



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 141
Friday, 7 November 2008

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LEGISLATION

Allocation of Administration of Acts

The Department of Premier and Cabinet, Sydney

5 November 2008

TRANSFER OF THE ADMINISTRATION OF THE WESTERN SYDNEY PARKLANDS ACT 2006

HER Excellency the Governor, with the advice of the Executive Council, has approved of the administration of the Western Sydney Parklands Act 2006 being vested in the Premier, subject to the administration of any Act, to the extent that it directly amends another Act, being vested in the Minister administering the other Act or the relevant portion of it.

The arrangements are in substitution for those in operation before the date of this notice.

NATHAN REES,
Premier

Regulations



New South Wales

Environmental Planning and Assessment Amendment (Warnervale Contributions) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

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

KRISTINA KENEALLY, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to prohibit a development application being determined in relation to land in the State significant site of Warnervale Town Centre, as described in *State Environmental Planning Policy (Major Projects) 2005*, until a contributions plan under section 94EA of the *Environmental Planning and Assessment Act 1979* has been approved for the State significant site.

A contributions plan is not required for the determination of a development application if:

- (a) the development application is, in the opinion of the consent authority, of a minor nature, or
- (b) the developer has entered into an agreement with the consent authority that makes adequate provision in relation to the matters that may be the subject of the contributions plan.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 80 (11) and 157 (the general regulation-making power).

Clause 1 Environmental Planning and Assessment Amendment (Warnervale Contributions) Regulation 2008

Environmental Planning and Assessment Amendment (Warnervale Contributions) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Warnervale Contributions) Regulation 2008*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

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

Environmental Planning and Assessment Amendment (Warnervale Contributions) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 271B

Insert in appropriate order:

271B Contributions plans for Warnervale Town Centre State significant sites

- (1) Pursuant to section 80 (11) of the Act, a development application in relation to all or part of the Warnervale Town Centre State significant site must not be determined by the consent authority unless a contributions plan under section 94EA of the Act has been approved for that State significant site.
- (2) Despite subclause (1), a consent authority may dispense with the need for a contributions plan referred to in that subclause if:
 - (a) the development application is, in the opinion of the consent authority, of a minor nature, or
 - (b) the developer has entered into an agreement with the consent authority that makes adequate provision with respect to the matters that may be the subject of a contributions plan.
- (3) In this clause, *Warnervale Town Centre State significant site* means the Warnervale Town Centre, being the land to which *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)* applies.



New South Wales

Environmental Planning and Assessment Amendment (Wyang State Significant Sites Contributions) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

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

KRISTINA KENEALLY, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to prohibit a development application being determined in relation to land in the Wyong State significant site of Wyong Employment Zone, as described in *State Environmental Planning Policy (Major Projects) 2005*, until a contributions plan under section 94EA of the *Environmental Planning and Assessment Act 1979* has been approved for the State significant site.

A contributions plan is not required for the determination of a development application if:

- (a) the development application is, in the opinion of the consent authority, of a minor nature, or
- (b) the developer has entered into an agreement with the consent authority that makes adequate provision in relation to the matters that may be the subject of the contributions plan.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 80 (11) and 157 (the general regulation-making power).

Clause 1 Environmental Planning and Assessment Amendment (Wyang State Significant Sites Contributions) Regulation 2008

Environmental Planning and Assessment Amendment (Wyang State Significant Sites Contributions) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Wyang State Significant Sites Contributions) Regulation 2008*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

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

Environmental Planning and Assessment Amendment (Wyong State Significant Sites Contributions) Regulation 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 271A

Insert after clause 271:

271A Contributions plans for Wyong State significant sites

- (1) Pursuant to section 80 (11) of the Act, a development application in relation to all or part of a Wyong State significant site must not be determined by the consent authority unless a contributions plan under section 94EA of the Act has been approved for that State significant site.
- (2) Despite subclause (1), a consent authority may dispense with the need for a contributions plan referred to in that subclause if:
 - (a) the development application is, in the opinion of the consent authority, of a minor nature, or
 - (b) the developer has entered into an agreement with the consent authority that makes adequate provision with respect to the matters that may be the subject of a contributions plan.
- (3) In this clause, *Wyong State significant site* means the Wyong Employment Zone, being the land to which *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)* applies.

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FAIR TRADING AMENDMENT (FUNERAL GOODS AND SERVICES) REGULATION 2008

Erratum

THE Fair Trading Amendment (Funeral Goods and Services) Regulation 2008 published in the Government Gazette on 31st October 2008 No 138 folio 10505 contained an error. The Ministers name appeared incorrectly:

DIANNE JUDGE, M.P.,
Minister for Fair Trading

This should have read:

VIRGINIA JUDGE, M.P.,
Minister for Fair Trading

This erratum now amends that error with the gazettal date remaining 31st October 2008.

Rules



New South Wales

Service and Execution of Process Act (Courts other than Supreme Court) (Repeal) Rules 2008

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 3 November 2008.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to repeal the *Service and Execution of Process Act (Courts other than Supreme Court) Rules 1972*. Those rules became obsolete on the commencement of the *Service and Execution of Process Act 1992* of the Commonwealth, and have since been superseded by Part 71A of the *Supreme Court Rules 1970*.

Rule 1 Service and Execution of Process Act (Courts other than Supreme Court)
 (Repeal) Rules 2008

Service and Execution of Process Act (Courts other than Supreme Court) (Repeal) Rules 2008

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Service and Execution of Process Act (Courts other than Supreme Court) (Repeal) Rules 2008*.

2 Amendment of Service and Execution of Process Act (Courts other than Supreme Court) Rules 1972

The *Service and Execution of Process Act (Courts other than Supreme Court) Rules 1972* are repealed.



New South Wales

Supreme Court Rules (Amendment No 415) 2008

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 3 November 2008.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to omit Part 66A of the *Supreme Court Rules 1970*, together with an associated form, as a consequence of Part 66A having been replicated in the *Uniform Civil Procedure Rules 2005*.

Rule 1 Supreme Court Rules (Amendment No 415) 2008

Supreme Court Rules (Amendment No 415) 2008

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 415) 2008*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended by omitting Part 66A and Form 70B in Schedule F.



New South Wales

Uniform Civil Procedure Rules (Amendment No 23) 2008

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 3 November 2008.

J Atkinson
Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend the *Uniform Civil Procedure Rules 2005* so as:

- (a) to require court process filed on behalf of a person who is represented by a solicitor to include the name of the solicitor, and
- (b) to make provision with respect to court appointed referral for legal assistance, and
- (c) to extend Part 25 (Interim preservation) to proceedings in the Land and Environment Court, and
- (d) to make provision with respect to the return of exhibits, and
- (e) to simplify the procedure for paying money into and out of court, and
- (f) to make other minor adjustments.

Rule 1 Uniform Civil Procedure Rules (Amendment No 23) 2008

Uniform Civil Procedure Rules (Amendment No 23) 2008

under the

Civil Procedure Act 2005

1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 23) 2008*.

2 Amendment of Uniform Civil Procedure Rules 2005

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Uniform Civil Procedure Rules (Amendment No 23) 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Rule 4.2 Documents to be filed to contain certain information

Insert after rule 4.2 (1) (e):

- (e1) if the party has engaged a solicitor to act as the party's legal representative, the name of the solicitor,

[2] Rule 4.2 (2) (d1)

Insert after rule 4.2 (2) (d):

- (d1) if the person has engaged a solicitor to act as the person's legal representative, the name of the solicitor,

[3] Rule 6.4 Where summons required

Insert after rule 6.4 (1) (i):

- (j) any other proceedings that, pursuant to these rules or any other rules of court, are required to be commenced by summons.

[4] Part 7, Division 9

Insert after Division 8:

Division 9 Court appointed referral for legal assistance

7.33 Objectives (cf SCR Part 66A, rule 1; DCR Part 28C, rule 1)

- (1) In the interpretation of this Division, preference must be given to a construction that will promote, and be consistent with, the purpose in subrule (2) and the statements in subrules (3) and (4).
- (2) The purpose of this Division is to facilitate, where it is in the interests of the administration of justice, the provision of legal assistance to litigants who are otherwise unable to obtain assistance.
- (3) The provision of legal assistance under this Division is not intended to be a substitute for legal aid.
- (4) A referral under this Division is not an indication that the court has formed an opinion on the merits of a litigant's case.
- (5) Nothing in this Division requires the court to make a referral, or to consider a litigant's case for referral, under this Division.

Uniform Civil Procedure Rules (Amendment No 23) 2008

Schedule 1 Amendments

7.34 Definitions (cf SCR Part 66A, rule 2; DCR Part 28C, rule 2)

In this Division:

litigant, in relation to any proceedings, means:

- (a) a party to the proceedings, or
- (b) a person who has been served with a subpoena in the proceedings, or
- (c) a person who has applied to be joined in the proceedings.

Pro Bono Panel means the list of barristers and solicitors referred to in rule 7.35.

registrar means:

- (a) in relation to the Supreme Court, the principal registrar of that Court, and
- (b) in relation to the Land and Environment Court, the registrar of that Court, and
- (c) in relation to the District Court when sitting at a proclaimed place (within the meaning of the *District Court Act 1973*), the registrar of the District Court for that place, and
- (d) in relation to a Local Court, the registrar for that Local Court.

scheme means the scheme for the provision of legal assistance to litigants under this Division.

7.35 Pro Bono Panel (cf SCR Part 66A, rule 3; DCR Part 28C, rule 3)

The registrar may maintain a list of persons:

- (a) who are barristers or solicitors, and
- (b) who have agreed to participate in the scheme in relation to that court.

7.36 Referral to a barrister or solicitor (cf SCR Part 66A, rule 4; DCR Part 28C, rule 4)

- (1) If satisfied that it is in the interests of the administration of justice, the court may, by order, refer a litigant to the registrar for referral to a barrister or solicitor on the Pro Bono Panel for legal assistance.
- (2) For the purposes of subrule (1), the court may take into account:
 - (a) the means of the litigant, and
 - (b) the capacity of the litigant to obtain legal assistance outside the scheme, and

Uniform Civil Procedure Rules (Amendment No 23) 2008

Amendments

Schedule 1

-
- (c) the nature and complexity of the proceedings, and
 - (d) any other matter that the court considers appropriate.
- (3) The power to refer may be exercised in the absence of the public and without any attendance by or on behalf of any person.
 - (4) If a litigant is referred for assistance under this rule, the registrar must attempt to arrange for legal assistance to be provided to the litigant by a barrister or solicitor on the Pro Bono Panel.
 - (5) The registrar may refer a litigant to a particular barrister or solicitor only if the barrister or solicitor has agreed to accept the referral.
 - (6) A referral to a barrister does not prevent a referral also being made to a solicitor and a referral to a solicitor does not prevent a referral also being made to a barrister.

7.37 Kind of assistance (cf SCR Part 66A, rule 5; DCR Part 28C, rule 5)

A referral may be made for the following kinds of assistance:

- (a) advice in relation to the proceedings,
- (b) representation on directions hearing, interlocutory or final hearing, arbitration or mediation,
- (c) drafting or settling of documents to be filed or used in the proceedings,
- (d) representation generally in the conduct of the proceedings or of part of the proceedings.

7.38 Provision of assistance by barrister or solicitor (cf SCR Part 66A, rule 6; DCR Part 28C, rule 6)

Subject to rule 7.39, if a barrister or solicitor agrees to accept a referral, he or she must provide assistance to the litigant in accordance with the referral.

7.39 Cessation of assistance (cf SCR Part 66A, rule 7; DCR Part 28C, rule 7)

- (1) A barrister or solicitor who has agreed to accept a referral may cease to provide legal assistance to the litigant only:
 - (a) in the circumstances set out in any practice rules governing professional conduct that apply to the barrister or solicitor, or
 - (b) with the written agreement of the litigant, or
 - (c) with the leave of the registrar.

Uniform Civil Procedure Rules (Amendment No 23) 2008

Schedule 1 Amendments

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- (2) If a barrister or solicitor ceases to provide legal assistance to a litigant, the barrister or solicitor must inform the registrar in writing within 7 days of so ceasing.

7.40 Application for leave (cf SCR Part 66A, rule 8; DCR Part 28C, rule 8)

- (1) An application by a barrister or solicitor to the registrar for leave to cease to provide legal assistance must be in writing and must briefly state the reasons for the application.
- (2) A copy of the application for leave must be served on the litigant.
- (3) An application for leave may be heard by the registrar in the absence of the public and without any attendance by or on behalf of any person.
- (4) In deciding whether to grant leave under this rule, the registrar may consider any of the following matters:
- (a) whether the barrister or solicitor would be likely to be able to cease to provide legal assistance to the litigant under any practice rules governing professional conduct that apply to the barrister or solicitor,
 - (b) any conflict of interest that the barrister or solicitor may have,
 - (c) whether there is a substantial disagreement between the barrister or solicitor and the litigant in relation to the conduct of the litigation,
 - (d) any view of the barrister or solicitor:
 - (i) that the litigant's case is not well founded in fact or law, or
 - (ii) that the litigant's prosecution of the litigation is an abuse of process,
 - (e) whether the barrister or solicitor lacks the time to provide adequate legal assistance to the litigant because of other professional commitments,
 - (f) whether the litigant has refused or failed to pay any disbursements requested under rule 7.42,
 - (g) whether it is unfair to the barrister or solicitor to require him or her to continue to provide legal assistance under the scheme,
 - (h) any other matter that the registrar considers relevant.
- (5) An application for leave under this rule and any related correspondence:
- (a) is confidential, and

Uniform Civil Procedure Rules (Amendment No 23) 2008

Amendments

Schedule 1

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- (b) is not part of the proceedings in relation to which the referral was made, and
 - (c) does not form part of the court file in relation to those proceedings.

7.41 Costs (cf SCR Part 66A, rule 9; DCR Part 28C, rule 9)

- (1) Subject to subrules (2) and (3) and rule 7.42, a barrister or solicitor who provides legal assistance to a litigant under the scheme must not seek or recover any costs for the legal assistance.
- (2) If an order for costs is made in favour of a litigant who is assisted under the scheme, the barrister or solicitor who has provided the legal assistance is entitled to recover the amount of costs that another person is required to pay under the order.
- (3) A barrister or solicitor must account to the litigant for any money received by the barrister or solicitor in respect of any disbursements that have been paid by the litigant.

7.42 Disbursements (cf SCR Part 66A, rule 10; DCR Part 28C, rule 10)

A barrister or solicitor who provides legal assistance to a litigant under the scheme may request the litigant to pay any disbursements that have been, or may reasonably be, incurred by the barrister or solicitor on the litigant's behalf in connection with the legal assistance.

[5] Rule 11.13 Application

Insert “, or some other person authorised by the Attorney General for the purposes of this rule,” after “Attorney General” in rule 11.13 (b) (ii).

[6] Rule 20.6 Mediation session procedure

Insert at the end of the rule:

- (2) A person who is required by subrule (1) (a) to attend a mediation session may do so by telephone, video link or other form of communication, but only with the leave of the court or the mediator.

[7] Rule 25.1 Application

Insert “, Land and Environment Court” after “Supreme Court” in rule 25.1 (1).

Uniform Civil Procedure Rules (Amendment No 23) 2008

Schedule 1 Amendments

[8] Rule 31.16A

Insert after rule 31.16:

31.16A Return of exhibits (cf SCR Part 75, rule 31)

Where proceedings have been concluded and:

- (a) 4 months have expired since the conclusion, and
- (b) there is no undisposed of appeal, or application for leave to appeal, in respect of the proceedings,

the registrar may, unless the court otherwise orders, return any exhibit in the proceedings still in the custody of the registrar by forwarding it to the party from whom it was received.

[9] Rule 36.11 Entry of judgments and orders

Omit rule 36.11 (2). Insert instead:

- (2) Unless the court orders otherwise, a judgment or order is taken to be entered when it is recorded in the court's computerised court record system.

[10] Rule 41.3 Withdrawal of deposited funds

Omit rule 41.3 (2) and (3).

[11] Part 55, Division 3

Omit the Division. Insert instead:

Division 3 Payment into court**55.8 Application** (cf SCR Part 70, rule 10)

This Division applies to the payment of funds into court under Part 4 of the *Trustee Act 1925* and to proceedings arising out of payment into court under that Part.

55.9 Proceedings for directions as to payment into court (cf SCR Part 70, rules 11 and 12)

- (1) Proceedings to pay money into court are to be commenced by summons.
- (2) The summons:
 - (a) must be supported by an affidavit that complies with rule 55.10, and
 - (b) must be accompanied by a cheque payable to "The Supreme Court of New South Wales" in the amount of the funds to be paid into court.

Uniform Civil Procedure Rules (Amendment No 23) 2008

Amendments

Schedule 1

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- (3) Unless the Supreme Court otherwise orders, the summons must not join any person as a defendant in the proceedings.
 - (4) Unless the Supreme Court otherwise orders, a copy of the summons must be served, within one day after it is filed, on each person identified in the affidavit as a person interested in or entitled to the funds.

55.10 Affidavit in support of summons (cf SCR Part 70, rule 13)

The affidavit under rule 55.9 must set out the following:

- (a) a short description of the trust and of the instrument creating it or, as the case may be, of the circumstances in which the trust arose,
- (b) the amount and description of the funds,
- (c) the name and address, so far as known to the deponent, of each person interested in or entitled to the funds,
- (d) if any person interested in or entitled to the funds is a minor:
 - (i) the name and address, so far as known to the deponent, of a parent or guardian of the minor's person or estate, or
 - (ii) if the minor has no such parent or guardian or any such parent's or guardian's name or address is unknown to the deponent, the name and address, so far as known to the deponent, of a person with whom the minor resides or in whose care the minor is,
- (e) if any person interested in or entitled to the funds is a protected person:
 - (i) the name and address, so far as known to the deponent, of the protected person's manager, or
 - (ii) if the protected person has no manager or any such manager's name or address is unknown to the deponent, the name and address, so far as known to the deponent, of a person with whom the protected person resides or in whose care the protected person is,
- (f) the name of the person paying the funds into court and his or her address for service.

Uniform Civil Procedure Rules (Amendment No 23) 2008

Schedule 1 Amendments

55.11 Proceedings for directions as to payment out of court

- (1) Funds that have been paid into court may only be paid out of court pursuant to the directions of the Supreme Court.
- (2) An application for such directions is to be made by filing a notice of motion in the proceedings in which the funds were paid into court.

55.12 Inquiries (cf SCR Part 70, rule 15)

A person paying funds into court must answer all such inquiries relating to the application of the funds as the Supreme Court may make or direct.

OFFICIAL NOTICES**Appointments****ABORIGINAL LAND RIGHTS ACT 1983****NOTICE**

I, the Honourable PAUL LYNCH, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231(2) of the Aboriginal Land Rights Act 1983 (the Act), extend the appointment of Mr Frank Lo PILATO as Administrator to the Jerrinja Local Aboriginal Land Council for the period from 3 November 2008 to 28 February 2009. During the period of his appointment, the Administrator will have all of the functions of the Jerrinja Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The Administrator's remuneration and expenses are not to exceed \$45 000 excluding GST without the prior approval of NSWALC. The Administrator's remuneration may include fees payable for the services of other personnel within the Administrator's firm who provide services as agents of the Administrator.

Signed and sealed this 31st day of October 2008.

PAUL LYNCH, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

BOXING AND WRESTLING CONTROL ACT 1986**Appointment of Member to the
Boxing Authority of New South Wales**

PURSUANT to the provisions of Section 4 of the Boxing and Wrestling Control Act 1986, Dr Ameer IBRAHIM is hereby appointed to the office of Member of the Boxing Authority of NSW (being nominated by the Australian Sports Medicine Federation, New South Wales Branch) for a term of office from 29 October 2008 until 19 May 2009.

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

Department of Lands

DUBBO OFFICE
142 Brisbane Street (PO Box 865), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6882 6920

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

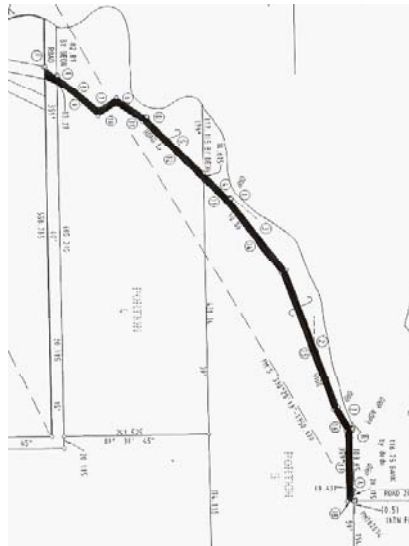
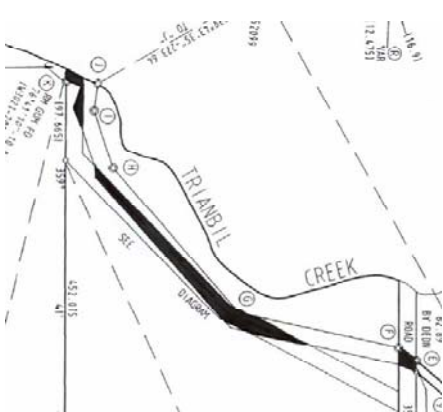
The Crown public road through Lots 5, 4 and 17 and 30, DP 756911, as shown black on diagrams, Parish of Triamble, County of Wellington.

SCHEDULE 2

Road Authority: Mid-Western Regional Council.

File No.: W391406.

Council's Reference: LM:PO676811.



GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4824 3700 Fax: (02) 4822 4287****REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Young. Local Government Area: Young Shire Council. Locality: Young. Reserve No.: 64447. Public Purpose: Public recreation. Notified: 16 March 1934. File No.: GB94 R 17/1:JK.	The part being Lot 1, DP 1132086, Parish Young, County Monteagle, of an area of 869 square metres.
Note: Sale of Lot 1, DP 1132086, unconstructed Crown road.	

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Adam James Phillot MILNE (new member).	Tallong Public Hall and Recreation Trust.	Reserve No.: 88933. Public Purpose: Public recreation and public hall. Notified: 15 June 1973. File No.: GB91 R 56/2.

Term of Office

For a term commencing the date of this notice and expiring 20 March 2013.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 8124

ROADS ACT 1993**ORDER**

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

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

Crown public road now known as Lots 9, 11 and 15 in DP 1082875.

Width to be Transferred: 20.115 wide.

SCHEDULE 2

Roads Authority: Tweed Shire Council.

Department of Lands Reference: GF07 H 9.

SCHEDULE 1

*Parish – Never Never; County – Raleigh;
Land District – Bellingen; Shire – Bellingen Shire Council*

Crown public road within Lot 4 and separating Lot 12 from Lot 13, DP 806690; within Lot 10, DP 820022; southwest of Lot 9, DP 820022.

Width to be Transferred: 20.115 wide.

SCHEDULE 2

Roads Authority: Bellingen Shire Council.

Department of Lands Reference: GF07 H 72.

SCHEDULE 1

*Parish – Wyon; County – Richmond;
Land District – Casino; Shire – Richmond Valley Council*

Crown public road within Lot 103, DP 1005685 and Lot 12, DP 874325 and intersection.

Width to be Transferred: 20.115 wide.

SCHEDULE 2

Roads Authority: Richmond Valley Council.

Department of Lands Reference: 08/7198.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

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

Road Closed: Lot 1, DP 1128061 at Alummy Creek, Parish Great Marlow, County Clarence.

File No.: GF06 H 241.

Schedule

On closing, the land within Lot 1, DP 1128061 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1131025 at Great Marlow, Parish Great Marlow, County Clarence.

File No.: GF05 H 247.

Schedule

On closing, the land within Lot 1, DP 1131025 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1127879 at Gulmarrad, Parish Taloumbi, County Clarence.

File No.: GF04 H 310.

Schedule

On closing, the land within Lot 1, DP 1127879 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1126967 at Dorrigo Mountain, Parish Bligh, County Fitzroy.

File No.: GF05 H 915.

Schedule

On closing, the land within Lot 1, DP 1126967 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Richmond Valley

Road Closed: Lots 1 to 8 inc., DP 1131908 at Casino, Parish North Casino, County Rous.

File No.: GF07 H 17.

Schedule

On closing, the land within Lots 1 to 8 inc., DP 1131908 remains vested in the State of New South Wales as Crown Land.

**ASSIGNMENT OF CORPORATE NAME OF
RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Nambucca Heads Public Recreation (R81262) Reserve Trust.	Reserve No.: 81262. For: Public recreation. Notified: 28 November 1958. File No.: GF00 R 52.

GRIFFITH OFFICE

**2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670**

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Gordon Henry McDONALD (new member).	Post School Options/Ningana (R.83392) Reserve Trust.	Reserve No.: 83392. Public Purpose: School for sub-normal children. Notified: 11 August 1961. File No.: GH03 R 3/1.

Term of Office

For a term commencing the date of this notice and expiring 20 September 2012.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****NOTIFICATION OF CLOSING OF ROAD**

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

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

Description

*Parish – Gosforth; County – Northumberland;
Land District – Maitland;
Local Government Area – Maitland*

Road Closed: Lot 1, DP 1127197 at Windella.

File No.: MD05 H 548.

Note: On closing, the land within Lot 1, DP 1127197 will remain vested in the Crown as Crown Land.

Description

*Parish – Maitland; County – Northumberland;
Land District – Maitland;
Local Government Area – Maitland*

Road Closed: Lot 1, DP 1122727 at Metford.

File No.: MD06 H 387.

Note: On closing, the land within Lot 1, DP 1122727 will remain vested in the Crown as Crown Land.

MOREE OFFICE
Frome Street (PO Box 388), Moree NSW 2400
Phone: (02) 6750 6400 Fax: (02) 6752 1707

**DRAFT ASSESSMENT OF CROWN LAND UNDER
PART 3 OF THE CROWN LANDS ACT 1989 AND
THE CROWN LANDS REGULATION 2000**

Draft Assessment of Crown Land at Berrygill Creek

THE Minister for Lands has prepared a draft assessment for the Crown Land described hereunder.

Inspection of this draft assessment can be made at the office of the Department of Lands, on the corner of Frome and Heber Streets, Moree, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty eight (28) days commencing from the 7th November 2008 until 5th December 2008 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 388, Moree NSW 2400. Please quote reference number 08/2025.

The lands are reserved under the Crown Lands Act 1989 and currently zoned 1(a) Rural under the provisions of Moree Plains Shire Local Environmental Plan 1995.

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

Description

Land District – Moree; Council – Moree Plains Shire

The assessment area includes approximately 111.3 hectares of Crown Land 50km to the north east of Narrabri off the Narrabri to Berrygill Creek Road. This land is known as Licence 378020 for Grazing (Lot 62, DP 751752), Parish of Bombell, County of Courallie.

Contact: David Baber (02) 6750 6411.

**REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Narrabri	That whole of Reserve
Local Government Area: Narrabri Shire	93760 comprising Lots 42 and 43 in DP 754934
Reserve No: 93760	Parish Coryah
Purpose: Future Public Requirements	County Nandewar having an area of 1230.3 ha.
Notified: 10 October 1980	
File No: ME04H565	

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Narrabri	That whole of Reserve 93938
Local Government Area: Narrabri Shire	comprising Lots 8 and 28 in DP 757109 Parish Loder
Reserve No: 93938	County White having an area of 313.9 ha.
Purpose: Future Public Requirements	
Notified: 7 November 1980	
File No: ME04H534	

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Bingara	That whole of Reserve 74864
Local Government Area: Gwydir Shire	comprising Lot 2 in DP 1121109 Parish Bangheet
Reserve No: 74864	County Murchison having an area of 582.7 ha.
Purpose: From Sale Generally	
Notified: 28 March 1952	
File No: ME06H166	

NEWCASTLE OFFICE

437 Hunter Street, Newcastle NSW 2300 (PO Box 2185, Dangar NSW 2309)

Phone: (02) 4920 5000 Fax: (02) 4925 3489

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

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

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

SCHEDULE

*Column 1**Column 2*

Reserve No.: 79054. Communication Facilities.
Public Purpose: Water Supply.
Notified: 1 November 1956.
Locality: Leeton.

Reserve No.: 82916. Communication Facilities.
Public Purpose: Public recreation.
Notified: 2 December 1960.
Locality: Port Macquarie.

Reserve No.: 84373. Communication Facilities.
Public Purpose: Water supply
and public recreation.
Notified: 5 April 1963.
Locality: Uralla.

Reserve No.: 94355. Communication Facilities.
Public Purpose: Bush fire brigade.
Notified: 6 March 1981.
Locality: Cessnock.

Reserve No.: 59220. Communication Facilities.
Public Purpose: Public recreation.
Notified: 15 October 1926.
Locality: Kirrawee.

Reserve No.: 1001040. Communication Facilities.
Public Purpose: Public recreation
and environmental protection.
Notified: 19 December 1997.
Locality: Coffs Harbour.

Reserve No.: 89414. Communication Facilities.
Public Purpose: Reservoir.
Notified: 27 March 1975.
Locality: Lightning Ridge.

Reserve No.: 91280. Communication Facilities.
Public Purpose: State emergency
services.
Notified: 3 November 1978.
Locality: Boggabilla.

Reserve No.: 91374. Communication Facilities.
Public Purpose: Public recreation.
Notified: 26 January 1979.
Locality: Narooma.

Reserve No.: 97344. Communication Facilities.
Public Purpose: Public recreation.
Notified: 6 July 1984.
Locality: Wollongong.

Reserve No.: 88567. Communication Facilities.
Public Purpose: Public hall and
bush fire brigade purposes.
Notified: 21 April 1972.
Locality: Patonga.

Reserve No.: 52228. Communication Facilities.
Public Purpose: Public recreation.
Notified: 25 May 1917.
Locality: Lakemba.

Reserve No.: 83288. Communication Facilities.
Public Purpose: Reservoir.
Notified: 28 July 1961.
Locality: Urunga.

Reserve No.: 230095. Communication Facilities.
Public Purpose: Rural services
and government purposes.
Notified: 30 August 1996.
Locality: Cobar.

Reserve No.: 87882. Communication Facilities.
Public Purpose: Bush fire brigade.
Notified: 7 August 1970.
Locality: Wollombi.

Reserve No.: 46358. Communication Facilities.
Public Purpose: Trigonometrical
purposes.
Notified: 1 March 1911.
Locality: Girilambone.

Reserve No.: 70552. Communication Facilities.
Public Purpose: Travelling stock.
Notified: 24 April 1942.
Locality: Girilambone.

Reserve No.: 27715. Communication Facilities.
Public Purpose: Travelling stock.
Notified: 4 June 1898.
Locality: Trigamon.

Reserve No.: 1357. Communication Facilities.
Public Purpose: Trigonometrical
purposes.
Notified: 13 November 1882.
Locality: Ben Lomond.

Reserve No.: 620013. Communication Facilities.
Public Purpose: Town hall.
Notified: 15 January 1886.
Locality: Cootamundra.

Reserve No.: 88013. Communication Facilities.
Public Purpose: Reservoir.
Notified: 20 November 1970.
Locality: Hay.

Reserve No.: 500465. Communication Facilities.
Public Purpose: Public park.
Notified: 11 February 1914.
Locality: Strathfield.

Reserve No.: 62163. Communication Facilities.
Public Purpose: Public recreation.
Notified: 3 October 1930.
Locality: Strathfield.

Reserve No.: 752029. Public Purpose: Future public requirements. Notified: 29 June 2007. Parish: Frederick. County: Cumberland.	Communication Facilities.	Reserve No.: 92456. Public Purpose: Public recreation. Notified: 13 June 1980. Locality: Evans Head.	Communication Facilities.
Reserve No.: 30842. Public Purpose: Trigonometrical purposes. Notified: 21 April 1900. Locality: Colinroobie.	Communication Facilities.	Reserve No.: 83492. Public Purpose: Public recreation. Notified: 6 October 1961. Locality: Allambie Heights.	Communication Facilities.
Reserve No.: 53585. Public Purpose: Trigonometrical purposes. Notified: 31 October 1919. Locality: Wollarma.	Communication Facilities.	Reserve No.: 93912. Public Purpose: Public recreation. Notified: 31 October 1980. Locality: Balgowlah Heights.	Communication Facilities.
Reserve No.: 69768. Public Purpose: Water supply. Notified: 10 January 1941. Locality: Leeton.	Communication Facilities.	Reserve No.: 96864. Public Purpose: Bush fire brigade purposes. Notified: 22 July 1983. Locality: Cromer.	Communication Facilities.
Reserve No.: 1003025. Public Purpose: Public recreation. Notified: 18 January 2002. Locality: Griffith.	Communication Facilities.	Reserve No.: 500342. Public Purpose: Public recreation. Notified: 17 May 1895. Locality: Marsfield.	Communication Facilities.
Reserve No.: 37381. Public Purpose: Trigonometrical purposes. Notified: 12 March 1904. Locality: Derriwong Mountain.	Communication Facilities.	Reserve No.: 28761. Public Purpose: Public recreation. Notified: 30 December 1898. Locality: St Ives.	Communication Facilities.
Reserve No.: 755227. Public Purpose: Future public requirements. Notified: 29 June 2007. Parish: Gosford. County: Northumberland.	Communication Facilities.	Reserve No.: 1010508. Public Purpose: Public recreation and community purposes. Notified: 22 October 2004. Locality: Baulkham Hills.	Communication Facilities.
Reserve No.: 1806. Public Purpose: Trigonometrical purposes. Notified: 4 September 1882. Locality: Haystack Mountain.	Communication Facilities.	Reserve No.: 89938. Public Purpose: Non-profit making organisations. Notified: 24 September 1976. Locality: Kariong.	Communication Facilities.
Reserve No.: 34424. Public Purpose: Trigonometrical purposes. Notified: 10 May 1902. Locality: Wallandry North.	Communication Facilities.	Reserve No.: 170152. Public Purpose: Heritage purposes and community purposes. Notified: 19 February 1993. Locality: Nelson Head.	Communication Facilities.
Reserve No.: 82324. Public Purpose: Public recreation. Notified: 5 February 1960. Locality: Pomingalarna.	Communication Facilities.	Reserve No.: 1000315. Public Purpose: Fire brigade station. Notified: 28 January 1916. Locality: Moree.	Communication Facilities.
Reserve No.: 1000220. Public Purpose: Site for fire brigade station. Notified: 23 June 1915. Locality: Junee.	Communication Facilities.	Reserve No.: 500494. Public Purpose: Public recreation and public park. Notified: 1 November 1940. Locality: Waverley.	Communication Facilities.
Reserve No.: 1000218. Public Purpose: Fire brigade station. Notified: 18 November 1914. Locality: Albury.	Communication Facilities.	Reserve No.: 500495. Public Purpose: Public park. Notified: 15 August 1906. Locality: Watsons Bay.	Communication Facilities.
Reserve No.: 83288. Public Purpose: Reservoir. Notified: 28 July 1961. Locality: Urunga.	Communication Facilities.	File No.: 08/6163.	

NOWRA OFFICE
5 O’Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

NOTIFICATION OF CREATION OF EASEMENT

PURSUANT to Section 52(1)(b)(ii), Crown Lands Act, 1989,
the easement described hereunder is granted.

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

Land District – Metropolitan;
City – Wollongong;
Parish – Heathcote;
County – Cumberland

Purpose: Access

Beneficiary: Ensile Pty Ltd

Land over which created: Strips of land shown as
Proposed Easement for Access over Existing Track in Use
marked (A), (B), (C), and (E) on Deposited Plan 1107983
being unreserved Crown land (Portion 915).

Land Benefited: Lot 1 DP 616230

Terms:

Full and free right for every person who is at any time
entitled to an estate or interest in possession in the land
herein indicated as the Land Benefited or any part thereof
with which the right shall be capable of enjoyment, and
every person authorised by that person, to go, pass and
repass at all times and for all purposes with or without
animals or vehicles or both to and from the said Land
Benefited or any such part thereof.

Conditions:

- (a) The Beneficiary will have no rights to the maintenance
of the access tracks subject to this easement.
- (b) Should a claim for native title rights be made and
proven over Portion 915 in the future the easement
shall be terminated from the date of determination
of such claim.

File No. NA05H271.

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

**REVOCATION OF RESERVATION OF CROWN
 LAND**

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Land District: Cowra. Local Government Area: Cowra Shire Council. Locality: Kangaroooby. Reserve No.: 95320. Public Purpose: Future public requirements. Notified: 19 June 1981. File No.: OE05 H 382.	The whole being Lot 129, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 123, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 125, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 127, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 124, DP No. 752943, Parish Kangaroooby, County Forbes, of an area of 453.2 hectares.

Note: Conversion of crown leasehold land to freehold.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Cowra. Local Government Area: Cowra Shire Council. Locality: Kangaroooby. Reserve No.: 72876. Public Purpose: Public utility. Notified: 15 October 1948. Lot 7003, DP No. 1024240, Parish Kangaroooby, County Forbes; Lot 7004, DP No. 1024155, Parish Kangaroooby, County Forbes; Lot 7005, DP No. 1024155, Parish Kangaroooby, County Forbes; Lot 123, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 124, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 125, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 127, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 129, DP No. 752943, Parish Kangaroooby, County Forbes;	The part being Lot 123, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 124, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 125, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 127, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 129, DP No. 752943, Parish Kangaroooby, County Forbes, of an area of 447.3 hectares.

Lot 137, DP No. 752943,
Parish Kangaroooby, County Forbes;
Lot 138, DP No. 752943,
Parish Kangaroooby, County Forbes;
Lot 139, DP No. 752943,
Parish Kangaroooby, County Forbes;
Lot 141, DP No. 724709,
Parish Kangaroooby, County Forbes;
Lot 7002, DP No. 1024239#,
Parish Kangaroooby, County Forbes;
Lot 7006, DP No. 1024155,
Parish Kangaroooby, County Forbes.
File No.: OE05 H 382.

Note: Conversion of crown leasehold land to freehold.

Disclaimer: Please note that the above Lot numbers marked # are for Departmental use only.

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are 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 roads specified in Schedule 1 cease to be Crown public roads.

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

SCHEDULE 1

Parish – Louee; County – Phillip; Land District – Rylstone

The road east Lot 4, DP 254353; Lots 76 (variable width), 87, 91, PT95, DP 755440; road through Lots 180, 179 and 239, DP 755440 (including the intersection on the western boundary with Council road through Lot PT12, DP 755440); road north Lots 14, 25, 26, 127, 128, 161 and 136, DP 755440 (including intersection with Council road through Lot 4, DP 755440); road north and north-east Lot 195, DP 755440; road south and south-west Lot 115, DP 755440 (including the intersection with Council road east Lot 115, DP 755440); that part of the road west and south-west of Lot 1, DP 939603 (separating Lot 1, DP 939603 from Lot 14, DP 755440 and Lot 2, DP 939602); road north and through Lot 202, DP 755440.

SCHEDULE 2

Roads Authority: Mid-Western Regional Council.

Department File: 08/3745.

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

AUTHORISATION OF ADDITIONAL PURPOSE

IT is hereby notified pursuant to section 121A of the Crown Lands Act 1989, that the purpose specified in Column 1 of the Schedule hereunder, is applied to the whole of the reserve specified opposite thereto in Column 2.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Crematorium.	Frenchs Forest Bushland Cemetery being Dedication No. 500580. Public Purpose: General Cemetery. Notified: 8 October 1937. File No.: MN85 R 121.

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified 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.

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

Description

*Locality – Murulla; Land District – Quirindi;
 L.G.A. – Upper Hunter*

Road Closed: Lot 1 in Deposited Plan 1130383, Parish Wingen, County Brisbane.

File No.: 07/5239.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Bundella; Land District – Quirindi;
 L.G.A. – Liverpool Plains*

Road Closed: Lots 1 and 2 in Deposited Plan 1130385, Parish Premer and Bundella, County Pottinger.

File No.: 07/4170.

Note: On closing, title to the land comprised in Lots 1 and 2 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Hallsville and Moore Creek;
 Land District – Tamworth; L.G.A. – Tamworth Regional*

Road Closed: Lots 1 and 2 in Deposited Plan 1129670, Parish Woolomol and Attunga, County Inglis.

File No.: TH05 H 330.

Note: On closing, title to the land comprised in Lots 1 and 2 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Winton; Land District – Tamworth;
 L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1129722, Parish Winton, County Parry.

File No.: TH05 H 148.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

ERRATUM

THE notification appearing in the *New South Wales Government Gazette* of 31 October 2008, Folio 10556, under the heading “REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE” relating to Dedication No. 1000358 for Hospital Site at Walcha was published in error and should be disregarded.

File No.: 08/4583.

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

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

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>
Forster Flora and Recreation (R94748) Reserve Trust.	Reserve No.: 94748. Public Purpose: Preservation of native flora and public recreation. Notified: 15 May 1981. Parish: Forster. County: Gloucester. File No.: TE80 R 54.

ESTABLISHMENT OF RESERVE TRUST AND APPOINTMENT OF CORPORATION TO MANAGE THE RESERVE TRUST

PURSUANT to sections 92 (1) and 95 of the Crown Lands Act 1989, the reserve trust specified in Column 1 hereunder, is established under the name stated in that Column and is appointed as trustee of the reserve specified thereto in Column 3 and the corporation specified in Column 2 hereunder, is appointed to manage the affairs of the reserve trust specified in Column 1 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Boronia Park Recreation Reserve (R73563) Trust.	Great Lakes Council.	Reserve No.: 73563. Public Purpose: Public recreation. Notified: 8 September 1950. File No.: TE00 R 8.

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

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Leases of the lands specified in the following Schedule have been granted to the undermentioned persons.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder.

The land is to be used only for the purpose of Residence.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1st April of each year.

The Conditions and Reservations annexed to such leases are those conditions published in the *New South Wales Government Gazette* of 25 May 2007, Folios 2974 – 2975.

All amounts due and payable to the Crown MUST be paid to the Department of Lands by the due date.

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

SCHEDULE

Administrative District – Walgett North; Shire – Walgett; Parish – Wallangulla/Mebea; County – Finch

WLL No.	Name of Lessee	File No.	Folio Identifier	Area m ²	Term of Lease	
					From	To
WLL 16226	Brian James McCUDDEN	08/8773	286/1076808	2215	23-Oct-2008	22-Oct-2028
WLL 16167	Frances Jean McLEAN	08/6584	342/1076808	2420	31-Oct-2008	30-Oct-2028
WLL 16227	Lawrence Colin CROSSLEY, Ronald George CHAPMAN and Garry John CROSSLEY	08/8771	291/1076808	1652	31-Oct-2008	30-Oct-2028
WLL 16049	Josip ORSAG	08/4178	104/1076808	2568	31-Oct-2008	30-Oct 2028
WLL 14837	Mellissa Jane SWINTON	WLL 14837	295/1076808	2587	31-Oct-2008	30-Oct-2028
WLL 15049	Peter CARREY	08/0037	30/1076808	1345	31-Oct-2008	30-Oct-2028

ADDITION TO A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of section 35C of the Western Lands Act 1901, the land particularised hereunder has been added to the undermentioned Western Lands Lease.

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

SCHEDULE

Western Lands Lease No.: 10840.

Name of Lessee: Arnold John DEGOUMOIS and Mia Theresa DEGOUMOIS.

Area Added: Lot 4, DP 1125141, Parish of Teltawongee, County of Mootwingee, of 5803 square metres. (Folio Identifier 4/1125141).

Total Area Following Addition: Lots 1, 3 and 4, DP 1125141, Parish of Teltawongee, County of Mootwingee, 1.381 hectares. (Folio Identifiers 1, 3 and 4/1125141).

Date of Addition: 28 October 2008.

Annual Rental Following Addition: \$100.00.

L.G.A.: Unincorporated Area.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Land District: Broken Hill. Council: Unincorporated Area. Parish: Bray. County: Yancowinna. Location: Silverton. Reserve: 1013830. Purpose: For future public requirements. Date of Notification: 29 June 2007. File No.: WLL14202.	Part of Reserve 1013830 comprising the whole of Allotment 21, section 24, DP 758905, of 998 square metres.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Bourke. Council: Brewarrina. Parish: Gongolgon. County: Cowper. Location: Gongolgon. Reserve: 1011448. Purpose: For future public requirements. Date of Notification: 31 March 2006. File No.: 08/5315.	Part of Reserve 1011448 comprising the whole of Allotments 5 and 6, section 10 (DP 758457).

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 of the Crown Lands Act 1989, the Minister for Lands declares the land described in the Schedule hereunder to be Crown Land.

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

SCHEDULE

Local Government Area – Bourke; Locality – Enngonia; Parish – Enngonia; County – Culgoa

Lots 3, 4, 5, 6, 7 and 8, section 6, DP 758389.

Area: 1.211 hectares.

File No.: WL86 R 199.

APPOINTMENT OF CORPORATION TO MANAGE COMMON TRUST

PURSUANT to Division 1, section 7, subsection (6) of the Commons Management Act 1989, the corporation specified in Column 1 of the Schedules hereunder, is appointed to manage the affairs of the common trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedules.

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Cobar Shire Council.	Cobar/Wrightville Common Trust.	Public Purpose: Commonage. Reserve 66142. Notified: 24 July 1936. Reserve 71912. Notified: 10 May 1946. File No.: WL86 R 27/8.

For a term commencing this day.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Broken Hill City Council.	Willyama Common Trust.	Public Purpose: Commonage and temporary common. Reserve 2421. Notified: 4 September 1886. Reserve 23158. Notified: 8 November 1895. Reserve 5498. Notified: 11 February 1888. Reserve 63592. Notified: 28 October 1932. Reserve 68806. Notified: 17 November 1939. Reserve 70559. Notified: 1 May 1942. Reserve 81342. Notified: 16 January 1952. Reserve 90760. Notified: 15 April 1977. File No.: WL95 R 8/2.

For a term commencing this day.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Central Darling Shire Council.	Wilcannia Common Trust.	Public Purpose: Commonage and extension to temporary common. Reserve 19334. Notified: 23 December 1893. Reserve 52442. Notified: 14 September 1917. Reserves 77322 and 77328. Notified: 7 January 1955. File No.: WL98R1763.

For a term commencing this day.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Balranald Shire Council.	Balranald Common Trust.	Public Purpose: Commonage. Reserve 630056. Notified: 12 January 1883. Reserve 78245. Notified: 6 January 1956. File No.: WL04 R 37.

For a term commencing this day.

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 24 October 2008, Folio 10354, under the heading Granting of a Western Lands Lease (being Western Lands Lease 15007), the Folio Identifier referred to should have read 3005/1123921 of 2454 metres square.

ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Bourke. Local Government Area: Bourke Shire Council. Locality: Enngonia. Lot 3, section 6, DP No. 758389, Parish Enngonia, County Culgoa; Lot 4, section 6, DP No. 758389, Parish Enngonia, County Culgoa; Lot 5, section 6, DP No. 758389, Parish Enngonia, County Culgoa; Lot 6, section 6, DP No. 758389, Parish Enngonia, County Culgoa; Lot 7, section 6, DP No. 758389, Parish Enngonia, County Culgoa; Lot 8, section 6, DP No. 758389, Parish Enngonia, County Culgoa. Area: 1.211 hectares. File No.: WL86 R 199/1.	Reserve No.: 1014628. Public Purpose: Public recreation. Notified: 27 June 2008. Lot 3, section 5, DP No. 758389, Parish Enngonia, County Culgoa; Lot 4, section 5, DP No. 758389, Parish Enngonia, County Culgoa; Lot 5, section 5, DP No. 758389, Parish Enngonia, County Culgoa; Lot 6, section 5, DP No. 758389, Parish Enngonia, County Culgoa; Lot 7, section 5, DP No. 758389, Parish Enngonia, County Culgoa; Lot 8, section 5, DP No. 758389, Parish Enngonia, County Culgoa; Lot 3, section 2, DP No. 758389, Parish Enngonia, County Culgoa; Lot 4, section 2, DP No. 758389, Parish Enngonia, County Culgoa; Lot 5, section 2, DP No. 758389, Parish Enngonia, County Culgoa. New Area: 3.029 hectares.

Department of Planning

BUILDING PROFESSIONALS ACT 2005

Notice of Amendment of the Building Professionals Board Accreditation Scheme

I, the Minister for Planning, under section 4(7) of the Building Professionals Act 2005, amend the Building Professionals Board Accreditation Scheme, from the date of publication in the Gazette, by adopting the amendments in the Schedule.

KRISTINA KENEALLY, M.P.,
Minister for Planning
Sydney, 22 October 2008

SCHEDULE

Schedule 3 – Speciality qualifications

Insert as a bullet point “a postgraduate qualification in building surveying from a university with the meaning of the Higher Education Act 2001, or” after “a degree in building surveying from a university with the meaning of the Higher Education Act 2001, or” wherever appearing under the headings:

- A1 Accredited certifier-building surveying grade 1
- A2 Accredited certifier-building surveying grade 2
- A3 Accredited certifier-building surveying grade 3



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00995-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)*.

2 Aims of Policy

The aims of this Policy are as follows:

- (a) to identify the land to which this Policy applies (being certain land at Warnervale) as a State significant site,
- (b) to establish zoning and other development controls for that land,
- (c) to identify certain development as development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies,
- (d) to facilitate the development of a town centre that integrates with the proposed Warnervale train station,
- (e) to encourage development on that land for community facilities, residential uses and open space to address the housing, employment and service needs of the region around Warnervale,
- (f) to ensure that development on that land satisfies the principles of ecologically sustainable development,
- (g) to set aside part of that land for environmental protection and conservation purposes,
- (h) to ensure that development on that land minimises impacts on the environment through energy efficiency and water conservation,
- (i) to provide for land for integrated water cycle management purposes so as to address the effects of any future development on that land.

3 Land to which Policy applies

This Policy applies to the land identified on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map held at the head office of the Department.

State Environmental Planning Policy (Major Projects) 2005 (Amendment
No 24)

Clause 4

**4 Amendment of State Environmental Planning Policy (Major Projects)
2005**

State Environmental Planning Policy (Major Projects) 2005 is
amended as set out in Schedule 1.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 16 Savings and transitional provisions

Insert at the end of clause 16 (2):

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

[2] Schedule 3 State significant sites

Insert at the end of the Schedule with appropriate Part numbering:

Part Warnervale Town Centre

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land shown on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map, referred to in this Part as the *Warnervale Town Centre*.

2 Interpretation

(1) In this Part:

allied health and sports medicine services means commercial health services related to sport and recreation that are provided in a room or a number of rooms attached to or within the curtilage of a community facility or recreation facility (indoor) or recreation facility (outdoor).

Height of Buildings Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Height of Buildings Map.

Land Application Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map.

Land Reservation Acquisition Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Reservation Acquisition Map.

Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Zoning Map.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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Schedule 1

the Wyong DCP means *Development Control Plan 2005—Development Controls for Wyong Shire*, as adopted by the Wyong Shire Council on 14 May 2008.

Warnervale Airport Obstacle Limitation Surface Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Warnervale Airport Obstacle Limitation Surface Map.

water cycle management works means any activity relating to urban stormwater management that retains the natural hydrological regime of receiving environments with the objective of conservation and protection of the whole water cycle and maintaining water quality.

Wyong Shire Council means the Council of the Shire of Wyong.

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*, unless it is otherwise defined in this Part.

3 Consent authority

The consent authority for development on land in the Warnervale Town Centre, other than development that is a project to which Part 3A of the Act applies, is the Wyong Shire Council.

4 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
- (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

Schedule 1 Amendments

5 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Warnervale Town Centre are this Policy and all other State environmental planning policies, except *State Environmental Planning Policy No 1—Development Standards*.

Division 2 Part 3A projects

6 Part 3A projects

Development for the purposes of retail premises within the Warnervale Town Centre that has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.

Division 3 Provisions relating to development within Warnervale Town Centre

7 Application of Division

- (1) This Division applies to development on land in the Warnervale Town Centre, except as provided by subclause (2).
- (2) Clauses 9–16, 18–20, 22, 25–27, 30 and 31 do not apply to development within the Warnervale Town Centre to the extent that it is a project to which Part 3A of the Act applies.

8 Land use zones

For the purposes of this Division, land within the Warnervale Town Centre is within a zone as follows if the land is shown on the Land Zoning Map as being within that zone:

- (a) Zone R1 General Residential,
- (b) Zone B2 Local Centre,
- (c) Zone SP1 Special Activities,
- (d) Zone SP2 Infrastructure,
- (e) Zone RE1 Public Recreation,
- (f) Zone E2 Environmental Conservation,
- (g) Zone E3 Environmental Management.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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9 Objectives of land use zones to be taken into account

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

10 Zone R1 General Residential

- (1) The objectives of Zone R1 General Residential are as follows:
 - (a) to provide for the housing needs of the community,
 - (b) to provide for a variety of housing types, tenures, affordability and densities,
 - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
 - (d) to promote development that is sensitive to the conservation values of the Warnervale Town Centre,
 - (e) to maximise public transport patronage and encourage walking and cycling.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone R1 General Residential:

Nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone R1 General Residential:

advertisements; bed and breakfast accommodation; boarding houses; car parks; child care centres; community facilities; dual occupancies; dwelling houses; group homes; health consulting rooms; home-based child care; home businesses; home industries; hospitals; hostels; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads; seniors housing; shop top housing; telecommunications facilities.
- (4) Except as otherwise provided by this Policy, development is prohibited on land within Zone R1 General Residential unless it is permitted by subclause (2) or (3).

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

Schedule 1 Amendments

11 Zone B2 Local Centre

- (1) The objectives of Zone B2 Local Centre are as follows:
 - (a) to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,
 - (b) to encourage employment opportunities in accessible locations,
 - (c) to maximise public transport patronage and encourage walking and cycling,
 - (d) to provide uses compatible with the environmental sensitivities and conservation values of the Warnervale Town Centre.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone B2 Local Centre:

Nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone B2 Local Centre:

bulky goods premises; business premises; car parks; child care centres; community facilities; dual occupancies; educational establishments; entertainment facilities; function centres; information and education facilities; kiosks; medical centres; office premises; passenger transport facilities; public administration buildings; public entertainment; pubs; recreation facilities (indoor); registered clubs; restaurants; retail premises; roads; service stations; shop top housing; telecommunications facilities; tourist and visitor accommodation.
- (4) Except as otherwise provided by this Policy, development on land within Zone B2 Local Centre is prohibited unless it is permitted by subclause (2) or (3).

12 Zone SP1 Special Activities

- (1) The objectives of Zone SP1 Special Activities are as follows:
 - (a) to provide for special land uses that are not provided for in other zones,
 - (b) to provide for sites with special natural characteristics that are not provided for in other zones,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
 - (2) Development for any of the following purposes is permitted without development consent on land within Zone SP1 Special Activities:
Nil.
 - (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP1 Special Activities:
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
 - (4) Except as otherwise provided by this Policy, development on land within the Zone SP1 Special Activities is prohibited unless it is permitted by subclause (2) or (3).

13 Zone SP2 Infrastructure

- (1) The objectives of Zone SP2 Infrastructure are as follows:
 - (a) to provide for infrastructure and related uses,
 - (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone SP2 Infrastructure:
Nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP2 Infrastructure:
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- (4) Except as otherwise provided by this Policy, development on land within Zone SP2 Infrastructure is prohibited unless it is permitted by subclause (2) or (3).

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14 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation are as follows:
 - (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to promote the integration of public open space areas with other land uses within the Warnervale Town Centre,
 - (e) to maximise public transport patronage and encourage walking and cycling.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:

environmental facilities; environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:

allied health and sports medicine services; community facilities; kiosks; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; water cycle management works.
- (4) Except as otherwise provided by this Policy, development on land within Zone RE1 Public Recreation is prohibited unless it is permitted by subclause (2) or (3).

15 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
 - (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,
 - (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation:

environmental protection works.

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- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:
- environmental facilities; pedestrian and cycle paths; roads; water cycle management works.
- (4) Except as otherwise provided by this Policy, development on land within Zone E2 Environmental Conservation is prohibited unless it is permitted by subclause (2) or (3).

16 Zone E3 Environmental Management

- (1) The objectives of Zone E3 Environmental Management are as follows:
- (a) to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values,
 - (b) to provide for a limited range of development that does not have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E3 Environmental Management:
- environmental protection works; home occupations.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E3 Environmental Management:
- dwelling houses; environmental facilities; information and education facilities; pedestrian and cycle paths; roads; water cycle management works.
- (4) Except as otherwise provided by this Policy, development on land within Zone E3 Environmental Management is prohibited unless it is permitted by subclause (2) or (3).

17 Prohibited development

Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within that zone.

18 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

Under the section, exempt development:

- (a) must be of minimal environmental impact, and

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Chapter 85 of the Wyong DCP that meets the standards for the development contained in that instrument and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.

19 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

Under the section, development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Chapter 86 of the Wyong DCP that is carried out in compliance with:
 - (a) the applicable development standards and requirements listed in that instrument, and
 - (b) the requirements of this Part,
 is complying development.
 - (3) To be complying development, the development must:
 - (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Wyong Shire Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

20 Subdivision—consent requirements

- (1) Land within the Warnervale Town Centre may be subdivided, but only with development consent.
- (2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional buildings,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (d) a consolidation of lots that does not create additional lots or the opportunity for additional buildings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

21 Infrastructure development and the use of existing buildings of the Crown

- (1) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

22 Public utility infrastructure

- (1) Consent must not be granted to development on land within the Warnervale Town Centre unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

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23 Height of buildings

The height of a building on any land within the Warnervale Town Centre must not exceed the maximum height shown for the land on the Height of Buildings Map.

24 Exceptions to development standards—Part 3A projects

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within Warnervale Town Centre, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General.

25 Exceptions to development standards—other development

- (1) This clause applies to development, other than development that is part of a project to which Part 3A of the Act applies.
- (2) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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Schedule 1 Amendments

- (3) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (4) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (5) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (6) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (8) This clause does not allow consent to be granted for development that would contravene a development standard for complying development.

26 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land within the Warnervale Town Centre that is reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation	Wyong Shire Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, this Part is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

27 Community use of educational establishments

- (1) The objective of this clause is to allow the use of educational establishments within the Warnervale Town Centre, including their site and facilities, for other community purposes.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (2) An educational establishment (including the site and facilities) may, with development consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires development consent to carry out development on any land if that development could, but for this clause, be carried out on that land without development consent.

28 Development close to a rail corridor

- (1) The objective of this clause is to ensure that development of land within the Warnervale Town Centre for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred to in this clause as a *rail corridor*).
- (3) Development:
 - (a) that is within a rail corridor, and
 - (b) that is likely to be adversely affected by rail noise or vibration,must not be carried out unless the proposed development incorporates all practicable mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

29 Development in flight path of Warnervale Airport

- (1) The objectives of this clause are:
 - (a) to provide for the effective and on-going operation of Warnervale Airport, and
 - (b) to ensure that such operation is not compromised by proposed development within the flight path of Warnervale Airport.
- (2) Development to erect a building:
 - (a) that is on land within the flight path of Warnervale Airport, and

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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- (b) the proposed height of which would exceed the obstacle limitation surface for that land,
must not be carried out unless the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.
 - (3) For the purposes of this clause, the flight path of Warnervale Airport is land shown as such on the Warnervale Airport Obstacle Limitation Surface Map.
 - (4) In this clause:
flight path of Warnervale Airport means the land shown as such on the Warnervale Airport Obstacle Limitation Surface Map.
obstacle limitation surface for land means the obstacle limitation surface for that land shown on the Warnervale Airport Obstacle Limitation Surface Map.

30 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the Warnervale Town Centre through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation referred to in section 7.2 of Chapter 14 of the Wyong DCP.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which this clause applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Wyong Shire Council.
- (4) The refusal by the Wyong Shire Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant development consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Wyong Shire Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Wyong Shire Council is satisfied is a risk to human life or property.
- (7) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

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Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

31 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land within the Warnervale Town Centre without development consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

32 Controls relating to miscellaneous permissible uses

- (1) This clause applies to development only if it is permitted under this Part or approved under Part 3A of the Act.
- (2) **Bed and breakfast accommodation**
Development for the purposes of bed and breakfast accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (3) **Home businesses**
Development for the purposes of a home business must not involve the use of more than 30 square metres of floor area.
- (4) **Home industries**
Development for the purposes of a home industry must not involve the use of more than 30 square metres of floor area.
- (5) **Kiosks**
Development for the purposes of a kiosk must not involve the use of more than 80 square metres of gross floor area.

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(6) **Neighbourhood shops**

Development for the purposes of a neighbourhood shop must not involve the use of more than 80 square metres for the retail floor area of the shop.



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00956-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to promote economic development and the creation of employment in the Wyong Employment Zone by providing for development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, and
- (c) to provide for the co-ordinated planning and development of land within the Wyong Employment Zone, and
- (d) to rezone land to which this Policy applies for general industrial and environmental conservation purposes, and
- (e) to provide for appropriate development in the Wyong Employment Zone that satisfies the principles of ecologically sustainable development, and
- (f) to identify and conserve land within the Wyong Employment Zone that has high biodiversity values for environmental protection and conservation purposes and restrict development on flood prone land.

3 Land to which Policy applies

This Policy applies to the land shown edged heavy black on the map marked "State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyong Employment Zone—Land Application Map" held at the head office of the Department.

State Environmental Planning Policy (Major Projects) 2005 (Amendment
No 21)

Clause 4

**4 Amendment of State Environmental Planning Policy (Major Projects)
2005**

State Environmental Planning Policy (Major Projects) 2005 is
amended as set out in Schedule 1.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 16 Savings and transitional provisions

Insert at the end of clause 16 (2) before the note:

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

[2] Schedule 3 State significant sites

Insert in appropriate order in Schedule 3:

Part 15 Wyong Employment Zone

1 Land to which this Part applies

This Part applies to the land shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyong Employment Zone—Land Application Map” held in the head office of the Department (the *Wyong Employment Zone*).

2 Interpretation

(1) Except as provided by subclause (2), a word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

(2) In this Part:

Land Reservation Acquisition Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyong Employment Zone—Land Reservation Acquisition Map.

the Wyong DCP means *Development Control Plan 2005—Development Controls for Wyong Shire*, as adopted by the Wyong Shire Council on 14 May 2008.

Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyong Employment Zone—Zoning Map.

3 Consent authority

The consent authority for development on land within the Wyong Employment Zone is, subject to the Act, the Wyong Shire Council.

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4 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

5 Relationship with other environmental planning instruments

- (1) This Policy and all other State environmental planning policies (other than *State Environmental Planning Policy No 1—Development Standards*) apply, according to their terms, to land within the Wyong Employment Zone.
- (2) *Wyong Local Environmental Plan 1991* does not apply to land within the Wyong Employment Zone.

6 Land use zones

- (1) For the purposes of this Policy, land within the Wyong Employment Zone is in a zone as follows if the land is shown on the Zoning Map as being within that zone:
 - (a) Zone IN1 General Industrial,
 - (b) Zone SP2 Infrastructure,
 - (c) Zone E2 Environmental Conservation.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

7 Zone IN1 General Industrial

- (1) The objectives of Zone IN1 General Industrial are as follows:
 - (a) to facilitate development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, including ancillary office space,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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- (b) to encourage employment opportunities in the Wyong Employment Zone,
 - (c) to minimise any adverse effect of industry on other land uses,
 - (d) to ensure development enhances the amenity of the Wyong Employment Zone by including high quality landscaping, adequate building setbacks, high quality external finishes and the like.
- (2) Development for any of the following purposes is permitted with consent on land within Zone IN1 General Industrial:
- boat repair facilities; child care centres; community facilities; depots; earthworks; environmental protection works; filming; freight transport facilities; helipads; kiosks; light industries; industries; liquid fuel depots; neighbourhood shops; recreation facilities (indoor); roads; transport depots; truck depots; warehouse or distribution centres.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone IN1 General Industrial unless it is permitted by subclause (2).

8 Zone SP2 Infrastructure

- (1) The objectives of Zone SP2 Infrastructure are as follows:
- (a) to provide for infrastructure and related uses,
 - (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure.
- (2) Development for any of the following purposes is permitted with consent on land within Zone SP2 Infrastructure:
- The purpose shown on the Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone SP2 Infrastructure unless it is permitted by subclause (2).

9 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
- (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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- (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
 - (2) Development for any of the following purposes is permitted with consent on land within Zone E2 Environmental Conservation:
environmental facilities; environmental protection works; flood mitigation works; roads; waterbodies (artificial).
 - (3) Except as otherwise provided by this Policy, development is prohibited on land within Zone E2 Environmental Conservation unless it is permitted by subclause (2).

10 Kiosks, neighbourhood shops and child care centres in Zone IN1 General Industrial

- (1) The consent authority must not grant consent to development for the purpose of a kiosk on land within Zone IN1 General Industrial if the gross floor area of the kiosk exceeds 80 square metres.
- (2) The consent authority must not grant consent to development for the purpose of a neighbourhood shop on land within Zone IN1 General Industrial if the retail floor area of the neighbourhood shop exceeds 80 square metres.
- (3) The consent authority must not grant consent to development for the purpose of a child care centre on land within Zone IN1 General Industrial unless it is satisfied that the child care centre is intended to provide services to people working in the area in which the child care centre is located.

11 Public utility undertakings

Development for the purposes of public utility undertakings that is carried out on land within the Wyong Employment Zone does not require development consent.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act.

12 Subdivision—consent requirements

- (1) Land within the Wyong Employment Zone may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,

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- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

13 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Chapter 85 of the Wyong DCP that meets the standards for the development contained in that instrument and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development:
 - (a) the development must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) if the development relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building:
 - (i) must have a current fire safety certificate or fire safety statement, or
 - (ii) must be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (c) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iii) be designated development, or
 - (iv) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.

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14 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Chapter 86 of the Wyong DCP (other than development of a kind referred to in section 76A (6) of the Act) that is carried out in compliance with:
 - (a) the applicable development standards listed in that instrument, and
 - (b) the requirements of this Part, is complying development.
- (3) To be complying development, the development must:
 - (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Wyong Shire Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

15 Additional permitted uses—Warnervale Airport

- (1) This clause applies to the land shown edged heavy black on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyong Employment Zone—Warnervale Airport Operations Map.
- (2) Despite any other provision of this Policy, a person may, with development consent, carry out development for the purpose of an airport on land to which this clause applies.

16 Additional permitted uses—service stations, etc.

- (1) This clause applies to the following land:
 - (a) Lot 1445, DP 747246,
 - (b) Lot 67, DP 755245,
 - (c) Lots 1, 2 and 3, DP 801029.
- (2) Despite any other provision of this Policy, a person may, with development consent, carry out development for the following purposes on land to which this clause applies:
 - (a) service stations,
 - (b) vehicle body repair workshops,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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- (c) vehicle sales or hire premises.

17 Design

The consent authority must not grant consent to development on land within the Wyong Employment Zone unless it is satisfied that:

- (a) the development is of a high quality design, and
- (b) a variety of materials and external finishes for the external facades are incorporated, and
- (c) high quality landscaping is provided, and
- (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.

18 Sustainability

The consent authority must not grant consent to development on land within the Wyong Employment Zone unless it is satisfied that the development contains measures designed to reduce:

- (a) the consumption of potable water, and
- (b) greenhouse gas emissions.

19 Height of buildings

The consent authority must not grant consent to development on land within the Wyong Employment Zone unless it is satisfied that:

- (a) building heights will not adversely impact on the amenity of adjacent residential areas, and
- (b) site topography has been taken into consideration.

20 Water re-use

The consent authority must not grant consent to development on land within the Wyong Employment Zone unless it is satisfied that adequate arrangements will be made for water re-use.

21 Development involving subdivision

The consent authority must not grant consent to the carrying out of development involving the subdivision of land within the Wyong Employment Zone unless it has considered the following:

- (a) the implications of the fragmentation of large lots of land,

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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- (b) whether the subdivision will affect the supply of land for employment purposes,
 - (c) whether the subdivision will preclude other lots of land within the Wyong Employment Zone from having reasonable access to roads and services.

22 Development control plan for Wyong Employment Zone

- (1) Despite any other provision of this Part, the consent authority must not grant consent to development on land within the Wyong Employment Zone unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the Wyong Employment Zone.
- (2) The development control plan must provide for all of the following:
 - (a) a staging plan for the development,
 - (b) detailed urban design proposals for subdivision, building and landscaping, including subdivision layout, site coverage, floor space ratio, setbacks and signage,
 - (c) proposals for storm water and water quality management controls to achieve environmentally sustainable water quality and quantity, including water sensitive urban design, water re-use and storm water drainage,
 - (d) recommendations for the built form, including energy efficient design and the building materials and finishes to be used,
 - (e) measures to accommodate and ameliorate geotechnical hazards and land contamination,
 - (f) an overall flora and fauna strategy for the protection and enhancement of the natural landscape and its scenic qualities,
 - (g) proposals for public and private transport facilities, including traffic management, car parking, access and the operation of Warnervale Airport,
 - (h) proposals to conserve items and places of Aboriginal heritage significance.

23 Public utility infrastructure

- (1) The consent authority must not grant consent to development on land within the Wyong Employment Zone unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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have been made to make that infrastructure available when required.

- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage,
 - (e) the telecommunications network.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

24 Acquisition of land within Wyong Employment Zone

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land within the Wyong Employment Zone, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to that land shown on the Land Reservation Acquisition Map (or, if none is specified, the authority designated or determined under those provisions):

Zone	Authority of the State
Zone E2 Environmental Conservation	Wyong Shire Council
Zone SP2 Infrastructure	Wyong Shire Council

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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25 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

Schedule 1 Amendments

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- (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow consent to be granted for development that would contravene a development standard for complying development.

26 Development in flight path of Warnervale Airport

- (1) The objectives of this clause are:
- (a) to provide for the effective and on-going operation of Warnervale Airport, and
 - (b) to ensure that such operation is not compromised by proposed development within the flight path of Warnervale Airport.
- (2) Development consent is required to erect a building:
- (a) that is on land within the flight path of Warnervale Airport, and
 - (b) the proposed height of which would exceed the obstacle limitation surface for that land.
- (3) Any such consent must not be granted unless the consent authority is satisfied that the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.
- (4) In this clause:
- flight path*** of Warnervale Airport means the land shown on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyang Employment Zone—Warnervale Airport Flight Path Map, as in force on the date of commencement of this Part.
- obstacle limitation surface*** for land means the obstacle limitation surface for that land shown on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)—Wyang Employment Zone—Warnervale Airport Obstacle Limitation Surface Map, as in force on the date of commencement of this Part.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 21)

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27 Development in areas subject to airport noise

- (1) The objective of this clause is to ensure that development for residential purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to aircraft noise incorporates appropriate mitigation measures.
- (2) This clause applies to land within the Wyong Employment Zone where the ANEF contour exceeds 20.
- (3) Development consent is required for the erection of a building on land to which this clause applies if it is erected for residential purposes or for any other purpose involving regular human occupation.
- (4) Any such consent must not be granted unless the consent authority is satisfied that measures to mitigate aircraft noise will be taken that accord with section 3 of AS 2021.
- (5) For the purpose of this clause, the extent of aircraft noise reduction is to be estimated in accordance with clause 3.2.2 of AS 2021.
- (6) In this clause:
ANEF means a relevant Australian Noise Exposure Forecast contour map showing the forecast of aircraft noise levels that is expected to exist in the future produced in accordance with the *Guidelines for the Production of Noise Contours for Australian Airports* published by Airservices Australia.
AS 2021 means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 106)

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*. (G07/00098/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 106)

Ballina Local Environmental Plan 1987 (Amendment No 106)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 106)*.

2 Aims of plan

This plan aims to amend *Ballina Local Environmental Plan 1987* to allow Ballina Shire Council to grant consent to the erection of dwelling-houses on land in the rural and environmental protection zones regardless of the fact that part of the land has been acquired by a public authority for a public utility undertaking.

3 Land to which plan applies

This plan applies to all land within the local government area of Ballina in Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l) under *Ballina Local Environmental Plan 1987*.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended by inserting after clause 12 (3A) the following subclause:

- (3B) The council may consent to the erection of a dwelling-house on vacant land to which this clause applies that would have complied with subclause (3) or (3A) but for the fact that part of the land has been acquired by a public authority for a public utility undertaking.



New South Wales

Blacktown Local Environmental Plan 1988 (Amendment No 199)

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*. (P04/00114/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 199)

Blacktown Local Environmental Plan 1988 (Amendment No 199)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 199)*.

2 Aims of plan

This plan aims to further provide for the location of brothels in the City of Blacktown so as to avoid their potential concentration and the formation of “red light districts”.

3 Land to which plan applies

This plan applies to land situated in the City of Blacktown within Zones Nos 4 (a) (General Industrial Zone) and 4 (b) (Light Industrial Zone) under *Blacktown Local Environmental Plan 1988*, being land on which brothels are permissible with consent.

4 Amendment of Blacktown Local Environmental Plan 1988

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

Blacktown Local Environmental Plan 1988 (Amendment No 199)

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(Clause 4)

[1] Clause 42A Brothels

Insert after clause 42A (1) (a):

- (aa) within a straight line distance of 200 metres of a school or child care centre, or
- (ab) within a straight line distance of 200 metres of any other premises in relation to which consent has been granted for development for the purpose of a brothel, or

[2] Clause 42A (1) (c)

Omit “school,” and “child care centre,” wherever occurring.



New South Wales

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 20)

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. (P08/00054/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 20)

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 20)*.

2 Aims of plan

This plan aims to zone the land to which this plan applies to Zone 2 (b)—Residential B Zone under *Campbelltown (Urban Area) Local Environmental Plan 2002*.

3 Land to which plan applies

This plan applies to Lot 1, DP 1034796, Groundsel Avenue and Linum Street, Macquarie Fields, as shown coloured pink on the map marked “Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 20)” deposited in the office of Campbelltown City Council.

4 Amendment of Campbelltown (Urban Area) Local Environmental Plan 2002

Campbelltown (Urban Area) Local Environmental Plan 2002 is amended by inserting in appropriate order in the definition of *the map* in Schedule 3 the following words:

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 20)



New South Wales

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 26)

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. (G95/00209/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Coffs Harbour City Local Environmental Plan 2000 (Amendment No 26)

Coffs Harbour City Local Environmental Plan 2000 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 26)*.

2 Aims of plan

This plan aims to amend *Coffs Harbour City Local Environmental Plan 2000* to rezone certain land within the City of Coffs Harbour so as:

- (a) to allocate the most suitable zone for existing health facilities, and
- (b) to protect the southern riparian bank of Newports Creek and nearby native vegetation and habitat areas, and
- (c) to allow for a wider range of land uses for community purposes.

3 Land to which plan applies

This plan applies to land in the City of Coffs Harbour, being certain land fronting the Pacific Highway, and in the vicinity of Phil Hawthorne and Hogbin Drives, Coffs Harbour, as shown distinctively coloured, edged heavy black and lettered "5A", "7A" or "7B" on the map marked "Coffs Harbour City Local Environmental Plan 2000 (Amendment No 26)" deposited in the office of Coffs Harbour City Council.

4 Amendment of Coffs Harbour City Local Environmental Plan 2000

Coffs Harbour City Local Environmental Plan 2000 is amended by inserting in appropriate order in the definition of *the map* in the Dictionary the following words:

Coffs Harbour City Local Environmental Plan 2000
(Amendment No 26)



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 99)

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*. (GRA6323577/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 99)

Kempsey Local Environmental Plan 1987 (Amendment No 99)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 99)*.

2 Aims of plan

- (1) This plan aims:
 - (a) to reclassify various parcels of public land, owned by Kempsey Shire Council, from community land to operational land (within the meaning of the *Local Government Act 1993*) to allow for their disposal, and
 - (b) to remove the public reserve status applying to the land.
- (2) This plan also more generally provides for the classification and reclassification of public land as operational land or community land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) With respect to the aims referred to in clause 2 (1), this plan applies to land in the local government area of Kempsey, being:
 - (a) Lot 12, DP 1069003, Cyrus Saul Circuit, Frederickton, and
 - (b) Lot 49, DP 832352, Macleay Street, Frederickton, and
 - (c) Lot 39, DP 819591, Albert Harrower Crescent, South West Rocks, and
 - (d) Lot 81, DP 805382, Arthur Street, South West Rocks, and
 - (e) Lot 122, DP 1051855, Dennis Crescent, South West Rocks, and
 - (f) Lot 26, DP 844106, Rafferty Crescent, South West Rocks, and
 - (g) Lot 132, DP 829565, Victor Perry Place, South West Rocks,as shown edged heavy black on Sheets 1–6 of the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 99)” deposited in the office of Kempsey Shire Council.

Kempsey Local Environmental Plan 1987 (Amendment No 99)

Clause 4

-
- (2) With respect to the aim referred to in clause 2 (2), this plan applies to all the land to which *Kempsey Local Environmental Plan 1987* applies.

4 Amendment of Kempsey Local Environmental Plan 1987

Kempsey Local Environmental Plan 1987 is amended as set out in Schedule 1.

Kempsey Local Environmental Plan 1987 (Amendment No 99)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 52

Omit the clause. Insert instead:

52 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 3 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 3 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 3:
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 3, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 3, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and

Kempsey Local Environmental Plan 1987 (Amendment No 99)

Amendments

Schedule 1

(c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 3.

[2] **Schedule 3**

Omit the Schedule. Insert instead:

Schedule 3 Classification and reclassification of public land

(Clause 52)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Frederickton, Cyrus Saul Circuit	Lot 12, DP 1069003	Nil.
Frederickton, Macleay Street	Lot 49, DP 832352	Nil.
South West Rocks, Albert Harrower Crescent	Lot 39, DP 819591	Restriction(s) on the use of land (DP261375) as noted on Certificate of Title Folio Identifier 39/819591.

Kempsey Local Environmental Plan 1987 (Amendment No 99)

Schedule 1 Amendments

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
South West Rocks, Arthur Street	Lot 81, DP 805382	Restriction(s) on the use of land (DP261984) as noted on Certificate of Title Folio Identifier 81/805382.
South West Rocks, Dennis Crescent	Lot 122, DP 1051855	Nil.
South West Rocks, Rafferty Crescent	Lot 26, DP 844106	Restriction(s) on the use of land (DP829661) as noted on Certificate of Title Folio Identifier 26/844106.
South West Rocks, Victor Perry Place	Lot 132, DP 829565	Restriction(s) on the use of land (DP748740) as noted on Certificate of Title Folio Identifier 132/829565.

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description



New South Wales

Lithgow City Local Environmental Plan 1994 (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*. (D06/00005/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

Clause 1 Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lithgow City Local Environmental Plan 1994 (Amendment No 12)*.

2 Aims of plan

This plan amends *Lithgow City Local Environmental Plan 1994*:

- (a) to provide interim planning controls for the City of Lithgow following the transfer to the City of certain land that was in the former local government area of Evans, and
- (b) to control the location of home occupation (sex services) premises, restricted premises and sex services premises in the City of Lithgow.

3 Land to which plan applies

This plan applies:

- (a) in so far as it provides interim planning controls as referred to in clause 2 (a), to land situated in the City of Lithgow that was in the former local government area of Evans, as shown edged heavy black and lettered "1 (e)" on Sheet 1 of the map marked "Lithgow City Local Environmental Plan 1994 (Amendment No 12)" deposited in the office of the Council of the City of Lithgow, and
- (b) in so far as it controls the location of premises as referred to in clause 2 (b), to all land situated in the City of Lithgow.

4 Amendment of Lithgow City Local Environmental Plan 1994

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

5 Repeal of Interim Development Order No 1—Shire of Evans

Interim Development Order No 1—Shire of Evans is repealed.

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Adoption of Model Provisions

Omit “except for the definition of *arterial road*, *map*, *residential flat building* and *rural worker’s dwelling*”.

Insert instead “except for the definitions of *agriculture*, *arterial road*, *child care centre*, *church*, *educational establishment*, *map*, *recreation facility*, *residential flat building* and *rural worker’s dwelling*”.

[2] Clause 6 Definitions

Omit the definition of *home based child care* from clause 6 (1).

[3] Clause 6 (1)

Insert in alphabetical order:

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

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

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children’s Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Schedule 1 Amendments

-
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
 - (i) a school, or
 - (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Amendments

Schedule 1

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- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

nightclub means premises specified in a nightclub licence under the *Liquor Act 1982*.

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

pub means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Schedule 1 Amendments

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

[4] Clause 6 (1), definition of “the Map”

Insert in appropriate order:

Lithgow City Local Environmental Plan 1994 (Amendment No 12)—
Sheet 1

[5] Clause 8 Zones shown on the map

Insert “Zone No 1 (e)—Outer Rural” in appropriate order in the list of zones.

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Amendments

Schedule 1

[6] Clause 9 Zone objectives and development control

Omit “home based” from item 2 of the matter relating to Zone No 1 (a) Rural (General).

Insert instead “home-based”.

[7] Clause 9

Omit item 4 of the matter relating to Zone No 1 (a) Rural (General).

Insert instead:

4 Prohibited

Development for the purpose of boarding houses; bulky goods salesrooms or showrooms; commercial premises; home occupation (sex services); motor showrooms; residential units; restricted premises; sex services premises; shops (other than general stores).

[8] Clause 9

Omit item 4 of the matter relating to Zone No 1 (c) Rural (Small holdings).

Insert instead:

4 Prohibited

Development for the purpose of abattoirs; animal boarding or training establishments; bulk stores; car repair stations; commercial premises; extractive industries; home occupation (sex services); industries (other than home industries and light industries); intensive livestock keeping establishments; junk yards; motor showrooms; offensive or hazardous industries; residential units; restricted premises; sex services premises; shops (other than general stores).

[9] Clause 9

Omit “home based” from item 2 of the matter relating to Zone No 1 (d) Rural (Future urban).

Insert instead “home-based”.

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Schedule 1 Amendments

[10] Clause 9

Omit item 4 of the matter relating to Zone No 1 (d) Rural (Future urban).

Insert instead:

4 Prohibited

Development for the purpose of abattoirs; animal boarding or training establishments; bulk stores; car repair stations; commercial premises; extractive industries; home occupation (sex services); intensive livestock keeping establishments; junk yards; mines; motor showrooms; offensive or hazardous industries; residential units; restricted premises; sex services premises; shops.

[11] Clause 9

Insert after the matter relating to Zone No 1 (d) Rural (Future urban):

Zone No 1 (e) Outer Rural**1 Objectives of the zone**

The objective of this zone is to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner that sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability, by controlling and locating development in accordance with land capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials, by controlling the location of development in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to control land degradation or is significant to scenic amenity or the natural wildlife habitat, and
 - (vi) water resources, including groundwater, for use in the public interest, by preventing the pollution of water supply catchments and water storage, and

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Amendments

Schedule 1

-
- (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats, and
 - (viii) items of archaeological or heritage significance, including Aboriginal relics and places, and
 - (b) preventing unjustified development of prime crop and pasture land otherwise than for the purpose of agriculture, and
 - (c) facilitating farm adjustments, and
 - (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services, and
 - (e) providing land for non-agricultural purposes, in accordance with the need for that development, and
 - (f) providing for the separation of conflicting land uses.

2 Without development consent

Development for the purpose of agriculture (other than intensive livestock keeping establishments or ancillary dwellings); bushfire hazard reduction; forestry (other than ancillary dwellings); home-based child care.

3 Only with development consent

Any development except that permitted without consent or prohibited.

4 Prohibited

Development for the purpose of boarding-houses; bulky goods salesrooms or showrooms; commercial premises; home occupation (sex services); motor showrooms; residential units; restricted premises; sex services premises; shops (other than general stores).

[12] Clause 9

Omit "home based" from item 2 of the matter relating to Zone No 2 (a) Residential.

Insert instead "home-based".

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Schedule 1 Amendments

[13] Clause 9

Omit item 4 of the matter relating to Zone No 2 (a) Residential.

Insert instead:

4 Prohibited

Development for the purpose of abattoirs; animal boarding or training establishments; bulk stores; extractive industries; forestry; generating works; heliports; home occupation (sex services); industries (other than home or light industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; restricted premises; sawmills; sex services premises; shops (other than general stores); stock and sale yards; timber yards; transport terminals; veterinary clinics; warehouses.

[14] Clause 9

Omit item 4 of the matter relating to Zone No 2 (v) Village. Insert instead:

4 Prohibited

Development for the purpose of extractive industries; home occupation (sex services); intensive livestock keeping establishments; junk yards; mines; offensive or hazardous industries; sex services premises.

[15] Clause 9

Omit item 4 of the matter relating to Zone No 3 Business. Insert instead:

4 Prohibited

Development for the purpose of abattoirs; animal boarding or training establishments; extractive industries; forestry; generating works; heliports; home occupation (sex services); industries (other than home or light industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; offensive or hazardous industries; sawmills; sex services premises; stock and sale yards; transport terminals; warehouses.

[16] Clause 9

Omit item 3 of the matter relating to Zone No 4 Industrial. Insert instead:

3 Only with development consent

Development for the purpose of bulky goods salesrooms or showrooms; commercial premises; home occupation (sex

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Amendments

Schedule 1

services); restricted premises; sex services premises; shops operated in conjunction with other development permitted within this zone or which, in the opinion of the Council, primarily serves the daily convenience needs of the workforce in the locality; any other development except that prohibited.

[17] Clause 11 General considerations for development in rural zones

Omit “or 1 (c)” from clause 11 (1). Insert instead “, 1 (c) or 1 (e)”.

[18] Clause 12A

Insert after clause 12:

12A Subdivision in Zone No 1 (e)

The Council must not grant development consent for the subdivision of land within Zone No 1 (e) unless each lot to be created by the subdivision will have an area of at least 100 hectares.

[19] Clause 13 Subdivision for other purposes in Zone No 1 (a) or 1 (e)

Insert “or 1 (e)” after “1 (a)” in clause 13 (1).

[20] Clause 18A

Insert after clause 18:

18A Erection of a dwelling in Zone No 1 (e)

The Council must not consent to the erection of a dwelling on vacant land within Zone No 1 (e) unless the land has an area of at least 100 hectares.

[21] Clause 19 Dual occupancy development

Omit “Zone Nos 1 (a), 1 (d) or 1 (c)” from clause 19 (3).

Insert instead “Zone No 1 (a), 1 (c), 1 (d) or 1 (e)”.

[22] Clause 20 Temporary accommodation for workers in Zone No 1 (a) or 1 (e)

Insert “or 1 (e)” after “1 (a)”.

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Schedule 1 Amendments

[23] Clause 44

Insert after clause 43:

44 Home occupation (sex services), restricted premises and sex services premises

- (1) The Council must not consent to development for the purpose of restricted premises on land within Zone No 3 that is within the Lithgow core business district unless the Council is satisfied that:
 - (a) the premises are not located on the same level as Main Street, Lithgow, and
 - (b) the only way to go up or down to the premises from Main Street, Lithgow, is through a doorway entrance.
- (2) The Council must not consent to development for the purpose of restricted premises on land within Zone No 3 but outside the Lithgow core business district or on land within Zone No 2 (v) unless the Council is satisfied:
 - (a) that the land does not adjoin an arterial road, or
 - (b) that, taking the most direct route along the nearest public roads, the premises are at least 80 metres from:
 - (i) any other restricted premises, and
 - (ii) any child care centre, club, entertainment facility, place of public worship, recreation facility (indoor), recreation facility (major), recreation facility (outdoor) or school.
- (3) The Council must not consent to development for the purpose of home occupation (sex services), restricted premises or sex services premises on land within Zone No 4 unless the Council is satisfied:
 - (a) that the land does not adjoin an arterial road, or
 - (b) that, taking the most direct route along the nearest public roads, the premises are at least 80 metres from:
 - (i) any other home occupation (sex services) premises, restricted premises or sex services premises, and
 - (ii) any child care centre, club, entertainment facility, place of public worship, recreation facility (indoor), recreation facility (major), recreation facility (outdoor) or school.

Lithgow City Local Environmental Plan 1994 (Amendment No 12)

Amendments

Schedule 1

(4) In this clause:

club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind, but does not include a nightclub or registered club.

Lithgow core business district means the area in Lithgow surrounding Main Street, between its intersections with Lithgow and Bridge Streets, that is shown hatched on Sheet 2 of the map marked "Lithgow City Local Environmental Plan 1994 (Amendment No 12)".

Department of Primary Industries

EXHIBITED ANIMALS PROTECTION ACT 1986

Authorisation to Sign Evidentiary Certificates

I, DOUGLAS FRAZER HOCKING, Acting Director-General of the NSW Department of Primary Industries pursuant to section 49 of the Exhibited Animals Protection Act 1986 ("the Act") hereby authorise the person who from time to time holds, occupies or performs the duties of Leader, Exhibited Animals to issue evidentiary certificates under section 49 of the Act.

Dated this 23rd day of October 2008.

D. F. HOCKING,
Acting Director-General,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Aquaculture) Regulation 2007

Notice of Receipt of Application for Aquaculture Lease

Notification under Section 163 (7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2007

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

- Approx. 1.5985 hectares over former oyster lease OL77/147.

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL77/147 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

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

BILL TALBOT,
Director,
Fisheries Conservation and Aquaculture Branch
Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Fisheries Management (Aquaculture) Regulation 2007

Notice of Receipt of Application for Aquaculture Lease

Notification under Section 163 (7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is Wallis Lake, described as follows:

- Approx. 0.3174 hectares over former oyster lease OL63/024.

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL63/024 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

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

BILL TALBOT,
Director,
Fisheries Conservation and Aquaculture Branch,
Department of Primary Industries

GENE TECHNOLOGY (GM CROP MORATORIUM) ACT 2003

Section 38 (2)

Instrument of Delegation

I, DOUGLAS FRAZER HOCKING, Acting Director-General, NSW Department of Primary Industries, pursuant to section 38(2) of the Gene Technology (GM Crop Moratorium) Act 2003 ("the Act") delegate the function conferred or imposed on me under section 22 of the Act, to the authorised person who from time to time holds, occupies or performs the duties of Manager, Agricultural Compliance.

Dated this 3rd day of November 2008.

In this instrument of delegation "authorised person" has the same meaning as in section 38 (3) of the Act.

D. F. HOCKING,
Acting Director-General,
NSW Department of Primary Industries

HEMP INDUSTRY ACT 2008

Delegation by Director-General

I, RICHARD FREDERICK SHELDRAKE, Director-General of the NSW Department of Primary Industries, pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”):

1. Delegate the powers, authorities, duties and functions conferred on me by the provision of the Act listed in column 1 of Schedule 1 to the member of staff of the NSW Department of Primary Industries who from time to time holds, occupies or performs the duties of the position named in column 2 of Schedule 1; and
2. Delegate the powers, authorities, duties and functions conferred on me by the provision of the Hemp Industry Regulation 2008 listed in column 1 of Schedule 2 to the member of staff of the Department of Primary Industries who from time to time holds, occupies or performs the duties of the position named in column 2 of Schedule 2.

SCHEDULE 1

Delegation under Hemp Industry Act 2008

<i>Power</i>	<i>Position</i>
Section 3 (1)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 4 (1)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 5	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 7 (1)	Director, Compliance Standards & RLPB Alliance Manager Biosecurity & Traceability Systems
Section 7 (2) (a)	Director, Compliance Standards & RLPB Alliance Manager Biosecurity & Traceability Systems
Section 7 (2) (b)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 7 (2) (d)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Manager Biosecurity & Traceability Systems
Section 8 (1)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 8 (2)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Manager Biosecurity & Traceability Systems
Section 8 (3)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 8 (4)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 9	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 10	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 12 (1) (b)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 12 (3)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 13	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 14	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 15	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 16	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance

Section 18	Director, Compliance Standards & RLPB Alliance Director, Compliance Operations Manager, Agricultural Compliance
Section 19 (1)	Director, Compliance Operations Manager, Agricultural Compliance
Section 21	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Director, Compliance Operations Manager, Agricultural Compliance
Section 23	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Director, Compliance Operations Manager, Agricultural Compliance
Section 29 (2)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Director, Compliance Operations Manager, Agricultural Compliance
Section 31 (2)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Director, Compliance Operations Manager, Agricultural Compliance
Section 36	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Director, Compliance Operations
Section 37	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Section 39 (2)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance

SCHEDULE 2

Delegation under Hemp Industry Regulation 2008

<i>Power</i>	<i>Position</i>
Clause 5 (3)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Clause 6	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Clause 7(3)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Clause 8	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Clause 9 (1) (e), (i) & (l)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Manager Biosecurity & Traceability Systems
Clause 9 (2)	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance
Clause 11	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance Manager Biosecurity & Traceability Systems
Clause 12	Deputy Director-General Agriculture, Biosecurity & Mine Safety Director, Compliance Standards & RLPB Alliance

Dated this 4th day of November 2008.

R. F. SHELDRAKE,
Director-General,
NSW Department of Primary Industries

HEMP INDUSTRY ACT 2008

Approval of Licence Application Form

I, JENNIFER ANN NASH, Director, Compliance Standards and RLPB Alliance, pursuant to section 7 (2) (a) of the Hemp Industry Act 2008, and with the delegated authority of the Director-General pursuant to section 41 of the Act, approve the form set out in the Schedule below as the application form for a licence under that Act.

Dated this 5th day of November 2008.

JENNIFER ANN NASH,
Director, Compliance Standards and RLPB Alliance,
NSW Department of Primary Industries



SCHEDULE

NSW DEPARTMENT OF PRIMARY INDUSTRIES

Application for a Licence under the Hemp Industry Act 2008 (NSW)

Please refer to the Guidelines for the Preparation of Applications under the Hemp Industry Act 2008 (NSW). The Guidelines will help you complete this application form.

Privacy Statement: The information provided as part of this application is being collected by the Director-General of the Department of Primary Industries for the purpose of administering and enforcing the provisions of the Hemp Industry Act 2008 (the Act) and the Hemp Industry Regulation 2008.

The Director-General will use the information provided in this form;

- to determine whether the licence applicant and any close associates are of good repute having regard to character, honesty, or integrity;
for the purposes of determining any criminal record of the applicant and any close associates ; and,
for other purposes related to the administration and enforcement of the Act.

You do not have to provide the requested information; however, if you do not provide this information, the Director-General will not be able to issue a licence under the Hemp Industry Act 2008.

The Director-General may disclose any information provided as part of this application, or subsequently requested by the Director-General, to the NSW Police Force and other relevant agencies as defined in Section 37 (3) of the Act.

The information collected will only be used for the purpose for which it was provided. Unless otherwise identified in this statement, your personal information will not be disclosed without your consent unless it is required or authorised by law.

The information collected will be held at the Wagga Wagga Agricultural Institute PMB Pine GullyRd Wagga Wagga, NSW 2650 Phone; 0269381976 email; beverley.zurbo@dpi.nsw.gov.au and you can access or correct that information at any time.

Statutory Declaration by the Applicant

I, (Name) of (address)

hereby declare that:

- a) the information provided by me in this application form is, to the best of my knowledge and belief, true and correct in every particular;
b) I have read and understand the requirements and obligations of the Hemp Industry Act 2008 and the Hemp Industry Regulation 2008;
c) I understand that in order for a licence to be granted the Director-General must conduct a criminal record check in relation to me and I consent to such a criminal record check being conducted.
d) I also understand that in order for a licence to be granted the Director-General must conduct a criminal record check in relation any person who, in the opinion of the Director-General, is a close associate of mine and I have obtained the consent of all close associates identified in this application form for all such criminal record checks to be conducted.
e) I have read the information provided above under the heading Privacy Statement and understand that the information provided by me in this application form will be used for the purposes of determining my suitability to hold a licence under the Hemp Industry Act 2008 and for other purposes associated with the administration and enforcement of that Act;

and I make this declaration in the knowledge that a person making a false declaration is liable to prosecution under the Oaths Act 1900.

Signed by

At (location) on the day of

(year) in the presence of (Justice of the Peace)

Part 1 - Applicant Details		Please refer to the <i>Guidelines for the Preparation of Applications under the NSW Hemp Industry Act 2008</i> . The Guidelines will help you complete this application form. Please provide 2 recent passport size photographs and a photocopy of your drivers licence or other photo identification	
Full Name of Applicant:			
Date of Birth:			
Drivers Licence Number:		Issued in (State):	
Business Name – If different to the applicant name		ABN Number: ACN Number:	
Please describe your role within this business: (e.g. Owner, Director, Manager...)			
Residential Address:		Postal Address:	
City:	State	Postcode:	
City:		State	Postcode:
Telephone:		Telephone:	
Fax:		Fax:	
Mobile:		Mobile:	
e-Mail:		e-Mail:	
1.1	Have you ever been convicted of a drug related offence anywhere in Australia?	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No ⇒ Go to 1.3
1.2	Please provide details of this conviction including the nature and outcome of the conviction Please attach more detailed information and supporting documentation where applicable.	----- ----- -----	
1.3	Have you ever been refused a licence or had a licence related to low THC hemp suspended or cancelled in NSW or in another Australian jurisdiction?	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No
1.4	Please provide details of the refusal, suspension or cancellation	----- ----- -----	

PART 2

- Provide details of any **Close Associates** who are likely to be concerned in, or associated with, the cultivation or supply of low-THC hemp under the licence.
- Please refer to Part 2 in *Guidelines for the Preparation of Applications under the NSW Hemp Industry Act 2008* to determine whether there are close associates relevant to this application and for advice on completing this section.
- If you need to nominate more than 2 Close Associates – Photocopy this page and attach to the application form

Close Associate A

Please provide 2 recent passport size photographs and a photocopy of your drivers licence or other photo identification

Full Name:		
Date of Birth:		
Drivers Licence Number:		Issued in (State):

Describe the relevant position, power or financial interest this Close Associate has with this application:

Residential Address:	Postal Address:
City: State Postcode:	City: State Postcode:
Telephone:	Telephone:
Fax:	Fax:
Mobile:	Mobile:
e-Mail:	e-Mail:

A.1 Have you ever been convicted of a drug related offence anywhere in Australia?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒ Go to A.3
A.2 Please provide details of this conviction including the nature and outcome of the conviction? Please attach more detailed information and supporting documentation where applicable	<hr/> <hr/> <hr/> <hr/>
A.3 Have you ever been refused a licence or had a licence related to low THC hemp suspended or cancelled in NSW or in another Australian jurisdiction?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒ Please sign document
A.4 Please provide details of any refusal, suspension or cancellation	<hr/> <hr/> <hr/> <hr/>

I, (Name).....verify that I am a Close Associate with respect to this application and that the information provided above is, to the best of my knowledge and belief, true and correct in every particular.
 Signature..... Date:.....

Close Associate B		Please provide 2 recent passport size photographs and a photocopy of your drivers licence or other photo identification	
Full Name:			
Date of Birth:			
Drivers Licence Number: <small>Please attach a photocopy of you drivers licence</small>		Issued in (State):	
Describe the relevant position, power or financial interest this Close Associate has with this application:			
Residential Address:		Postal Address:	
City: State Postcode:	City: State Postcode:		
Telephone:	Telephone:		
Fax:	Fax:		
Mobile:	Mobile:		
e-Mail:	e-Mail:		
A.1 Have you ever been convicted of a drug related offence anywhere in Australia?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒ Go to A.3		
A.2 Please provide details of this conviction including the nature and outcome of the conviction? <small>Please attach more detailed information and supporting documentation where applicable</small>	<hr/> <hr/> <hr/> <hr/>		
A.3 Have you ever been refused a licence or had a licence related to low THC hemp suspended or cancelled in NSW or in another Australian jurisdiction?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒ Please sign document		
A.4 Please provide details of any refusal, suspension or cancellation	<hr/> <hr/> <hr/> <hr/>		
I, (Name).....verify that I am a Close Associate with respect to this application and that the information provided above is, to the best of my knowledge and belief, true and correct in every particular. Signature..... Date:.....			

Part 3 - Activity • Please refer to section Part 3 <i>Guidelines for the Preparation of Applications under the Hemp Industry Act 2008</i> (NSW) for advice on completing this section.		
a. What is the purpose of this licence? Please note that a licence can authorise more than one activity on the same property.	<input type="checkbox"/> Cultivate low THC hemp for:	<input type="checkbox"/> Commercial production – Complete 3.1 <input type="checkbox"/> Manufacturing process – Complete 3.2 <input type="checkbox"/> Scientific purposes – Research, instruction, analysis or study – Complete 3.3
	<input type="checkbox"/> Supply low THC hemp for:	<input type="checkbox"/> Commercial production – Complete 3.4 <input type="checkbox"/> Manufacturing process – Complete 3.5 <input type="checkbox"/> Scientific purposes - Research, instruction analysis or study – Complete 3.6
b. What is the nature of proposed activities to be undertaken?	Cultivate <input type="checkbox"/> Fibre <input type="checkbox"/> Seed <input type="checkbox"/> Other (please describe)	
	Supply <input type="checkbox"/> Fibre <input type="checkbox"/> Seed <input type="checkbox"/> Other (please describe)	
c. Please describe the intended use or destination of low THC Hemp material (If known)	<input type="checkbox"/> stalks (fibre) for commercial sale - processing/manufacturing	
	<input type="checkbox"/> stalks (fibre)for on farm processing	
	<input type="checkbox"/> seed for sale - processing	
	<input type="checkbox"/> seed for sale – sowing or on farm use	
		<input type="checkbox"/> other (please describe)
d. Indicate the preferred duration of the licence. A licence is generally issued for a maximum of 5 years. If a shorter duration is preferred, please indicate in the space provided.	Duration of Licence years	

3.2 Cultivation – Manufacturing Process

Complete this section if you intend to cultivate low-THC hemp for the purpose of manufacturing process.

f. Provide a description of the location of the property on which the low-THC hemp is to be cultivated	Property Name:	
	Address:	
	City:	State Postcode:
	Lot No.	DP No.
g. Do you have a Property Identification Code issued by your Rural Lands Protection Board?	<input type="checkbox"/> Yes	PIC No.:
	<input type="checkbox"/> No	
h. Do you (the Applicant) own this property? If you are not the owner of the property you will need to provide evidence that the owner consents to the use of this property for the cultivation of low-THC hemp. <i>Please refer to Appendix 1 in Guidelines for the preparation of Applications under the NSW Hemp Industry Act 2008.</i>	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No – Please provide the following details:	
	Name of Owner:	
	Address of Owner:	
	City: State: Postcode	
i. Approximately how many hectares of low-THC hemp are likely to be cultivated on the property under this application?Hectares	
j. Please provide a description of processes the low THC hemp will be subjected (if known)		
k. Attach a plan of the property showing those areas where low-THC hemp is likely to be cultivated or stored. <i>Please refer to section 3.1(f) in Guidelines for the Preparation of Applications under the Hemp Industry Act 2008 (NSW) for advice on what is required in a property plan.</i>		

3.3 Cultivation – Scientific Purposes Complete this section if you intend to cultivate low-THC hemp for the purpose of scientific research, instruction, analysis or study.	
a. Provide a description of the location of the property on which the low-THC hemp is to be cultivated	Property Name:
	Address:
	City: State Postcode:
	Lot No. DP No.
b. Attach a comprehensive description of the research, instruction or analysis proposed, including the objectives, trial design and the proposed use, disposal and destruction of the hemp proposed to be cultivated.	
c. Please provide details of your educational qualifications and other relevant qualifications and experience. Please also provide these details for all close associates who will be concerned in, or associated with, the cultivation of low-THC hemp under the licence.	
d. Do you (the Applicant) own the property or facility on which the proposed cultivation will take place? If you do not own this property you will also need to provide evidence that the owner consents to the use of this property for the cultivation of low-THC hemp. <i>Please refer to Appendix 1 in Guidelines for the preparation of Applications under the Hemp Industry Act 2008.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No – Please provide the following details: Name of Owner: Address of Owner: City: State: Postcode
e. Approximately how many hectares of low-THC hemp are likely to be cultivated on the property under this application?Hectares
f. Attach a plan of the property or facility showing those areas where low-THC hemp is likely to be cultivated or stored. Please refer to section 3.1(f) in <i>Guidelines for the Preparation of Applications under the Hemp Industry Act 2008</i> (NSW) for advice on what is required in a property plan.	

3.4 Supply –Commercial production	
Complete this section if you intend to supply low-THC hemp for commercial production	
a. Are you supplying low-THC hemp which will be cultivated under the terms of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒Go to c.
b. Do you know at this stage the location of the property and responsible person that will be supplying low-THC hemp to?	<input type="checkbox"/> Yes ⇒Go to d. <input type="checkbox"/> No – you will need to provide details of the final destination of your crop in your annual report.
c. Are you supplying any low-THC hemp which was not cultivated by you?	<input type="checkbox"/> Yes – (Provide details below) <input type="checkbox"/> No
	Name
	Address
	Licence number:
d. Provide a description of the location of the property and the name of the responsible person that is to be used for the proposed. (if Known)	Responsible Person:
	Business Name:
	Address:
	City: State Postcode:
	Phone: Fax:
	Mobile: e-Mail:
e. Provide an estimate of the quantity of low-THC hemp to be supplied for commercial production on an annual basis.	Estimates may need to be amended when annual report of activity is submitted:

3.5 Supply – For use in manufacturing process	
Complete this section if you intend to supply low-THC hemp for use in a manufacturing process.	
a. Are you supplying low-THC hemp which will be cultivated under the terms of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒Go to c.
b. Do you know at this stage the details of the manufacturer or processor to whom you will be supplying low-THC hemp	<input type="checkbox"/> Yes ⇒Go to d. <input type="checkbox"/> No – you will need to provide details of the final destination of your crop in your annual report.
c. Are you supplying any low-THC hemp for processing which was not cultivated by you?	<input type="checkbox"/> Yes – (Provide details below) <input type="checkbox"/> No
	Name
	Address
d. Provide details of the processor or manufacturer to whom you intend to supply low-THC hemp.	Responsible Person:
	Business Name:
	Address:
	City: State Postcode:
	Phone: Fax:
	Mobile: e-Mail:
e. Do you intend to process hemp material or seed on site?	
f. What manufacturing process will the low-THC hemp be subjected to?	<input type="checkbox"/> Oil extraction <input type="checkbox"/> fibre extraction <input type="checkbox"/> Manufacturing
g. Provide an estimate of the quantity of low THC hemp to be supplied for manufacturing process on an annual basis.	Estimates may need to be amended when annual report of activity is submitted:

3.6 Supply – Scientific Research	
Complete this section if you intend to supply low-THC hemp for use in scientific research	
a. Are you supplying low-THC hemp which will be cultivated under the terms of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No ⇒Go to c.
b. Do you know at this stage the details of the researcher to whom you will be supplying low-THC hemp	<input type="checkbox"/> Yes ⇒Go to d. <input type="checkbox"/> No – you will need to provide details of the final destination of your crop in your annual report.
c. Are you supplying any low-THC hemp which was not cultivated by you?	<input type="checkbox"/> Yes – (Provide details below) <input type="checkbox"/> No
	Name
	Address
d. Provide a description of the location of the property that is to be used for the proposed research, instruction, analysis or study – if known.	Responsible Person:
	Business Name:
	Property Address:
	City: State Postcode:
	Phone: Fax:
	Mobile: e-Mail:
e. What research, instruction, analysis or study will the low-THC hemp be use for – if known	
f. Provide an estimate of the quantity of low-THC hemp to be supplied annually	Estimates will be amended when annual report of activity is submitted:

Part 4 - Paying Fees

If Paying by Cheque, please make payable to:

NSW Department of Primary Industries – Hemp Licensing

If paying by Credit Card, please provide the following details:

Card Type: VISA MasterCard

Cardholders Name:

Card Number:

Expiry Date:

Total Amount:

Signature:

Submitting Applications

Please send this application form with the prescribed fee to:

Industrial Hemp Licensing
 NSW Department of Primary Industries
 Locked Bag 21
 Orange NSW 2800.

Further assistance may be obtained by contacting NSW Department of Primary Industries on 02 69381976 or on 02 63913100

Checklist

Action	Attached Y/N
Statutory Declaration signed	
Copy of drivers licence	
2 recent photographs	
Name and personal details	
Contact details	
Criminal record declaration	
Close associates and contacts	
Close associate criminal record declaration and signature	
purpose of license	
Nature of activities and intended use	
Completed section - Cultivation(3.1, 3.2 or 3.3) including;	
Premises/property	
Cultivated product	
research design/qualifications	
Farm map	
Complete section – Supply (3.4,3.5 or 3.6) including;	
Cultivation and supply	
Details of person supplying to you	
Details of the person, company, location supplying to	
Quantity supplied	
Processing/ manufacturing/research	
Fee payment attached	

HEMP INDUSTRY ACT 2008

Approval of Licence Application Fees

I, RICHARD SHELDRAKE, Director-General of the NSW Department of Primary Industries, pursuant to section 7(2) (b) of the Hemp Industry Act 2008 approve the fee set out in column 2 of the Schedule below as the fee to accompany an application for a licence set out in column 1 of that Schedule.

SCHEDULE

<i>Column 1 Type of Licence Application</i>	<i>Column 2 Fee to accompany Licence Application</i>
Initial Licence Application	\$572
Application for Renewal of Licence	\$418
Application for Transfer of Licence	\$451

Dated this 4th day of November 2008.

R. F. SHELDRAKE,
Director-General,
NSW Department of Primary Industries

NOXIOUS WEEDS ACT 1993

Section 67

Instrument of Delegation

I, DOUGLAS FRAZER HOCKING, Acting Director-General, NSW Department of Primary Industries, pursuant to section 67 of the Noxious Weeds Act 1993 ("the Act") delegate the function conferred or imposed on me under section 42 and section 50(2) of the Act to the person who from time to time holds, occupies or performs the duties of Manager, Agricultural Compliance.

Dated this 3rd day of November 2008.

D. F. HOCKING,
Acting Director-General,
NSW Department of Primary Industries

STOCK MEDICINES ACT 1989

Section 64

Instrument of Delegation

I, DOUGLAS FRAZER HOCKING, Acting Director-General, NSW Department of Primary Industries, pursuant to section 64 of the Stock Medicines Act 1989 ("the Act") delegate the function conferred or imposed on me under section 48 and section 50A of the Act, to the person who from time to time holds, occupies or performs the duties of Manager, Agricultural Compliance.

Dated this 3rd day of November 2008.

D. F. HOCKING,
Acting Director-General,
NSW Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T08-0235)

No. 3609, Raymond Noel Ronald ANDREWS and Joseph Roy TERP, area of 14 units, for Group 6, dated 31 October 2008. (Armidale Mining Division).

(T08-0236)

No. 3610, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 254 units, for Group 10, dated 3 November 2008. (Broken Hill Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T08-0043)

No. 3443, now Exploration Licence No. 7218, W.J. MURDOCH & CO PTY LTD (ACN 002 598 478), County of Wellington, Map Sheet (8832), area of 2 units, for Group 2, dated 15 October 2008, for a term until 15 October 2010.

(T08-0171)

No. 3544, now Exploration Licence No. 7229, John Leslie LOVE, County of Clarke, Map Sheet (9237), area of 2 units, for Group 1, dated 30 October 2008, for a term until 30 October 2010.

MINING LEASE APPLICATION

(07-9591)

Singleton No. 310, now Mining Lease No. 1623 (Act 1992), WHITE MINING (NSW) PTY LIMITED (ACN 089 414 595), AUSTRAL-ASIA COAL HOLDINGS PTY LTD (ACN 113 038 663) and ICRA ASHTON PTY LTD (ACN 097 499 780), Parish of Vane, County of Durham, Map Sheet (9133-3-S), area of 26.17 hectares, to mine for coal, dated 30 October 2008, for a term until 30 October 2029. As a result of the grant of this title, Exploration Licence No. 4918 has partly ceased to have effect.

PETROLEUM APPLICATIONS

(T07-0438)

No. 86, now Petroleum Exploration Licence No. 465, NORWEST HYDROCARBONS PTY LTD (ACN 129 874 951), area of 138 blocks, for petroleum, dated 28 October 2008, for a term until 28 October 2010. (Inverell Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(T07-0440)

No. 88, now Petroleum Exploration Licence No. 466, NORWEST HYDROCARBONS PTY LTD (ACN 129 874 951), area of 140 blocks, for petroleum, dated 28 October 2008, for a term until 28 October 2010. (Cobar Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(T07-0441)

No. 89, now Petroleum Exploration Licence No. 467, NORWEST HYDROCARBONS PTY LTD (ACN 129 874

951), area of 140 blocks, for petroleum, dated 28 October 2008, for a term until 28 October 2010. (Lightning Ridge Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(T07-0571)

No. 93, now Petroleum Exploration Licence No. 462, GUNNEDAH GAS PTY LTD (ACN 115 880 772) and SANTOS QNT PTY LTD (ACN 083077196), area of 23 blocks, for petroleum, dated 22 October 2008, for a term until 22 October 2011. (Orange Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(T08-0012)

No. 100, now Petroleum Exploration Licence No. 463, MACQUARIE ENERGY PTY LTD (ACN 113 972 473), area of 40 blocks, for petroleum, dated 22 October 2008, for a term until 22 October 2011. (Singleton Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(T08-0013)

No. 101, now Petroleum Exploration Licence No. 464, MACQUARIE ENERGY PTY LTD (ACN 113 972 473), area of 13 blocks, for petroleum, dated 22 October 2008, for a term until 22 October 2011. (Armidale Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

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

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T07-0501)

No. 3361, MINERAL SANDS LIMITED (ACN 103 006 542), County of Caira and County of Waradgery, Map Sheets (7628, 7629, 7728, 7729). Withdrawal took effect on 28 October 2008.

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

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

(06-239)

Exploration Licence No. 6673, DEFIANCE RESOURCES LTD (ACN 119 700 220), area of 24 units. Application for renewal received 3 November 2008.

(06-056)

Exploration Licence No. 6674, GUM RIDGE MINING PTY LIMITED (ACN 108 530 650), area of 46 units. Application for renewal received 31 October 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(07-3744)

Authorisation No. 230, DIRECTOR GENERAL NSW DEPT OF PRIMARY INDUSTRIES ON BEHALF OF THE CROWN, Counties of Hunter, Phillip and Roxburgh, Map Sheet (8932), area of 347 square kilometres, for a further term until 4 August 2012. Renewal effective on and from 16 October 2008.

(08-1686)

Exploration Licence No. 5709, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheet (7430), area of 39 units, for a further term until 27 March 2010. Renewal effective on and from 30 October 2008.

(T00-0164)

Exploration Licence No. 5857, Tamas KAPITANY, County of Gough, Map Sheet (9239), area of 1 units, for a further term until 10 May 2009. Renewal effective on and from 30 October 2008.

(T03-0058)

Exploration Licence No. 6181, CLANCY EXPLORATION LIMITED (ACN 105 578 756), Counties of Bathurst and Wellington, Map Sheet (8731), area of 29 units, for a further term until 18 January 2010. Renewal effective on and from 3 November 2008.

(T03-0852)

Exploration Licence No. 6273, DRAKE RESOURCES LTD (ACN 108 560 069), Counties of Buller, Clive and Drake, Map Sheet (9340), area of 67 units, for a further term until 14 June 2010. Renewal effective on and from 30 October 2008.

(06-73)

Exploration Licence No. 6620, ICON RESOURCES LTD (ACN 115 009 106), County of Parry, Map Sheet (9135), area of 9 units, for a further term until 29 August 2010. Renewal effective on and from 31 October 2008.

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

REQUEST FOR CANCELLATION OF AN AUTHORITY

NOTICE is given that an application for cancellation has been received in respect of the following authorities:

(06-76)

Exploration Licence No. 6650, OROYA MINING LIMITED (ACN 009 146 794), Counties of Gordon and Wellington, Map Sheet (8631), area of 50 units. Request for cancellation was received on 31 October 2008.

(06-83)

Exploration Licence No. 6717, OROYA MINING LIMITED (ACN 009 146 794), Counties of Blaxland and Cunningham, Map Sheet (8823), area of 98 units. Request for cancellation was received on 31 October 2008.

(07-276)

Exploration Licence No. 7077, OROYA MINING LIMITED (ACN 009 146 794), Counties of Gordon and Ashburnham, Map Sheets (8631, 8632), area of 73 units. Request for cancellation was received on 31 October 2008.

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

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T02-0045)

Exploration Licence No. 6022, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Windeyer, Map Sheets (7131, 7132), area of 38 units. Cancellation took effect on 30 October 2008.

(T02-0046)

Exploration Licence No. 6024, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheets (7230, 7330), area of 50 units. Cancellation took effect on 30 October 2008.

(06-4096)

Exploration Licence No. 6660, MINCOR COPPER PTY LTD (ACN 120 024 777), County of Darling and County of Hardinge, Map Sheets (9037, 9137), area of 175 units. Cancellation took effect on 17 September 2008.

(07-149)

Exploration Licence No. 6834, PLATSEARCH NL (ACN 003 254 395) and PARADIGM MEXICO PTY LIMITED (ACN 108 506 207), County of Young and County of Yungnulgra, Map Sheet (7335), area of 12 units. Cancellation took effect on 4 November 2008.

(06-7064)

Exploration Licence No. 6858, MINERAL SANDS LIMITED (ACN 103 006 542), County of Wentworth, Map Sheets (7329, 7330, 7430), area of 235 units. Cancellation took effect on 4 November 2008.

(M07-0358)

Exploration Licence No. 6973, MINERAL SANDS LIMITED (ACN 103 006 542), County of Taila and County of Wentworth, Map Sheets (7328, 7329, 7428, 7429), area of 202 units. Cancellation took effect on 4 November 2008.

(T08-0082)

Exploration Licence No. 7216, RODINIA RESOURCES PTY LTD (ACN 129 217 885), County of Cowper and County of Gunderbooka, Map Sheets (8137, 8138), area of 30 units. Cancellation took effect on 3 November 2008.

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

TRANSFERS

(07-290)

Exploration Licence No. 7003, formerly held by ORESEARCH PTY LTD (ACN 125 825 603) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 27 October 2008.

(07-290)

Exploration Licence No. 7004, formerly held by ORESEARCH PTY LTD (ACN 125 825 603) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 27 October 2008.

(07-290)

Exploration Licence No. 7005, formerly held by ORESEARCH PTY LTD (ACN 125 825 603) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 27 October 2008.

(07-290)

Exploration Licence No. 7006, formerly held by ORESEARCH PTY LTD (ACN 125 825 603) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 27 October 2008.

(07-290)

Exploration Licence No. 7007, formerly held by ORESEARCH PTY LTD (ACN 125 825 603) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 27 October 2008.

(07-290)

Exploration Licence No. 7008, formerly held by ORESEARCH PTY LTD (ACN 125 825 603) has been transferred to MERIDIAN MINERALS LIMITED (ACN 125 825 532). The transfer was registered on 27 October 2008.

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

TRANSFER OF PART OF AN AUTHORITY

(08-2299)

Authorisation No. 216, held by DIRECTOR GENERAL NSW DEPT OF PRIMARY INDUSTRIES ON BEHALF OF THE CROWN has been transferred in part to SHENHUA WATERMARK COAL PTY LTD (ACN 133 264 230). The transfer was registered on 22 October 2008.

Pursuant to Section 123 of the Mining Act 1992:

- (1) Authorisation No. 216 has been cancelled as to the area transferred; and
- (2) Exploration Licence No. 7223 has been granted to SHENHUA WATERMARK COAL PTY LTD (ACN 133 264 230) over the area transferred for a period until 28 February 2011.

Description of area part transferred

An area of about 195 square kilometres. For further information contact Titles Branch.

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

EXPIRY

(T00-0711)

Mining Purposes Lease No. 276 (Act 1973), WORLDMIN NL (ACN 066 553 428), Parish of Wallangulla, County of Finch and Parish of Wallangulla, County of Finch. This title expired on 30 October 2008.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

RICHMOND VALLEY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

BRIAN WILKINSON,
General Manager,
Richmond Valley Council
(by delegation from the Minister for Roads)
Dated: 4 November 2008

SCHEDULE

1. Citation

This Notice may be cited as Richmond Valley Council 25 Metre B-Double route Notice No. 01/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30th September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Broadwater Bridge Road, Broadwater.	Pacific Highway.	Broadwater Road.

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

Notice of Compulsory Acquisition of Land at Wamberal in
the Gosford City Council area

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

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

SCHEDULE

ALL that piece or parcel of Crown land situated in the
Gosford City Council area, Parish of Kincumber and
County of Northumberland, shown as Lot 5 Deposited Plan
872342.

(RTA Papers: FPP 8M2883; RO 30/184.131)

ROADS ACT 1993

Order – Section 257

ERRATUM

THE Roads and Traffic Authority of New South Wales, by this order under Section 257 of the Roads Act 1993, corrects
errors in the notice published in Government Gazette No 134 dated 24 October 2008 on page 10376 under the
heading “Notice of Dedication of Land as Public Road at Kensington in the Randwick Council area” by:

deleting from the schedule of the said notice the following land descriptions;

<u>Description of land</u>	<u>Title Particulars</u>
Lot 25 Deposited Plan 607990	Certificate of Title Volume 9170 Folio 23

and inserting in lieu thereof the land descriptions below;

<u>Description of land</u>	<u>Title Particulars</u>
Lot 25 Deposited Plan 607990	Certificate of Title Volume 10343 Folio 50

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

(RTA Papers: FPP 381.1226; RO 381.1226)

Department of Water and Energy

WATER ACT 1912

AN application for a licence, under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Shane Phillip GILES and Wendy Anne GILES for a pump on the Bega River (Tyler Creek) being Lot 5, DP 1113733, Parish Kameruka, County Auckland for the irrigation of 1.0 hectare (improved pasture) New licence – permanent transfer of 1.0 megalitre from 10SL056634. (Exempt from the 2007 South Coast Rivers embargo) (Ref:10SL056821).

Any inquiries regarding the above should be directed to the undersigned on (02) 4429 4442. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the Department of Water and Energy, PO Box 309, Nowra NSW 2541, within 28 days of the date of this publication.

WAYNE RYAN,
Licensing Officer

WATER ACT 1912

Repeal of Order under Section 117E
Restriction of Groundwater Allocations
Peel Valley Alluvium GWM 005

I, DAVID HARRISS, having delegated authority from the Water Administration Ministerial Corporation, do by this Order, repeal the Order made under s117E of the Water Act 1912, for the Peel Valley Alluvium GWM 005, dated 5 September 2008 and published in the *New South Wales Government Gazette* on 8 September 2008, No. 114 at page 9200.

Dated at Albury, this 31st day of October 2008.

DAVID HARRISS,
Deputy Director-General,
NSW Department of Water and Energy
Signed for the Water Administration Ministerial
Corporation (by delegation)

Note: Holders of General Security entitlements may now access up to 100% of their entitlement.

WATER ACT 1912

Order under Section 20Z
Reduction in Water Allocations
Peel Regulated River Water Source

PURSUANT to section 20Z of the Water Act 1912, I, DAVID HARRISS, having delegated authority from the Water Administration Ministerial Corporation, upon being satisfied that the water source specified in Schedule 1, which is subject to a scheme, is unlikely to have sufficient water available to meet the requirements of the persons authorised by law to take water from that water source and such other requirements for water from the water source for the 2008/2009 water year, do, by this Order, reduce the water allocations in that water source, for the entitlements specified in Schedule 2, by the proportion specified in Schedule 2.

This Order takes effect upon being published in the *New South Wales Government Gazette* and in a newspaper circulating in the district in which the water source is located, and remains in force until 30 June 2009, unless repealed or modified by further order.

Dated at Albury, this 31st day of October 2008.

DAVID HARRISS,
Deputy Director-General,
NSW Department of Water and Energy
Signed for the Water Administration Ministerial
Corporation (by delegation)

SCHEDULE 1

Peel regulated river water source (as proclaimed under section 22C of the Water Act 1912).

SCHEDULE 2

The percentage proportion reduction in water allocation in Column 2 applies to the adjacent class of entitlement in Column 1.

<i>Column 1</i> <i>Class of entitlement</i>	<i>Column 2</i> <i>Percentage proportion reduction in water allocation</i>
General Security	20%

Note: (1) This order allows holders of General Security entitlements to access up to 80% of their entitlement for the 2008/2009 water year.

WATER ACT 1912

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

Hunter

MIDCOAST COUNTY COUNCIL for a dam (Bootawa Dam), diversion pipe and pumping plant and a dam (Lagoon Pond) and pump both on an unnamed watercourse on Lot 3, DP 227571, Parish Bootawa, County Gloucester, for conservation and supply of water for town water supply purposes (replacement licence) (Reference: 20SL061764).

MIDCOAST COUNTY COUNCIL for a pumping plant on the Manning River on part Lot 1, DP 201331, Parish Bootawa, County Gloucester, for town water supply purposes (replacement licence) (Reference: 20SL061765).

Written objections to the applications specifying grounds thereof must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication.

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

*Macquarie**Macquarie River Valley*

Vivian WHITE, Kerry WHITE, Raymond DREVES and Michele FULTON for a pump on the Macquarie River, Easement within Lot 642, DP 856230, Parish Watton, County Roxburgh, for water supply for stock and domestic purposes (replaces existing licence) (Reference: 80SA10640).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area whose interests may be effected and must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication.

DENNIS MILLING,
Manager,
Licensing

Other Notices

ANTI-DISCRIMINATION ACT 1977

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 49D and 51 of the Anti-Discrimination Act 1997, to the NSW Consumer Advisory Group Mental Health Inc to designate, advertise and recruit to develop a pool of Casual Committee Representatives who are self identified mental health consumers or are carers of mental health consumers.

This exemption will remain in force for a period of five years from the date given.

Dated this 3rd day of November 2008.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to Section 54A

THE incorporation of PHILANTHROPIC ASSOCIATION GALINI-NEI SOLI INC (Y0476618) cancelled on 10 October 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 3rd day of November 2008.

CHRISTINE GOWLAND,
Manager
Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act, 1984.

Cancellation is effective as at the date of gazettal.

Scrapbooking and Papercraft Association of Australia Incorporated INC9884961
African Violet-Gesneriad Society of N.S.W. Incorporated Y0471437
Bundanoon Christian Youth Camp Council INCY0252648
Retire All State Politicians Incorporated INC9883006
The Friends of the N.S.W. Tennis Association INCY0647323
Islanders Cricket Club Incorporated Y3060936
Australia Travel & Tourism Professionals Incorporated INC9879256
The Liverpool Singers Incorporated Y1970115
State Dunecare Conference Committee Incorporated Y3058524

Friends of George Frost House & Brisbane Water Maritime Heritage Park INC9885205
NSW Canoeing Incorporated Y1384423
Lions Club of Burragorang Incorporated Y2138043
Chatz Snooker & Billiards Club Incorporated INC9876897
Emergency Service Ball Incorporated Y2639701
Daisy Day Care Incorporated Y2884735
Heathcote Little Athletics Club INC Y0714927
Exodus Support Group Incorporated INC9886341
Twin Towns Rodeo Association Incorporated Y3050842
Port Macquarie-Hastings Friends of the Gallery INCInc9875370
Riverina Western Performance Club INC9883221
Friends of Blue Mountains Library Incorporated INC9875595

CHRISTINE GOWLAND,
Manager/ Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce
5 November 2008

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 55A

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act, 1984.

Cancellation is effective as at the date of gazettal.

Oasis Network Incorporated INC9877649
Multiform Open Broadcasting Incorporated INC9879689

CHRISTINE GOWLAND,
Manager, Financial Analysis Branch
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Commerce
5 November 2008

DRUG AND ALCOHOL TREATMENT ACT 2007

Variation of Notice under Section 8 of the Drug and Alcohol Treatment Act 2007

I, Professor DEBORÁ PICONE AM, Director General, in accordance with section 8 of the Drug and Alcohol Treatment Act 2007, do hereby, with immediate effect, vary my order under section 8 of the Drug and Alcohol Treatment Act 2007, which was published in *Government Gazette* No 180 of 7 December 2007, page 9486, by deleting the words "Centre for Addiction Medicine of Nepean Hospital" and replacing them with the words "Nepean Hospital".

Signed this 30th day of October 2008.

Professor DEBORÁ PICONE, AM,
Director General

FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1957

Notification of Approval of Addition of Fluorine to a Public Water Supply (Eurobodalla Shire Water Supply)

PURSUANT to section 6 of the Fluoridation of Public Water Supplies Act 1957, I, Professor Debora Picone, AM, Director-General of the Department of Health, do hereby approve an application by the Eurobodalla Shire Council to add fluorine to the public water supply under its control (in this notification referred to as "the Eurobodalla Shire Water Supply").

This approval is subject to the following terms and conditions:

1. The Eurobodalla Shire Council may only add fluorine to the Eurobodalla Shire Water Supply in accordance with this approval and any provisions, directions or approvals made or varied from time to time under the Fluoridation of Public Water Supplies Act 1957, the Code of Practice for the Fluoridation of Public Water Supplies made under that Act as in force from time to time, and the Fluoridation of Public Water Supplies Regulation 2007 or any subsequent Regulation made in its place; and
2. The Eurobodalla Shire Council shall maintain the content of fluorine to the Eurobodalla Shire Water Supply at a target concentration level of 1.0 mg/L with an overall accuracy of +/-5% and within an operating range of not more than 1.5 mg/L and not less than 0.9 mg/L and generally in accordance with the relevant provisions of the Code of Practice for the Fluoridation of Public Water Supplies; and
3. The Eurobodalla Shire Council shall have commenced the upward adjustment of fluorine in the Eurobodalla Shire Water Supply by no later than 31 December 2010, unless otherwise approved by the Chief Dental Officer of NSW Health or that officer's approved representative.

Signed at Sydney, this 30th day of October 2008.

Professor DEBORA PICONE, AM,
Director-General

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 7(1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name listed hereunder as a recorded name.

Assigned Name:	One Ton Post.
Designation:	Landmark.
L.G.A.:	Walgett.
Parish:	Burrandown.
County:	Finch.
L.P.I. Map:	Eulalie.
100,000 Map:	Mogil Mogil 8639.
Reference:	GNB 5318.
Description:	A landmark located on the western bank of the Barwon River. It is situated 30 k E of Clodes Gate, 9.5 k NE of Comilaroy Weir and 4 k SW of Mungindi. The landmark has Barwon River Post Trig. Station located on it.

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical name listed hereunder.

Assigned Name:	Gregory and Greaves Corner.
Designation:	Boundary.
L.G.A.:	Moree Plains.
Parish:	Yarouah.
County:	Benarba.
L.P.I. Map:	Eulalie.
1:100,000 Map:	Mogil Mogil 8639.
Reference:	GNB 5173.
Description:	The eastern end of the straight boundary between New South Wales and Queensland where the 29th parallel intersects the median line of the Barwon River near Mungindi.

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Surveyor General of New South Wales,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

NSW SCIENTIFIC COMMITTEE

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

Critically Endangered Species (Part 1 of Schedule 1A)

Bossiaea sp. Abercrombie (K.L. McDougall 1268), a shrub

Vulnerable Species (Part 1 of Schedule 2)

Bossiaea sp. Bombay (K.L. McDougall 1200), a shrub

Notice of Preliminary Determinations Amendments to the Schedules

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the shrub *Bertya opposens* (F.Muell. ex Benth.) Guymer as a VULNERABLE SPECIES in Part 1 of Schedule 2 of the Act, and as a consequence, omit reference to *Bertya* sp. A Cobar-Coolabah (Cunningham & Milthorpe s.n., 2/8/73) from Part 1 of Schedule 2 (Vulnerable species) of the Act.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the shrub *Bertya* sp. (Clouds Creek, M. Fatemi 4) as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, omit reference to *Bertya* sp. A Cobar-Coolabah (Cunningham & Milthorpe s.n., 2/8/73) from Part 1 of Schedule 2 (Vulnerable species) of the Act.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Black-eared Miner *Manorina melanotis* (Wilson, 1911) as a CRITICALLY ENDANGERED SPECIES in Part 1 of Schedule 1A of the Act and as a consequence, to omit reference to the Black-eared Miner *Manorina melanotis* (Wilson, 1911) from Part 1 of Schedule 1 (Endangered species) of the Act.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Peppered Tree Frog *Litoria piperata* Tyler & Davies, 1985, as a CRITICALLY ENDANGERED SPECIES in Part 1 of Schedule 1A of the Act, and as a consequence, to omit reference to the Peppered Frog *Litoria piperata* Tyler & Davies, 1985 from Part 1 of Schedule 2 (Vulnerable species) of the Act.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Southern Corroboree Frog *Pseudophryne corroboree* Moore, 1953 as a CRITICALLY ENDANGERED SPECIES in Part 1 of Schedule 1A of the Act, and as a consequence, to omit reference to the Southern Corroboree Frog *Pseudophryne corroboree* Moore, 1953 from Part 1 of Schedule 1 (Endangered species) of the Act.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Spotted Tree Frog *Litoria spenceri* Dubois, 1984, as a CRITICALLY ENDANGERED SPECIES in Part 1 of Schedule 1A of the Act, and as a consequence, to omit reference to the Spotted Frog *Litoria spenceri* Dubois, 1984 from Part 1 of Schedule 1 (Endangered species) of the Act.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Yellow-spotted Tree Frog *Litoria castanea* (Steindachner, 1867), as a CRITICALLY ENDANGERED SPECIES in Part 1 of Schedule 1A of the Act, and as a consequence, to omit reference to the Yellow-spotted Bell Frog *Litoria castanea* (Steindachner, 1867) from Part 1 of Schedule 1 (Endangered species) of the Act.

Notice of Preliminary Determination Proposed Removal from the Schedule

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to remove the *Emydura*

macquarii (Gray, 1830) (Bellinger River) from the Schedules of the Act by omitting reference to this species from Part 1 of Schedule 2 (Vulnerable species).

Any person may make a written submission regarding these Preliminary Determinations. Send submissions to: Scientific Committee, PO Box 1967, Hurstville 1481. Attention: Suzanne Chate. Submissions must be received by 23rd January, 2009.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.environment.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967 Hurstville 1481. Tel: (02) 9585 6940 or Fax (02) 9585 6606, or in person at the Department of Environment and Climate Change Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Professor LESLEY HUGHES,
Chairperson

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,
A/Manager, Dangerous Goods,
Department of Environment and Climate Change
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

Name and address of Licensee	Date of Granting of Licence
David Martin 17 Halls Lane Snake Valley, Vic 3351	29 October 2008

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,
A/Manager, Dangerous Goods,
Department of Environment and Climate Change
by delegation

SCHEDULE

Aircraft (Pesticide Applicator) Licence

Name and address of Licensee	Date of Granting of Licence
Thomson Aviation Pty Ltd 14 Airport Road Griffith NSW 2680	29 October 2008

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,
A/Manager, Dangerous Goods,
Department of Environment and Climate Change
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Cameron Wenke Krui Airstrip Moree NSW 2400	29 October 2008

**STATUTORY AND OTHER OFFICES
REMUNERATION ACT 1975****ERRATUM**

THE Tribunal's report and determination of 18 June 2008 refers to the appointment of Mr Brian Ward as Executive Manager Parliamentary Services.

The report and determination incorrectly stated that Mr Ward's appointment commenced on 3 June 2008.

Mr Ward was appointed to the role of Executive Manager, Parliamentary Services on 2 June 2008. The Report and Determination of 18 June 2008 is hereby amended to reflect this change.

HELEN WRIGHT,
Statutory and Other Offices Remuneration Tribunal

SYDNEY WATER ACT 1994

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land and Easements
at Condell Park in the Local Government Area
of Bankstown

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, that the Land described in the First Schedule and Interest in Land in the Second, Third and Fourth Schedule's hereto are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Sydney Water Act 1994.

Dated at Sydney this 31st day of October 2008.

Signed for Sydney Water Corporation by its Attorneys
PETER VINCENT BYRNE
MARK ROWLEY

who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 606 Book 4541 under the Authority of which this instrument has been executed.

SCHEDULE 1

All that piece or parcel of land in the Local Government Area of Bankstown, Parish Bankstown, County of Cumberland and State of New South Wales, being Lot 1, Deposited Plan 1085582, having a total area of 34.51m², being part of Lot 145, Deposited Plan 222484.

SCHEDULE 2

An Easement for Water Supply Purposes more fully described in Memorandum 7158329B lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all that piece or parcel of land having an area of 58.47m² in the Local Government Area of Bankstown, Parish Bankstown, County of Cumberland, and State of New South Wales, being part of Lot 2, DP 1085582 and being the land shown on Deposited Plan 1085582 as "(A) PROPOSED EASEMENT FOR WATER SUPPLY PURPOSES 3 WIDE".

SCHEDULE 3

An Easement for Electricity Purposes more fully described in Memorandum 7158334J lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all those pieces or parcels of land in the Local Government Area of Bankstown, Parish Bankstown, County of Cumberland, and State of New South Wales, being part of Lot 2, DP 1085582 and being the land shown on Deposited Plan 1085582 as "(B) PROPOSED EASEMENT FOR ELECTRICITY PURPOSES 2 WIDE & VARIABLE".

SCHEDULE 4

An Easement for Electricity Purposes more fully described in Memorandum 7158334J lodged at the Department of Lands (Division of Land and Property Information NSW), Sydney over all that piece or parcel of land having an area of 2.4m² in the Local Government Area of Bankstown, Parish Bankstown, County of Cumberland, and State of New South Wales, being part of Lot 2, DP 1085582 and being the land shown on Deposited Plan 1085582 as "(C) PROPOSED EASEMENT FOR ELECTRICITY PURPOSES 1 WIDE".

[Sydney Water reference: 2003/00986F]

CASINO CONTROL ACT 1992

Order

PURSUANT to section 66(1) of the Casino Control Act 1992, the Casino, Liquor and Gaming Control Authority does, by this Order, approve the following amendments to the rules for the playing of the game of "Poker" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

(1) Amendments to the rules for the playing of "Poker"

The existing rules for the playing of the game of "Poker" in the casino are repealed and in substitution therefore, the rules as set forth in the attachment hereto are approved.

This Order shall take effect on and from the date of publication.

Signed at Sydney, this 4th day of November 2008.

BRIAN FARRELL,
Chief Executive
for and on behalf of the Casino, Liquor and Gaming Control Authority.

Poker

1. Definitions

1.1 In these rules, unless the contrary intention appears:

"**Act**" means the Casino Control Act 1992;

"**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. 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;

"**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 or going all-in for their remaining chips;

"**card shoe**" means a device from which cards are dealt;

"**casino promotional voucher**" means a voucher of a nominated value issued by the casino operator to enable a player to wager at a gaming table to the amount identified on the voucher, subject to any conditions specified on the voucher. Where a player presents a promotional voucher at a gaming table the dealer shall exchange the voucher for an equivalent value in chips or promotional tokens, which may then be wagered on the appropriate area(s) of the layout. Any winnings resulting from such wagers are to be paid in chips;

"**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;

"**commission checks**" means chips without denomination markings which may be used to pay commission depending on the commission structure in use;

"**commission**" means an amount due to the casino operator for hosting the game;

"**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;

"**dead hand**" means a hand that is ineligible to win the pot;

"**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;

"**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;

"**indicate**" means a verbal announcement or motion by a player to check, call, bet, raise or fold, all of which are binding.

"**inspector**" means a person appointed under section 106 of the Act;

"**muck**" means the pile of discards;

"**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;

“**side pot(s)**” means a separate pot or pots created in a game of poker due to one or more players being all-in;

“**single shuffler**” means a machine used for shuffling one (1) deck of cards in the game of Poker.

“**string raise**” means a bet made in more than one motion without the declaration of a raise.

“**structured limit**” means the betting range and structure designated for each game variation;

“**substantial action**” 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;

“**void**” means invalid with no result.

2. Table Layout and Equipment

- 2.1 The game of Poker shall be played at a table having up to a maximum of 11 seated players and a place for the dealer.
- 2.2 The layout cloth covering the table shall be marked in a manner substantially similar to that shown in diagram "A", "B", "F" or "G" with the name and/or logo of the casino imprinted thereon.
- 2.3 The following equipment shall also be used:
 - 2.3.1 a card shoe capable of holding a single deck of cards;
 - 2.3.2 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.
- 2.4 A single shuffler may be used.
- 2.5 A commission box may also be attached to the table and used to temporarily hold the commission collected during gaming.

- 2.6 The table shall have a drop box attached to it unless the pit is provided with a buy-in desk.

3. Table Charge/Commission

- 3.1 The casino operator shall levy a fee at each poker table in the form of a commission. This commission may be either a percentage of the pot, a fee per hand, or a time charge on each player participating in the game or any combination of the above.
- 3.2 The casino operator shall display a sign, in each part of the casino where Poker is played, detailing the type of commission to be utilised and any minimum and/or maximum, if applicable, amount of commission in dollar terms for each game in play.
- 3.3 The casino operator shall use one or more of the following methods in determining and collecting the commission:
- 3.3.1 A percentage commission collected from the pot and any side pots, pursuant to which;
- 3.3.1.1 the amount to be collected shall be calculated and collected from the total pot or pots by the dealer after the conclusion of a betting round.
- 3.3.2 A fee per hand dealt, pursuant to which;
- 3.3.2.1 commission shall be calculated on a "per-hand" basis.
- 3.3.3 A fee based on time charges pursuant to which;
- 3.3.3.1 commission shall be calculated on a "per-player" basis or on a "per-table per-hour" basis which may be imposed on a "per-player" basis; and
- 3.3.3.2 where the commission is imposed on a "per-player" basis, players will be charged in advance, on the hour every hour, from the time the game commences. Players wishing to join the table after the 'on the hour fee' has been paid, but prior to the next hourly time period becoming payable, will be charged a proportion of the hourly time charge calculated in 15 minute increments; and
- 3.3.3.3 players who have paid their fee for the hour and are directed to move by a casino supervisor will not have to pay again until the next hourly time charge period; and
- 3.3.3.4 no refunds will be given to players who leave the game prior to the completion of the hour; and
- 3.3.3.5 commission shall be assessed and imposed on inactive players.

- 3.4 A casino supervisor may vary the method and amount of commission to be charged for a game prior to the commencement of a hand, provided;
- 3.4.1 prior notice of at least three hands has been given. In the event that all players are in agreement, changes may be made without prior notice; and
- 3.4.2 changes shall only be made at the completion of a round of play; and
- 3.4.3 the signage is changed to show the applicable commission.
- 3.5 A casino supervisor may vary the method and amount of commission to be charged for a game so that nil commission is collected.
- 3.6 For the purpose of calculating a percentage commission, an uncalled wager shall not form part of the pot.
- 3.7 Where commission checks are used, each set of commission checks shall bear the same distinguishing emblem or mark to differentiate them from colour checks of other sets in use at other non Poker tables. Each set shall be subdivided into various colours and each colour shall be assigned the same value at any one time.
- 3.8 Commission checks issued at a Poker table shall only be used for gaming at a Poker table and shall not be used for gaming at any other table in the casino.
- 3.9 Commission checks shall only be presented for redemption at a Poker table and shall not be redeemed or exchanged at any other location in the casino unless that table is closed at the time of the redemption request.
- 3.10 Where a player purchases commission checks, the specific value to be assigned to each shall be ascertained by the casino supervisor, depending on the commission structure in use, prior to play commencing. The value of the commission checks will be equal to the applicable fee per hand, as displayed on the sign in the Poker area.

4. The Cards

- 4.1 The game of Poker shall be played with either:
- 4.1.1 a full deck of cards, having 52 cards without jokers, with backs of the same colour and design; or
- 4.1.2 a 32 card deck, consisting of Ace, King, Queen Jack, 10, 9, 8 and 7, with backs of the same colour and design.
- 4.2 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.
- 4.3 Cards may be checked and secured until such time as they may be required.

- 4.4 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.
- 4.5 All cards used in the game of Poker shall be dealt from a card shoe specifically designed for such purpose.
- 4.6 When handling the cards, players shall at all times ensure that the cards remain on or above the playing area of the table. The cards shall not be removed from the table.
- 4.7 A casino supervisor may inspect a player's hand at the completion of the hand.
- 4.8 A casino supervisor or an inspector may, at any time, instruct the dealer to check and verify the number of cards.

5. The Shuffle and Cut

- 5.1 The cards shall be shuffled so that they are randomly intermixed within the deck:
 - 5.1.1 immediately prior to the start of play;
 - 5.1.2 at the completion of each round of play; or
 - 5.1.3 immediately prior to the recommencement of play following any period that the table has been vacant.
- 5.2 When a single shuffler is in use at a table:
 - 5.2.1 the single shuffler may be loaded with one deck of cards while another deck is used in play; and
 - 5.2.2 the backs of the deck of cards being used in play must be of a different colour to that of the backs of the other deck of cards in the single shuffler; and
 - 5.2.3 the dealer may perform a manual shuffle prior to inserting the cards into the single shuffler.
- 5.3 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.
- 5.4 No person other than the dealer shall cut the cards.

6. Number of Players and Seating Positions

- 6.1 The maximum number of seated patrons may be one more than the number of players dealt during a round of play. The maximum number of players dealt during a round of play, in a poker game shall be:
 - 6.1.1 a 52 card game:

- (i) Draw Poker _____ eight,
- (ii) Five Card Stud _____ ten,
- (iii) Seven Card Stud _____ eight,
- (iv) Hold-em _____ ten,
- (v) Omaha _____ ten.

6.1.2 a 32 card game:

- (i) Draw Poker _____ five,
- (ii) Five Card Stud _____ six,
- (iii) Seven Card Stud _____ four,
- (iv) Two Card Manila _____ eleven,
- (v) Three Card Manila _____ eight.

6.2 If at the commencement of play, two or more persons wish to sit at a particular position at the table, the seating position must be decided by a draw of cards to the relevant players. The dealer will draw one card to each player in an anticlockwise direction from the dealer's button and the highest drawn card shall win the position, an ace will always rank highest. Where two cards of the same face value are drawn then a further draw of the cards shall be conducted.

6.3 If a position becomes vacant during play, the order of priority for filling the position shall be:

- (i) a player who has been taking part in the game at the table;
- (ii) where there is no player taking part in the game at the table, a player from another table at which the same game and limits has been conducted;
- (iii) where there is no player taking part in another game, a player who is on the waiting list, in order.

6.3.1 If there are two or more persons having the same priority to fill the vacant position, the seating position must be decided by a draw of cards to the relevant players. The dealer will draw one card to each player in an anticlockwise direction from the dealer's button and the highest drawn card shall win the position, an ace will always rank highest. Where two cards of the same face value are drawn then a further draw of the cards shall be conducted.

7. Wagers

7.1 All wagers shall be placed by means of chips and/or casino promotional tokens.

7.2 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/blind, depending on the variation in play, directly in front of them, which shall go to form the pot.

7.3 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.

- 7.4 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. Subject to rule 24.4 once a player has made a wager it may not be withdrawn or altered.
- 7.5 Except as provided in these rules or until a decision has been made in respect of any wager, no wager may be handled, placed, increased or withdrawn after the first card of the round of play has been removed from the card shoe.
- 7.6 In all games if a player makes a raise of 50% or more of the previous wager without indicating their intent, they will be required to make the raise up to the minimum raise permitted. In all games if a player makes a raise of less than 50% of the previous wager or raise without indicating their intent, it shall be considered a call.
- 7.7 A player who bets unannounced with two chips of the same denomination totalling more than the amount to call and less than the minimum amount to raise (and one chip value is less than the previous bet), shall be considered a call. In this instance rule 7.6 does not apply.
- 7.8 A single chip of greater value than the bet that is not indicated as a raise shall be considered a call.
- 7.9 String raises are not permitted. Players shall either declare their intention verbally or wager the proper amount of chips in one motion.
- 7.10 A player shall not wager on more than one hand in any round of play.

8. Minimum, Maximum Wagers and Betting Structures

- 8.1 The type of game, minimum buy-in, 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 Poker is played.
- 8.2 Players are responsible for ensuring that their wagers comply with the betting limits and structure stated on the sign.
- 8.3 The game, minimum buy-in, betting limit and structure may be changed at the discretion of the casino supervisor provided;
- 8.3.1 prior notice of at least three hands has been given to players. In the event that all players are in agreement, changes may be made without prior notice; and
- 8.3.2 changes shall only be made at the completion of a round of play; and
- 8.3.3 subject to this rule, the minimum wager may only be changed to a higher minimum if a sign indicating the new minimum and proposed time of change has been displayed at the table at least 20 minutes before the change.
- 8.4 On commencement of play each player shall place on the table, in full view of the dealer and all players, at least the minimum buy-in

required in either chips or cash, which shall be converted by the dealer to chips.

- 8.5 A player who is directed by a casino supervisor to move from a broken game to a game of the same limit may continue to play with their existing table stake, even if it is less than the minimum buy-in. A player switching games voluntarily must have the proper buy-in for the new game.
- 8.6 Chips or money shall not be borrowed or lent by players during a round of play.
- 8.7 An active player shall not augment or reduce their table stake during any round of play. A player not in a hand may augment their stake, but shall not remove chips from the table; except for the purchase of goods and services from a casino employee.
- 8.8 The rules for minimum and maximum wagers are as follows:
- 8.8.1 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;
- 8.8.2 in the game of Draw Poker (blind) should a voluntary blind bet be placed, it shall be double the value of the last blind bet placed;
- 8.8.3 should a player be absent and miss their turn to place the blind bet(s) they shall have the following options:
- 8.8.3.1 place the equivalent value of the blind bet(s) missed into the pot for the current round of play; or
- 8.8.3.2 be dealt out of all subsequent rounds of play until it is their turn to place the blind bet again.
- 8.8.4 a new player to the table shall have the following options:
- 8.8.4.1 place one required blind bet equivalent to the table minimum for the round of play; or
- 8.8.4.2 be dealt out of all subsequent rounds of play until it is their turn to place the blind bet again.
- 8.8.5 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;
- 8.8.6 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;

- 8.8.7 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;
- 8.8.8 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.
- 8.9 Subject to approval of a Casino Duty Manager and players receiving prior advice and consenting to the conditions of play, the game may be conducted under conditions known as Freeze Out as follows:
- 8.9.1 each player shall buy in for an identical amount;
- 8.9.2 a player shall not add or remove any chips from their table stake after the game has commenced;
- 8.9.3 a player shall not join the game after play has commenced;
- 8.9.4 a player shall not leave the game unless his table stake is exhausted or there are reasonable grounds in the opinion of the casino supervisor for that player being unable to continue;
- 8.9.5 each time a player is eliminated the amount of any blind bet shall increase by the amount of the original minimum wager; and
- 8.9.6 play shall continue until only one player is left in the game. That player shall be the winner.
- 8.10 For the purposes of rule 8.9 "game" shall mean the condition of Freeze Out which shall commence with the first card dealt and concluding with the determination of the winning player.

9. Order of Play/Deal

- 9.1 The player seated to the immediate right of the dealer receives the dealer button for the first round of play.
- 9.2 The dealer button shall be passed in a clockwise direction around the table at the conclusion of each round of play.
- 9.3 The person holding the dealer button becomes known as the designated player and shall receive the last card in the initial deal.
- 9.3.1 Where the number of seated patrons exceeds the amount of allowable players in a poker game, the dealer will not deal cards to the designated player. In this instance, the player to the immediate right of the designated player will be the last to receive cards.
- 9.4 The player to the immediate left of the designated player will be the first to place an ante/blind and receive the cards.

- 9.5 Prior to the first card being dealt, all players shall be required to place an ante/blind in accordance with the rules for the particular version of Poker in play.
- 9.6 A player may not decline to place any compulsory blinds.
- 9.7 Cards shall be dealt to each player, in a clockwise direction, commencing with the player on the immediate left of the designated player and in accordance with the rules for the particular version of Poker in play.
- 9.8 Where only two players remain in the game, all rules pertaining to the order of wagering, and order of play shall be amended to the extent that the designated player will be the first to place the blind and shall be the first to check, bet or fold in the first betting round.

10. Betting Round

- 10.1 At the start of each betting round, subject to rule 11.1, the players in order shall indicate and/or declare their intention to check, bet or fold.
- 10.2 A player who elects to bet shall place a wager in accordance with rule 7.
- 10.3 A player who elects to fold shall indicate or pass their cards facedown where the dealer shall collect them. Cards will be live until mucked.
- 10.4 The dealer shall collect any monies 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.
- 10.5 Once a player has folded and their hand has been mucked the hand cannot be returned to play.

11. Checking

- 11.1 Checking is not permitted in the first betting round.
- 11.2 The first player who may check in subsequent betting round is the first active player to the left of the designated player.
- 11.3 If a player checks, the next active player may also check.
- 11.4 No player may check once a bet has been made in a betting round.
- 11.5 Checking is not permitted in the game of Draw Poker.

12. All-in

- 12.1 A player who does not have a table stake 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).

- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 Amounts bet by players that are more than the player who has gone all-in are then combined in a separate (side) pot.
- 12.6 An all-in player is only eligible to win the pot or pots they have contributed to.
- 12.7 An all-in player who has been called shall be required to expose their cards after the final betting round is completed.

13. Order of Poker Hands

52 Card Deck

- 13.1 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.

32 Card Deck

13.2 The value of each card in descending order for a 32 card deck is ace, king, queen, jack, 10, 9, 8, and 7 (ace cannot be 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. 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) **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;
- (e) **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;
- (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 only be high i.e. ace, king, queen, jack, 10;
- (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.

Poker Games

14. Draw Poker (ante)

- 14.1 Prior to the first card being dealt, all players shall be required to place an ante.
- 14.2 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 five cards.
- 14.3 The first betting round is as follows:
- 14.3.1 after the initial deal, players in a clockwise direction commencing, with the player to the immediate left of the designated player shall bet or fold;
- 14.3.2 should the first active player fold, the option to bet or fold shall pass to the next player in a clockwise direction;

- 14.3.3 subsequent players in order shall bet or fold until:
- 14.3.3.1 only one player remains in the game, in which case this player shall win the pot; or
- 14.3.3.2 two or more players remain in the game.
- 14.4 The draw is as follows:
- 14.4.1 if two or more players remain in the game each active player, commencing with the first active player on the immediate left of the designated player, shall tap the table to show that no cards are required; or discard any or all of the cards in their hand by passing those cards face down to the dealer and, subject to rule 14.4.2, immediately receiving an identical number of replacement cards, dealt face down;
- 14.4.2 a player wishing to replace all five cards in their hand shall:
- 14.4.2.1 if he/she is not the last player to receive replacement cards, be dealt four cards immediately and their fifth card after all other player's replacement cards have been dealt; or
- 14.4.2.2 if he/she is the last player to receive replacement cards be dealt four cards immediately and then after the dealer has burnt the next card, be dealt the next card from the top of the deck.
- 14.4.3 in the event that the last card of the deck is the next card to be dealt in sequence and/or further cards are required to complete the "draw", then that card together with all but the last player's discards, shall be shuffled, cut and used to complete the deal.
- 14.5 The final betting round is as follows:
- 14.5.1 after the draw, the first active player on the left of the designated player shall bet or fold;
- 14.5.2 subsequent players in order shall bet or fold until:
- 14.5.2.1 only one player remains in the game, in which case this player shall win the pot; or
- 14.5.2.2 two or more players remain in the game.
- 14.6 If two or more players remain in the game, subject to rule 12.7, the player being called shall expose his/her cards. Any remaining players wishing to claim the pot shall then expose their cards. The winning hand shall be the highest ranking five card poker hand.
- 14.7 The dealer shall then announce the winning hand or hands.

15. Draw Poker (blind)

15.1. Prior to the first card being dealt, blinds shall be placed as follows:

15.1.1 the player on the immediate left of the designated player shall place the first blind bet;

15.1.2 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 and voluntary blind bets have been placed; and

15.1.3 the number of compulsory blind bets required shall be displayed on a sign at the table.

15.2 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 five cards.

15.3 The first betting round is as follows:

15.3.1 after the initial deal, the player to the left of the last blind bet posted shall bet or fold;

15.3.2 should the first active player to the left of the last blind bet or fold, the option to bet or fold shall pass to the next player in a clockwise direction;

15.3.3 subsequent players in order shall bet or fold until:

15.3.3.1 only one player remains in the game, in which case this player shall win the pot, or

15.3.3.2 two or more players remain in the game.

15.4 The draw is as follows:

15.4.1 if two or more players remain in the game each active player, commencing with the first active player on the immediate left of the designated player, shall tap the table to show that no cards are required; or discard any or all of the cards in their hand by passing those cards face down to the dealer and, subject to rule 15.4.2, immediately receiving an identical number of replacement cards, dealt face down from the top of the deck;

15.4.2 a player wishing to replace all five cards in their hand shall:

15.4.2.1 if he/she is not the last player to receive replacement cards be dealt four cards immediately and their fifth card after all other player's replacement cards have been dealt; or

15.4.2.2 if he/she is the last player to receive replacement cards be dealt four cards immediately and then after

the dealer has burnt the next card be dealt the next card from the top of the deck.

- 15.4.3 in the event that the last card of the deck is the next card to be dealt in sequence and/or further cards are required to complete the "draw", then that card together with all but the last players discards, shall be shuffled, cut and used to complete the deal.

15.5 The final betting round is as follows:

- 15.5.1 after the draw, the first active player on the left of the designated player shall bet or fold;
- 15.5.2 should the player in the first position fold, the option to bet or fold shall pass to the next player in a clockwise direction;
- 15.5.3 subsequent players in order shall bet or fold until:

15.5.3.1 only one player remains in the game, in which case this player shall win the pot; or

15.5.3.2 two or more players remain in the game.

- 15.6 If two or more players remain in the game, subject to rule 12.7, the player being called shall expose his/her cards. Any remaining players wishing to claim the pot shall then expose their cards. The winning hand shall be the highest ranking five card poker hand.

15.7 The dealer shall then announce the winning hand or hands.

16. Five Card Stud

- 16.1 Prior to the first card being dealt, all players shall be required to place an ante.

16.2 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 and then, in the same order, one card face up to each player.

16.3 The first betting round is as follows:

- 16.3.1 after the initial deal, the player with the lowest up card shall place a compulsory bet not less than the table minimum. If two or more players have up cards of equal rank then the player with the lowest up card closest to the left of the designated player shall place a compulsory bet not less than the table minimum;

16.3.2 subsequent players in order shall bet or fold until:

16.3.2.1 only one player remains in the game, in which case this player shall win the pot, or

16.3.2.2 two or more players remain in the game.

16.4 The second and third rounds of betting are as follows:

16.4.1 if two or more players remain in the game the dealer shall, commencing with the first active player on the immediate left of the designated player and in a clockwise direction, deal to each active player in sequence one card face up;

16.4.2 the player with the highest value hand showing shall check, bet or fold. If two or more players have value hands of equal rank then the player with the highest value hand closest to the left of the designated player shall check, bet or fold;

16.4.3 subsequent players in order shall check, bet or fold until:

16.4.3.1 only one player remains in the game, in which case this player shall win the pot; or

16.4.3.2 two or more players remain in the game.

16.5 The final betting round is as follows:

16.5.1 if two or more players remain in the game the dealer shall, commencing with the first active player on the immediate left of the designated player and in a clockwise direction, deal to each active player in sequence one card face up;

16.5.2 the player with the highest value hand showing shall check, bet or fold. If two or more players have value hands of equal rank then the player with the highest hand closest to the left of the designated player shall check, bet or fold;

16.5.3 subsequent players in order shall check, bet or fold until:

16.5.3.1 only one player remains in the game, in which case this player shall win the pot; or

16.5.3.2 two or more players remain in the game.

16.6 If two or more players remain in the game, subject to rule 12.7:

16.6.1 the player being called shall then expose his/her hole card; or

16.6.2 if all players check the player with the highest hand showing may then expose his/her hole card; and

16.6.3 any remaining players wishing to claim the pot shall then, expose their hole card. The winning hand shall be the highest ranking five card poker hand.

16.7 The dealer shall then announce the winning hand or hands.

17. Seven Card Stud

- 17.1 Prior to the first card being dealt, all players shall be required to place an ante.
- 17.2 Commencing with the player on the immediate left of the designated player and in a clockwise direction, the dealer shall deal two cards at a time face down to each player and then, in the same order, a third card face up to each player.
- 17.3 The first betting round is as follows:
- 17.3.1 after the initial deal, the player with the lowest up card shall place a compulsory bet not less than the table minimum. If two or more players have up cards of equal rank then the player with the lowest up card closest to the left of the designated player shall place a compulsory bet not less than the table minimum;
- 17.3.2 subsequent players in order shall bet or fold until:
- 17.3.2.1 only one player remains in the game, in which case this player shall win the pot; or
- 17.3.2.2 two or more players remain in the game.
- 17.4 The second, third and fourth rounds of betting are as follows:
- 17.4.1 if two or more players remain in the game the dealer shall, commencing with the first active player on the immediate left of the designated player and in a clockwise direction, deal to each active player in sequence one card face up;
- 17.4.2 the player with the highest value hand showing shall check, bet or fold. If two or more players have value hands of equal rank then the player with the highest value hand closest to the left of the designated player shall check, bet or fold;
- 17.4.3 subsequent players in order shall check, bet or fold until:
- 17.4.3.1 only one player remains in the game, in which case this player shall win the pot; or
- 17.4.3.2 two or more players remain in the game.
- 17.5 The final betting round is as follows:
- 17.5.1 if two or more players remain in the game the dealer shall, commencing with the first active player on the immediate left of the designated player and in a clockwise direction, deal to each active player in sequence one card face down;
- 17.5.2 if there are insufficient cards remaining, the dealer shall deal a community card face up;
- 17.5.3 the player with the highest value hand showing, including the community card, shall check, bet or fold. If two or more players have value hands of equal rank then the player with

the highest value hand closest to the left of the designated player shall check, bet or fold;

17.5.4 subsequent players in order shall check, bet or fold until:

17.5.4.1 only one player remains in the game, in which case this player shall win the pot; or

17.5.4.2 two or more players remain in the game.

17.6 If two or more players remain in the game, subject to rule 12.7:

17.6.1 the player being called shall then expose his/her hole cards; or

17.6.2 if all players check the player with the highest hand showing may expose his/her hole cards; and

17.6.3 any remaining players wishing to claim the pot shall then expose their hole card. The winning hand shall be the highest-ranking five-card poker hand consisting of any combination of the player's seven cards, which, in some instances, may include a community card pursuant to 17.5.2.

17.7 The dealer shall then announce the winning hand or hands.

18. Two Card Manila

18.1. Prior to the first card being dealt, blinds shall be placed as follows:

18.1.1 the player on the immediate left of the designated player shall place the first blind bet;

18.1.2 the number of compulsory blind bets required shall be displayed on a sign at the table.

18.2 Commencing with the player on the immediate left of the designated player and in a clockwise direction, the dealer shall deal two cards at a time face down to each player. The dealer shall then deal one community card face up.

18.3 The first betting round is as follows:

18.3.1 after the initial deal, the player on the immediate left of the last blind bet shall bet or fold;

18.3.2 subsequent players in order shall bet or fold until:

18.3.2.1 only one player remains in the game, in which case this player shall win the pot; or

18.3.2.2 two or more players remain in the game.

18.4 The second, third and fourth rounds of betting are as follows:

- 18.4.1 if two or more players remain in the game the dealer shall deal a community card face up;
 - 18.4.2 players in a clockwise direction commencing with the first active player on the immediate left of the designated player shall check, bet or fold;
 - 18.4.3 subsequent players in order shall check, bet or fold until:
 - 18.4.3.1 only one player remains in the game, in which case this player shall win the pot; or
 - 18.4.3.2 two or more players remain in the game.
- 18.5 The final betting round is as follows:
- 18.5.1 if two or more players remain in the game the dealer shall deal a fifth and final community card face up;
 - 18.5.2 the player on the immediate left of the designated player shall check, bet or fold;
 - 18.5.3 subsequent players in order shall check, bet or fold until:
 - 18.5.3.1 only one player remains in the game, in which case this player shall win the pot; or
 - 18.5.3.2 two or more players remain in the game.
- 18.6 If two or more players remain in the game, subject to rule 12.7:
- 18.6.1 the player being called shall then expose his/her cards; or
 - 18.6.2 if all players check the first active player on the left of the designated player may then expose his/her cards; and
 - 18.6.3 any remaining players wishing to claim the pot shall then expose their cards. The winning hand shall be the highest-ranking five-card hand consisting of the player's two hole cards and three community cards.
- 18.7 The dealer shall then announce the winning hand or hands.

19. Three Card Manila

- 19.1. Prior to the first card being dealt, blinds shall be placed as follows:
 - 19.1.1 the player on the immediate left of the designated player shall place the first blind bet;
 - 19.1.2 the number of compulsory blind bets required shall be displayed on a sign at the table.
- 19.2 Commencing with the player on the immediate left of the designated player and in a clockwise direction, the dealer shall deal two cards at a

time face down to each player and then, in the same order, a third card face down to each player. The dealer shall then deal one community card face up.

19.3 The first betting round is as follows:

19.3.1 after the initial deal, the first active player on the left of the last blind bet, shall bet or fold;

19.3.2 subsequent players in order shall bet or fold until:

19.3.2.1 only one player remains in the game, in which case this player shall win the pot; or

19.3.2.2 two or more players remain in the game.

19.4 The second, third and fourth rounds of betting are as follows:

19.4.1 if two or more players remain in the game the dealer shall deal a community card face up;

19.4.2 the first active player on the immediate left of the designated player shall check, bet or fold;

19.4.3 subsequent players in order shall check, bet or fold until:

19.4.3.1 only one player remains in the game, in which case this player shall win the pot; or

19.4.3.2 two or more players remain in the game.

19.5 The final betting round is as follows:

19.5.1 if two or more players remain in the game the dealer shall deal a fifth and final community card face up;

19.5.2 the player on the immediate left of the designated player shall check, bet or fold;

19.5.3 subsequent players in order shall check, bet or fold until:

19.5.3.1 only one player remains in the game, in which case this player shall win the pot; or

19.5.3.2 two or more players remain in the game.

19.6 If two or more players remain in the game, subject to rule 12.7:

19.6.1 the player being called shall then expose his/her hole cards; or

19.6.2 if all players check the first active player on the left of the designated player may then expose his/her hole cards; and

19.6.3 any remaining players wishing to claim the pot shall then expose their cards. The winning hand shall be the highest-

ranking five-card hand consisting of two of the player's three hole cards and three community cards.

19.7 The dealer shall then announce the winning hand or hands.

20. Texas Hold Em

20.1. Prior to the first card being dealt, blinds shall be placed as follows:

20.1.1 the player on the immediate left of the designated player shall place the first blind bet;

20.1.2 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

20.1.3 the number of compulsory blind bets required shall be displayed on a sign at the table.

20.2 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.

20.3 The first betting round is as follows:

20.3.1 after the initial deal, the first active player on the immediate left of the last blind shall bet or fold;

20.3.2 subsequent players in order shall bet or fold until:

20.3.2.1 only one player remains in the game, in which case this player shall win the pot; or

20.3.2.2 two or more players remain in the game.

20.4 The second betting round is as follows:

20.4.1 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;

20.4.2 the first active player on the immediate left of the designated player shall check, bet or fold;

20.4.3 subsequent players in order shall check, bet or fold until:

20.4.3.1 only one player remains in the game, in which case this player shall win the pot; or

20.4.3.2 two or more players remain in the game.

20.5 The third betting round is as follows:

- 20.5.1 if two or more players remain in the game the dealer shall burn a card before dealing the fourth community card face up;
- 20.5.2 the first active player on the immediate left of the designated player shall check, bet or fold;
- 20.5.3 subsequent players in order shall check, bet or fold until:
 - 20.5.3.1 only one player remains in the game, in which case this player shall win the pot; or
 - 20.5.3.2 two or more players remain in the game.
- 20.6 The final betting round is as follows:
 - 20.6.1 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;
 - 20.6.2 the first active player on the immediate left of the designated player shall check, bet or fold;
 - 20.6.3 subsequent players in order shall check, bet or fold until:
 - 20.6.3.1 only one player remains in the game, in which case this player shall win the pot; or
 - 20.6.3.2 two or more players remain in the game.
- 20.7 If two or more players remain in the game, subject to rule 12.7:
 - 20.7.1 the player being called shall then expose his/her cards; or
 - 20.7.2 if all players check the first active player on the left of the designated player may then expose his/her hole cards; and
 - 20.7.3 any remaining players wishing to claim the pot shall then 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.
- 20.8 The dealer shall then announce the winning hand or hands.

21. Omaha

- 21.1. Prior to the first card being dealt, blinds shall be placed as follows:
 - 21.1.1 the player on the immediate left of the designated player shall place the first blind bet;
 - 21.1.2 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

- 21.1.3 the number of compulsory blind bets required shall be displayed on a sign at the table.
- 21.2 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 four cards.
- 21.3 The first betting round is as follows:
- 21.3.1 after the initial deal, players in a clockwise direction commencing with the player to the immediate left of the last blind shall bet or fold;
- 21.3.2 subsequent players in order shall bet or fold until:
- 21.3.2.1 only one player remains in the game, in which case this player shall win the pot; or
- 21.3.2.2 two or more players remain in the game.
- 21.4 The second betting round is as follows:
- 21.4.1 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;
- 21.4.2 the first active player on the immediate left of the designated player shall check, bet or fold;
- 21.4.3 subsequent players in order shall check, bet or fold until:
- 21.4.3.1 only one player remains in the game, in which case this player shall win the pot; or
- 21.4.3.2 two or more players remain in the game.
- 21.5 The third betting round is as follows:
- 21.5.1 if two or more players remain in the game the dealer shall burn a card before dealing the fourth community card face up;
- 21.5.2 the first active player on the immediate left of the designated player shall check, bet or fold;
- 21.5.3 subsequent players in order shall check, bet or fold until:
- 21.5.3.1 only one player remains in the game, in which case this player shall win the pot; or
- 21.5.3.2 two or more players remain in the game.
- 21.6 The final betting round is as follows:

- 21.6.1 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;
- 21.6.2 the first active player on the immediate left of the designated player shall check, bet or fold;
- 21.6.3 subsequent players in order shall check, bet or fold until:
 - 21.6.3.1 only one player remains in the game, in which case this player shall win the pot; or
 - 21.6.3.2 two or more players remain in the game.
- 21.7 If two or more players remain in the game, subject to rule 12.7:
 - 21.7.1 the player being called shall then expose his/her cards; or
 - 21.7.2 if all players check the first active player on the left of the designated player may then expose his/her hole cards; and
 - 21.7.3 any remaining players wishing to claim the pot shall then expose their cards. The winning hand shall be the highest-ranking five-card hand consisting of two of the player's four hole cards and three community cards.
- 21.8 The dealer shall then announce the winning hand or hands.

22. Final Settlement

- 22.1 Each hand shall be played to a conclusion and the pot or pots shall not be divided by agreement of two or more players.
- 22.2 A player must show all cards in the hand face up on the table to win the pot.
- 22.3 After the dealer announces the winning hand or hands the dealer shall:
 - 22.3.1 calculate the amount of the casino operator's commission, if applicable; and
 - 22.3.2 deduct the commission, if applicable, from the pot or pots; and
 - 22.3.3 pass the pot or pots, less the commission deducted, to the winning player or players; and
 - 22.3.4 collect and count the cards and place them in the discard pile.
- 22.4 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 this remaining

amount shall be given to the first active player on the left of the designated player.

- 22.5 Cards exposed by players shall be declared at their optimum value in accordance with rule 13.
- 22.6 The dealer shall be responsible for declaring the optimum value of the hands in accordance with rule 13.

23. Misdeals

- 23.1 There is a misdeal in all games if:
- 23.1.1 one or more cards are exposed in cutting;
 - 23.1.2 before substantial action has occurred, it is noticed that the cards were not shuffled or cut prior to the deal;
 - 23.1.3 before substantial action has occurred, the dealer has dealt the cards out of order and the error cannot be reconstructed;
 - 23.1.4 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;
 - 23.1.5 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;
 - 23.1.6 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.
- 23.2 There is a misdeal in Draw Poker if during the initial dealing round the dealer exposes two or more cards. However should this occur during the subsequent draw(s), the cards shall be used in sequence.
- 23.3 There is a misdeal in Five Card stud if during the initial dealing round the dealer deals two or more cards face up to the same player.
- 23.4 There is a misdeal in Seven Card stud if during the initial dealing round the dealer deals two or more cards face up to the same player.
- 23.5 There is a misdeal in all Manila games if during the initial dealing round the dealer exposes any players' hole card(s).
- 23.6 There is a misdeal in all flop games if during the initial dealing round the dealer exposes two or more cards.
- 23.7 In the event of a misdeal all bets shall be void, all antes/blinds and all wagers shall be returned to players.

- 23.8 Whenever a misdeal occurs there shall be a new shuffle and cut in accordance with rule 5. The same player(s) shall be required to place their compulsory blinds and the first to receive cards in the new deal.
- 23.9 Only a dealer or casino supervisor shall determine if there is a misdeal.

24. Irregularities

All Games

- 24.1 A card found face up in the shoe shall be immediately placed in the discards and shall not be used in the round. Play will continue with the remaining cards in the shoe.
- 24.2 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.
- 24.3 If a player shows another player his/her card(s), upon request by the dealer or another player, he/she shall be required to show the entire table the same card(s) at the completion of the round of play.
- 24.4 Where a player is directed in error by a dealer to act out of turn that player or any following players who act in those circumstances shall retract their action and shall then act in the correct sequence.
- 24.5 Subject to rule 24.4 where a player attempts to wager out of turn and:
- 24.5.1 if the player(s) who should have wagered, before the out of turn player, checks then the out of turn player shall check;
 - 24.5.2 if any player(s) who should have wagered before the out of turn player, makes a wager smaller than or equal to the wager indicated by the player attempting to wager out of turn, then the player who attempted to wager out of turn may call or fold but is not permitted to raise;
 - 24.5.3 if any player(s) who should have wagered, before the out of turn player, makes a wager in excess of the wager indicated by the player attempting to wager out of turn, then the player who attempted to wager out of turn may call, call and raise or fold. If the player who wagered out of turn elects to fold then the out of turn wager will stand and remain in the pot;
 - 24.5.4 if any player(s) who should have wagered decides to fold, before the out of turn player, then the out of turn wager shall stand.
- 24.6 In the event that a card(s) is found to be missing; or a card(s) is found that does not form part of the cards that make up a deck in accordance with rule 4.1, the following shall apply:
- 24.6.1 the result of any rounds of play previously completed shall stand; and

- 24.6.2 the round of play where the missing card(s) is discovered or the foreign card(s) is found shall be declared a misdeal and all monies returned to players for that round of play; and
- 24.6.3 the deck shall be checked for any further missing or foreign cards.
- 24.7 It is the player's responsibility to protect their hand at all times. Failure to do so will mean the player will have no redress if the dealer accidentally mucks their cards.
- 24.8 Except as expressly permitted by these rules, players may not exchange cards, nor exchange, communicate, nor cause to be exchanged or communicated any information regarding their respective hands.
- 24.9 A player, including an inactive player, shall not look at the discards either before or after the winning hand(s) has been determined.
- 24.10A player shall not look at the undealt cards at any time.
- 24.11 At any time while a game is in progress a casino supervisor may direct that:
- 24.11.1 only English be spoken by the players at the table;
- 24.11.2 there be silence, except for a player declaring their intention, while a hand is in progress;
- 24.11.3 players suspected of collusion not play at the same table;
- 24.11.4 any spectators to leave the area.
- 24.12 A casino supervisor may impose a time restriction on any player deemed to be taking too long to make a decision. On being advised by the casino supervisor that the time limit is being imposed the player shall then be given 40 seconds to make and act on their decision. A player who fails to make and act on their decision within the 40 second time limit will be required to fold their hand.
- 24.13 If the winning player requests to see a losing player's hand, both hands will become live and the highest ranking hand will win.
- 24.14 Where an error has occurred that is not covered by rule 24, a casino supervisor may declare the hand void and all monies returned for that round of play.

Draw Poker

- 24.15 In Draw Poker if cards are dealt out of sequence during the draw and the wrong player has looked at them, then they shall retain those cards. The next cards shall then be dealt to the player who should have received the cards dealt out of sequence and thereafter cards shall be dealt to all players in sequence.

Five Card Stud

- 24.16 Notwithstanding rule 23.3, in Five Card Stud if the first card is dealt face up the second card shall be dealt face down.
- 24.17 In Five Card Stud an all-in player in the first betting round shall not be considered an active player for the purpose of opening the betting. For all subsequent rounds, if an all-in player is the player required to open the betting then the action shall pass to the player to the immediate left of the all-in player.
- 24.18 In Five Card Stud if any card is exposed by the dealer prior to the completion of a betting round, the card(s) shall be taken back and set aside. The betting round shall be completed and the card(s) set aside reshuffled with the remainder of the deck. The dealer shall cut, and continue dealing.

Seven Card Stud

- 24.19 Notwithstanding rule 23.4, in Seven Card Stud if one of the first two cards is dealt face up the third card shall be dealt face down.
- 24.20 In Seven Card Stud an all-in player in the first betting round shall not be considered an active player for the purpose of opening the betting. For all subsequent rounds, if an all-in player is the player required to open the betting then the action shall pass to the player to the immediate left of the all-in player.
- 24.21 In Seven Card Stud if the dealer commences dealing the final round of cards and subsequently realises there are insufficient cards to complete the deal, the dealer shall retrieve the final round cards and shall shuffle these with remaining cards and deal a community card face up.
- 24.22 In Seven Card Stud if any card is exposed by the dealer prior to the completion of a betting round, the card(s) shall be taken back and set aside. The betting round shall be completed and the card(s) set aside reshuffled with the remainder of the deck. The dealer shall cut, and continue dealing.
- 24.23 In Seven Card Stud if the seventh card is dealt face up or exposed by the dealer while being dealt, if it is the first card to be dealt for that round, then all final cards shall be dealt face up and the opener shall be the opener from the previous round. If the exposed card or cards is not the first card dealt then the player or players receiving an exposed card shall have the option of being treated as an all-in player. The dealer shall request the affected player to determine how they shall be treated before substantial action occurs. If substantial action has occurred then the affected player shall be treated as an all-in player for the remainder of the hand.

All Manila Games

- 24.24 In all Manila games if any card 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.

- 24.25 In all Manila games if the dealer exposes two or more cards simultaneously when dealing a community card, and it is possible to reconstruct, the correct card shall remain in play. If the dealer is unable to reconstruct and/or any further community cards are required the exposed card(s) shall be taken back by the dealer and shuffled with the remainder of the deck. The dealer shall cut, and continue dealing.

All Flop Games

- 24.26 In all flop games if one of the face down cards 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.

- 24.27 In all flop games 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.

- 24.28 In all flop games if the dealer neglects to burn a card after the flop has been dealt but prior to dealing further community cards, and the dealer is unable to reconstruct the cards or substantial action has occurred, the community cards as dealt will stand.

- 24.29 In all flop games 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.

- 24.30 In all flop games 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.

- 24.31 In all flop games if the fourth community card is exposed by the dealer prior to the completion of the second betting round;

i. That card will be taken back and set aside, the burn card shall remain and the second betting round completed.

ii. The dealer will burn a card, turn over a new fourth community card and complete the betting round.

iii. The card that was set aside will then be reshuffled with the remainder of the deck and a fifth community card turned without burning a card.

- 24.32 If the fifth community card is exposed by the dealer prior to the completion of the third betting round that card will be taken back by

the dealer and reshuffled with the remainder of the deck. The burn card will remain; the third betting round will be completed and a new card dealt.

24.33 In all flop games 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.

24.34 In all flop games 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.

25. Electronic Poker

25.1 Definitions

"**burn**" means a card which is removed from the top of the deck by the EPT without exposing its value and placed face down, separate from the discards. This card may or may not be graphically displayed.

"**buy-in**" means the purchase of chips or the transfer of funds from a player's EPT account to the player's PST before the start of a round of play. The casino operator may impose a minimum amount that a player is required to buy-in for, in order to establish their table stake and participation in the game in play.

"**Game System**" means the configuration of software and game hardware necessary to conduct the game of Electronic Poker.

"**EPT**" means an electronic Poker table designed to enable the game of Poker to be played electronically without a dealer.

"**EPT Account**" means an account established by a player for the purposes of playing poker on an EPT.

"**PST**" means an electronic player seat terminal on an EPT featuring a touch screen monitor, which is designed to but not limited to, to allow a player to:

- Buy into the game;
- Place wagers in accordance with these rules;
- receive and view his/her hole cards;

make decisions relative to their hand;
receive payouts; and
view the status of his/her EPT Account
view indication of time available for them to act

in accordance with these rules:

“PST Chip Account” means the amount of credits a player has on their PST before the start of any round of play. An active player may only wager up to the amount of credits on their player account and may not augment their PST chip account whilst a round of play is in progress.

“sitting out” means a player may elect not to participate for a period of time as determined by the casino supervisor without losing their place at the table.

“table display” means a central display designed to allow players, on an electronic layout and in accordance with, but not limited to; these rules to:

view community cards;
view wagers made by other players;
view their own and other players table stakes;
view the pot;
view the eligible commission ; and
view the outcome of the round of play.

“table stake” means the amount of chips a player has in a PST chip account before the start of any round of play.

“wagering period” means the period determined by the casino supervisor during which a player is permitted to call, raise, check, fold or sit out. In the case of the first player to act the period commences as soon as the initial cards are dealt to all players and finishes when the player has acted on their hand or when the time period expires. In the case of subsequent players, the period commences as soon as the previous player has acted on their hand and finishes when they have acted on their hand or when the time period expires.

25.2 Rules

25.2.1 The approved rules of Poker shall apply, except where the rules are inconsistent with the rules of Electronic Poker in which case the rules of Electronic Poker shall prevail.

25.3 Equipment

25.3.1 Electronic Poker will be played on an EPT substantially similar to that shown in diagram "C" or "D" and consisting of:

25.3.1.1 up to ten electronic player seat terminals or PST;

25.3.1.2 a central table display; and

25.3.1.3 an EPT game system and components which may include remote equipment for the operation of the EPT.

25.3.2 Each PST will contain screen available options substantially similar to diagram "E". Additional options may be provided where necessary.

25.4 Cards

25.4.1 The game of Electronic Poker shall be played with either:

25.4.1.1 a full deck of virtual cards, having 52 cards without jokers, with backs of the same colour and design; or

25.4.1.2 a 32 card virtual deck, consisting of Ace, King, Queen Jack, 10, 9, 8 and 7, with backs of the same colour and design.

25.4.2 It is the player's responsibility to protect their hand at all times.

25.5 Shuffle

25.5.1 The cards will be shuffled as the result of a random process performed by the EPT system in preparation for each round of play. The sequence of the cards is determined at the beginning of each round of play and is fixed for the duration of that round of play.

25.6 Table Commission

25.6.1 Subject to rule 3, a percentage commission shall be collected from the pot and any side pots, pursuant to which the amount to be collected shall be calculated and collected from the total pot or pots during or after the conclusion of a betting round.

25.7 Wagering

25.7.1 A player who has assumed control of a PST by activating their PST chip account is responsible for the selection of wagers appearing on the table display.

25.7.2 A player may only control one PST in any round of play.

25.7.3 A person may not occupy a PST without participating in the game in play, unless they have activated the sitting out option, so that they restrict another player from access to the PST.

25.7.4 The casino operator may impose a maximum time limit that a player may sit out for. On expiry of this time limit the player's entitlement to seating will be revoked and any funds remaining in their PST chip account will be returned to the player.

25.7.5 Subject to rules 25.12.2 and 25.12.3, wagers made on a PST may only be settled in accordance with the appearance on the screen of the PST at the time a wagering period expires.

25.7.6 A PST must not allow a wager to be placed, changed or withdrawn after the expiry of the wagering period for the betting round

25.7.7 A player wishing to leave the game may do so at any time by activating the appropriate option on the PST, providing any active wagers in the round of play are forfeited.

25.8 Minimum, Maximum Wagers and Betting Structure

25.8.1 Each player shall activate their PST chip account and hold at least the minimum table buy-in required within their account on commencement of play. Any player who holds less than the minimum table buy-in will be required to deposit further money to their PST chip account prior to the next round of play commencing or vacate the PST.

25.8.2 All wagers shall be made by the player appropriating money standing to the credit of the player's PST chip account to a particular bet and debiting the player's ATS balance by the amount of the wager.

25.8.3 Appropriating money standing to the credit of a player's PST chip account shall be done through the use of the player's PST. All decisions and actions by a player shall be actioned via the PST's touch screen.

25.8.4 The player to who has control of a PST is solely responsible for the placement of the chips appearing on the PST.

25.8.5 Subject to rule 12, if a player attempts to place wager(s) that:

25.8.5.1 is less than the minimum permissible wager, the table display must not display any chips in respect of that wager and the player's account balance must not be debited in respect of that wager which is not permitted; or

25.8.5.2 is in a multiple over the minimum which is not permitted or is greater than the maximum permissible wager, the table display must display only so many chips or such denomination of chips as is the next lowest permitted wager and will not debit the player account balance in respect of that portion of the wager which is not permitted.

25.8.6 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 which case there shall be no limit to the number of raises in any round of play.

25.9 Play of the Game

25.9.1 The order of play will be that as described in rule 9.

- 25.9.2 The EPT shall deal cards and control the flow of the Game in accordance with rule 9.
- 25.9.3 The player to receive the dealer button for the first round of play may be determined by.
- 25.9.3.1 A draw of cards to each player in an anticlockwise direction and the highest drawn card shall win the button position; an ace will always rank highest. Where two cards of the same face value are drawn then a further draw of the cards shall be conducted or:
- 25.9.3.2 the first player to activate a PST account.
- 25.9.4 The casino operator will determine the length of the wagering period for the game.
- 25.9.5 The casino operator may alter the game parameters to provide automatic deduction of the blinds/antes from all players who have an open PST chip account on a PST.
- 25.9.6 New players to a game may not participate in a round of play or be dealt a hand, at the position on the table where the Dealer Button is placed or between the small blind and the Dealer Button.
- 25.9.7 Players shall indicate their decisions to call, bet, raise, check, fold or sit out as follows:
- Call**, by selecting the [CALL] option on their PST;
- Bet**, by selecting the [BET] option on their PST;
- Raise**, by selecting the [RAISE] option and the required amount of funds to raise on their PST;
- Fold**, by selecting the [FOLD] option on their PST;
- Check**, by selecting the [CHECK] option on their PST;
- Sit out**, by selecting the [SIT OUT] option on their PST prior to the commencement of a new round of play.
- 25.9.8 If by the end of the wagering period a player has failed to make a decision as described in rule 25.9.6 then the player's hand will be automatically checked, if check is not an available option the player's hand will be folded.
- 25.9.9 Where applicable, the inputting of the player's decision into the PST will cause the appropriate value chips to be debited from the player's PST chip account.

- 25.9.10 Where only two players remain in the game, all rules pertaining to the order of wagering, dealing of the cards and order of play shall be amended to the extent that the designated player will be the first to place the blind, and shall be the first to bet or fold in the first betting round.
- 25.9.11 An all-in player may be required to expose their cards after the final betting round is completed, as determined by a casino supervisor.

25.10 Poker Games

Texas Hold Em

25.10.1 With the exception of rule 20.8 the game of Texas Hold Em will be played as described in rule 20, where winning hands will be displayed.

Omaha

25.10.2 With the exception of rule 21.8, the game of Omaha will be played as described in rule 21, where winning hands will be displayed.

25.11 Settlement

- 25.11.1 When the outcome of the game has been determined, the game system must:
- 25.11.1.1 display the outcome of the game on the center table display. and
 - 25.11.1.2 calculate the amount of the casino operator's commission, if applicable; and
 - 25.11.1.3 deduct the commission, if applicable, from the pot or pots;
 - 25.11.1.4 the amount to be collected shall be calculated and collected from the total pot or pots during or after the conclusion of a betting round; and
 - 25.11.1.5 credit the value of the pot(s), less commission if applicable, to the winning player(s) chip account.
- 25.11.2 When two or more players hold winning hands of equal value, the pot or pots shall be divided equally to the lowest chip denomination in play on the EPT. If in the event that after the pot or pots have been divided there is an amount that cannot be equally divided, then this remaining amount shall be given to the first active player on the left of the designated player.

25.12 Irregularities

- 25.12.1 There is a misdeal if a player is found to be controlling more than one PST.
- 25.12.2 Whenever a misdeal or void hand occurs the casino supervisor will stop the game and all wagers for that round will be void. There will be a new shuffle and the same player will be first to receive cards in the new deal as in the previous misdeal.
- 25.12.3 If the PST experiences a malfunction:
- 25.12.3.1 prior to the completion of the hand, the casino supervisor must void all wagers placed on the PST for that hand.
 - 25.12.3.2 on or after the completion of the hand, the casino supervisor must seek to confirm what wagers were placed through the analysis of available records and ensure that appropriate adjustments are made to the player(s) chip account.
- 25.12.4 If the EPT experiences a malfunction:
- 25.12.4.1 prior to the completion of the round of play, the casino supervisor must void all wagers placed by all players for the relevant hand.
 - 25.12.4.2 on or after the completion of the round of play, the casino supervisor must seek to confirm what wagers were placed through the analysis of available records and cause appropriate adjustments to be made.
- 25.12.5 If the casino supervisor is unable, for the purposes of rule 25.12.2.2 and/or 25.12.3.2, to confirm the relevant wagers placed through the analysis of available records, those wagers must be declared void and appropriate adjustments made to the player(s) chip account.
- 25.12.6 For the purposes of rules 25.12.2 and/or 25.12.3, an electronic Poker PST or system shall be taken to have malfunctioned where:
- 25.12.6.1 multiple credits are displayed on the player'(s) chip account and/or central table monitor that are not in keeping with the winning results and/or the amount(s) wagered; or
 - 25.12.6.2 the normal playing sequence of the PST and/or the electronic Poker system is interrupted or the normal display is faulty; or

- 25.12.6.3 for any other reason the casino operator is of the opinion that the PST and/or the electronic Poker system is not functioning correctly.
- 25.12.7 The casino operator may withhold payment of any amount to be credited to a PST chip account, or demand the return of any amount credited to a PST chip account, until such time as the casino operator has completed an investigation and made a determination. An inspector is to be notified as soon as practicable of such an event.
- 25.12.8 Players are required to notify the casino operator in the event of any malfunction of PST and /or EPT at which they are playing. Failure to do so and the retention of any benefit as a result of a PST malfunction may be considered to be a contravention of these rules.
- 25.12.9 If during a round of play an error occurs that is not disclosed until after the commencement of a subsequent round of play, that error will not have any effect on the outcome of any subsequent rounds of play.

26. General Provisions

- 26.1 A person shall not, either alone or in concert with any other person, use or control at or near a gaming table or location related to the playing of a game a calculator, computer, or other electronic, electrical or mechanical apparatus or device that is capable, with respect to a game or a part thereof, of recording, projecting, analysing or transmitting an outcome or the changing probabilities or the playing strategies to be used.
- 26.2 Rule 26.1 shall not apply to use or control by an agent or employee of the casino operator or an inspector where such person is acting in the course of their duty.
- 26.3 Where a casino supervisor is satisfied that a person has contravened any provision of rule 26.1, they may:
- 26.3.1 declare that any wager made by the person is void;
 - 26.3.2 direct that the person shall be excluded from further participation in the game;
 - 26.3.3 exclude the person from the casino in line with the provisions of section 79 of the Act;
 - 26.3.4 cause the person(s) in possession of a prohibited device to be detained until such time as an inspector or a police officer has attended and assumed responsibility for the situation.
- 26.4 A casino supervisor may invalidate the outcome of a game if:

- 26.4.1 the game is disrupted by civil commotion, fire, riot, brawl, robbery, an act of God; or
- 26.4.2 any fraudulent act is perpetrated by any person that, in the opinion of the casino supervisor, affects the outcome of the game.
- 26.5 Where the outcome of a game is invalidated under rule 26.4, all wagers made by the players for that particular result may be returned provided that a casino supervisor may direct that the wager of any player referred to in rule 26.4.2 be forfeited.
- 26.6 A player shall not be advised by an employee of the casino on how to play, except to ensure compliance with these rules.
- 26.7 No spectator or any player wagering at any table may attempt to influence, influence or offer advice to another player regarding that player's decisions of play.
- 26.8 A casino supervisor may close a gaming table at which players are present provided a sign showing the proposed time of closure has been displayed at the table for at least 20 minutes before the closure.
- 26.9 Subject to rule 8.9.3 or 8.9.4, a player who abstains from placing any wagers for three consecutive rounds may be required to vacate their seat at the table.
- 26.10 Players and spectators are not permitted to have side bets with or against each other.
- 26.11 A casino supervisor or above may refuse, on reasonable grounds, any wager made by a player prior to the first card of a round of play being dealt, and in so doing may cause the wager(s) to be removed from the layout.
- 26.12 Where 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.
- 26.13 Any dispute or complaint concerning a casino game shall be referred for decision in the first instance to a games supervisor, subject to a review (if requested) by a casino supervisor. In the absence of a games supervisor the matter shall be referred in the first instance to a casino supervisor.
- 26.14 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.
- 26.15 A copy of these rules shall be made available for inspection upon request.

Tournaments

27.1 Definitions

27.1.1 In these rules, unless the contrary appears:

“**add on**” means a once-only purchase of an additional bank of tournament chips at a specified time, purchased by the tournament player(s) during the play of the tournament;

“**balancing**” means the method by which players may be moved between tournament tables in order to maintain an even number of players across the tournament tables in use;

“**bonus round**” means a round of play in which there is an additional amount of tournament chips contributed to the pot by the casino operator and/or an additional prize is awarded to the winner;

“**breaking**” means the method by which the number of tournament tables may be reduced as players are eliminated from the tournament;

“**buy-in**” means the amount paid by the tournament player(s) to comprise a prize pool or prize pools;

“**elimination round**” means a round of play on completion of which the player with the lowest table stake may be eliminated from the tournament;

“**Entry Fee**” means the amount paid by the tournament player(s) that may be retained by the casino operator for administrative purposes or other related prize pools;

“**play-off**” means any session of play the purpose of which is to determine a winner and/or placegetter(s) of a session where two or more tournament players have finished that session with an equal value of chips;

“**re-buy**” means the purchase of an additional bank of tournament chips that may be purchased by the tournament player during a pre-determined time period of the tournament whenever the tournament player has less than the starting bank of chips;

“**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;

“**tie**” means that two (2) or more tournament players have equal value amounts of tournament chips at the conclusion of a heat or final;

“**tournament**” means a competition for the playing of Poker, which is restricted to persons who have completed an entry form and have paid the prescribed entry fee;

“**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.

27.2 Application of Poker rules

27.2.1 The rules for playing of Poker other than sub rules (3, 6, 8.3, 8.7, 8.8, 8.9.1, 8.9.3, 8.9.4, 25.6) shall apply, except where the rules are inconsistent with the rules for tournament play, in which case the rules for tournament play shall prevail.

27.2.2 Rule 20.1 may, at the discretion of a casino supervisor, be amended to the extent necessary for the following to have effect:

20.1 Prior to the first cards being dealt, all players shall be required to place an ante and/or blind.

27.2.3 The order of play may, at the discretion of a casino supervisor, be amended to the extent necessary for the following to have effect:

(i) Where a player is eliminated the dealer button will not be moved until each player has taken their turn in sequence to place the compulsory antes and/or blinds for the round; and/or

(ii) Where the player seated to the left of the designated player is eliminated and the position is not immediately filled by another player, the dealer button will move to the eliminated position for the next round of play; and/or

(iii) Where a player is moved to a table and is seated between the designated player and the player who would have been required to place the first blind/ante had the incoming player not taken the seat, the incoming player will not participate in the next round of play and the dealer button will pass to the player seated to the left of the incoming player for the subsequent round of play.

27.2.4 Where only two players remain in the game, all rules pertaining to the order of wagering and order of play shall be amended to the extent that the designated player will be the first to place the blind, and shall be the first to bet or fold in the first betting round..

27.3 Entry fees/prize pool for tournament

- 27.3.1 The casino operator may charge tournament players a fee to enter the tournament and may retain up to 100% of the entry fee to cover administrative costs.
- 27.3.2 All buy-ins, re-buys and add-ons received by the casino operator shall be included in a prize pool or prize pools for distribution to the winning tournament players in accordance with the conditions of play and no buy-in, re-buy, add-on or part thereof shall be refunded to any person unless specifically permitted by the conditions of entry.
- 27.3.3 The casino operator may, at its discretion, add value to the prize pool in the form of cash, goods or services.
- 27.3.4 The casino operator may guarantee the prize pool based on a minimum number of entries being received. Should the number of entries be less than the minimum requirement, the casino operator may reserve the right to cancel the tournament.
- 27.3.5 The casino operator may cancel the tournament without liability. In the event of cancellation all entry fees and any buy-ins received will be refunded.

27.4 Tournament conditions

- 27.4.1 The casino operator is to publish and display in each part of the casino where tournament Poker is played, a copy of the tournament conditions.
- 27.4.2 The tournament conditions must include, but is not limited to, the following:
- (a) the amount of the entry fee for each session of the tournament;
 - (b) the amount of the buy-in for each session of the tournament;
 - (c) the amount of tournament chips to be allocated to the tournament player at the commencement of a session;
 - (d) the maximum number of re-buys or add-ons permitted, the time period during which re-buys or add-ons may be conducted, the cost of such re-buys or add-ons and the amount of tournament chips to be received for each re-buy or add-on;
 - (e) 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;
 - (f) the structure of the tournament including the number and duration of rounds or sessions and the number of gaming

- tables to be active in each round or session, the method(s) of progression from round to round or session to session, repechage, catch-up or secondary rounds or sessions and the method(s) for determining the winners and place getters;
- (g) any conditions of play generally that may not be described in, but are consistent with, these rules such as method for balancing and/or breaking of tables, the method for imposing any time restrictions for wagering, the timing and method of play for any bonus or elimination rounds if applicable etc.;
 - (h) the conditions of play applicable to the allocation of tables and wagering areas, and the order of wagering;
 - (i) whether there is one or more opportunities for an eliminated tournament player to buy back into the tournament, whether there is one or more opportunities for a player to buy into the final sessions of the tournament and the method and timing of those opportunities;
 - (j) whether entries may be transferred to other nominated sessions and/or whether a player may nominate in person, subject to Tournament Supervisor approval, a substitute player to take that person's allotted seat during a session;
 - (k) 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) if the casino operator is reserving the right generally to deny entry to the tournament, a statement that the casino operator may refuse any application; and
 - (iii) if the casino operator is applying general selection criteria to determine eligibility to enter the tournament, those criteria;
 - (l) the terms of entry (including the period within which a tournament player may withdraw without financial penalty), the application form and the minimum and maximum numbers of tournament players permitted (if any);
 - (m) the prizes and the method of payment and any undertaking, reservation or guarantee given by the casino operator, if applicable;
 - (n) 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.

27.4.3 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.

27.5 Conduct of Play

27.5.1 The Tournament Supervisor shall designate the gaming tables to be used in the conduct of the tournament.

27.5.2 The casino operator must ensure that, during any session or round of a tournament, a gaming table designated under rule 27.5.1 is used exclusively for tournament play.

27.5.3 The Tournament Supervisor may alter the starting time of any session, if reasonable notice has been given to the tournament players.

27.5.4 The casino operator may determine whether to allow a tournament player to transfer their entry to another nominated session and/or whether to allow a player to nominate a substitute player to take their allotted seat during any session and may impose conditions as considered necessary to those allowances.

27.5.5 The Tournament Supervisor may determine the method of allocating tables and playing areas to tournament players, the order of wagering, the method of balancing and breaking tables, and any other conditions providing those conditions are consistent with the relevant rules of the game.

27.5.6 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.

27.5.7 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.

27.5.8 If the tournament player(s) to progress to the following session from that gaming table or round have been determined, the Tournament Supervisor may conclude the play of a session prior to the completion of the scheduled number of hands or the scheduled completion time.

27.5.9 Where a tournament player does not take an allotted seat at the specified time or is absent during a session the Tournament Supervisor:

- 27.5.9.1 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; and
- 27.5.9.2 shall direct the dealer to deal the cards to the absent 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; and/or
- 27.5.9.3 may declare the tournament player's position cancelled and the tournament player disqualified. Once disqualified a tournament player will not be entitled to a refund of the entry fee, except on the approval of the Tournament Supervisor and will not be entitled to retain the value of any tournament chips in their possession at the time of disqualification.
- 27.5.10 The Tournament Supervisor may disqualify a tournament player if found to have contravened any of the rules of Poker or tournament play and shall not be entitled to receive a refund of the entry fee, buy-in, re-buy or add-on and will not be entitled to retain the value of any tournament chips in their possession at the time of disqualification.

27.6 Wagers

- 27.6.1 All wagers will be made with tournament chips.
- 27.6.2 Prior to the start of any session, each tournament player will receive an equivalent allotment of tournament chips at the table.
- 27.6.3 Any tournament player who cannot provide the prescribed buy-in prior to the commencement of the tournament shall be eliminated and the entry fee will not be refunded.
- 27.6.4 Subject to rule 12 or unless these rules state otherwise, a tournament player must participate in each round of play, and where applicable, contribute all compulsory antes, blinds and/or minimum wagers to the pot. A player who fails to contribute such compulsory antes, blinds and/or minimum wagers shall be disqualified.
- 27.6.5 Tournament players will be disqualified if they increase, or attempt to increase their table stake by any other means than is permitted in these rules. No such tournament player shall be entitled to a refund of entry fee, buy-in, re-buy or add-on and will not be entitled to retain the value of any tournament chips in their possession at the time of disqualification.
- 27.6.6 Tournament players may not remove their tournament chips from the table, unless instructed by the Tournament Supervisor

- for the purpose of balancing and breaking of the tournament tables. All chips must remain in full view of tournament players and staff whilst play is in progress. Tournament players must not exchange chips with other tournament players for any reason.
- 27.6.7 The Tournament Supervisor shall disqualify any tournament player found to be deliberately concealing, pocketing or otherwise hiding chips during tournament play. No such tournament player shall be entitled to a refund of entry fee, buy-in, re-buy or add-on and will not be entitled to retain the value of any tournament chips in their possession at the time of disqualification.
- 27.6.8 Subject to reasonable notice, the Tournament Supervisor may limit the time period within which individual wagers must be made.
- 27.6.9 Where a tournament player does not place a wager within the allotted time, the tournament player's hand may be folded.
- 27.6.10 Any tournament player who no longer possesses any tournament chips and who is not entitled to a re-buy will be eliminated and must vacate the table.
- 27.6.11 The minimum and maximum wager may be increased/decreased during the tournament providing tournament players have been notified of the condition prior to the commencement of the tournament.

27.7 Session winners/placegetters

- 27.7.1 The number of tournament players to advance to the next session will be determined at the start of the tournament.
- 27.7.2 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.
- 27.7.3 Where two or more all-in players who would have been eligible for place in the tournament, are eliminated in the same round of play, 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. 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. Players shall turn their cards face up and the player holding the highest card shall be declared the winner. Should two or more players hold an equal value card, further card(s) shall be dealt to those players until a winner is decided. Ace shall be counted as high.

27.7.4 As each session progresses and players are eliminated, the Tournament Supervisor will record the order of elimination and announce the placegetters and/or winners.

27.8 General provisions

27.8.1 Tournament players may not advise or seek advice from other tournament players or persons not involved in the tournament during play.

27.8.2 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.

27.8.3 At the Tournament Supervisor discretion, a count of all tournament player's chips may be conducted.

27.8.4 A tournament player may be disqualified if found to contravene any of these rules. No such tournament player shall be entitled to a refund of entry, buy-in, re-buy or add-on and will not be entitled to retain the value of any tournament chips in their possession at the time of disqualification.

27.8.5 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.

27.8.6 At the conclusion of each session, dealers and/or casino supervisors are to ensure that all tournament chips have been returned. If a situation arises where tournament chips have not been returned, the Tournament Supervisor is to be advised and the quantity and denomination recorded.

27.8.7 Entry fees, buy-ins, re-buys, add-ons and prizes paid in a tournament pursuant to these Rules shall not form part of the calculation of Gross Gaming Revenue.

27.9 EPT Tournaments

27.9.1 Definitions

"add on" means a once-only purchase of an additional bank of tournament player chip account credits at a specified time, purchased by the tournament player(s) during the play of the tournament;

"count back" means a review of previous rounds of play in reverse order, to determine the player with the highest bank of tournament chip account credits.

"play-off" means any session of play the purpose of which is to determine a winner and/or placegetter(s) of a session where two or more tournament players have finished that session with an equal value of chip account ;

"re-buy" means the purchase of an additional bank of tournament chip account credits that may be purchased by the

tournament player during a pre-determined time period of the tournament whenever the tournament player has less than the starting bank of chip account credits;

“**tie**” means that two (2) or more tournament players have equal value amounts of tournament chip account at the conclusion of a heat or final;

27.9.2 Tournament Conditions

27.9.2.1 the amount of tournament chip account to be allocated to the tournament player at the commencement of a session

27.9.2.2 the maximum number of re-buys or add-ons permitted, the time period during which re-buys or add-ons may be conducted, the cost of such re-buys or add-ons and the amount of tournament chip account to be received for each re-buy or add-on

27.9.2.3 Where a tournament player does not take an allotted seat at the specified time or is absent during a session:

25.9.2.3.1 an amount equal to all compulsory antes, blinds and/or minimum wagers will be deducted where applicable from the player's tournament chip account for each round of play for which the tournament player is absent and place them in the pot; and

25.9.2.3.2 may declare the tournament player's position cancelled and the tournament player disqualified. Once disqualified a tournament player will not be entitled to a refund of the entry fee, except on the approval of the Tournament Supervisor and will not be entitled to retain the value of any tournament chip account credits in their possession at the time of disqualification.

27.9.2.4 Where two or more all-in players who would have been eligible for a place in the tournament, are eliminated in the same round of play, the winner place getter shall be determined by a count back.

27.9.3 Wagers

27.9.3.1 All wagers will be made with tournament chip account credits.

27.9.3.2 Prior to the start of any session, each tournament player will receive an equivalent allotment of tournament chip account credits at the table.

27.9.3.3 Any tournament player who no longer possesses any tournament chip credits and who is not entitled to a re-buy will be eliminated and must vacate the table.

27.9.4 General Provisions

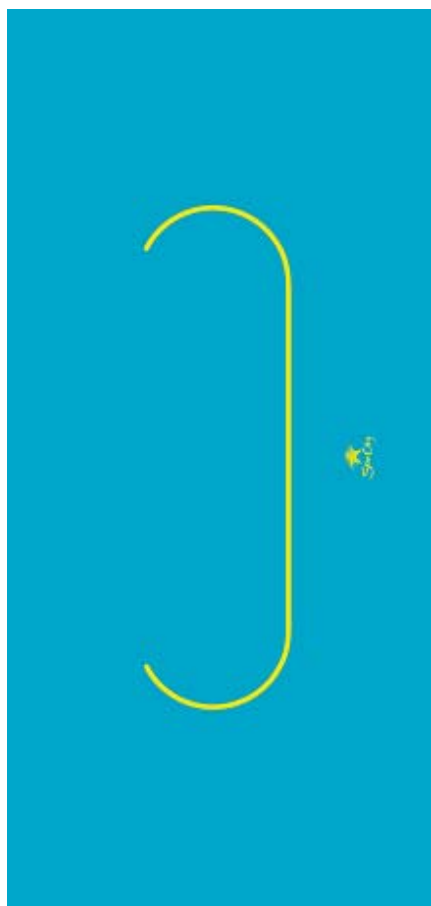
27.9.4.1 A tournament player may be disqualified if found to contravene any of these rules. No such tournament player shall be entitled to a refund of entry, buy-in, re-buy or add-on and will not be entitled to retain the value of any tournament chip credits in their possession at the time of disqualification.

Diagram "A"

POKER LAYOUT

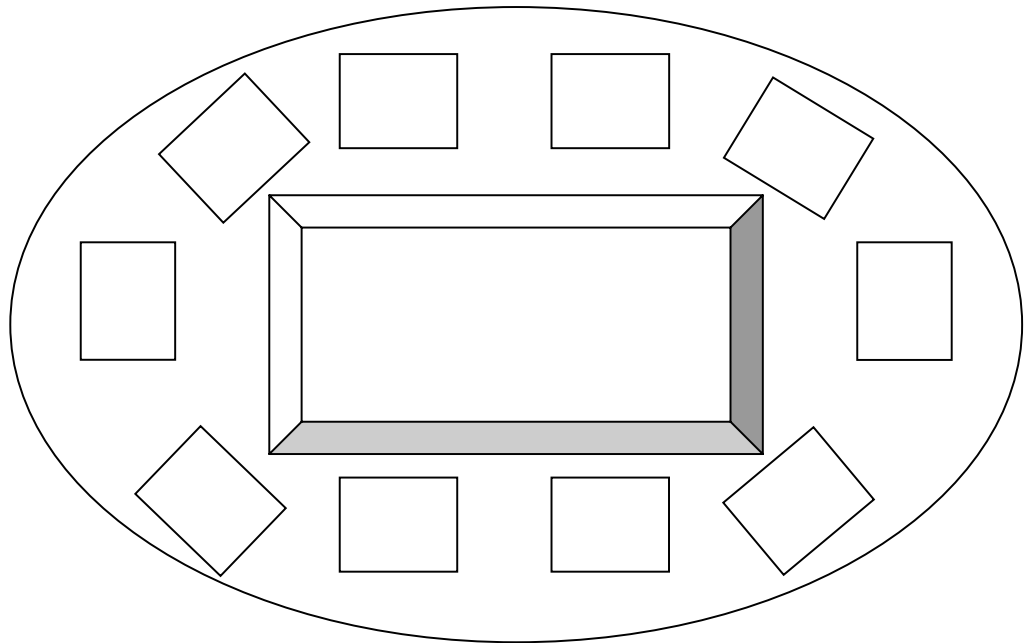


Diagram "B"
POKER LAYOUT



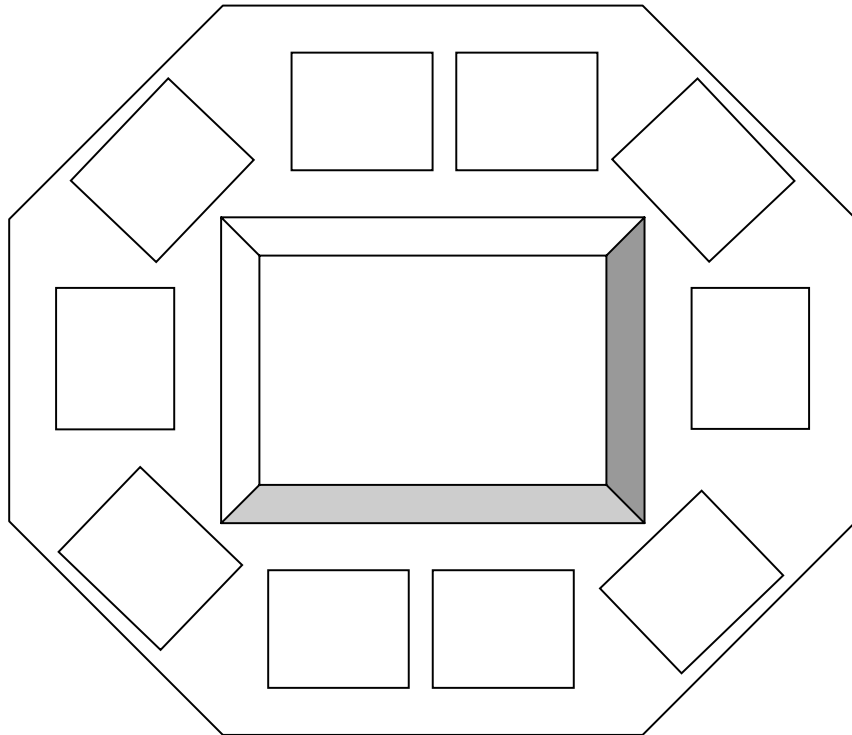
“Diagram C”

EPT DESIGN 1



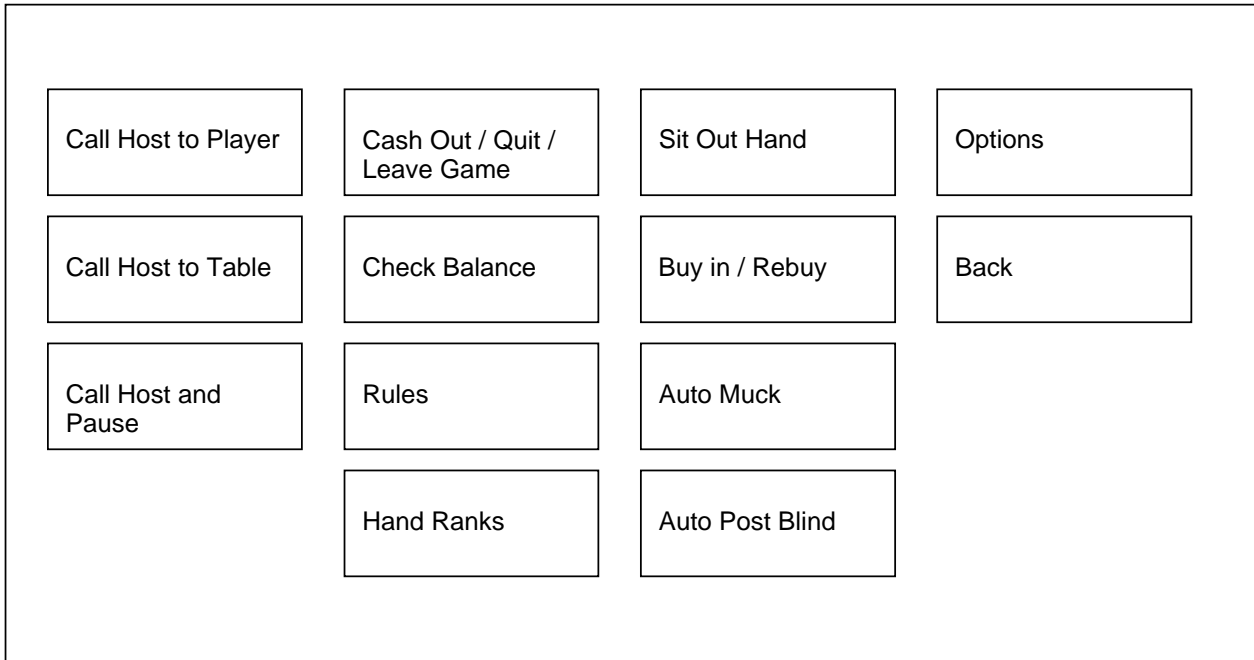
“Diagram D”

EPT DESIGN 2



“Diagram “E”

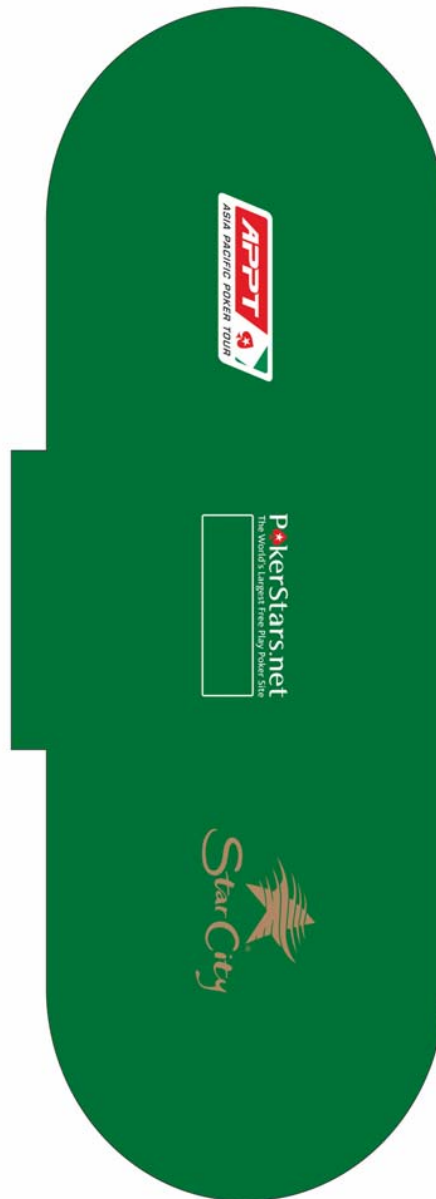
PST SCREEN



“Diagram “F”
POKER LAYOUT



“Diagram “G”
POKER LAYOUT



PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

LIVERPOOL CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LIVERPOOL CITY COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of drainage and open space. P. TOLHURST, General Manager, Liverpool City Council, Locked Bag 7064, Liverpool BC NSW 1871.

SCHEDULE

Lot 101, DP 1050114.

[4262]

NORTH SYDNEY COUNCIL

Roads Act 1993, Section 162 (1)

Renaming of Road

NOTICE is hereby given that North Sydney Council, in pursuance of section 162.1 of the Roads Act 1993, as amended, has renamed the section of Bent Street, currently fronting No's 93 and 95, to Freshwater Lane. The name marks the existence of the creek that ran from this area down to Neutral Bay. P. HOLLOWAY, General Manager, North Sydney Council, PO Box 12, North Sydney NSW 2059.

[4263]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ERRATUM

THE Port Macquarie-Hastings Council notices published in the Government Gazette of the 17 October 2008, No. 132, folio 10328 and the Government Gazette of the 24 October 2008, No 134 folio 10427 contained an error in the description of the easement to be acquired and an error in the folio number. The Notice now republished in full, appearing below amends those errors.

PORT MACQUARIE-HASTINGS COUNCIL declares with the approval of Her Excellency the Governor, that the land described in Schedule 1 below and the easement described in Schedule 2 below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for sewerage purposes. Dated at Port Macquarie, 14 October 2008. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE 1

Lot 1 DP1071933.

SCHEDULE 2

Right of Carriageway 5 wide marked (A) shown on DP1071933.

[4264]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993 – Section 10

Dedication of Land as Public Road

NOTICE is hereby given that pursuant to Section 10 of the Roads Act 1993, the land owned by Port Macquarie-Hastings Council as described in the Schedule below, is hereby dedicated to the public as road. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie, NSW 2444

SCHEDULE

Lot 1 Deposited Plan 1062308, Parish of Lorne, County of Macquarie and situated on Lorne Road at Lorne.

[4265]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ERRATUM

THE Port Macquarie-Hastings Council notices published in the Government Gazette of the 17 October 2008, No. 132, folio 10328 and the Government Gazette of the 24 October 2008, No 134 folios 10427 and 10428 contained an error in the description of the land and easement to be acquired and an error in the folio number. The Notice now republished in full, appearing below amends those errors.

PORT MACQUARIE-HASTINGS COUNCIL declares with the approval of Her Excellency the Governor, that the easement described in Schedule 1 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 sewerage purposes. Dated at Port Macquarie, 14 October 2008, ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW, 2444

SCHEDULE 1

Right of Carriageway 5 wide and variable marked (A) shown on DP 1083704.

[4266]

PORT MACQUARIE-HASTINGS COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

ERRATUM

THE Port Macquarie-Hastings Council notices published in the Government Gazette of the 17 October 2008, No. 132, folio 10328 and the Government Gazette of the 24 October 2008, No 134 folio 10428 contained an error in the description of the easement to be acquired and an error in the folio number. The Notice now republished in full, appearing below amends those errors.

PORT MACQUARIE-HASTINGS COUNCIL declares with the approval of Her Excellency the Governor, that the land described in Schedule 1 below and the easement described in Schedule 2 below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for sewerage purposes. Dated at Port Macquarie, 14 October 2008. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE 1

Lot 1 DP1083894.

SCHEDULE 2

Right of Carriageway 5 wide and variable marked (A) shown on DP1083894. [4267]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of Council dated 13 May 2008, has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. MIKE RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE 1

Lots 1, 4 and 6-20, DP 1126031. [4268]

TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

TWEED SHIRE COUNCIL declares with the approval of Her Excellency the Governor, that the lands described in the Schedule below, excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for public road. Dated at Murwillumbah, this 31st day of July 2008. MIKE RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE A

Lot 1, DP 1126031; Lot 4, DP 1126031; Lot 6, DP 1126031; Lot 7, DP 1126031; Lot 8, DP 1126031; Lot 9, DP 1126031; Lot 10, DP 1126031; Lot 11, DP 1126031; Lot 12, DP 1126031; Lot 13, DP 1126031; Lot 14, DP 1126031; Lot 15, DP 1126031; Lot 16, DP 1126031; Lot 17, DP 1126031; Lot 18, DP 1126031; Lot 19, DP 1126031 and Lot 20, DP 1126031

[4269]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ARCHIE DEMER, late of 1/68 St Marks Road, Randwick, in the State of New South Wales, widow, who died on 19th June 2008, must send particulars of his claim to the executrices, Denise Cottier and Leonie June Bebington, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South NSW 1235, within one (1) calendar month from the publication of this notice. After that time the executrices may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 29th September 2008, as number 116618/08. STEVE MASSELOS & CO., A Solicitor Corporation, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South 1235), (DX 305, Sydney), tel.: (02) 9264 7022. [4270]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GLADYS ETHEL MYRTLE COLEFAX late of Wyoming Nursing Home, 47 Grosvenor Crescent, Summer Hill in the State of New South Wales, (formerly of 16 Browning Street, Campsie in the said State), widow, deceased who died on 13 May 2008, must send particulars of his claim to the Executor Nicole Ann Hatzel, C/- K. O'Malley Jones & Williamson, Solicitors, 142 Beamish Street, Campsie 2194, within one (1) calendar month from publication of this notice. After that time the Executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 9 October 2008. K. O'MALLEY JONES & WILLIAMSON, Solicitors, 142 Beamish Street, Campsie 2194, (PO Box 15 Campsie 2194), tel.: 9718 2035. [4271]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PHYLLIS MARGARET HOWARD, late of Cherrybrook, in the State of New South Wales, who died on 4th July 2008, must send particulars of their claim to the executor, Aileen Scott Griffith, c.o. Messrs Barton & Co, Solicitors, PO Box 344, Hornsby NSW 1630, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 1st October 2008. MESSRS BARTON & CO, Solicitors, Polaris 128/121-133 Pacific Highway, Hornsby NSW 2077 (PO Box 344), (DX 9696 Hornsby), tel.: (02) 9476 1744. Reference: DFB:RS/Howard. [4272]

COMPANY NOTICES

NOTICE of final meeting.—TODD BONA VISTA PTY LTD, ACN 000 857 778 (in liquidation).—NOTICE is given that pursuant to the Corporations Act 2001, a general meeting of members of Todd Bona Vista Pty Ltd (in liquidation), will be held at the offices of C & W Partners, Chartered Accountants, 22 Bridge Street, Moree NSW, on Monday, the 8th December 2008, at 2:00 p.m. The purpose of the meeting is to lay accounts before it, showing the manner in which the winding up has been conducted and the property of the company disposed of, and for hearing any explanation that may be given by the Liquidator. Dated this 7th day of November 2008. MARK HENRY JOHNSON, Liquidator, c.o. C & W Partners, Chartered Accountants, 22 Bridge Street (PO Box 201), Moree NSW 2400, tel.: (02) 6759 1000.

[4273]

NOTICE of meeting of members. – FRESAL PTY LTD, ACN 002 590 187 (in liquidation). – Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the above named company will be held at the office of the liquidator at 7/61-67 Haldon Street, Lakemba, NSW 2195, on Thursday 11 December 2008 at 11.00 a.m. The purpose of the final meeting is for the setting out before the members, the liquidators' final accounts and report including any explanation of the accounts and report. AFOLTERN, Solicitors, c.o. Sami Elias Aslan, Principal, 7/61-67 Haldon Street, Lakemba NSW 2134, tel.: (02) 9715 5970.

[4274]

OTHER NOTICES**LOCAL COURTS AND SHERIFF**

NSW Attorney General's Department

Writ for Levy of Property

UNLESS the Writ for Levy of Property issued from the Campbelltown Local Court, Case No. 725/06, is previously satisfied, the Sheriff's Office at Parramatta intends to sell by Public Auction the following Real Property of Lisa Gai Carusi known as house and land in deposited plan at 84 Harris Street, Merrylands, NSW 2160, or so much as may be necessary to satisfy the outstanding judgement debt.

The sale will be held on site at 2 p.m. on Saturday 8th November 2008. Local Courts and Sheriff, NSW Attorney General's Department, PO Box 92, Parramatta NSW 2150.

[4275]

