range of complementary and compatible uses”.

**[161] Appendix F**

Insert at the end of the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality F2 Brookvale Service Centre.

The land at Lot 11 DP1009998, 7–9 Federal Parade Brookvale may be occupied by an office building.

**[162] Appendix F**

Insert after the sixth dot point of the matter under the headings “**LAND USE**” and “**Category Two**” in the Locality Statement for locality F2 Brookvale Service Centre:

- offices (only at Lot 11 DP 1009998, No 7–9 Federal Parade Brookvale)

**[163] Appendix F**

Insert after the tenth dot point of the matter under the headings “**LAND USE**” and “**Category Two**” in the Locality Statement for locality F2 Brookvale Service Centre (before its amendment by this Schedule):

- short term accommodation

**[164] Appendix F**

Omit the fifteenth dot point of the matter under the headings “**LAND USE**” and “**Category Three**” in the Locality Statement for locality F2 Brookvale Service Centre.

**[165] Appendix G**

Omit the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G2 Riverview Parade:

Insert instead:

The Riverview Parade locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[166] Appendix G**

Omit the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality G2 Riverview Parade.

Insert instead:

Buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.

Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space).

**[167] Appendix G**

Omit “apartment style development” from the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G3 Manly Lagoon Suburbs.

Insert instead “apartment style housing”.

**[168] Appendix G**

Omit “Outside the “medium density areas”, future” from the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G3 Manly Lagoon Suburbs.

Insert instead “Future”.

**[169] Appendix G**

Insert “except in areas marked as “medium density areas” on the map” after “locality” where firstly occurring in the second paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G3 Manly Lagoon Suburbs.

**[170] Appendix G**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality G3 Manly Lagoon Suburbs.

Insert instead:

Except within the areas shown as “medium density areas” on the map:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the

## Warringah Local Environmental Plan 2000 (Amendment No 11)

## Schedule 1 Amendments

topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and

- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

Within the medium density area, buildings are neither to exceed 2 storeys nor 8.5 metres.

**[171] Appendix G**

Omit the fourth paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality G3 Manly Lagoon Suburbs.

**[172] Appendix G**

Omit “detached housing” wherever occurring in the first and second paragraphs of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G7 Innes Road.

Insert instead “detached style housing”.

**[173] Appendix G**

Omit “apartment development” in the first paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G7 Innes Road.

Insert instead “apartment style housing”.

**[174] Appendix G**

Omit the fifth paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality G7 Innes Road.

**[175] Appendix G**

Omit “apartments” from the fifth paragraph of the matter under the heading “**DESIRED FUTURE CHARACTER**” in the Locality Statement for locality G8 Queenscliff.

Insert instead “apartment style housing”.

Warringah Local Environmental Plan 2000 (Amendment No 11)

Amendments

Schedule 1

---

**[176] Appendix G**

Omit the first paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality G8 Queenscliff.

Insert instead:

Except within the areas shown as “medium density areas” on the map:

- buildings are not to exceed 8.5 metres in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below, and
- buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20% within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land.

**[177] Appendix G**

Omit the sixth paragraph of the matter under the headings “**BUILT FORM**” and “**Building height**” in the Locality Statement for locality G8 Queenscliff.

**[178] Appendix G**

Omit “Above” from the eighth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for locality G8 Queenscliff.

Insert instead “Within medium density areas, above”.

**[179] Appendix G**

Insert “vehicle access ramps,” after “basement carparking,” in the eighth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for locality G8 Queenscliff.

**[180] Appendix G**

Insert “pedestrian” after “landings,” in the first dot point to the eighth paragraph of the matter under the headings “**BUILT FORM**” and “**Side boundary envelope and side setback**” in the Locality Statement for locality G8 Queenscliff.

## Department of Primary Industries

### Mineral Resources

NOTICE is given that the following applications have been received:

#### EXPLORATION LICENCE APPLICATIONS

(05-247)

No. 2567, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 1263 units, for Group 10, dated 29 August, 2005. (Broken Hill Mining Division).

(Z05-0248)

No. 2568, KINSHA EXPLORATION PTY LTD (ACN 112 851 000), area of 59 units, for Group 1, dated 31 August, 2005. (Sydney Mining Division).

(05-249)

No. 2569, NATIONWIDE MINERAL CONSULTANTS PTY LIMITED (ACN 003 661 023), area of 100 units, for Group 1, dated 1 September, 2005. (Cobar Mining Division).

(05-250)

No. 2570, COPI HILL PTY LTD (ACN 093 462 527), area of 16 units, for Group 2, dated 4 September, 2005. (Cobar 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 refused:

#### EXPLORATION LICENCE APPLICATION

(05-0182)

No. 2501, David Charles PRENDERGAST, County of Flinders and County of Oxley, Map Sheet (8334). Refusal took effect on 8 August, 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 have been withdrawn:

#### EXPLORATION LICENCE APPLICATIONS

(05-208)

No. 2526, RESOURCE MANAGEMENT AND DEVELOPMENT PTY. LTD. (ACN 078 902 191), County of Mouramba, Map Sheet (8033). Withdrawal took effect on 1 September, 2005.

(05-231)

No. 2552, RESOURCE MANAGEMENT AND DEVELOPMENT PTY. LTD. (ACN 078 902 191), County of Mouramba, Map Sheet (8033). Withdrawal took effect on 1 September, 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

#### CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T03-0993)

Exploration Licence No. 6247, PARADIGM NSW PTY LTD (ACN 099 477 979), County of Hardinge and County of Sandon, Map Sheet (9137), area of 41 units. Cancellation took effect on 25 August, 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:

(T98-1244)

Exploration Licence No. 5629, Richard HINE, area of 4 units. Application for renewal received 18 August, 2005.

(T03-0039)

Exploration Licence No. 6127, LYDAIL PTY LTD (ACN 076 772 275), area of 98 units. Application for renewal received 24 August, 2005.

(T03-0092)

Exploration Licence No. 6142, NEWCREST OPERATIONS LIMITED (ACN 009 221 505) AND AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), area of 153 units. Application for renewal received 2 September, 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:

(M80-5383)

Authorisation No. 253, OCEANIC COAL AUSTRALIA LIMITED (ACN 003 856 782), JFE MINERAL (AUSTRALIA) PTY. LTD. (ACN 007 294 117), MARUBENI COAL PTY LIMITED (ACN 009 932 236) AND OCAL MACQUARIE PTY LIMITED (ACN 054 532 884), County of Northumberland, Map Sheet (9232), area of 683 hectares, for a further term until 26 June, 2008. Renewal effective on and from 23 August, 2005.

(04-1753)

Exploration Licence No. 3854, METALLURGICAL REFINING & DEVELOPMENT PTY LTD (ACN 009 756 414), Counties of Gunderbooka and Irrara, Map Sheet (8038), area of 7 units, for a further term until 20 May, 2007. Renewal effective on and from 29 August, 2005.

(T02-0078)

Exploration Licence No. 6036, PLATSEARCH NL (ACN 003 254 395), County of Yancowinna, Map Sheet (7233, 7234), area of 15 units, for a further term until 5 January, 2007. Renewal effective on and from 2 August, 2005.

(T02-0437)

Exploration Licence No. 6077, HERRESHOFF HOLDINGS PTY LTD (ACN 102 346 627), County of Roxburgh, Map Sheet (8831, 8832), area of 13 units, for a further term until 7 May, 2007. Renewal effective on and from 29 August, 2005.

(T02-0441)

Exploration Licence No. 6078, HERRESHOFF HOLDINGS PTY LTD (ACN 102 346 627), Counties of Gordon, Wellington and Ashburnham, Map Sheet (8631, 8632), area of 37 units, for a further term until 7 May, 2007. Renewal effective on and from 29 August, 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

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### TRANSFERS

(05-2121)

Coal Lease No. 382 (Act 1973), formerly held by MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) AND AMCI (GC) PTY LIMITED (ACN 097 238 349) has been transferred to MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652), AMCI (GC) PTY LIMITED (ACN 097 238 349), JFE STEEL AUSTRALIA (GC) PTY LTD (ACN 113 447 466), JS GLENNIES CREEK PTY LTD (ACN 113 447 055), NS GLENNIES CREEK PTY LIMITED (ACN 113 447 331) AND POS-GC PTY LTD (ACN 113 446 414). The transfer was registered on 31 August, 2005.

(05-2121)

Exploration Licence No. 5824, formerly held by AMCI (GC) PTY LIMITED (ACN 097 238 349) AND MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) has been transferred to MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652), AMCI (GC) PTY LIMITED (ACN 097 238 349), JFE STEEL AUSTRALIA (GC) PTY LTD (ACN 113 447 466), JS GLENNIES CREEK PTY LTD (ACN 113 447 055), NS GLENNIES CREEK PTY LIMITED (ACN 113 447 331) AND POS-GC PTY LTD (ACN 113 446 414). The transfer was registered on 31 August, 2005.

(05-2121)

Mining Lease No. 1437 (Act 1992), formerly held by MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) AND AMCI (GC) PTY LIMITED (ACN 097 238 349) has been transferred to MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652), AMCI (GC) PTY LIMITED (ACN 097 238 349), JFE STEEL AUSTRALIA (GC) PTY LTD (ACN 113 447 466), JS GLENNIES CREEK PTY LTD (ACN 113 447 055), NS GLENNIES CREEK PTY LIMITED (ACN 113 447 331) AND POS-GC PTY LTD (ACN 113 446 414). The transfer was registered on 31 August, 2005.

(05-2121)

Mining Lease No. 1518 (Act 1992), formerly held by MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) AND AMCI (GC) PTY LIMITED (ACN 097 238 349) has been transferred to MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652), AMCI (GC) PTY LIMITED (ACN 097 238 349), JFE STEEL AUSTRALIA (GC) PTY LTD (ACN 113 447 466), JS GLENNIES CREEK PTY LTD (ACN 113 447 055), NS GLENNIES CREEK PTY LIMITED (ACN 113 447 331) AND POS-GC PTY LTD (ACN 113 446 414). The transfer was registered on 31 August, 2005.

(05-2121)

Mining Lease No. 1525 (Act 1992), formerly held by MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) AND AMCI (GC) PTY LIMITED (ACN 097 238 349) has been transferred to MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652), AMCI (GC) PTY LIMITED (ACN 097 238 349), JFE STEEL AUSTRALIA (GC) PTY LTD (ACN 113 447 466), JS GLENNIES CREEK PTY LTD (ACN 113 447 055), NS GLENNIES CREEK PTY LIMITED (ACN 113 447 331) AND POS-GC PTY LTD (ACN 113 446 414). The transfer was registered on 31 August, 2005.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources,  
Minister for Primary Industries  
and Minister for Mineral Resources

# Roads and Traffic Authority

## ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulations, 1996

PARKES SHIRE COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulations 1996, by this Notice, specify the roads and road areas on or in which Road Trains may be used subject to any requirements or conditions set out in the schedule.

ALAN McCORMACK,  
General Manager,  
Parkes Shire Council  
(by delegation from the Minister for Roads)

### SCHEDULE

#### 1. Citation

This Notice may be cited as the Parkes Shire Council Road Train Notice No. 4/2005.

#### 2. Commencement

This Notice takes effect on the date of Gazettal.

#### 3. Effect

This Notice remains in force until it is amended or repealed.

#### 4. Application

This Notice applies to Road Trains which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulations 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

#### 5. Routes

Road Train routes within the Parkes Shire Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
RT	SR 113	Treweekes Gap Lane, Parkes Shire	Condobolin Road (Main Road 61)	Middle Trundle Road (Shire Road 83)	Speed Restriction 80 km/hr Access prohibited 7.30 am to 9 am and 3 pm to 4.30 pm on school days Daylight Hours Only (B-Doubles Exempt) During periods of wet weather, Parkes Shire Council to be consulted regarding possible road closures
RT	000	Northparkes Lane, Parkes Shire	Bogan Road (Shire Road 76)	Northparkes Mine Site	Speed Restriction 80 km/hr



**ROADS ACT 1993**

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

COFFS HARBOUR CITY COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

M. J. FERGUSON,  
General Manager,  
Coffs Harbour City Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as the Coffs Harbour City Council B-Doubles Notice No. 2/2005.

**2. Commencement**

This Notice takes effect from date of gazettal.

**3. Effect**

This Notice remains in force until 31 August 2010 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Coffs Harbour City Council.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25m	000	Hogbin Drive, Coffs Harbour	Christmas Bells Road	Hi-Tech Drive	Excluding 8.00 am to 9.30 am and 2.30 pm to 4.00 pm on gazetted school days
25m	000	Stadium Drive, Coffs Harbour	Hogbin Drive	Pacific Highway	Excluding 8.00 am to 9.30 am and 2.30 pm to 4.00 pm on gazetted school days
25m	000	Christmas Bells Road, Coffs Harbour	Hogbin Drive	End	Excluding 8.00 am to 9.30 am and 2.30 pm to 4.00 pm on gazetted school days
25m	000	Hi-Tech Drive, Coffs Harbour	Hogbin Drive	End	Excluding 8.00 am to 9.30 am and 2.30 pm to 4.00 pm on gazetted school days
25m	000	Craft Close, Coffs Harbour	Hi-Tech Drive	End	Excluding 8.00 am to 9.30 am and 2.30 pm to 4.00 pm on gazetted school days



**ROADS ACT 1993**

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

GLOUCESTER COUNCIL, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

N. S. McLEOD,  
General Manager,  
Gloucester Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as the Gloucester Shire B-Doubles Notice No, 1/2005.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force unless it is amended or repealed

**4. Application**

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

B-Double routes within the Gloucester Shire Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
19	90	Bucketts Way, Limeburners Creek to Gloucester	Gloucester/Great Lakes Shire boundary	Denison Street, Gloucester	
19	7719	Thunderbolts Way, Gloucester to Nowendoc	Denison Street, Gloucester	Gloucester/Walcha Shire boundary	

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

Notice of Compulsory Acquisition of Land at Box Hill in  
the Baulkham Hills 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 and Road Dedication  
Roads and Traffic Authority of New South Wales

**SCHEDULE**

All that piece or parcel of land situated in the Baulkham Hills Council area, Parish of St. Matthew and County of Cumberland, shown as:

Lot 10, Deposited Plan 446469, being part of the land in Deed of Conveyance No. 391, Book 1418.

The land is said to be in the possession of Mogul Stud Pty Limited (occupant) and the estate of the Late Percy William Andrews (registered proprietor).

(RTA Papers: FPP 5M1990; RO 91.12095)

**ROADS ACT 1993****Order – Section 31**

Fixing of Levels of part of the Barrier Highway  
west of Cobar in the Cobar Shire Council area

The Roads and Traffic Authority of New South Wales, by this Order under section 31 of the Roads Act 1993, fixes the levels of part of State Highway No 8 – Barrier Highway between 69.86 km to 77.9 km west of Cobar, as shown on Roads and Traffic Authority Plan No 0008.088.RC.0003.

P. J. DEARDEN,  
Project Services Manager,  
Roads and Traffic Authority of New South Wales,  
51-55 Currajong Street,  
Parkes NSW 2870

(RTA Papers FPP 88.5357; RO 8/88.1152)

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

Notice of Compulsory Acquisition of Land at Parkes  
in the Parkes 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 and Road Dedication  
Roads and Traffic Authority of New South Wales

**SCHEDULE**

All those pieces or parcels of land situated in the Parkes Council area, Parish of Goobang, County of Ashburnham, shown as:

Lots 7 to 11 inclusive Deposited Plan 1084009, being parts of the land in Certificate of Title Auto Consol 5491 – 240; and

Lot 12, Deposited Plan 1084009, being part of the land in Certificate of Title 2/230371;

excluding any existing easements from the compulsory acquisition of the land listed above.

The land is said to be in the possession of Robert Bruce Nash, Betty Nash and Shirley Nash (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee).

(RTA Papers: FPP 5M1859; RO 17/353.254)

## Other Notices

### CASINO CONTROL ACT 1992

#### ORDER

PURSUANT to section 66 (1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, add to the list of games approved for play in the casino, the game of "Charity Tournament Poker", and approves the following rules for the playing of the game of "Charity Tournament Poker" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

(1) Rules for the playing of 'Charity Tournament Poker'

The rules for the playing of the game of 'Charity Tournament Poker' in the casino as set forth in the attachment hereto are approved.

This Order shall take effect from the date of publication in the New South Wales *Government Gazette*.

Signed at Sydney, this 7th day of September 2005.

BRIAN FARRELL,  
Chief Executive,

for and on behalf of the Casino Control Authority.

### CHARITY TOURNAMENT POKER

- 1 Definitions
  - 2 Purpose of Tournament
  - 3 Tournament Conditions
  - 4 Conduct of Play
  - 5 Table Layout and Equipment
  - 6 The Cards
  - 7 The Shuffle and Cut
  - 8 Wagers
  - 9 Minimum, Maximum Wagers and Betting Structure
  - 10 The Game
  - 11 Order of Play/Deal
  - 12 Betting Rounds
  - 13 Checking
  - 14 All-in
  - 15 Bonus Round
  - 16 Elimination Round
  - 17 Order of Poker Hands
  - 18 Final Settlement
  - 19 Misdeals
  - 20 Irregularities
  - 21 Session Winners/Placegetters
  - 22 General Provisions
- Diagram "A"

#### 1. Definitions

1.1 In these rules, unless the contrary intention appears:

"Act" means the Casino Control Act 1992;

"add on" means a distribution of an additional bank of tournament chips that may be given to remaining players, during the play of the tournament;

"active player" for a round of play means a player who is all-in or has not folded;

"all-in" means a player who has invested all of their remaining chips in the outcome of a hand. Their

bet cannot exceed the structured limit and/or raise, if a raise is an option. An all-in player can only win that portion of the pot or pots to which they have contributed;

"ante" means a predetermined contribution to the pot placed by all players prior to the first card being dealt in a round of play;

"bet" means placing the required wager, and includes a call and/or raise if permitted, to remain in the round of play or going all-in if remaining chips are less than the size of the required wager;

"betting round" means a period of play during which each active player, in order, has the option to check, bet or fold until all wagers have been matched or reached the maximum number of raises;

"blind" means a predetermined contribution to the pot placed by a selected player or players before the first card is dealt. The blind is a live wager, which can win the pot if no further contributions to the pot are made;

"bonus round" means a round in which there is an additional amount of tournament chips contributed to the pot by the casino operator.

"burn" means a card which is removed from the top of the deck by the dealer without exposing its value and placed face down, separate from the discards;

"call" means a wager made in an amount equal to the immediately preceding wager;

"card shoe" means a device from which cards are dealt;

"casino supervisor" means a person employed in a casino in a managerial capacity relating to the conduct of gaming and includes a games supervisor;

"check" means to abstain from wagering but continue to stay in contention for the pot by retaining the right to re-enter the betting after all other players have either bet or folded. A check shall only be an option if no blind is placed or bet made;

"community card(s)" means a card or cards dealt to the center of the table, which may be used by all players to complete their best possible hand;

"dealer" means a person responsible for the operation of the game;

"deck-checking device" means a machine used to check that each deck of cards contains the correct cards for the game;

"designated player" is the last player to receive cards in the initial deal and is indicated by the use of the dealer button;

"elimination round" means a round of play on completion of which the player with the lowest table stake may be eliminated from the tournament and the player's remaining stake distributed evenly amongst the remaining players.

“flop” means three community cards dealt face downward and turned face up simultaneously;

“fold” means a decision by a player to no longer continue with their hand for that particular round of play;

“games supervisor” means a person responsible for the immediate supervision of the operation of the game;

“hand” means the cards dealt to each player in a round of play;

“hole cards” means a player’s concealed cards;

“inspector” means a person appointed under section 106 of the Act;

“pot” means the sum of the antes, blinds and bets wagered;

“raise” means to make a bet greater than the amount of a previous wager made during a betting round;

“round” means a period of play where the dealer button moves around the table and it has reached a particular player a second time;

“round of play” means the period of play at a table commencing with the dealing of the first card by the dealer and concluding when the dealer announces a result and passes the pot to the winning player;

“session” means a period of play until a designated number of players remain in the tournament or a set time period or the play of a designated number of rounds of play, at the completion of which:

- (i) the winner and/or placegetter(s) advance to a further or final session; or
- (ii) the winner and/or placegetter(s) are determined;

“side pot(s)” means a separate pot or pots created in a game of poker due to one or more players being all-in;

“structured limit” means the betting range and structure designated for the game;

“substantial action” means where two or more players have acted on their hands;

“table stake” means the amount of chips a player has on the table and in plain view before the start of any round of play. An active player may only wager up to the amount of chips on the table and may not augment their table stake whilst a round of play is in progress;

“tournament chips” means non-value chips issued to tournament players for the purposes of wagering and scoring in tournament play.

“Tournament Supervisor” means a licensed person(s), designated by the casino operator, who shall be present while the tournament is in progress and be responsible for the overall conduct of the tournament.

“void” means invalid with no result.

## 2 Purpose of Tournament

- 2.1 The purpose of the game of Charity Tournament Poker is to determine the charity(ies) to receive a donation of a predetermined value, based on the outcome of the game.

- 2.1 The donations will be made to the charity of the winner(s) choice and no charity who receives such a donation(s) is to be involved in the conduct or playing of the game nor are they entitled to receive any amount(s) wagered during the tournament.
- 2.3 The value of the donation(s) to be made to the charity(ies) is to be pre-determined prior to the commencement of the tournament.
- 2.3 Entry into the tournament is by invitation only at the discretion of the casino operator.
- 2.4 No player in the tournament will be charged an entry fee nor contribute or risk a stake in the outcome of the game.
- 2.5 No player in the tournament is entitled to any winnings or prizes resulting from their participation in the game.
- 2.6 The game of Charity Tournament Poker may be played under a different name, however the rules of Charity Tournament Poker rules will apply regardless.
- 2.7 The conduct of Charity Tournament Poker and the subsequent donation(s) made to charity shall not form part of the calculation of Gross Gaming Revenue.

## 3. Tournament conditions

- 3.1 The casino operator is to display in each part of the casino where charity tournament poker is played, a copy of the tournament conditions.
- 3.2 The tournament conditions must include, but is not limited to, the following:
  - (a) the amount of tournament chips to be allocated to the tournament player at the commencement of a session;
  - (b) the minimum and maximum wagers for each round of play in a session including, if applicable, the point at which the minimum and/or maximum wager may be increased during a session;
  - (c) the structure of the tournament, including the method for determining the number of tournament players to advance to the next session, repechage, catch-up or secondary rounds or sessions, the inclusion of any bonus or elimination rounds of play and the method for determining the winners and place getters;
  - (d) any conditions of play applicable to the allocation of tables and wagering areas;
  - (e) any conditions of play generally that may not be described in, but are consistent with, these rules such as the method for imposing any time restrictions for wagering, the timing and method of play for any bonus or elimination rounds if applicable.
  - (f) where there is one or more opportunities for a new player or an eliminated tournament player to enter/re-enter the tournament, the method and timing of those opportunities;
  - (g) in respect of eligibility for entry:
    - (i) a statement that only persons entitled to enter the casino and gamble are eligible to enter the tournament; and

- (ii) a statement that entry into the tournament is at the discretion of the casino operator;
- (h) the prizes and the method of payment and any undertaking, reservation or guarantee given by the casino operator, if applicable;
- (i) a statement that the tournament is conducted by the Tournament Supervisor in accordance with the tournament conditions and the applicable rules of the game and that, in the event of any inconsistency, the rules prevail.

3.3 The Tournament Supervisor may require each tournament player to agree in writing with the approved Rules and Conditions of the tournament prior to accepting entry into the tournament.

#### 4. Conduct of Play

- 4.1 The Tournament Supervisor shall designate the gaming tables to be used in the conduct of the tournament.
- 4.2 The casino operator must ensure that, during any session or round of a tournament, a gaming table designated under rule 5.1 is used exclusively for tournament play.
- 4.3 The Tournament Supervisor may determine the method of allocating tables and playing areas to tournament players, the order of wagering, and any other conditions providing those conditions are consistent with the relevant rules of the game.
- 4.4 The Tournament Supervisor shall determine the method and timing of any bonus or elimination rounds.
- 4.5 Where a tournament player does not take an allotted seat at the specified time or is absent during a session, the Tournament Supervisor shall direct the dealer to deduct, where applicable, an amount equal to all compulsory antes, blinds and/ or minimum wagers from the player's tournament chips for each round of play for which the tournament player is absent and place them in the pot.
- 4.6 Where a tournament player does not take an allotted seat at the specified time or is absent during a session, cards will be dealt to that player's position as though he/she were present. Should the player still not be present by the first betting round to make a decision in relation to the hand, the hand shall be folded.
- 4.7 The Tournament Supervisor may disqualify a tournament player if found to have contravened any of the rules of charity tournament poker.

#### 5. Table Layout and Equipment

- 5.1 The game of charity tournament poker shall be played at a table specifically designed for such purpose, having up to a maximum of 10 seated players and a place for the dealer.
- 5.2 The layout cloth covering the table shall be marked in a manner substantially similar to that shown in diagram "A" with the name and/or logo of the casino imprinted thereon.
- 5.3 The following equipment shall also be used:
  - 5.3.1 a card shoe capable of holding a single deck of cards;

- 5.3.2 a dealer button which is used to denote the designated player. The button is moved one position in a clockwise rotation at the conclusion of each round of play and held by the last person to receive cards in the initial deal.

#### 6. The Cards

- 6.1 The game of charity tournament poker shall be played with a full deck of cards specifically designed for such purpose, having 52 cards without jokers, with backs of the same colour and design
- 6.2 Cards shall be checked by a dealer or a casino supervisor or by use of a deck-checking device prior to use on a gaming table.
- 6.3 Cards may be checked and secured until such time as they may be required.
- 6.4 Cards may, at the discretion of a casino supervisor, be changed after any round of play if, for any reason, a card or cards become unfit for further use. If all the cards are replaced, the new cards shall be checked, shuffled and cut in accordance with these rules.
- 6.5 All cards used in the game of charity tournament poker shall be dealt from a card shoe.
- 6.6 A casino supervisor may inspect a player's hand at the completion of the hand.
- 6.7 A casino supervisor or an inspector may, at any time, instruct the dealer to check and verify the number of cards.

#### 7. The Shuffle and Cut

- 7.1 The cards shall be shuffled so that they are randomly intermixed within the deck:
  - 7.1.1 immediately prior to the start of play;
  - 7.1.2 at the completion of each round of play; or
  - 7.1.3 immediately prior to the recommencement of play following any period that the table has been vacant.
- 7.2 After the cards have been shuffled, the dealer shall cut the cards and place them on a cutting card and then insert all the cards in the card shoe for the commencement of play.
- 7.3 At the discretion of the casino operator, a player may cut the cards.

#### 8. Wagers

- 8.1 All wagers shall be placed by means of tournament chips.
- 8.2 Prior to the start of any session, each tournament player will receive an equivalent allotment of tournament chips at the table.
- 8.3 All tournament chips must remain in full view of tournament players and staff whilst play is in progress.
- 8.4 Subject to reasonable notice, the Tournament Supervisor may limit the time period within which individual wagers must be made.
- 8.5 Where a tournament player does not place a wager within the allotted time, the tournament player's hand may be folded.



- 8.6 The minimum and maximum wager may be increased/decreased during the tournament providing tournament players are notified prior to the commencement of the round of play in which the limit is altered.
- 8.7 Prior to the first card being dealt in each round of play, each player wishing to participate in the round of play shall place an ante and/or blind, as applicable, directly in front of them, which shall go to form the pot.
- 8.8 A tournament player must, where applicable, contribute all compulsory antes and/or blinds to the pot.
- 8.9 After each card has been dealt, players may pick up their cards and at the completion of dealing indicate their intention to bet or fold in order.
- 8.10 A player who elects to bet shall place a wager directly in front of them and/or indicate to the dealer their intention to check, bet or fold.
- 8.11 A player shall not wager on more than one hand in any round of play.
- 9. Minimum, Maximum Wagers and Betting Structure**
- 9.1 The betting limits and structure, including the number of compulsory blinds if applicable, shall be displayed on a sign in each part of the casino where charity tournament poker is played.
- 9.2 Players are responsible for ensuring that their wagers comply with the betting limits and structure stated on the sign.
- 9.3 The rules for minimum and maximum wagers are as follows:
- 9.3.1 where a blind bet is required, the first compulsory blind bet shall be either half the table minimum or equal to the table minimum. The second blind bet shall be at least equal to the table minimum for the first betting round;
- 9.3.2 a raise shall be within the table limits and shall not be less than any previous bet or raise in that round, except in the event of a player going all-in;
- 9.3.3 where a betting limit is specified in terms of a ratio to the pot (i.e. half pot or full pot) and a player wishes to raise, the amount required for a player to call shall be included in the pot before the betting limit is calculated;
- 9.3.4 in all games where the betting limit is expressed in terms of a ratio to the pot, or specified no limit, there shall be no limit to the number of raises permitted;
- 9.3.5 in cases where there is a structured limit there shall be a limit of three raises in a betting round, unless there remains only two active players in the final betting round, in which case there shall be no limit to the number of raises.
- 10. The Game**
- 10.1 The game of charity tournament poker will be conducted under the following conditions:
- 10.1.1 each player shall receive an identical amount of tournament chips at the start of the session;
- 10.1.2 a player shall not leave the game unless his/her table stake is exhausted or he/she is eliminated or there are reasonable grounds in the opinion of the casino supervisor for that player being unable to continue;
- 10.1.3 play shall continue until only one player is left in the game. That player shall be the winner.
- 10.2 For the purposes of these rules the "game" shall commence with the first card dealt and concluding with the determination of the winning player.
- 10.3 The game played will be the game known as Texas Hold'em and will be played as follows:
- 10.3.1 Prior to the first card being dealt, all players shall be required to place an ante and/or blind. Blinds shall be placed as follows:
- 10.3.1.1 Subject to rule 11.7, the player on the immediate left of the designated player shall place the first blind bet;
- 10.3.1.2 the player on the immediate left of the first blind shall place the second blind bet and so on in a clockwise direction around the table until all compulsory blind bets have been placed; and
- 10.3.1.3 the number of compulsory blind bets required shall be displayed on a sign at the table.
- 10.3.2 Subject to rule 11.7, commencing with the player on the immediate left of the designated player and in a clockwise direction, the dealer shall deal one card at a time face down to each player until each player receives two cards.
- 10.3.3 The first betting round is as follows:
- 10.3.3.1 subject to rule 11.7, after the initial deal, the first active player on the immediate left of the last blind shall bet or fold;
- 10.3.3.2 subsequent players in order shall bet or fold until:
- (i) only one player remains in the game, in which case this player shall win the pot; or
- (ii) two or more players remain in the game.
- 10.3.4 The second betting round is as follows:
- 10.3.4.1 if two or more players remain in the game the dealer shall burn a card before dealing three community cards. These three community cards will be called the flop and are dealt one at a time face down and then turned face up simultaneously;
- 10.3.4.2 subject to rule 11.7, the first active player on the immediate left of the designated player shall check, bet or fold;

10.3.4.3 subsequent players in order shall check, bet or fold until:

- (i) only one player remains in the game, in which case this player shall win the pot; or
- (ii) two or more players remain in the game.

10.3.5 The third betting round is as follows:

10.3.5.1 if two or more players remain in the game the dealer shall burn a card before dealing the fourth community card face up;

10.3.5.2 subject to rule 11.7, the first active player on the immediate left of the designated player shall check, bet or fold;

10.3.5.3 subsequent players in order shall check, bet or fold until:

- (i) only one player remains in the game, in which case this player shall win the pot; or
- (ii) two or more players remain in the game.

10.3.6 The final betting round is as follows:

10.3.6.1 if two or more players remain in the game the dealer shall burn a card before dealing a fifth and final community card face up;

10.3.6.2 subject to rule 11.7, the first active player on the immediate left of the designated player shall check, bet or fold;

10.3.6.3 subsequent players in order shall check, bet or fold until:

- (i) only one player remains in the game, in which case this player shall win the pot; or
- (ii) two or more players remain in the game.

10.3.7 If two or more players remain in the game, subject to rule 14.7:

10.3.7.1 the player being called shall then expose his/her cards; or

10.3.7.2 subject to rule 11.7, if all players check the first active player on the left of the designated player shall expose his/her hole cards; and

10.3.7.3 all remaining players shall, if holding a hand of equal or higher value, expose their cards. The winning hand shall be the highest-ranking five-card hand consisting of any combination from the five community cards and the player's two hole cards.

10.3.8 The dealer shall then announce the winning hand or hands.

## 11. Order of Play/Deal

- 11.1 The player seated to the immediate right of the dealer receives the dealer button for the first round of play.
- 11.2 The dealer button shall be passed in a clockwise direction around the table at the conclusion of each round of play.

11.3 The person holding the dealer button becomes known as the designated player and shall receive the last card in each round of play.

11.4 Subject to rule 11.7, the player to the immediate left of the designated player will be the first to place an ante and/or blind and receive the cards.

11.5 Where the player to the immediate left of the designated player is eliminated in a round of play the dealer button shall move to the eliminated position for the next round of play.

11.6 Subject to rule 11.7, the cards shall be dealt to each player, in a clockwise direction, commencing with the player on the immediate left of the designated player.

11.7 Where only two players remain in the game, all rules pertaining to the order of wagering, dealing and play shall be amended to the extent that the designated player will be the first to place the blind, shall receive the first card in the round of play and shall be the first to check, bet or fold.

## 12. Betting Rounds

12.1 At the start of each betting round, subject to rule 13.1, the players in order shall indicate and/or declare their intention to check, bet or fold.

12.2 A player who elects to bet shall place a wager in accordance with rule 9.

12.3 A player who elects to fold shall place their cards, face downwards, on the table and push the cards towards the dealer.

12.4 The dealer shall collect any tournament chips due to the pot, placing it in the center of the table, and the cards from each player who elects to fold. The cards shall be individually spread out face downwards by the dealer, counted and then placed in the discard pile.

## 13. Checking

13.1 Checking is not permitted in the first betting round.

13.2 The first player who may check in subsequent betting round is the first active player to the left of the designated player.

13.3 If a player checks, the next active player may also check.

13.4 No player may check once a bet has been made in a betting round.

## 14. All-in

14.1 A player who does not have a bank of tournament chips of sufficient value to meet a wager and who wishes to stay in the hand must wager the remaining amount of their table stake. They remain in the hand as an active player, taking no further part in any subsequent betting round(s).

14.2 When a player goes all-in for less than the amount required to constitute a bet, all subsequent players must call to any previous amount wagered in the betting round or to the structured limit, or call and raise to the structured limit and if necessary start a separate (side) pot.

14.3 If an all-in player is opening the betting and the amount wagered is less than the amount required to constitute a bet, all subsequent players shall be

permitted to call for the amount wagered, or raise to the structured limit and if necessary start a separate (side) pot.

- 14.4 When an all-in player's wager is in excess of the amount required to call but is less than the amount required to constitute a raise, this excess amount shall not be considered a raise. All subsequent players shall call to the all-in amount or call and raise to the structured limit.
- 14.5 Amounts bet by players that are more than the player who has gone all-in are then combined in a separate (side) pot.
- 14.6 An all-in player is only eligible to win the pot or pots they have contributed to.
- 14.7 An all-in player shall be required to expose their cards first after the final betting round is completed.

### 15 Bonus Round

- 15.1 A bonus round may be played in accordance with these rules and will comprise an additional amount of tournament chips being contributed to the pot at the start of the bonus round of play. The casino operator will determine the number of bonus rounds to be played during the tournament session and the amount of tournament chips to be contributed during each bonus round, at the commencement of the tournament session.
- 15.2 The casino operator may determine to conduct a bonus round(s) at any time providing players are advised prior to the bonus round commencing and no cards have been dealt and no blinds or antes have been placed prior to the announcement of the bonus round.
- 15.3 The additional amount of tournament chips shall be placed on the table to form part of the pot, prior to the first card being dealt for the bonus round of play.

### 16 Elimination Round

- 16.1 The casino operator may determine to conduct an elimination round(s) at any time providing players are advised prior to the elimination round commencing and no cards have been dealt and no blinds and/or antes have been placed prior to the announcement of the elimination round.
- 16.2 The round of play shall be played to its conclusion and the winner(s) shall be determined in accordance with these rules and the pots distributed accordingly.
- 16.3 At the conclusion of the round of play for which the elimination round was called, the remaining player with the lowest table stake will be eliminated from the tournament and the player's remaining stake distributed evenly amongst the remaining players.
- 16.4 If two players hold the equal lowest table stake, then a draw of cards shall determine the player to be eliminated as follows:
- 16.4.1 commencing with the player on the immediate left of the designated player and in a clockwise direction, the dealer shall deal one card face down to each player.
- 16.4.2 players shall turn their card face up and the player holding the lowest card shall be

declared the player to be eliminated. Ace shall be counted as high.

16.4.3 should two or more players hold an equal value card, further card(s) shall be dealt to those players until a player to be eliminated is decided.

- 16.5 If in the event that after the eliminated player's table stake is divided there is an amount that cannot be equally divided among the remaining players, then the remaining amount shall be given to the first active player on the left of the designated player.

### 17. Order of Poker Hands

- 17.1 The value of each card in descending order for a 52 card deck is ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, 2 (ace, when used in a small straight). The order is as follows:
- (a) Royal Flush – ace, king, queen, jack, 10 of the same suit. No suit is deemed higher than any other suit;
- (b) Straight Flush – five cards of the same suit in numerical sequence. The highest card in the hand designates the relative value of the straight flush. An ace may count low in a straight e.g. 5, 4, 3, 2, Ace. No suit is deemed higher than any other suit;
- (c) Four of a Kind – four cards of the same rank; plus one other card;
- (d) Full House – three cards of the same rank combined with a pair of another rank. The value of the three cards has priority over the pair in comparing hands;
- (e) Flush – five cards of the same suit. The highest card in the suit designates the relative value of the flush, followed by the next highest, and so on in descending order of rank. No suit is deemed higher than any other suit;
- (f) Straight – five cards in numerical sequence not all of the same suit. The highest card in the sequence designates the relative value of the straight. An ace may count high or low in a straight e.g. Ace, King, Queen, Jack, 10 or 5, 4, 3, 2, Ace;
- (g) Three of a Kind – three cards of the same rank, with any two unmatched cards;
- (h) Two Pair – two cards of the same rank combined with two cards of another rank, plus one other card. The highest pair has priority when comparing hands. If the high pairs are the same, then the low pairs are compared, and then the remaining card;
- (i) One Pair – two cards of the same rank, combined with three unmatched cards. A higher pair beats a lower pair. If the pairs are the same, the remaining three cards are compared, beginning with the highest, then in descending order of rank;
- (j) No Pair – five unmatched cards. The highest card in the hand designates the relative value of the hand, followed by the next highest, and so on in descending order of rank.

### 18. Final Settlement

- 18.1 Each hand shall be played to a conclusion and the pot or pots may be divided by agreement of two or more players.



- 18.2 After the dealer announces the winning hand or hands the dealer shall:
- 18.2.1 pass the pot or pots, to the winning player or players; and
- 18.2.2 collect and count the cards and place them in the discard pile.
- 18.3 When two or more players hold winning hands of equal value, the pot or pots shall be divided equally to the lowest chip denomination at the table. If in the event that after the pot or pots have been divided there is an amount that cannot be equally divided, then the remaining amount shall be given to the first active player on the left of the designated player.
- 18.4 Cards exposed by players shall be declared at their optimum value in accordance with rule 17.
- 18.5 The dealer shall be responsible for declaring the optimum value of the hands in accordance with rule 17.

### 19. Misdeals

- 19.1 There is a misdeal if:
- 19.1.1 one or more cards are exposed in cutting;
- 19.1.2 during the initial dealing round the dealer exposes two or more cards.
- 19.1.3 before substantial action has occurred, it is noticed that the cards were not shuffled or cut prior to the deal;
- 19.1.4 before substantial action has occurred, the dealer has dealt the cards out of order and the error cannot be reconstructed;
- 19.1.5 before substantial action has occurred, the dealer during the initial deal, deals a player out or deals an extra hand in and the hand(s) cannot be reconstructed;
- 19.1.6 before substantial action has occurred, an eligible player has received an incorrect number of cards and the error cannot be corrected. If substantial action has occurred the player's hand shall be declared void and all wagers shall be returned to the player;
- 19.1.7 if only one player remains in the game at the completion of the final betting round and that player has the incorrect number of cards, the round of play shall be declared void and all wagers shall be returned to players.
- 19.2 In the event of a misdeal all bets shall be void, all antes/blinds and all wagers shall be returned to players.
- 19.3 Whenever a misdeal occurs there shall be a new shuffle and cut in accordance with rule 7. The same player(s) shall be required to place their compulsory blinds and the first to receive cards in the new deal.
- 19.4 Only a dealer or casino supervisor shall determine if there is a misdeal.

### 20. Irregularities

- 20.1 If a card(s) is dropped and/or exposed by a player this card or these cards shall still be played. A count will then be performed at the end of the round of play.

- 20.2 If a player shows another player any of their hole cards, upon request by the dealer or another player, they shall be required to show the entire table the same cards.
- 20.3 Where a player bets out of turn that player or any following players who place a wager in those circumstances shall retract their wagers and shall then wager in the correct sequence.
- 20.4 If one of the face down cards in the flop is exposed by the dealer while dealing, the dealer shall complete the deal and then replace the exposed card with the card that was to be the first burn card and the exposed card becomes the first burn card.
- 20.5 If the dealer neglects to burn a card prior to dealing the flop, and it is unable to be reconstructed and there has been no substantial action it shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing. If substantial action has occurred the flop stands.
- 20.6 If the flop has too many cards dealt, and it is unable to be reconstructed, it shall be taken back by the dealer, together with the burn card and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing.
- 20.7 If the flop is dealt and turned face up prior to the completion of the betting round, it shall be taken back by the dealer, together with the burn card and shuffled with the remainder of the deck. The betting round shall be completed and the dealer shall cut, and continue dealing.
- 20.8 If any card except the flop is exposed by the dealer prior to the completion of a betting round, the maximum bet allowed for that betting round shall not exceed the maximum amount already wagered for that betting round. If no bet(s) have been placed the next bet(s) in the betting round shall not exceed the table minimum. The exposed card shall then be used in the normal sequence.
- 20.9 If the dealer exposes two cards simultaneously when dealing a community card and the hand can be reconstructed the correct card shall remain in play. If no further cards are to be dealt, the exposed cards shall be placed in the discard pile, or if further cards are to be dealt, the incorrect exposed card shall become the next burn card. If the hand is unable to be reconstructed the exposed cards shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut the cards, and continue dealing.
- 20.10 If the dealer exposes more than two cards simultaneously when dealing a community card and the hand can be reconstructed, only the correct card for that betting round shall remain in play. If no further cards are to be dealt the exposed cards shall be placed in the discard pile, or if further cards are to be dealt, the incorrect exposed cards shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing. If the hand is unable to be reconstructed the exposed cards shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut the cards, and continue dealing.

**21 Session Winners/Placegetters**

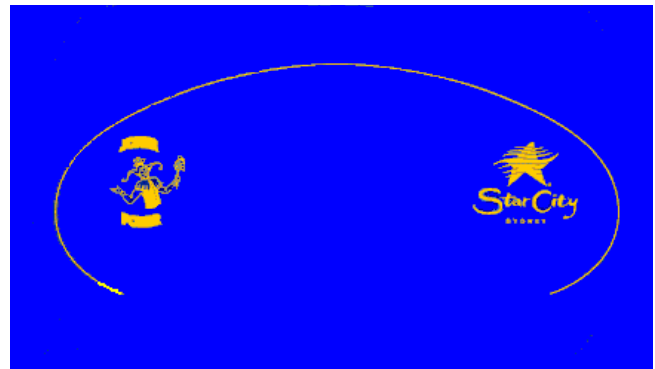
- 21.1 The number of tournament players to advance to the next session will be determined at the start of the tournament.
- 21.2 The method(s) for determining the number(s) of tournament players to advance to the next session will be determined at the start of the tournament and be included in the terms and conditions.
- 21.3 Where two or more all-in players who would have been eligible for a place in the tournament are eliminated in the same round, the winner/place getter shall be the player who had the higher table stake before the round of play in which they were eliminated commenced. If players had the same value table stake at the commencement of the round of play then a draw of cards shall determine the winner or place getter as follows:
- 21.3.1 commencing with the player on the immediate left of the designated player and in a clockwise direction, the dealer shall deal one card face down to each player.
- 21.3.2 players shall turn their card face up and the player holding the highest card shall be declared the winner. Ace shall be counted as high.
- 21.3.3 should two or more players hold an equal value card, further card(s) shall be dealt to those players until a winner is decided.
- 21.4 As each session progresses and players are eliminated, the Tournament Supervisor will record the order of elimination and announce the place getters and/or winners.

**22. General Provisions**

- 22.1 In the event of a dispute relating to the rules or conditions of entry, the decision of the Tournament Supervisor will be final and the game will not proceed until the dispute is settled.
- 22.2 At the Tournament Supervisor discretion, a count of all tournament player's chips may be conducted.
- 22.3 Tournament chips in the possession of a tournament player at the conclusion of each session shall remain the property of the casino operator and be returned to the casino operator at the end of the session for which they were used.
- 22.4 Where the casino supervisor is satisfied that a player has contravened any provision of the rules or has acted in a manner that is detrimental to the integrity of the game, the casino supervisor may declare void any wager made by that player and/or may direct that the player be excluded from further participation in the game and may set a time period for the period of that exclusion.
- 22.5 Any dispute or complaint concerning these rules or tournament conditions shall be referred for decision in the first instance to the Tournament Supervisor, subject to a review (if requested) by a casino supervisor.
- 22.6 In any dispute arising from these Rules, the decision of the casino operator is final. Where any person is not satisfied with a decision of the casino operator relating to the conduct of gaming, the person will be advised of their right to lodge a complaint with an inspector under section 110 of the Act.

- 22.7 A copy of these rules shall be made available for inspection upon request.

Diagram "A"

**CHARITY TOURNAMENT POKER LAYOUT****DISTRICT COURT OF NEW SOUTH WALES**

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil (Mining) jurisdiction at the place and time shown as follows:

Newcastle	10.00 a.m.	3 April 2006 (2 weeks)
		in lieu of 6 March 2006 (1 week)
		5 June 2006 (2 weeks)
		in lieu of 1 May 2006 (1 week)
		19 June 2006 (1 week)
		sitting cancelled

Dated this 2nd day of September 2005.

R. O. BLANCH,  
Chief Judge

**DISTRICT COURT OF NEW SOUTH WALES**

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Broken Hill	10.00 a.m.	19 September 2005 (3 weeks)
		in lieu of 26 September 2005
		(2 weeks)

Dated this 2nd day of September 2005.

R. O. BLANCH,  
Chief Judge

**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 2nd day of September 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 the Port Stephens Council, Parish of Seaham and County of Durham, being Lot 100 Deposited Plan 808856, (SB 51186).

**ELECTION FUNDING AUTHORITY OF  
NEW SOUTH WALES**

Register of Candidates

**Macquarie Fields By-Election**

<i>Candidate</i>	<i>Party Affiliation</i>	<i>Campaign Headquarters</i>
VINNICOMBE, Bob	One Nation	16 Kara Street, Sefton
RAUE, Ben	The Greens	19 Eve Street, Erskineville
BARNARD, Ken	Independent	4 Kylie Place, Ingleburn
CHAYTOR, Steven	Independent	54 Oxford Road, Ingleburn
PLANT, Denis	Christian Democratic Party (Fred Nile Group)	Suite 1, 50 Saywell Road, Macquarie Fields
FRASER, Nola	Liberal	Level 9, 140 William Street, East Sydney
WOODGER, Janey	Australians Against Further Immigration	3 Canberra Street, Lane Cove

**Maroubra By-Election**

DALEY, Michael	Labor	Level 9, 377 Sussex Street, Sydney
HAMER, Kerri	Independent	347 Maroubra Road, Maroubra
SMITH, Beth	Christian Democratic Party (Fred Nile Group)	89 Woolooware Road, Cronulla
STEPKOVITCH, Nick	Independent	1 Daniel Street, Botany
GARDINER, Anne	The Greens	65 Garden Street, Maroubra
SHEN, Victor	The Fishing Party	5 Pacific Place, Harrington

**Marrickville By-Election**

GOLDSTEIN, Saidi	Christian Democratic Party (Fred Nile Group)	93 Audley Street, Petersham
WOODWARD, Malcolm	Independent	20/147 Constitution Road, Dulwich Hill
McLACHLAN, Chris	Independent	2/21 Boyd Place, Barden Ridge
TEBBUTT, Carmel	Labor	Shop 1, 8-10 Enmore Road, Newtown

BYRNE, Sam	The Greens	19 Eve Street, Erskineville
BLEICHER, Michelle	Australian Democrats	36 Devine Street, Erskineville
MACDONALD, Alasdair		3/281-287 Beamish Street, Campsie
THOMSON, Lorraine	Save Our Suburbs	11 Cook Road, Oyster Bay
HINMAN, Pip	Socialist Alliance	23 Abercrombie Street, Chippendale

**Register of Official Agents**

<i>Candidate's Name</i>	<i>Name and Address of Official Agent</i>
FRASER, Nola	Scott Briggs, Level 9, 140 William Street, East Sydney

COLIN BARRY,  
Chairperson

Dated: 2 September 2005  
Election Funding Authority of New South Wales  
Level 20, 207 Kent Street, Sydney NSW 2000.

**FORESTRY ACT 1916**

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

Notice of Compulsory Acquisition of Land

THE Minister for Primary Industries declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below exclusive of all mines and deposits of minerals therein contained being part of the land dedicated as Canobolas State Forest No. 901 are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of giving effect to an agreement entered into pursuant to section 16A of the Forestry Act 1916.

Dated at Sydney this thirty-first day of August 2005.

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

SCHEDULE

All that piece or parcel of land having an area of 385.8 hectares or thereabouts situate in the Blayney and Cabonne Shire Council Areas, Parish of Waldegrave, County of Bathurst, being Lot 23 in Deposited Plan 1078095 and being part of Canobolas State Forest No. 901, No. 13 Extension, dedicated 12 March 1993. (04/0219)

**GAS SUPPLY ACT 1996**

Independent Pricing and Regulatory Tribunal  
of New South Wales

Application for Gas Reticulator's Authorisation  
(ref: 05/405)

THE Tribunal has received an application for a Gas Reticulator's Authorisation under the Gas Supply Act 1996 from Central Ranges Pipeline Pty Ltd (ACN 108 218 355) to reticulate natural gas in the Local Government Areas of Dubbo, Gilgandra, Warrumbungle, Mid Western Regional, Gunnedah, Tamworth Regional and Liverpool Plains.

The Tribunal invites public submissions on the application. A summary of the application details can be obtained from the Tribunal's offices. Submissions should address the assessment criteria contained in the Gas Supply Act 1996.

All submissions should reach the Tribunal by 19 October 2005. Inquiries to Mr Gary Drysdale (02) 9290 8477.

Dated: 9 September 2005

JAMES COX,

Chief Executive Officer and Full Time Member

Level 2,  
44 Market Street,  
Sydney NSW 2000  
PO Box Q290,  
QVB Post Office NSW 1230

### GEOGRAPHICAL NAMES BOARD

#### Erratum

IN the notice referring to the assignment of locality names and boundaries in the Wollongong Local Government Area, Folio 4134, 5 August 2005. The names for the localities of Gwynneville and Kembla Grange were spelt incorrectly. The correct spelling for these localities is as they appear in this notice.

W. WATKINS,  
Chairman

Geographical Names Board  
PO Box 143, Bathurst NSW 2795

### HEALTH SERVICES ACT 1997

#### Order amending the Scale of Fees for Hospital and other Health Services

PURSUANT to section 69 of the Health Services Act 1997, I, Robyn Kruk, Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, do by this Order hereby amend the currently applying Scale of Fees for hospital and other health services to the extent and in the manner set forth in the following Schedule to take effect on and from 1 October 2005.

ROBYN KRUK,  
Director-General

#### SCHEDULE

#### AMENDMENT OF SCALE OF FEES

delete from Part 3 – Other Charges in its entirety item 3A. relating to “BRAIN INJURY REHABILITATION SERVICES”, and insert instead the following matter:

3A. BRAIN INJURY REHABILITATION SERVICES provided by designated units of public hospitals in respect of compensable patients requiring brain injury rehabilitation services (including diagnostic services)

Daily Fee  
\$

3A.1. Admitted Patient Services	
Category A patient	865
Category B patient	555
Category X patient	1,230

3A.2. Transitional Living Unit	
Category A patient	615
Category B patient	305
3A.3. Non Admitted Patient Services (including Outreach)	\$60 per half hour or part thereof
3A.4. Outpatient Medical Clinic Appointments	Standard Fee \$
Medical Consultation – New (initial assessment)	205
Medical Consultation – Review (follow-up appointment)	100
3A.5. Group Activities	per half hour or part thereof \$
Qualified	40
Unqualified	25

Note: Categories, classifications or descriptions of service referred to in this Part 3A are to be considered the same as those defined or set out in Department of Health Policy Directive PD 2005\_396, or as subsequently amended or revised from time to time.

### LEGAL PROFESSION ACT 1987

#### Legal Practitioners Admission Rules 1994

BY decision of the Legal Practitioners Admission Board, the Third Schedule is amended to read as follows:

	Third Schedule	
	Fee to 30/9/05	Fee from 1/10/05
Student registration application	120	150
Rule 67 application	30	30
Student course application	30	30
Rule 71 review	30	30
Academic transcript	30	30
Interview with examiner	80	90
Examination	70	90
Additional fees – examination in unscheduled location in a single examination period, where permitted:		
NSW first subject/additional subject	200/120	200/150
Elsewhere in Australia first subject/additional subject	250/150	250/200
Overseas first subject/additional subject	350/210	450/350
S13 application	120	200
Academic exemption application	140	180
Practical training exemption application	120	180
Admission application – Forms 10, 11	350	360
Re-admission application – Form 12	500	720
Certificate of admission – Form 7	30	30
Original diplomas and certificates	100	100
Other applications and certificates	30	30
Late application (where permitted):		
Board examination-related	50	50
Admission-related and other	50	80
Photocopying – up to two pages	1	1
Dishonoured cheque	30	33



**LEGAL PROFESSION ACT 1987**

## Legal Practitioners Admission Rules 1994

BY decision of the Legal Practitioners Admission Board, rule 43 is amended to read as follows:

- 43 (1) A law school which proposes to offer an accredited law degree with effect from 1 January in any year may apply to the Board by 30 June in the preceding year for accreditation of the degree.
- (2) With its application, the applicant law school shall submit details of the subjects proposed to be taught and the proposed requirements for entitlement to the law degree.
- (3) The Board shall refer all material supplied under subrules (1) and (2) to the Legal Qualifications Committee, which shall refer the material to the Accreditation Sub-Committee.
- (4) The Accreditation Sub-Committee shall, after considering the material supplied under subrule (3), recommend to the Legal Qualifications Committee:
- (a) that the degree be recognised as requiring the completion of a tertiary academic course in Australia which includes the equivalent of at least three years full-time study of law, being a course of study which requires a satisfactory level of understanding and competence in the areas of knowledge referred to in the Fifth Schedule except for the trust accounting component of Professional Conduct;
- (b) that the degree be so recognised only in respect of a holder of the degree who has taken one or more designated elective subjects within the degree; or
- (c) that the degree not be so recognised.
- (5) The Legal Qualifications Committee shall, after considering the recommendation of the Accreditation Sub-Committee under subrule (4), make its own recommendation to the Board.
- (6) The Board shall, after considering the recommendation of the Legal Qualifications Committee under subrule (5):
- (a) accredit the degree;
- (b) accredit the degree only in respect of a holder of the degree who has taken one or more designated elective subjects within the degree; or
- (c) refuse to accredit the degree;
- in each case with effect from 1 January in the succeeding year, and notify the law school accordingly.

**MENTAL HEALTH ACT 1990**

## Order under section 208

I, Robyn Kruk, Director-General of the NSW Department of Health, in pursuance of section 208 of the Mental Health Act 1990 do hereby DECLARE the "Dubbo Base Hospital", composed of the premises known as the Mental Health Inpatient Unit, to be a hospital for the purposes of the Mental Health Act 1990.

Signed, this 29th day of August 2005.

ROBYN KRUK,  
Director-General

**MENTAL HEALTH ACT 1990**

## Order under Section 208

I, Robyn Kruk, Director-General of the NSW Department of Health, in pursuance of section 208 of the Mental Health Act 1990 and section 43 of the Interpretation Act 1987, do hereby repeal all previous orders made or taken to have been made in respect of premises at Manly Hospital as a "hospital" for the purposes of section 208 of the Mental Health Act 1990, and do hereby declare the "Manly Hospital", composed of the premises known as the East Wing, to be a hospital for the purposes of the Mental Health Act 1990.

Signed, this 29th day of August 2005.

ROBYN KRUK,  
Director-General

**PARENTS AND CITIZENS ASSOCIATIONS  
INCORPORATION ACT 1976**

## Notice

I, the Honourable Carmel Mary Tebbutt, M.L.C., Minister for Education and Training, do, by this notice pursuant to section 21 (1) of the Parents and Citizens Associations Incorporation Act 1976, cancel the incorporation of the following parents and citizens associations.

Cancellation is effective as at the date of gazettal.

Croydon Park Public School Parents and Citizens  
Association

Warilla Public School Parents and Citizens  
Association

CARMEL MARY TEBBUTT, M.L.C.,  
Minister for Education and Training

**40 YEAR SERVICE MEDAL PRESENTATION**

9 AUGUST 2005

## RECIPIENT LIST

Mr Robert Ahern	Department of Primary Industries
Mr Robert Aitken	NSW Fire Brigades
Mr Garnet Spencer Alchin	Department of Education and Training
Mr Thomas Alfred Allan	Formerly Pacific Power
Mr Russell John Arkinstall	NSW Police
Mr Russell Albert Bott	Public Trustee
Mr John Bowler	Department of Primary Industries
Mr David Robert Burns	Department of Education and Training
Mr William Frederick Callinan	Department of Primary Industries
Mr Maxwell John Castle	NSW Police
Mr Richard Michael Collier	Office of State Revenue
Mr John Edward Compagnoni	Formerly Pacific Power
Mr Allan Douglas Cook	Transport NSW
Dr Roger Cook	Department of Primary Industries
Ms Alison Davey	Department of Education and Training
Mr Rex James Dollin	Department of Education and Training

Mr Alan Early	Department of Commerce	Mr Neil Wilfrid Saunders	Department of Primary Industries
Mr Robert Joseph James East	Office of State Revenue	Mr Steven Joseph Sheen	NSW Police
Mr Raymond Galbraith	Department of Community Services	Mr Peter Sheils	Department of Commerce
Mr Ian Laurence Garling	Department of Education and Training	Mr Jeffrey James Small	Public Trustee
Mr James Anthony Goldie	Department of Primary Industries	Mr Rodney Hugh Squire	Department of Primary Industries
Mr Eric Robert Hatfield	Department of Infrastructure, Planning and Natural Resources	Mr Ian Christopher Stuart	Formerly Pacific Power
Dr David Hennessy	Department of Primary Industries	Mr Alan John Thompson	NSW Police
Mr Gerard Francis Herbert	Office of State Revenue	Mr Warren Stanford Walz	Hunter New England Area Health Services
Mr Michael Arthur Hopkins	Transport NSW	Mr David Leslie Wilcockson	Businesslink
Mr Timothy Jessep	Department of Primary Industries	Mr John Bruce Williams	Formerly Pacific Power
Mr Kerry Anthony Jear	Department of Education and Training	Mr Allan Sydney Wise	Transport NSW
Mr David Christopher Johnson	Department of Environment and Conservation	Mr Anthony Zarb	Department of Commerce
Mr Peter Graeme Johnson	Department of Education and Training		
Mr Stanley Peter Johnson	Office of State Revenue		
Mr Michael Kennedy	NSW Police		
Mr Darrell Charles Loewenthal	Department of Gaming and Racing		
Mr Dennis McGuigan	Office of State Revenue		
Mr Harry Peter McKinnon	NSW Police		
Mr Allan Lawrence McVay	Department Independent Transport Safety and Reliability Regulator		
Mr Gordon Alexander Morrison	Department of Community Services		
Mr Steven Richard Nossiter	Department of Education and Training		
Mr Terrence Joseph O'Brien	NSW Police		
Mr Michael O'Shea	Department of Commerce		
Mr Anthony Patterson	Department of Commerce		
Mr Garry John Alfred Payne	Department of Local Government		
Mr Dundas John Penman	Public Trustee		
Dr Barbara Read	Department of Primary Industries		
Mr John Anthony Robinson	Transport NSW		

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### SUBORDINATE LEGISLATION ACT 1989

#### Review of the Firearms (General) Regulation 1997 – Regulatory Impact Statement

THE Director General of the Ministry for Police conducted a review of the Firearms (General) Regulation 1997, pursuant to section 10 (2) (a) of the Subordinate Legislation Act 1989. A Regulatory Impact Statement has been prepared and the proposed Firearms Regulation 2005 has been drafted.

As part of the review, the Ministry is calling for interested parties to make written submissions on the Regulatory Impact Statement and the proposed Firearms Regulation 2005.

A copy of the draft Regulation and Regulatory Impact Statement can be obtained by contacting the Ministry for Police (02) 8263 6200.

The closing date for submissions is Friday 4 November 2005. All submissions should be addressed to:

Firearms Regulation Review  
The Director-General  
Ministry for Police  
Level 13, 201 Elizabeth Street  
Sydney NSW 2000.

Submissions can be lodged via email at:

[gunreg@police.nsw.gov.au](mailto:gunreg@police.nsw.gov.au)

For enquiries only, please ring (02) 8263 6261.

# 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

### BATHURST REGIONAL COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BATHURST regional Council declares with the approval of His Excellency the Lieutenant 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 the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of road widening. Dated at Bathurst 1 June 2005. D. SHERLEY, General Manager, Bathurst Regional Council, PMB 17, Bathurst NSW 2795.

#### SCHEDULE

Lots 1 and 2 in DP 1074112. [1597]

### FAIRFIELD CITY COUNCIL

Roads Act 1993, Section 116

Proposed Height Restriction In Spencer Lane, Fairfield

NOTICE is hereby given that Council (as part of redesign of Spencer Street) proposes to restrict heavy vehicles from using Spencer Lane to access Spencer Street. Over-height vehicles will be required to use Nelson Street as the exit.

It is proposed to enforce this restriction with a physical height restriction (similar type of restriction installed in car parks) over 2.9 metres high entering Spencer Street from Spencer Lane.

Council is now seeking comments on the proposal from the public and interested organisations. Submissions, in writing, either by the way of support or objection to the proposal, must reach Council by Friday, 14 October 2005 (please quote Council's reference number G10-07-820).

For further information, please contact Council's Traffic and Road Safety Branch on 9725 0261. A. YOUNG, City Manager, PO Box 21, Fairfield NSW 1860 [1598]

### GREATER TAREE CITY COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Part 2 – Roads, Division 2 – Naming of Roads

NOTICE is hereby given that Greater Taree City Council, in pursuance of the above act and regulations, has named an existing lane in Wingham as *McKinlay Lane*. McKinlay Lane runs off Stackmans Lane (between Queen and Marlee Streets). PHIL PINYON, General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430 [1599]

### PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

THE Port Macquarie-Hastings Council hereby gives notice pursuant to Section 10 of the Roads Act 1993, that the land detailed in the Schedule hereto is dedicated as public road. B SMITH, General Manager, Port Macquarie-Hastings Council, PO Box 84, Port Macquarie, NSW 2444.

#### SCHEDULE

All that land comprised within Lot 52 Deposited Plan 874058, Parish and County of Macquarie and situate on Hastings River Drive, Port Macquarie. [1600]



## OBERON COUNCIL

## PUBLIC NOTICES

NOTICE is hereby given to the persons named hereunder that Oberon Council has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder, of which the persons named appear to be the owners or in which they appear to have an interest, and on which the rates in each case, as at 30 June 2005, were due:

<i>Assessment Number</i>	<i>Owner or persons having an interest in the land</i>	<i>Description of Land</i>	<i>Rates and Annual Charges Outstanding in excess of 5 years</i>	<i>Total Outstanding as at 30 June 2005</i>
	(a)	(b)	(c)	(d)
624-00400-8	Pine Forests of Australia	Lot 4 in DP 264564, Parish: Duckmaloi	2,201.85	8,622.75
624-00500-5	Pine Forests of Australia	Lot 5 in DP 264564. Parish: Duckmaloi	1,335.93	4,205.23
624-00611-0	Pine Forests of Australia	Lots 12 and 14 in DP 701242	3,971.94	11,734.82
624-00900-7	Pine Forests of Australia	Lot 9 in DP 264564, Parish: Duckmaloi	1,859.22	7,312.03
624-01000-5	Pine Forests of Australia	Lot 10 in DP 264564, Parish: Duckmaloi	1,859.22	7,312.03
686-40000-3	Pine Forests of Australia	Lots 6101-6140 in DP 214833, Parish: Garrynian	347.85	1,721.71
945-10000-6	MACAULEY, William	Lot 1 in DP 759100, Parish: Jocelyn	662.13	1,925.63
2238-10100-6	MORAN, Charles	Lot 2 in DP 114562, Parish: Swatchfield	1,034.91	3,131.19
3138-00000-9	Pine Growers and others and Pine Forests of Australia	Lots 92, 140, 232 in DP 753052; Lots 29, 72, 73 in DP 753029, Lot F in DP 159858, Parish: Gilmandyke	1,522.21	10,446.11
3149-00000-6	ROSS C/- Pine Forests of Australia	Part Lot 1 in DP 389173, Parish: Gilmandyke	174.67	1,169.59
3171-00000-7	PEARCE, Daniel George and THOMPSON, Judith Rosanne	Lot 275 in DP 757054, Parish: Irene	179.56	1,215.07
3286-00000-9	Amalgamated Miners Association of NSW	Lot A in DP 943747, Parish: Jeremy	716.30	1,964.55
3378-00000-8	O'REGAN, Dennis James	Lots 21 and 22 in DP 3552 Section 1, Parish: Mt David	145.70	1,641.31
3379-00000-7	O'REGAN, Dennis James	Lots 23-27 in DP 3552 Section 1, Parish: Mt David	156.22	1,060.26
3387-00000-7	O'REGAN, Dennis James	Lot 4 in DP 3552 Section 2, Parish: Mt David	155.70	1,243.20
3377-00000-9	HOPE, Henry Patrick	Lot 19 in DP 3552 Section 1, Parish: Mt David	150.26	1,014.51
3375-00000-1	HAWKINS, Martin	Lot 8 in DP 3552 Section 1, Parish: Mt David	150.26	1,014.51
3401-00000-9	Pine Growers and Pine Forests of Australia	Lot 46 in DP 753029, Parish: Gilmandyke	199.09	1,263.23
3402-00000-8	MITHCELL C/- Pine Forests of Australia	Lot 49 in DP 753029, Parish: Gilmandyke	251.68	1,673.49
3404-00000-6	BANCROFT & OTHERS C/- Pine Forests of Australia	Lot 86 in DP 753052, Parish: Carrawa	199.09	1,333.47
3408-00000-2	WEEPERS C/- Pine Forests of Australia	Lot 233 in DP 753052, Parish: Carrawa	199.09	1,333.47
3481-00000-2	Pine Forests of Australia	Lot 33 in DP 657892, Parish: Gilmandyke	734.15	4,414.98

<i>Assessment Number</i>	<i>Owner or persons having an interest in the land</i>	<i>Description of Land</i>	<i>Rates and Annual Charges Outstanding in excess of 5 years</i>	<i>Total Outstanding as at 30 June 2005</i>
(a)	(b)	(c)	(d)	(e)
3380-00000-4	TZOVARAS, George	Lot 28 in DP 3552, Section 1, Parish: Mt David	611.90	2,253.35
3383-00000-1	TZOVARAS, George	Lot 33 in DP 3552, Section 1, Parish: Mt David	631.23	2,183.12
3390-00000-2	TZOVARAS, George	Lot 8 in DP 3552, Section 2, Parish: Mt David	631.23	2,932.72

In default of payment to Oberon Council of the amount stated in Column (d) above and any other rates (including extra charges) becoming due and payable after 30 June 2005, or any arrangement satisfactory to the Oberon Council for payment of all such rates being entered into by the rateable person, before the time fixed for sale, the said land will be offered for sale by public auction by a licensed auctioneer at Oberon Council's Chambers, 137-139 Oberon Street, Oberon, on Saturday 10 December 2005, commencing at 11.00 am. BRUCE FITZPATRICK, General Manager, Council Chambers, Oberon NSW 2787

### UPPER HUNTER SHIRE COUNCIL

#### Sale of Land for Overdue Rates

NOTICE is hereby given to the person(s) named hereunder that the Council of the Shire of the Upper Hunter has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder (of which the person(s) named appear to be the owners or in which they appear to have an interest) and on which the amount of rates and charges stated in each case, as at 30 June 2005 is due:

<i>Owners or Persons having interest in the land</i>	<i>Description of land</i>	<i>Amount of rates and charges unpaid for more than 5 years from date on which they became payable and amount of interest accrued</i>		<i>Amount of other rates and charges payable and unpaid and amount of interest accrued</i>		<i>Total</i>
		<i>Rates and Charges Accrued</i>	<i>Interest</i>	<i>Rates and Charges Accrued</i>	<i>Interest</i>	
(a)	(b)	(c)		(d)		(e)
Estate of A. Mackenzie	Part Lot 1C, DP 750943	7,714.50	8,713.52			16,428.02
S. Payne	Lots 213, 215, 217 and 219, DP 750933	2,733.68	1,730.67			4,464.35
T. A. Davis	Lot 7, Sec 6, DP 758187	4,318.54	3,633.60			7,952.14
Estate of W. J. Bell	Lot 10, Sec 1, DP 758187	2,881.80	1,156.55			4,038.35
Estate of P. Luddington	Lots 1-5, DP 37583	4,119.43	1,731.79			5,851.22
M. L. Walker	Lot 10, Sec 25, DP 758003	8,916.65	5,660.89			14,577.54
J. R. Colbert	Lot 7, Sec 8, DP 758119	2,995.60	2,085.08			5,080.68
I. M. Watson	Lot 200, DP 750960	1,511.11	579.54			2,090.65
N. F. Asser	Part Lot 5, Sec 12, DP 750950	7,118.34	1,731.11			5,849.45
K. J. and B. P. Grainger	Lot 30, DP 624050	6,793.58	1,720.55			8,514.13

In default of payment to the Council of the total amount stated in column (e) above and any other rates and charges and interest becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for sale, the said land will be offered for sale by public auction by: Pat Gleeson Real Estate in the Upper Hunter Shire Council Chambers, 130 Liverpool Street Scone on Saturday 10 December 2005 at 10.00 a.m. **PLEASE NOTE NEW SALE DATE.** DARRYL DUTTON, General Manager

[1595]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of NITA IVY PITT (also known as Neta), late of 8 Rosemont Street, Punchbowl, in the State of New South Wales, retired shop assistant/ward clerk, who died on 17 February 2005, must send particulars of his/her claim to the executors, Roger Alan Pitt and Bronwyn Anne Pollock, 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 they have notice. Probate was granted in New South Wales on 26 August 2005. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool NSW 2170 (PO Box 1163, Liverpool BC NSW 1871), (DX 5034, Liverpool), tel.: (02) 9601 7300. [1601]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of VICTOR RUPERT EMERY, late of Forestville, in the State of New South Wales, who died on 14 February 2005, must send particulars of his claim to the Executors, Robert Victor Emery and Paul Charles Emery care of Newnhams Solicitors, 122 Castlereagh Street, Sydney, within one calendar month from publication of this notice. After that time the Executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 17 August 2005. NEWNHAMS SOLICITORS, 122 Castlereagh Street, Sydney NSW 2000, tel.: (02) 9264 7788. [1602]

**COMPANY NOTICES**

NOTICE of dissolution of partnership.—Notice is hereby given that the business FULLSTICK OFFSHORE FISHING CHARTERS, ABN 55587504024 is from 1 April 2005 no longer conducted in partnership by Scott Woodward and Jason Young. Since 1 April 2005 the business Fullstick Offshore Fishing Charters has been conducted by Scott Woodward as a sole trader. [1609]

NOTICE of voluntary liquidation.—LAVERIC PTY LIMITED, ACN 001 268 382.—Notice is hereby given pursuant to the Corporations Law that at an extraordinary general meeting of the members of the company duly convened and held on the 5 September 2005, the following resolutions were passed: “That the company be wound up voluntarily and that Mr R. L. Hill be appointed liquidator for the purpose of such winding up”. Creditors of the company are required to prove their debts or claims within one (1) month from the date of publication of this notice. Failing which they will be excluded from any distribution made and from objecting to any such distribution. Formal Proof of Debt forms are available on application to the liquidator. Dated 6 September 2005. R. L. HILL, Liquidator, 2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684, Sydney NSW 2001), tel.: (02) 9299 6521. [1603]

NOTICE of voluntary liquidation.—LYNLENNOX PTY LIMITED, ACN 008 482 871.—Notice is hereby given pursuant to the Corporations Law that at an extraordinary general meeting of the members of the company duly convened and held on the 31 August 2005, the following

resolutions were passed: “That the company be wound up voluntarily and that F. MacDonald and K. B. Raymond be appointed liquidators for the purpose of such winding up”. Creditors of the company are required to prove their debts or claims within one (1) month from the date of publication of this notice. Failing which they will be excluded from any distribution made and from objecting to any such distribution. Formal Proof of Debt forms are available on application to the liquidator. Dated 6 September 2005. F. MacDONALD and K. B. RAYMOND, Liquidators, 2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684, Sydney NSW 2001), tel.: (02) 9299 6521. [1604]

NOTICE of final general meeting.—JIMNIELD PTY LIMITED, ACN 008 482 853 (in voluntary liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final general meeting of the abovenamed company will be held at Level 2, 131 Clarence Street, Sydney NSW 2000, on 10 October 2005, at 11:30 a.m. for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator and to authorise the liquidator to destroy all books and records of the company on completion of all duties. Dated 5 September 2005. J. M. NIELD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684, Sydney NSW 2001), tel.: (02) 9299 6521. [1605]

NOTICE of final general meeting.—PIMA PTY LIMITED, ACN 001 413 903 (in voluntary liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final general meeting of the abovenamed company will be held at Level 2, 131 Clarence Street, Sydney NSW 2000, on 10 October 2005, at 10:00 a.m. for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator and to authorise the liquidator to destroy all books and records of the company on completion of all duties. Dated 7 September 2005. F. MacDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684, Sydney NSW 2001), tel.: (02) 9299 6521. [1606]

NOTICE of final general meeting.—WHOSHONE PTY LIMITED, ACN 001 423 249 (in voluntary liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final general meeting of the abovenamed company will be held at Level 2, 131 Clarence Street, Sydney NSW 2000, on 10 October 2005, at 11:00 a.m. for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator and to authorise the liquidator to destroy all books and records of the company on completion of all duties. Dated 7 September 2005. F. MacDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684, Sydney NSW 2001), tel.: (02) 9299 6521. [1607]

NOTICE of final general meeting.—MENGARIS PTY LIMITED, ACN 001 413 930 (in voluntary liquidation).—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final general meeting of the abovenamed company will be held at Level 2, 131 Clarence Street, Sydney NSW 2000, on 10 October 2005, at 10:30 a.m. for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator and to authorise the liquidator to destroy all books and records of the company on completion of all duties. Dated 7 September 2005. F. MacDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684, Sydney NSW 2001), tel.: (02) 9299 6521. [1608]