



Government Gazette

OF THE STATE OF

NEW SOUTH WALES

Week No. 51/2010

Friday, 24 December 2010

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Attention Advertisers . . .

*Government Gazette inquiry times are:
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GOVERNMENT GAZETTE DEADLINES

Close of business every Wednesday

Except when a holiday falls on a Friday, deadlines will be altered as per advice given on this page.

Christmas deadlines

Due to the Public Holidays over the Christmas and New Year period the *deadlines for inclusion in the Government Gazette* are:

Christmas – Gazette will be published on the 24th December 2010 the deadline will be close of business on the 22 December 2010.

New Year – Gazette will be published on the 7th January 2011 the deadline will be close of business on the 5th January 2011.

Please Note:

- **Only electronic lodgement of Gazette contributions will be accepted.** If you have not received a reply confirming acceptance of your email by the close of business on that day please phone 9372 7447.

Department of Service Technology and Administration Tenders

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Services Technology and Administration proposed, current and awarded tenders is available on:

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 136

Friday, 17 December 2010

Published under authority by Government Advertising

SPECIAL SUPPLEMENT

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence of Treasurer, Minister for State and Regional Development, Minister for Ports and Waterways, Special Minister of State, and Minister for The Illawarra

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J. HATZISTERGOS, Attorney General, Minister for Citizenship, Minister for Regulatory Reform and Vice President of the Executive Council, to act for and on behalf of the Treasurer, Minister for State and Regional Development, Minister for Ports and Waterways, Special Minister of State and Minister for the Illawarra, on and from 17 December 2010, with a view to his performing the duties of the Honourable E. M. ROOZENDAAL, M.L.C., during his absence from duty.

KRISTINA KENEALLY, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
17 December 2010.

HERITAGE ACT 1977

Direction pursuant to Section 34(1)(a) to List an Item on the State Heritage Register

Cumberland Street Archaeological Site, The Rocks
SHR No. 1845

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B". The listing is subject to the exemptions from approval under section 57(2) of the Heritage Act 1977, described in Schedule "C" and in addition to the standard exemptions.

Dated at Sydney, this 16th day of December 2010.

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

SCHEDULE "A"

The item known as the Cumberland Street Archaeological Site, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Part Lot 2 of Deposited Plan 777656, Parish of St James, County of Cumberland, shown on the plan catalogued HC 2356 in the office of the Heritage Council of New South Wales.

SCHEDULE "C"

1. **Works to the 21st century building** located above the basement floor slab of the subject building, not including works that will alter or impact on:
 - (a) early fabric of the southern boundary wall extending above the floor slab of the new construction;
 - (b) archaeology;
 - (c) interpretation of archaeology, history or heritage of the site;
 - (d) views or access to archaeology;
 - (e) open space where there is no approved floor slab located directly above; and
 - (f) 21st century fabric located below the floor slab, such as pylons.
2. **Minor works** with no detrimental impact on significance or interpretation of the archaeology, history or heritage of the site where the proponent has:
 - (a) written to the Director of the Heritage Branch or Heritage Manager of Sydney Harbour Foreshore Authority describing the proposed works; and
 - (b) received confirmation in writing from the Director of the Heritage Branch or Heritage Manager of Sydney Harbour Foreshore Authority that the works are considered exempt from development approval before works commence.

HERITAGE ACT 1977

Direction pursuant to Section 34(1)(a) to List an Item on the State Heritage Register

Wooleybah Sawmill and Settlement
SHR No. 1846

IN pursuance of section 34(1)(a) of the Heritage Act 1977, I, the Minister for Planning, having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

Dated at Sydney, this 16th day of December 2010.

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

SCHEDULE "A"

The item known as Wooleybah Sawmill and Settlement, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Occupancy Permit 13211 (Forests NSW) in the Pilliga West State Forest No. 267, Parish of Miller, County of Baradine, shown on the plan catalogued HC 1961 in the office of the Heritage Council of New South Wales.



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 137
Friday, 17 December 2010

Published under authority by Government Advertising

SPECIAL SUPPLEMENT

WORKERS COMPENSATION (EXERCISE PHYSIOLOGY FEES) ORDER 2011 UNDER THE WORKERS COMPENSATION ACT 1987

I, LISA HUNT, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the Workers Compensation Act 1987, make the following Order.

Dated this 14th day of December 2010.

LISA HUNT,
Chief Executive Officer,
WorkCover Authority

Explanatory Note

Treatment by a remedial gymnast is one of the categories of medical and related treatment covered under the Workers Compensation Act 1987. For the purposes of this Order, the term remedial gymnast is interchangeable with exercise physiologist. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an exercise physiologist of an injured worker's work related injury.

This Order makes provision for exercise physiology management plans and the approval by workers compensation insurers of certain exercise physiology services. No fees are payable for exercise physiology services provided by a person who is not a WorkCover approved exercise physiologist.

WORKERS COMPENSATION (EXERCISE PHYSIOLOGY FEES) ORDER 2011

1. Name of Order

This order is the Workers Compensation (Exercise Physiology Fees) Order 2011.

2. Commencement

This Order commences on 1 January 2011.

3. Definitions

In this Order:

Case conference means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the exercise physiologist's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

Exercise physiologist means a WorkCover approved exercise physiologist.

Exercise physiology management plan means the document used by the exercise physiologist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. An exercise physiology management plan provides the mechanism to request approval from the relevant workers compensation insurer for up to 8 consultations. If treatment is ongoing a further exercise physiology management plan must be submitted and approved before treatment can be delivered and in each such case approval can only be given for up to 8 consultations.

Exercise physiology services refers to all services delivered by a WorkCover approved exercise physiologist and each service is to be billed according to Schedule A. Exercise physiology services are limited to clinical exercise prescription, instruction and supervision, health education and exercise-based lifestyle and behaviour modification services.

Group/class intervention occurs where an exercise physiologist delivers the same service that is, the same exercise and instruction, to more than one person at the same time. Maximum class size is six (6) participants. An Exercise Physiology Management Plan is required for each worker.

GST has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

Initial consultation and treatment means the first session provided by the exercise physiologist in respect of an injury which is of one hour duration, provided on a 1:1 basis and includes:

- history taking
- physical assessment
- goal setting and planning treatment
- treatment/service
- clinical recording
- communication with referrer
- preparation of a management plan when indicated.

The service is 1:1 for the entire session.

Normal practice means premises in or from which an exercise physiologist regularly operates an exercise physiology practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

Reduced supervision treatment occurs where an exercise physiologist delivers a service, which may or may not be the exact same exercise and instruction, to more than one person at the same time. Maximum number of persons per session is 3, with the exercise physiologist-to-patient ratio being one-to-one for at least 30% of the session time.

Report writing occurs when an exercise physiologist is requested to compile a written report, other than the exercise physiology management plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

Standard consultation and treatment means treatment sessions for one hour provided subsequent to the initial session and includes:

- re-assessment,
- treatment,
- recording of notes and
- preparation of a exercise physiology management plan when indicated.

The service is 1:1 for the entire session.

The Act means the Workers Compensation Act 1987.

Travel occurs when the most appropriate clinical management of the patient requires the exercise physiologist to travel away from their normal practice. Travel costs do not apply where the exercise physiologist provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide preapproval for such a service.

WorkCover means the WorkCover Authority of New South Wales.

WorkCover approved means an exercise physiologist who has, either before or after the commencement of this Order, by a date notified by WorkCover, been approved by WorkCover to provide exercise physiology services for the purpose of this Order.

4. Application of Order

This Order applies to treatment provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

5. Maximum fees for exercise physiology treatment

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a exercise physiologist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for an exercise physiologist to provide treatment of a type specified in any of items 7 to 11 in Schedule A at a place other than their usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item 14 in Column 2 of Schedule A.

- (3) No fees are payable by or on behalf of an employer for treatment provided by a person who is not a WorkCover approved exercise physiologist.

6. Goods and Services Tax

Exercise physiology services are subject to GST.

Schedule A Maximum fees for exercise physiologists

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
EPA001	Initial consultation and treatment	124.60
EPA002	Standard consultation and treatment	124.60
EPA003	Reduced supervision treatment	54.40
EPA004	Group/class intervention	39.70/participant
EPA005	Additional expenses	As agreed with insurer
EPA006	Case conference	124.60/hour
EPA007	Report writing	124.60 (maximum)
EPA008	Travel	1.45/kilometre

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 138

Monday, 20 December 2010

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SPECIAL SUPPLEMENT

Other Legislation

THREATENED SPECIES CONSERVATION ACT 1995

Notice of Final Determinations

Erratum

THE following notices of Final Determination Certificates were omitted by error from the Government Gazette No. 135 of the 17 December 2010:

Eucalyptus langleyi

Eucalyptus oblonga

Grevillea ilicifolia

Nothern Corroboree Frog

Also the following three NSW Scientific Committee Determinations which appeared in the Government Gazette No. 135 of the 17 December 2010 on folios 5841 to 5858 were published without the Threatened Species Conservation Act 1995, Certificate "Freshwater Wetlands":

Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin & South East Corner bioregion

Montane Peatlands & Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East corner, South Eastern Highlands & Australian Alps bioregion

Subtropical Coastal Floodplain Forest of the NSW North Coast Bioregion

This erratum now amends these errors and the notices are published in full.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following population as an endangered population under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 2 under the heading “Myrtaceae” (under the heading “Plants”):

Eucalyptus langleyi L.A.S. Johnson &
Blaxell

Eucalyptus langleyi population
north of the Shoalhaven River
in the Shoalhaven local
government area

This Notice commences on the day on which it is published in the Gazette.
Dated, this 7th day of December 2010.

Dr Richard Major
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment, Climate Change and Water, PO Box 1967, Hurstville BC NSW 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
- (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the population referred to in paragraph (a) as an endangered population under that Act and, as a consequence, to omit a reference to the population referred to in paragraph (b) and, accordingly:

- (a) Schedule 1 to that Act is amended by inserting in alphabetical order in Part 2 under the heading “Myrtaceae” (under the heading “Plants”):

Eucalyptus oblonga DC.

Eucalyptus oblonga population at Bateau Bay, Forresters Beach and Tumbi Umbi in the Wyong local government area

- (b) Schedule 1 to that Act is amended by omitting from Part 2 under the heading “Myrtaceae” (under the heading “Plants”):

Eucalyptus oblonga Blakely

Eucalyptus oblonga population at Bateau Bay in the Wyong local government area

This Notice commences on the day on which it is published in the Gazette.
Dated, this 7th day of December 2010.

Dr Richard Major
Chairperson of the Scientific Committee

Notice of Final Determination

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- (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a critically endangered species under that Act and, accordingly, Schedule 1A to that Act is amended by inserting in alphabetical order in Part 1 under the heading “Proteaceae” (under the heading “Plants”):

Grevillea ilicifolia (R.Br.) R.Br. subsp. *ilicifolia*

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Dated, this 7th day of December 2010.

Dr Richard Major
Chairperson of the Scientific Committee

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- (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the species referred to in paragraph (a) as a critically endangered species under that Act and, as a consequence, to omit a reference to that species as a vulnerable species and, accordingly:

- (a) Schedule 1A to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Myobatrachidae” (under the heading “Amphibians”):

* *Pseudophryne pengilleyi* Wells and Wellington, Northern Corroboree
1985 Frog

- (b) Schedule 2 to that Act is amended by omitting from Part 1 under the heading “Myobatrachidae” (under the heading “Amphibians”):

* *Pseudophryne pengilleyi* Wells and Wellington, Northern Corroboree
1985 Frog

This Notice commences on the day on which it is published in the Gazette.

Dated, this 7th day of December 2010.

Dr Richard Major
Chairperson of the Scientific Committee

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Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,

Notice of Final Determination

-
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment, Climate Change and Water, PO Box 1967, Hurstville BC NSW 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
 - (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a determination to amend the descriptions of certain ecological communities referred to in paragraphs (a)–(c) below pursuant to section 36A (1) (b) of the Act (being amendments or omissions that are necessary or desirable to correct any minor error or omission) and, accordingly, Part 3 of Schedule 1 to that Act is amended as follows:

- (a) Omit the matter relating to Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions and insert instead:

Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (b) Omit the matter relating to Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions and insert instead:

Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

Notice of Determination

- (c) Omit the matter relating to Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion and insert instead:

Subtropical Coastal Floodplain Forest of the New South
Wales North Coast Bioregion (as described in the
determination of the Scientific Committee under Division 5
of Part 2)

This Notice commences on the day on which it is published in the Gazette.
Dated, this 7th day of December 2010.

Dr Richard Major
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.environment.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment, Climate Change and Water, PO Box 1967, Hurstville BC NSW 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
- (c) in person at the Department of Environment, Climate Change and Water Information Centre, Level 14, 59–61 Goulburn St, Sydney.

NSW SCIENTIFIC COMMITTEE

Determination to make a minor amendment to Part 3 of Schedule 1 of the Threatened Species Conservation Act

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the final determination to list the ecological community) which was published on pages 9406 to 9411 in the NSW Government Gazette No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct an omission in the Determination in relation to the Thackway and Cresswell (1995) reference.

The Scientific Committee has found that:

1. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with periodic or semi-permanent inundation by freshwater, although there may be minor saline influence in some wetlands. They typically occur on silts, muds or humic loams in depressions, flats, drainage lines, backswamps, lagoons and lakes associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Freshwater Wetlands on Coastal Floodplains generally occur below 20 m elevation in the NSW North Coast, Sydney Basin and South East Corner bioregions. The structure of the community may vary from sedgelands and reedlands to herbfields, and woody species of plants are generally scarce. Typically these wetlands form mosaics with other floodplain communities, and often they include or are associated with ephemeral or semi-permanent standing water (e.g. Goodrick 1970).

The composition of Freshwater Wetlands on Coastal Floodplains is primarily determined by the frequency, duration and depth of waterlogging and may be influenced by the level of nutrients and salinity in the water and substrate. The community is characterised by the following assemblage of species:

<i>Alisma plantago-aquatica</i>	<i>Azolla filiculoides</i> var. <i>rubra</i>
<i>Azolla pinnata</i>	<i>Baumea articulata</i>
<i>Baumea rubiginosa</i>	<i>Bolboschoenus caldwellii</i>
<i>Bolboschoenus fluviatilis</i>	<i>Brasenia schreiberi</i>
<i>Carex appressa</i>	<i>Centipeda minima</i>
<i>Ceratophyllum demersum</i>	<i>Cyperus lucidus</i>
<i>Eclipta platyglossa</i>	<i>Eclipta prostrata</i>
<i>Eleocharis acuta</i>	<i>Eleocharis equisetina</i>
<i>Eleocharis minuta</i>	<i>Eleocharis sphacelata</i>
<i>Fimbristylis dichotoma</i>	<i>Gratiola pedunculata</i>
<i>Hemarthria uncinata</i>	<i>Hydrilla verticillata</i>
<i>Hydrocharis dubia</i>	<i>Juncus polyanthemus</i>
<i>Juncus usitatus</i>	<i>Leersia hexandra</i>
<i>Lemna</i> spp.	<i>Lepironia articulata</i>
<i>Ludwigia peploides</i> subsp. <i>montevidensis</i>	<i>Marsilea mutica</i>
<i>Maundia triglochoides</i>	<i>Myriophyllum crispatum</i>
<i>Myriophyllum latifolium</i>	<i>Myriophyllum propinquum</i>
<i>Myriophyllum variifolium</i>	<i>Najas marina</i>
<i>Najas tenuifolia</i>	<i>Nymphaea gigantea</i>
<i>Nymphoides geminata</i>	<i>Nymphoides indica</i>
<i>Ottelia ovalifolia</i>	<i>Panicum obseptum</i>
<i>Panicum vaginatum</i>	<i>Paspalum distichum</i>
<i>Persicaria attenuata</i>	<i>Persicaria decipiens</i>
<i>Persicaria hydropiper</i>	<i>Persicaria lapathifolia</i>
<i>Persicaria strigosa</i>	<i>Philydrum lanuginosum</i>
<i>Phragmites australis</i>	<i>Potamogeton crispus</i>
<i>Potamogeton ochreatus</i>	<i>Potamogeton perfoliatus</i>
<i>Potamogeton tricarinatus</i>	<i>Pseudoraphis spinescens</i>
<i>Ranunculus inundatus</i>	<i>Schoenoplectus litoralis</i>
<i>Schoenoplectus mucronatus</i>	<i>Schoenoplectus validus</i>
<i>Spirodella</i> spp.	<i>Triglochin procera</i> sensu lato
<i>Typha orientalis</i>	<i>Utricularia australis</i>
<i>Vallisneria</i> spp.	<i>Wolffia</i> spp.

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance history (including grazing, flooding, land clearing and pollution in the catchment). The number and relative abundance of species will change with time since flooding or significant rainfall, and may also change in response to changes in grazing regimes and land use in the catchment. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
3. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes, Port Stephens, Maitland, Newcastle, Cessnock, Lake Macquarie, Wyong, Gosford, Hawkesbury, Baulkham Hills, Blacktown, Penrith, Fairfield, Liverpool, Wollondilly, Camden, Campbelltown, Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995). Examples include Swan Bay, Gundurimba wetland, Bungawalbin Swamp, Dyraaba Creek and Tuckean Swamp on the Richmond floodplain; Southgate wetlands and Trenayr Swamp on the Clarence floodplain; Seven Oaks Swamp, Swan Pool, Kinchela Creek and Upper Belmore Swamp on the Macleay floodplain; Great Swamp on the Manning floodplain; Wentworth Swamp, Hexham Swamp, Wallis Creek and Ellalong Lagoon on the Hunter floodplain; Bushells, Pitt Town, Long Neck and Broadwater Lagoons on the Hawkesbury floodplain; Coomonderry Swamp on the Shoalhaven floodplain; Pedro and Old Man Bed Swamps on the Moruya floodplain; and Jellat Jellat Swamp on the Bega floodplain (Goodrick 1970).
4. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on the water regime (Yen and Myerscough 1989, Boulton and Brock 1999). Wetlands or parts of wetlands that lack standing water most of the time are usually dominated by dense grassland or sedgeland vegetation, often forming a turf less than 0.5 metre tall and dominated by amphibious plants including *Paspalum distichum* (water couch), *Leersia hexandra* (swamp rice-grass), *Pseudoraphis spinescens* (mud grass) and *Carex appressa* (tussock sedge). Wetlands or parts of wetlands subject to regular inundation and drying may include large emergent sedges over 1 metre tall, such as *Baumea articulata*, *Eleocharis equisetina* and *Lepironia articulata*, as well as emergent or floating herbs such as *Hydrocharis dubia* (frogbit), *Philydrum lanuginosum* (frogsmouth), *Ludwigia peploides* subsp. *montevidensis* (water primrose), *Marsilea mutica* (nardoo) and *Myriophyllum* spp. (milfoils). As standing water becomes deeper or more permanent, amphibious and emergent plants become less abundant, while floating and submerged aquatic herbs become more abundant. These latter species include *Azolla filiculoides* var. *rubra*, *Ceratophyllum demersum* (hornwort), *Hydrilla verticillata* (water thyme), *Lemna* spp. (duckweeds), *Nymphaea gigantea* (giant waterlily), *Nymphoides indica* (water snowflake), *Ottelia ovalifolia* (swamp lily) and *Potamogeton* spp. (pondweeds). The threatened aquatic plants, *Aldrovanda vesiculosa* and *Najas marina*, also occur within this community. The composition and structure of the vegetation is also influenced by grazing history, changes to hydrology and soil salinity, catchment runoff and disturbance, and may have a substantial component of exotic grasses and forbs. Artificial wetlands created on previously dry land specifically for purposes such as sewerage treatment, stormwater management and farm production, are not regarded as part of this community, although they may provide habitat for threatened species.
5. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has a distinctive fauna that includes frogs, fish, freshwater tortoises, waterbirds and a diversity of micro- and macro-invertebrates. The frog families represented are Myobatrachidae (southern frogs) and Hylidae (tree frogs), including the threatened Green and Golden Bell Frog (*Litoria aurea*). Waterbirds include Black Swan (*Cygnus atratus*), Pacific Black Duck (*Anas superciliosa*), Australian Grey Teal (*Anas gracilis*), Pacific Heron (*Ardea pacifica*), White-faced Heron (*Ardea novaehollandiae*), Great Egret (*Ardea alba*), Intermediate Egret (*Ardea intermedia*), Little Egret (*Ardea garzetta*), Straw-necked Ibis (*Threskiornis spinicollis*), Sacred Ibis (*Threskiornis aethiopica*), Black-necked Stork (*Ephippiorhynchus asiaticus*), Royal Spoonbill (*Platalea regia*), Yellow-billed Spoonbill (*Platalea flavipes*), Japanese Snipe (*Gallinago hardwickii*), Black-winged Stilt (*Himantopus himantopus*), Dusky Moorhen (*Gallinula tenebrosa*), Comb-crested jacana (*Jacana gallinacea*) and Purple swamphen (*Porphyrio porphyrio*).

6. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified several types of forested wetlands that are distinct from this treeless wetland community (Keith and Scott 2005). The combination of features that distinguish Freshwater Wetlands on Coastal Floodplains from other endangered ecological communities on the coastal floodplains include its scarcity or complete absence of woody plant species and the presence of amphibious, emergent, floating or submerged aquatic forbs, grasses or sedges. It generally occupies low-lying parts of floodplains, alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes; habitats where flooding is periodic and standing fresh water persists for at least part of the year in most years. The community also occurs in backbarrier landforms where floodplains adjoin coastal sandplains (e.g. Pressey and Griffith 1992). However, it is distinct from Sydney Freshwater Wetlands, which may include a component of woody plant species and are associated with sandplains in the Sydney Basin bioregion.
7. Freshwater Wetlands on Coastal Floodplains may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest Complex in the Sydney Basin bioregion) and Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, Freshwater Wetlands on Coastal Floodplains are sometimes fringed by trees, such as *Casuarina glauca* (swamp oak) and *Melaleuca quinquenervia* (paperbark), indicating transitional zones to forested communities of the floodplains. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003, Stevenson 2003). In addition, Freshwater Wetlands on Coastal Floodplains may adjoin or intergrade with Coastal Saltmarsh of the NSW North Coast, Sydney Basin and South East Corner bioregions and Sydney Freshwater Wetlands of the Sydney Basin bioregion. The Determinations for these communities collectively encompass the full range of intermediate assemblages.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes 'Fresh meadows', Seasonal fresh swamps', 'Semi-permanent fresh swamps', and 'Open fresh waters' in the general coastal wetlands classification of Goodrick (1970). In the Tweed valley lowlands, this community includes 'Eleocharis equisetina tall closed sedgeland' (E2) and 'Triglochin procera tall forbland to tall open forbland' (E3) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) that are dominated by herbaceous plants (Pressey and Griffith 1992). In the lower Hunter valley, 'Freshwater Wetland Complex' (map unit 46) of NPWS (2000) falls within this community. In the Sydney region, this community includes 'Freshwater wetlands on the floodplains' of Benson and Howell (1990); 'Freshwater reed swamps' (map unit 28a) of Benson (1992) and Ryan *et al.* (1996) in the Penrith-St Albans district; 'Lepironia freshwater swamp' (map unit 75 and part of map unit 79) of NPWS (2002a) in the Warragamba area; and 'Freshwater wetlands' (map unit 36) of Tozer (2003) on the Cumberland Plain. On the Illawarra plain, this community includes 'Floodplain Wetland' (map unit 54) of NPWS (2002b). In the Comprehensive Regional Assessment of southern New South Wales (Thomas *et al.* 2000), this community includes 'Coastal alluvial valley floor wetlands' (map unit 189). This community also includes those parts of 'Coastal freshwater lagoon' (map unit 313) of Tindall *et al.* (2004), on the south coast of NSW, and parts of 'Floodplain Wetlands' (map unit 60) of Keith and Bedward (1999), in the Eden region, that are dominated by herbaceous aquatic plants. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Freshwater Lagoons' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Freshwater Wetlands on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. Estimates of wetland area also vary, depending on the scale of mapping (coarse scale maps may exclude many small wetlands), wetland definition and the occurrence of recent flooding. Mapping carried out by Kingsford *et al.* (2004), for example, focused on areas of open water and thus excluded many wetlands attributable to this community. One estimate based on a compilation of regional vegetation maps suggests that Coastal Freshwater Lagoons, which include Freshwater Wetlands on Coastal Floodplains, currently cover 90-160 km², representing

less than 60-90% of the original extent of this broadly defined vegetation class (Keith 2004). However, the remaining area of Freshwater Wetlands on Coastal Floodplains is likely to represent much less than 60-90% of its original range, because this combined estimate for the Coastal Freshwater Wetlands class (Keith 2004) is likely to include a considerable area of freshwater wetlands on coastal sandplains, which are excluded from this Determination. Goodrick (1970) estimated that approximately 21 700 ha of 'Fresh meadows', 'Seasonal fresh swamps', 'Semi-permanent fresh swamps', and 'Open fresh waters' remained on NSW coastal floodplains in 1969, representing less than 39% of their original area. Continued clearing and drainage works in the 35 years since Goodrick's (1970) survey are likely to have resulted in a substantial diminution of Freshwater Wetlands on Coastal Floodplains. More detailed surveys have identified the following areas attributable to Freshwater Wetlands on Coastal Floodplains: less than 150 ha on the Tweed lowlands in 1985 (Pressey and Griffith 1992); about 10 600 ha on the lower Clarence floodplain in 1982 (Pressey 1989a); about 11 200 ha on the lower Macleay floodplain in 1983 (Pressey 1989b); about 3500 ha in the lower Hunter – central Hunter region in 1990s (NPWS 2000); less than 2700 ha on the NSW south coast from Sydney to Moruya in the mid 1990s (Tindall *et al.* 2004), including about 660 ha on the Cumberland Plain in 1998 (Tozer 2003) and about 100 ha on the Illawarra Plain in 2001 (NPWS 2002); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999). The wetlands included in these estimates exist in various states of modification.

10. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands remained in 1985. Similar estimates are likely to apply to Freshwater Wetlands on Coastal Floodplains in other parts of the NSW North Coast bioregion (Pressey 1989a, 1989b). In the lower Hunter – central coast region, about two-thirds was estimated to have remained during the 1990s (NPWS 2000), while approximately 40% remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South Coast region, about 70% was estimated to remain in the mid 1990s (Tindall *et al.* 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).
11. Land clearing continues to threaten Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey 1989a, b; Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and are further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, filling associated with urban and industrial development, pollution and eutrophication from urban and agricultural runoff, weed invasion, overgrazing, trampling by livestock, soil disturbance by pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Goodrick 1970; Pressey 1989a, b; Pressey and Griffith 1992; Boulton and Brock 1999, Johnston *et al.* 2003). The native fauna of Freshwater Wetlands on Coastal Floodplains is threatened by predation, particularly by mosquito fish and cane toads. Anthropogenic climate change may also threaten Freshwater Wetlands on Coastal Floodplains if sea levels rise and future flooding regimes change as predicted (IPCC 2001; Hughes 2003). Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; and Anthropogenic climate change are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Freshwater Wetlands on Coastal Floodplains have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the former NSW Department of Public Works. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* into open floodplain swamps has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003, Stevenson 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003). Conversely, alteration of tidal flows may have led to decreased soil salinity and localised expansion of Freshwater Wetland into areas that previously supported Coastal Saltmarsh or mangroves (Stevenson 2003). Re-instatement of tidal flows and other natural hydrological processes may therefore lead to contraction of Freshwater Wetlands. In addition, sedimentation and eutrophication of wetlands is associated with development of their catchments for intensive agriculture or urban or industrial infrastructure. Harmful runoff from developed catchments may include herbicides, pesticides, fertilisers,

sewerage, industrial waste and polluted stormwater. The widespread degradation of Freshwater Wetlands on Coastal Floodplains has led to regional declines in their dependent fauna including Magpie Geese (*Anseranas semipalmata*), Cotton Pygmy Geese (*Nettapus coromandelianus*), Hardhead (*Aythya australis*), Black-necked Stork (*Ephippiorhynchus asiaticus*), and Wandering Whistling Duck (*Dendrocygna arcuata*).

13. Very few examples of Freshwater Wetlands on Coastal Floodplains remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community; the dumping of landfill, rubbish and garden refuse; eutrophication and polluted runoff from urban and agricultural areas; construction of roads and other utilities; soil disturbance by feral pigs and grazing by domestic livestock. In addition, mechanical and chemical methods of controlling aquatic weeds may threaten native components of the flora. The principal weed species affecting Freshwater Wetlands on Coastal Floodplains include *Alternanthera philoxeroides* (alligatorweed), *Baccharis halimifolia* (groundsel bush), *Echinochloa crus-galli* (barnyard grass), *Eichhornia crassipes* (water hyacinth), *Hygrophila costata* (glush weed), *Ludwigia longifolia*, *L. peruviana*, *Nymphaea capensis* (Cape waterlily), *Panicum repens* (torpedo grass), *Pennisetum clandestinum* (kikuyu) and *Salvinia molesta*, (Sainty and Jacobs 1981).
14. Small areas of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Ukerebagh, Tuckean, Tabbimoble Swamp, Hexham Swamp, Pambalong and Pitt Town Nature Reserves and Bungawalbin, Scheyville and Seven Mile Beach National Parks, although these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. In addition, wetlands within protected areas are exposed to hydrological changes that were, and continue to be initiated outside their boundaries. Some Freshwater Wetlands on Coastal Floodplains are protected by State Environmental Planning Policy 14, although this has not always precluded impacts on wetlands from the development of major infrastructure.
15. Given the dynamic hydrological relationship between Freshwater Wetlands on Coastal Floodplains, Coastal Saltmarsh and other endangered ecological communities on coastal floodplains, future management of water and tidal flows may result in the expansion of some communities at the expense of others. Proposals for the restoration of natural hydrological regimes and for the rehabilitation of acid sulfate soils may also result in changes to the distribution and composition of floodplain communities. Co-ordinated planning and management approaches across whole catchments will be required to address and resolve priorities between different management objectives.
16. In view of the above the Scientific Committee is of the opinion that Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr Richard Major

Chairperson

Scientific Committee

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NSW SCIENTIFIC COMMITTEE

**Determination to make a minor amendment to Part 3 of Schedule 1
of the Threatened Species Conservation Act**

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions (as described in the final determination to list the ecological community) which was published on pages 9414 to 9419 in the NSW government Gazette No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct an omission in the Determination in relation to the Thackway and Cresswell (1995) reference.

The Scientific Committee has found that:

1. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is the name given to the plant community associated with accumulated peaty or organic-mineral sediments on poorly drained flats in the headwaters of streams. It occurs on undulating tablelands and plateaus, above 400-500 m elevation, generally in catchments with basic volcanic or fine-grained sedimentary substrates or, occasionally, granite. Montane Peatlands and Swamps is characterised by the assemblage of species listed in paragraph 2 and comprises a dense, open or sparse layer of shrubs with soft-leaved sedges, grasses and forbs. It is the only type of wetland that may contain more than trace amounts of *Sphagnum* spp., the hummock peat-forming mosses. Small trees may be present as scattered emergents or absent from the community.
2. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is characterised by following assemblage of species:

<i>Acaena novae-zelandiae</i>	<i>Arthropodium milleflorum</i>
<i>Asperula gunnii</i>	<i>Baeckea gunniana</i>
<i>Baeckea utilis</i>	<i>Baloskion australe</i>
<i>Baloskion stenocoleum</i>	<i>Baumea rubiginosa</i>
<i>Blechnum nudum</i>	<i>Blechnum penna-marina</i>
<i>Brachyscome graminea</i>	<i>Callistemon pityoides</i>
<i>Carex appressa</i>	<i>Carex fascicularis</i>
<i>Carex gaudichaudiana</i>	<i>Comesperma retusum</i>
<i>Deyeuxia gunniana</i>	<i>Deyeuxia quadriseta</i>
<i>Drosera binata</i>	<i>Drosera peltata</i>
<i>Eleocharis acuta</i>	<i>Eleocharis sphacelata</i>
<i>Empodisma minus</i>	<i>Epacris breviflora</i>
<i>Epacris microphylla</i>	<i>Epacris paludosa</i>
<i>Epilobium billardierianum</i>	<i>Epilobium gunnianum</i>
<i>Eucalyptus ovata</i>	<i>Eucalyptus pauciflora</i>
<i>Eucalyptus stellulata</i>	<i>Gahnia sieberiana</i>
<i>Geranium neglectum</i>	<i>Gleichenia dicarpa</i>
<i>Gonocarpus micranthus</i>	<i>Gratiola latifolia</i>
<i>Gratiola peruviana</i>	<i>Hakea microcarpa</i>
<i>Hydrocotyle peduncularis</i>	<i>Hypericum gramineum</i>
<i>Hypericum japonicum</i>	<i>Hypoxis hygrometrica</i>
<i>Isotoma fluviatilis</i>	<i>Juncus falcatus</i>
<i>Juncus planifolius</i>	<i>Juncus sarophorus</i>
<i>Lagenifera stipitata</i>	<i>Leptospermum juniperinum</i>
<i>Leptospermum lanigerum</i>	<i>Leptospermum myrtifolium</i>
<i>Leptospermum obovatum</i>	<i>Leptospermum polygalifolium</i> subsp. <i>polygalifolium</i>
<i>Lepydodia anarthria</i>	<i>Lythrum salicaria</i>
<i>Mitrasacme serpyllifolia</i>	<i>Myriophyllum pedunculatum</i>
<i>Myriophyllum propinquum</i>	<i>Neopaxia australasica</i>
<i>Oreobolis ambiguus</i>	<i>Oreomyrrhis ciliata</i>
<i>Phragmites australis</i>	<i>Poa costiniana</i>
<i>Poa labillardieri</i>	<i>Poa sieberiana</i> var. <i>sieberiana</i>
<i>Prasophyllum canaliculatum</i>	<i>Pratia pedunculata</i>
<i>Prunella vulgaris</i>	<i>Pteridium esculentum</i>
<i>Ranunculus lappaceus</i>	<i>Ranunculus pimpinellifolius</i>

Scaevola hookeri
Scirpus polystachyus
Sphagnum novo-zelandicum
Stellaria pungens
Utricularia dichotoma
Viola caleyana
Wahlenbergia ceracea

Schoenus apogon
Sphagnum cristatum
Spiranthes sinensis subsp. australis
Stylidium graminifolium
Viola betonicifolia
Viola hederacea
Xerochrysum palustre

3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, land clearing and fire) history. The number and relative abundance of species will change with time since fire, and may also change in response to changes in fire frequency or water regime. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is mainly of vascular plant species, however the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
4. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions typically has an open to very sparse layer of shrubs, 1-5 m tall, including species of *Baeckea*, *Callistemon* and *Leptospermum*. Species of *Epacris* and *Hakea microcarpa* are also common shrubs. In some peatlands and swamps, particularly those with a history of disturbance to vegetation, soils or hydrology, the shrub layer comprises dense thickets of *Leptospermum* species. In other peatlands and swamps with a history of grazing by domestic livestock, the shrub layer may be very sparse or absent. Montane Peatlands typically have a dense groundcover of sedges, grasses and forbs, except where a dense cover of tall shrubs casts deep shade. Soft-leaved species of *Carex* and *Poa* typically make up most of the groundcover biomass, while other common sedges include *Balioskion* spp., *Baumea rubiginosa*, *Empodisma minus*, *Juncus* spp. and *Schoenus apogon*. Forbs growing amongst the sedges include *Drosera* spp., *Geranium neglectum*, *Gratiola* spp., *Mitrasacme serpyllifolia*, *Ranunculus* spp. and *Viola* spp. Hummocks of *Sphagnum* moss may occur amongst other components of the ground layer. The continuity of the ground layer may be interrupted by erosion, trampling, partial clearing or earthworks. There may be considerable variation in soils and species composition between and within individual peatlands and swamps. Regionally, a number of species are confined to the northern or southern parts of the community's distribution. Locally, toward the margins of any particular peatland or swamp, the average watertable depth typically declines, the mineral content of surface soils increases and hydrophilic plant species are replaced by species that are less tolerant of waterlogged conditions.
5. Montane Peatlands and Swamps may be distinguished from Upland Wetlands of the Drainage Divide of the New England Tableland bioregion, also listed on Schedule 1 of the Threatened Species Conservation Act 1995, by several biological and physical characteristics. The latter community has fewer woody plants, a greater component of aquatic herbs, is based on substrates with less peat and higher mineral content, and has shallow temporary to near-permanent standing water, cf. a varying depth of seeping water within Montane Peatlands and Swamps.
6. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions provides habitat for a number of endangered plant species including *Carex klaphakei*, *Diuris pedunculata*, *Eucalyptus approximans*, *Euphrasia scabra*, *Gentiana baueriana*, *G. bredboensis*, *G. wingecarriensis*, *Grevillea acanthifolia* subsp. *paludosa*, *Lysimachia vulgaris* var. *davurica* and *Prasophyllum uroglossum*; and vulnerable plant species including *Balioskion longipes*, *Boronia deanei*, *Callitris oblonga*, *Diuris venosa*, *Eucalyptus aquatica*, *Leptospermum thompsonii*, *Prasophyllum fuscum*, *Pultenaea parrisiae* subsp. *parrisiae*, *Ranunculus anemoneus*, *Tasmania purpurascens* and *T. glaucifolia*. Some of these species are associated with ecotones of adjoining forests or watercourses. Montane peatlands and swamps provide habitat for a range of threatened fauna, particularly amphibians and, notably the Northern and Southern corroboree frogs (*Pseudophryne pengilleyi* and *P. corroboree*) and the Giant Dragonfly (*Petalura gigantea*).
7. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is currently known from parts of the Local Government Areas of Armidale Dumaresq, Bega Valley, Bellingen, Blue Mountains, Bombala, Cooma-Monaro, Eastern Capital City, Eurobodalla, Gloucester, Greater Argyle, Guyra, Hawkesbury, Lithgow, Oberon, Severn, Shoalhaven, Snowy River, Tenterfield, Tumbarumba, Tumut, Upper Lachlan and Wingecarribee but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995).

8. A number of vegetation surveys and mapping studies have been conducted across the range of Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions. In Whinam and Chilcott's (2002) classification of peatland vegetation, this community includes 'Tea-tree *Sphagnum* Peatlands' (Group 3), 'Shrubby herbaceous *Sphagnum* peatlands' (Group 4), 'Shrubby-sedgey *Sphagnum* peatlands' (Group 5), 'Heathy *Sphagnum* Peatlands' (Group 6), 'Barrington drainage line *Sphagnum* Swamps' (Group 7), 'Degraded *Sphagnum* Moss Beds' (Group 8) and 'Alpine *Sphagnum* peatlands' (Group 9). In the New England bioregion, this community includes 'Heath Swamps on Leucogranite and Granite' (map unit 20) of Benson and Ashby (2000), 'Plateau Wet Herbfield' (map unit 1) and 'Wet Heath' (map unit 5) of Clarke *et al.* (2000), and the *Sphagnum* bogs described by Millington (1954). In the Barrington Tops area, this community includes the swamps described by Mort (1983), 'Sedgeland' (Community 12) of Zoete (2000) and 'Subalpine bogs' of Fraser & Vickery (1939). On the central tablelands, this community includes 'Coxs River swamps' (map unit 20b) and 'Boyd plateau bogs' (map unit 26b) of Keith & Benson (1988) and Benson & Keith (1990); 'Highlands peat swamp' (map unit 25a) and 'Bindook highlands grassland' (map unit 18) of NPWS (2003); and the swamps and bogs described by Black (1976) and Kodela *et al.* (1996). On the southern tablelands, this community includes peatlands described by Hope & Southern (1981), including Wingecarribee swamp (Kodela *et al.* 2001); 'Montane Wet Heath/Bog' (map unit 123), 'Western Montane Wet Heath/Herb Grass Woodland' (map unit 124), 'Montane Wet Heath/Herb Grassland' (map unit 125), and 'Montane Wet Sedgeland' (map unit 126) of Thomas *et al.* (2000); and 'Tableland Bog' (map unit 53) and 'Shrubby Swamp Meadow' (map unit 5557) of Tindall *et al.* (2004); 'Subalpine Bog' (map unit 59) of Keith & Bedward (1999); and '*Carex gaudichaudiana* Alliance', '*Epacris paludosa* – *Sphagnum cymbifolium* Alliance' and '*Carex gaudichaudiana* – *Sphagnum cymbifolium* Alliance' of Costin (1954). In the Kosciusko-Monaro district, this community also includes the *Sphagnum* peatlands of Clarke & Martin (1999), the '*Carex gaudichaudiana*' and '*Epacris paludosa*' alliances of Costin (1954), 'Bog and Fen' (map unit 9) of Wimbush & Costin (1973) and the '*Poa* association', '*Poa-Restio* ecotone', '*Restio* associates', '*Hypolaena* associates', '*Richea* associates', '*Epacris* associates', '*Callistemon* consociation' and '*Baeckea* consociation' of McLuckie & Petrie (1927). Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions are included within the 'Montane Bogs and Fens' and 'Alpine Bogs and Fens' vegetation classes of Keith (2002, 2004). There may be additional or unmapped occurrences of Montane Peatlands and Swamps within and beyond these surveyed areas.
9. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions are threatened by land clearing; grazing, trampling and soil disturbance caused by feral pigs, goats, deer, horses and domestic livestock; damage to vegetation and soils by off-road vehicles; peat mining; frequent or high-intensity fires; pollution and eutrophication from urban areas, cropping and improved pastures in the catchment; weed invasion; changes to water tables and surface flows caused by drainage works or altered flows in the catchment; erosion and sedimentation; and climate change.
10. Losses of Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions due to land clearing are difficult to estimate. However, estimates vary from about 20% in the Guyra district (Benson and Ashby 2000) to more than 75% in the far southeast of NSW (Keith and Bedward 1999). Clearing of catchments for pastures or plantations, and earthworks associated with road or track construction may also adversely affect peatlands by causing erosion, sedimentation or changes in hydrology (Whinam & Chilcott 2002). Clearing of native vegetation is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
11. Overgrazing may cause changes in species composition by reducing the abundance of the most palatable plants, as well as woody species with poor regenerative capacity (Whinam & Chilcott (2002). Trampling by hooved animals, such as pigs, goats, deer, horses or cattle, causes channelling of water flow, which may lead to erosion or drying in different parts of a peatland (Whinam & Chilcott 2002). Digging and rooting by feral pigs and horses may also cause severe damage to vegetation and soils, even in conservation reserves, such as Kosciuszko and Kanangra-Boyd National Parks, where control measures are carried out (Whinam & Chilcott 2002). Predation, habitat destruction, competition and disease transmission by feral pigs, Competition and habitat degradation by feral goats, and Herbivory and environmental degradation caused by feral deer are listed as a Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Peat mining, although localised, may have catastrophic impacts on the hydrology and ecological function of Montane Peatlands and Swamps. For example, peat was extracted from Wingecarribee Swamp, the largest peatland on mainland Australia, for 25 years until it underwent a massive structural collapse in 1998 (Arachchi & Lambkin 1999). The collapse left only 20% of the swamp intact, with the remainder affected by drying, fissuring and oxidation of the peat, loss of *Sphagnum* and herbaceous flora and the expansion of

Leptospermum juniperinum and exotic woody species such as *Rubus fruticosus* agg. and *Salix* spp. (Kodala *et al.* 2001). Underground mining of coal may also affect the hydrology of Montane Peatlands and Swamps where subsidence causes fissuring and subsequent drying or erosion (Young 1982), or where mine water is disposed into swamps and alters surface flows or causes erosion or sedimentation. Changes to hydrology may also result from the construction of drainage channels for agricultural land use or earthworks associated with infrastructure, such as roads, pipelines or other constructions. Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).

13. Some areas of Montane Peatlands and Swamps are exposed to high frequency fire, which alters species composition by favouring fire-tolerant sedges at the expense of woody plants that are slow to regenerate after fire (Keith 1996) and by creating exposed conditions unsuitable for the recovery of *Sphagnum* (Whinam *et al.* 1989, 2001). Survival of rhizomatous species, such as *Baloskion australe* and *Empodisma minus*, and tussock sedges, such as *Carex gaudichaudiana*, is important for the maintenance of substrate integrity after fire. Elimination of woody species by frequent burning is likely to be accelerated by grazing. Under dry conditions, fires may consume peat, resulting in the complete death of surface vegetation and seed banks, and exposure of the remaining substrate to further erosion. Changes that follow peat fires may therefore be long-lasting (Keith 1996). High frequency fire is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
14. Pollution and eutrophication of peatlands is caused by run off or drift of fertilisers, pesticides, waste water, storm water and other pollutants from adjacent pastures and developed industrial or urban areas. This results in the replacement of native peatland vegetation by exotic weeds at a rate determined by the chemical composition and input rate of the pollutants. Common weed species include *Rubus fruticosus* agg. (blackberries), *Salix* spp. (willows), *Pinus radiata*, *Dactylis glomerata* (cocksfoot), *Cirsium vulgare* (spear thistle), *Conyza bonariensis* (fleabane), *Hypochaeris radicata* (cats ear), *Lotus uliginosus*, *Ranunculus repens* (creeping buttercup), *Taraxicum officinale* (dandelion), *Anthoxanthum odoratum* (sweet vernal grass), *Holcus lanatus* (Yorkshire fog), *Paspalum dilatatum*, *Juncus articulatus*. Invasion of native plant communities by exotic perennial grasses is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
15. Climate change may threaten the persistence of Montane Peatlands and Swamps through the alteration of hydrological budgets (Hughes 2003). Reduced precipitation and increased evaporation rates are likely to cause drying and contraction of peatlands (Whinam *et al.* 2003). There may also be indirect impacts if climate change results in higher fire frequencies and greater incidence of peat fires. Anthropogenic climate change is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
16. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is currently known from conservation reserves including Werrikimbee, Barrington, Kanangra-Boyd, Monga, Wadbilliga, South East Forests and Kosciusko National Parks. However, these examples are generally small, unrepresentative of the range of variation in the community, affected by past disturbances and continue to be threatened by some of the processes described above (Whinam & Chilcott 2002, Whinam *et al.* 2003). Analogous communities occur in Victoria, where the community is listed as threatened under the Flora and Fauna Guarantee Act, and in the Australian Capital Territory.
17. In view of the above, the Scientific Committee is of the opinion that Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is facing a high risk of becoming extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr Richard Major

Chairperson

Scientific Committee

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NSW SCIENTIFIC COMMITTEE

**Determination to make a minor amendment to Part 3 of Schedule 1
of the Threatened Species Conservation Act**

The Scientific Committee, established by the Threatened Species Conservation Act, has made a to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion (as described in the final determination to list the ecological community) which was published on pages 9427 to 9431 in the NSW Government Gazette No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct an omission in the Determination in relation to the Thackway and Cresswell (1995) reference.

The Scientific Committee has found that:

1. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is the name given to the ecological community associated with clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Subtropical Coastal Floodplain Forest generally occurs below 50 m, but may occur on localised river flats up to 250 m elevation in the NSW North Coast bioregion. The structure of the community may vary from tall open forests to woodlands, although partial clearing may have reduced the canopy to scattered trees. Typically these forests and woodlands form mosaics with other floodplain forest communities and treeless wetlands, and often they fringe treeless floodplain lagoons or wetlands with semi-permanent standing water (e.g. Pressey 1989a).

The composition of Subtropical Coastal Floodplain Forest is primarily determined by the frequency and duration of waterlogging and the texture, nutrient and moisture content of the soil. Composition also varies with latitude. The community is characterised by the following assemblage of species:

<i>Acacia concurrens</i>	<i>Acacia disparrima</i> subsp. <i>disparrima</i>
<i>Allocasuarina torulosa</i>	<i>Alphitonia excelsa</i>
<i>Angophora paludosa</i>	<i>Angophora subvelutina</i>
<i>Angophora woodsiana</i>	<i>Aristida vagans</i>
<i>Brachychiton populneus</i> subsp. <i>populneus</i>	<i>Breynia oblongifolia</i>
<i>Brunoniella australis</i>	<i>Callistemon salignus</i>
<i>Callistemon viminalis</i>	<i>Callitris columellaris</i>
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	<i>Casuarina glauca</i>
<i>Centella asiatica</i>	<i>Cheilanthes sieberi</i> subsp. <i>sieberi</i>
<i>Cissus hypoglauca</i>	<i>Commelina cyanea</i>
<i>Commersonia bartramia</i>	<i>Commersonia fraseri</i>
<i>Cordyline congesta</i>	<i>Corymbia intermedia</i>
<i>Cupaniopsis anacardioides</i>	<i>Cupaniopsis parviflora</i>
<i>Cymbidium suave</i>	<i>Cymbopogon refractus</i>
<i>Cyperus enervis</i>	<i>Desmodium rhytidophyllum</i>
<i>Desmodium varians</i>	<i>Dianella caerulea</i>
<i>Dianella longifolia</i>	<i>Dichelachne micrantha</i>
<i>Dichondra repens</i>	<i>Digitaria parviflora</i>
<i>Drypetes australasica</i>	<i>Echinopogon caespitosus</i> var. <i>caespitosus</i>
<i>Elaeocarpus reticulatus</i>	<i>Entolasia marginata</i>
<i>Entolasia stricta</i>	<i>Eragrostis leptostachya</i>
<i>Eucalyptus acmeniodes</i>	<i>Eucalyptus amplifolia</i>
<i>Eucalyptus moluccana</i>	<i>Eucalyptus propinqua</i>
<i>Eucalyptus resinifera</i> subsp. <i>hemilampra</i>	<i>Eucalyptus robusta</i>
<i>Eucalyptus seeana</i>	<i>Eucalyptus siderophloia</i>
<i>Eucalyptus tereticornis</i>	<i>Eustrephus latifolius</i>
<i>Ficus macrophylla</i> subsp. <i>macrophylla</i>	<i>Ficus obliqua</i>
<i>Ficus superba</i> var. <i>henneana</i>	<i>Gahnia aspera</i>
<i>Gahnia clarkei</i>	<i>Geitonoplesium cymosum</i>
<i>Glochidion ferdinandii</i>	<i>Glycine clandestina</i>
<i>Hardenbergia violacea</i>	<i>Hibbertia scandens</i>
<i>Hibiscus diversifolius</i>	<i>Hibiscus tiliaceus</i>
<i>Hovea acutifolia</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Kennedia rubicunda</i>	<i>Lagenifera stipitata</i>
<i>Laxmannia gracilis</i>	<i>Lomandra filiformis</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i> subsp. <i>multiflora</i>
<i>Lophostemon suaveolens</i>	<i>Maclura cochinchinensis</i>
<i>Mallotus philippensis</i>	<i>Melaleuca alternifolia</i>
<i>Melaleuca decora</i>	<i>Melaleuca nodosa</i>

Melaleuca quinquenervia
Microlaena stipoides var. *stipoides*
Notelaea longifolia
Oplismenus imbecillis
Parsonsia straminea
Phyllanthus virgatus
Pittosporum revolutum
Pteridium esculentum
Smilax australis
Stephania japonica var. *discolor*
Tricoryne elatior
Viola hederacea

Melaleuca styphelioides
Morinda jasminoides
Oplismenus aemulus
Panicum simile
Persoonia stradbrokeensis
Pimelea linifolia
Pratia purpurascens
Sigesbeckia orientalis
Smilax glycyphylla
Themeda australis
Vernonia cinerea
Wikstroemia indica

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. Some of these components of the community are poorly documented.
3. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes and Port Stephens, but may occur elsewhere in this bioregion. Bioregions are defined in Thackway and Cresswell (1995). Major examples once occurred on the floodplains of the Tweed, Richmond, Clarence, Macleay, Hastings and Manning Rivers, although smaller floodplains would have also supported considerable areas of this community.
4. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. While the composition of the tree stratum varies considerably, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. siderophloia* (grey ironbark), *Corymbia intermedia* (pink bloodwood) and, north of the Macleay floodplain, *Lophostemon suaveolens* (swamp turpentine). Other trees may be scattered throughout at low abundance or locally common at few sites, particularly where there is an influence from lithic substrates upslope. These include *Eucalyptus moluccana* (grey box), *E. propinqua* (grey gum), *E. seeana* (narrow-leaved red gum), *Angophora subvelutina* (broad-leaved apple), *E. robusta* (swamp mahogany), *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *E. acmenoides* (white mahogany), *Angophora woodsiana*, *A. paludosa* and rainforest trees such as *Ficus* spp. (figs) and *Cupaniopsis* spp. (tuckeroos). A layer of small trees may be present, including *Allocasuarina torulosa* (forest oak), *Alphitonia excelsa* (red ash), *Glochidion ferdinandi* (cheese tree), *Callistemon* spp. (bottlebrushes), *Melaleuca* spp. (paperbarks) and *Casuarina glauca* (swamp oak). Scattered shrubs include *Breynia oblongifolia* (coffee bush), *Acacia concurrens* (curracabah), *Commersonia* spp., and *Hibiscus* spp. Occasional vines include *Eustrephus latifolius* (wombat berry), *Parsonsia straminea* (common silkpod) and *Geitonopliesium cymosum* (scrambling lily). The groundcover is composed of abundant forbs, scramblers and grasses including *Imperata cylindrica* var. *major* (blady grass), *Themeda australis* (kangaroo grass), *Vernonia cinerea*, *Dianella caerulea* (blue flax lily), *Pratia purpurascens* (whiteroot), *Cheilanthes sieberi* subsp. *sieberi*, and *Dichondra repens* (kidney weed). The composition and structure of the understorey is influenced by grazing and fire history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic grasses, vines and forbs.
5. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion provides habitat for a broad range of animals, including many that are dependent on trees for food, nesting or roosting (Law *et al.* 2000). These include species of Cormorant (*Phalacrocorax* spp.) and Egret (*Ardea* spp. and *Egretta* spp.), the Black-necked Stork (*Ephippiorhynchus asiaticus*), Osprey (*Pandion haliaetus*), Brahminy Kite (*Haliastur indus*), Whistling Kite (*Haliastur sphenurus*), White-bellied Sea-eagle (*Haliaeetus leucogaster*), as well as the Brush-tailed Phascogale (*Phascogale tapoatafa*), Squirrel Glider (*Petaurus norfolcensis*), Common Blossum Bat (*Syconycteris australis*) (Law 1994) and Grey-headed Flying Fox (*Pteropus poliocephalus*). The fauna of Subtropical Coastal Floodplain Forest also includes several species of southern frog (family Myobatrachidae) and tree frog (family Hylidae), such as the threatened *Litoria brevipalmata*, , and many species of forest birds including honeyeaters, kingfishers, cuckoos, owls, doves, whistlers and fantails.
6. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion forms part of a complex of forested and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish Subtropical Coastal Floodplain Forest from other endangered ecological communities on the coastal floodplains include: its dominance by a mixed eucalypt canopy, often with *Lophostemon suaveolens*; the presence of rainforest elements as scattered trees or understorey plants; the relatively low abundance or sub-dominance of *Casuarina* and *Melaleuca* species; the relatively low abundance of *Eucalyptus robusta*; and the prominent groundcover of soft-leaved forbs and grasses. It may occupy central or marginal parts of floodplains and sandy

flats, including Pleistocene back-barrier flats (Pressey and Griffith 1992); habitats where flooding is periodic and soils are rich in silt and sand, sometimes humic, and show little influence of saline ground water.

7. Subtropical Coastal Floodplain Forest may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion), Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, south from the Manning valley, Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion may adjoin or intergrade with River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soil salinity increases Subtropical Coastal Floodplain Forest may intergrade with, and be replaced by, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soils become sandier and more waterlogged, Subtropical Coastal Floodplain Forest may intergrade with, and be replaced by, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between all of these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices. The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion. In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas mapped as 'Forest Ecosystem 46, Eastern Red Gum', and those parts of areas mapped as 'Forest Ecosystem 73, Lowland Red Gum' on coastal floodplains are included within this community. On the Tweed lowlands, this community includes *Eucalyptus tereticornis*-*E. intermedia*-*Lophostemon suaveolens* tall to very tall open forest' (F5) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) dominated by eucalypts or *Lophostemon suaveolens* (Pressey and Griffith 1992). Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is included within the 'Coastal Floodplain Wetlands' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Subtropical Floodplain Forest within and beyond these surveyed areas.
9. The extent of the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Subtropical Coastal Floodplain Forest, currently cover 800-1400 km², representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Subtropical Coastal Floodplain Forest is likely to be considerably smaller and is likely to represent much less than 30% of its original range. For example, there were less than 350 ha of native floodplain vegetation on the Tweed lowlands in 1985 (Pressey and Griffith 1992).
10. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields and tea-tree plantations. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Subtropical Coastal Floodplain Forest in other parts of the NSW North Coast bioregion (Goodrick 1970, Pressey 1989a, 1989b, NPWS 1999).
11. Land clearing continues to threaten Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion. Little of the remaining area occurs on public land (e.g. Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. Conversion of grazing farms to cropping often involves removal of isolated paddock trees and disturbed patches of vegetation, which locally may be the only remnants of the community. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, inappropriate grazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999). Anthropogenic climate change may also threaten Subtropical Coastal Floodplain Forest if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Subtropical Coastal Floodplain Forest have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the NSW Department of Public Works. Additional areas that have not been

directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003).

13. Very few examples of Subtropical Coastal Floodplain Forest remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting Subtropical Coastal Floodplain Forest include *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *A. plumosus* (climbing asparagus fern), *Axonopus* spp. (carpet grasses), *Baccharis halimifolia* (groundsel bush), *Bidens pilosa* (cobbler's peg), *Cinnamomum camphora* (camphor laurel), *Conyza* spp. (fleabanes), *Hypochaeris radicata* (catsear), *Ipomoea* spp. (morning glories), *Lantana camara*, *Ligustrum sinense* (small-leaved privet), *L. lucidum* (large-leaved privet), *Lonicera japonica* (Japanese honeysuckle), *Olea europaea* subsp. *cuspidata* (African olive), *Paspalum dilatatum* (paspalum), *Pennisetum clandestinum* (kikuyu), *Rubus fruticosus* agg. (blackberries), *Senecio madagascariensis* (fireweed), *Setaria parviflora* (slender pigeon grass), *Sida rhombifolia* (Paddy's lucerne), *Solanum mauritianum* (wild tobacco bush), *S. nigrum* (black-berry nightshade), *Tradescantia fluminensis* (wandering jew) and *Verbena bonariensis* (purpletop) (Keith and Scott 2005).
14. Small areas of Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion are contained within existing conservation reserves, including Stotts Island, Ukerebagh and Limeburners Creek Nature Reserves and Bundjalung and Myall Lakes National Parks, and these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community.
15. In view of the above the Scientific Committee is of the opinion that Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr Richard Major

Chairperson

Scientific Committee

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 139

Wednesday, 22 December 2010

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SPECIAL SUPPLEMENT

PROCLAMATION

NEW SOUTH WALES

TO WIT

By Her Excellency Professor Marie Bashir,
Companion of the Order of Australia,
Companion of the Royal Victorian Order
Governor of the State of New South Wales
in the Commonwealth of Australia

MARIE BASHIR, Governor

WHEREAS the Legislative Council and the Legislative Assembly now stand adjourned: Now I, in pursuance of the power and authority vested in me by the Constitution Act 1902, do prorogue the said Legislative Council on and from Wednesday 22 December 2010 to Tuesday 10 May 2011, and do prorogue the said Legislative Assembly on and from Wednesday 22 December 2010 to Friday 4 March 2011.

GIVEN under my hand and Seal,
at Sydney, this 22nd day of December 2010.

By Her Excellency's Command,

KRISTINA KENEALLY,
Premier

GOD SAVE THE QUEEN!

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 140

Friday, 24 December 2010

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 13 December 2010

THE following instruments were officially notified on the NSW legislation website (www.legislation.nsw.gov.au) on the dates indicated:

Proclamations commencing Acts

[Children \(Education and Care Services National Law Application\) Act 2010 No. 104](#) (2010-695) – published LW 16 December 2010

[Children and Young Persons \(Care and Protection\) Amendment \(Children's Services\) Act 2010 No. 67](#) (2010-694) – published LW 16 December 2010

[Children and Young Persons \(Care and Protection\) Amendment Act 2010 No. 105](#) (2010-693) – published LW 16 December 2010

[Coastal Protection and Other Legislation Amendment Act 2010 No. 78](#) (2010-713) – published LW 17 December 2010

[Courts and Crimes Legislation Further Amendment Act 2010 No. 135](#) (2010-714) – published LW 17 December 2010

[Health Legislation Amendment Act 2010 No. 52](#) (2010-715) – published LW 17 December 2010

[Health Services Amendment \(Local Health Networks\) Act 2010 No. 97](#) (2010-716) – published LW 17 December 2010

[Marine Safety Act 1998 No. 121](#) (2010-717) – published LW 17 December 2010

[Marine Safety Amendment Act 2008 No. 59](#) (2010-718) – published LW 17 December 2010

[Terrorism \(Police Powers\) Amendment Act 2010 No. 72](#) (2010-696) – published LW 16 December 2010

[Totalizator Amendment Act 2010 No. 94](#) (2010-719) – published LW 17 December 2010

[Wagering Legislation Amendment Act 2010 No. 132](#) (2010-720) – published LW 17 December 2010

[Water Management Amendment Act 2010 No. 133](#) (2010-721) – published LW 17 December 2010

Regulations and other statutory instruments

[Anti-Discrimination Amendment \(Email Complaints\) Regulation 2010](#) (2010-699) – published LW 17 December 2010

[Children's Services Amendment Regulation 2010](#) (2010-697) – published LW 16 December 2010

- [Constitution \(Disclosures by Members\) Amendment \(De Facto Relationships\) Regulation 2010](#) (2010-742) – published LW 17 December 2010
- [Constitution \(Governor's Salary\) Amendment Regulation \(No 2\) 2010](#) (2010-743) – published LW 17 December 2010
- [Electricity Supply \(General\) Amendment \(Marketing Code of Conduct\) Regulation 2010](#) (2010-722) – published LW 17 December 2010
- [Electricity Supply \(General\) Further Amendment \(Solar Bonus Scheme\) Regulation 2010](#) (2010-723) – published LW 17 December 2010
- [First State Superannuation Amendment \(Payments for Parental Leave\) Regulation 2010](#) (2010-744) – published LW 17 December 2010
- [Fisheries Management Amendment \(Declared Diseases and Noxious Fish\) Regulation 2010](#) (2010-750) – published LW 17 December 2010
- [Fisheries Management Legislation Amendment \(Management Plans\) Regulation 2010](#) (2010-751) – published LW 17 December 2010
- [Forestry Amendment \(Fees\) Regulation 2010](#) (2010-745) – published LW 17 December 2010
- [Gas Supply \(Natural Gas Retail Competition\) Amendment \(Marketing Code of Conduct\) Regulation 2010](#) (2010-724) – published LW 17 December 2010
- [Growth Centres \(Development Corporations\) Amendment \(Sydney Metropolitan Development Authority\) Order 2010](#) (2010-752) – published LW 17 December 2010
- [Health Practitioner Regulation \(New South Wales\) Amendment \(Savings and Transitional\) Regulation 2010](#) (2010-725) – published LW 17 December 2010
- [Health Services \(Transfer of Assets, Rights and Liabilities\) Order 2010](#) (2010-727) – published LW 17 December 2010
- [Health Services Amendment \(Areas of Local Health Networks\) Order 2010](#) (2010-726) – published LW 17 December 2010
- [Health Services Amendment \(Local Health Networks\) Regulation 2010](#) (2010-728) – published LW 17 December 2010
- [Home Building Amendment \(Relevant Law\) Regulation 2010](#) (2010-729) – published LW 17 December 2010
- [Marine Safety \(Commercial Vessels\) Regulation 2010](#) (2010-730) – published LW 17 December 2010
- [Marine Safety \(General\) Amendment \(Commercial Vessels\) Regulation 2010](#) (2010-731) – published LW 17 December 2010
- [Mine Subsidence Compensation Amendment \(Contributions\) Regulation 2010](#) (2010-746) – published LW 17 December 2010
- [Photo Card Amendment \(Fee Exemption for Pensioners\) Regulation 2010](#) (2010-732) – published LW 17 December 2010
- [Public Sector Employment and Management \(Fire and Rescue NSW\) Order 2010](#) (2010-753) – published LW 17 December 2010
- [Public Sector Employment and Management \(Sydney Metropolitan Development Authority\) Order 2010](#) (2010-747) – published LW 17 December 2010
- [Public Sector Employment and Management \(Waste Assets Management Corporation\) Order 2010](#) (2010-748) – published LW 17 December 2010
- [Retail Leases Further Amendment Regulation 2010](#) (2010-733) – published LW 17 December 2010
- [Road Transport \(Driver Licensing\) Amendment \(Fee Exemption for Pensioners\) Regulation 2010](#) (2010-734) – published LW 17 December 2010
- [Road Transport \(Vehicle Registration\) Amendment \(Fee Exemption for Pensioners\) Regulation 2010](#) (2010-735) – published LW 17 December 2010
- [State Owned Corporations Regulation 2010](#) (2010-749) – published LW 17 December 2010

[Terrorism \(Police Powers\) Amendment Regulation 2010](#) (2010-698) – published LW 16 December 2010

[Victims Support and Rehabilitation Amendment Regulation 2010](#) (2010-736) –
published LW 17 December 2010

[Victims Support and Rehabilitation Amendment Rule 2010](#) (2010-737) – published LW 17 December 2010

[Water Industry Competition \(General\) Amendment \(Licensing Exemptions\) Regulation 2010](#) (2010-738) –
published LW 17 December 2010

[Water Management \(Application of Act to Certain Water Sources\) Proclamation 2010](#) (2010-739) –
published LW 17 December 2010

[Water Management \(General\) Amendment \(Cane Drains and Replacement Access Licences\) Regulation 2010](#)
(2010-740) – published LW 17 December 2010

[Water Management \(General\) Amendment \(Transformation\) Regulation 2010](#) (2010-741) –
published LW 17 December 2010

[Water Sharing Plan for the Coopers Creek Water Source Amendment Order 2010](#) (2010-700) –
published LW 17 December 2010

[Water Sharing Plan for the Murrah-Wallaga Area Unregulated and Alluvial Water Sources 2010](#) (2010-701) –
published LW 17 December 2010

[Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010](#)
(2010-702) – published LW 17 December 2010

[Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010](#) (2010-703) –
published LW 17 December 2010

[Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010](#) (2010-704) –
published LW 17 December 2010

Environmental Planning Instruments

[Blue Mountains Local Environmental Plan 2005 \(Amendment No. 15\)](#) (2010-705) –
published LW 17 December 2010

[Central Darling Local Environmental Plan 2004 \(Amendment No. 1\)](#) (2010-706) –
published LW 17 December 2010

[Copmanhurst Local Environmental Plan 1990 \(Amendment No. 13\)](#) (2010-707) –
published LW 17 December 2010

[Fairfield Local Environmental Plan 1994 \(Amendment No. 125\)](#) (2010-708) –
published LW 17 December 2010

[Hornsby Shire Local Environmental Plan 1994 \(Amendment No. 100\)](#) (2010-709) –
published LW 17 December 2010

[Kempsey Local Environmental Plan 1987 \(Amendment No. 112\)](#) (2010-710) –
published LW 17 December 2010

[Ku-ring-gai Local Environmental Plan \(Town Centres\) 2010 \(Amendment No. 1\)](#) (2010-711) –
published LW 17 December 2010

[State Environmental Planning Policy \(Infrastructure\) Amendment \(Miscellaneous\) 2010](#) (2010-754) –
published LW 17 December 2010

[State Environmental Planning Policy \(Major Development\) Amendment \(Barangaroo\) 2010](#) (2010-692) –
published LW 16 December 2010

[State Environmental Planning Policy \(Urban Renewal\) 2010](#) (2010-691) – published LW 15 December 2010

[Wollongong Local Environmental Plan 2009 \(Amendment No. 2\)](#) (2010-712) –
published LW 17 December 2010

Orders



New South Wales

Prisoners (Interstate Transfer) Order 2010

under the

Prisoners (Interstate Transfer) Act 1982

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 6 of the *Prisoners (Interstate Transfer) Act 1982*, make the following Order.

Dated, this 15th day of December 2010.

By Her Excellency's Command,

PHILLIP COSTA, M.P.,
Minister for Corrective Services

Clause 1 Prisoners (Interstate Transfer) Order 2010

Prisoners (Interstate Transfer) Order 2010

under the

Prisoners (Interstate Transfer) Act 1982

1 Name of Order

This Order is the *Prisoners (Interstate Transfer) Order 2010*.

2 Commencement

This Order commences on the day on which it is published in the Gazette.

3 Definition

In this Order, *the Act* means the *Prisoners (Interstate Transfer) Act 1982*.

4 Interstate laws

The following laws are declared to be interstate laws for the purposes of the Act:

- (a) *Crimes (Sentence Administration) Act 2005* of the Australian Capital Territory,
- (b) *Prisoners (Interstate Transfer) Act* of the Northern Territory,
- (c) *Prisoners (Interstate Transfer) Act 1982* of Queensland,
- (d) *Prisoners (Interstate Transfer) Act 1982* of South Australia,
- (e) *Prisoners (Interstate Transfer) Act 1982* of Tasmania,
- (f) *Prisoners (Interstate Transfer) Act 1983* of Victoria,
- (g) *Prisoners (Interstate Transfer) Act 1983* of Western Australia.

5 Corresponding courts

For the purposes of the Act:

- (a) the Local Court of New South Wales is declared to be a corresponding court in relation to any court of summary jurisdiction in a participating State, and
- (b) the District Court of New South Wales is declared to be a corresponding court in relation to any District Court, County

Prisoners (Interstate Transfer) Order 2010

Clause 6

Court or other court (being a court of intermediate jurisdiction in relation to a Supreme Court and a court of summary jurisdiction) of a participating State, and

- (c) the Supreme Court of New South Wales is declared to be a corresponding court in relation to any Supreme Court of a participating State.

6 Repeal of existing Order

The Order made under the Act and published on 17 August 1984 in Gazette No 125 at page 4198 is repealed.

OFFICIAL NOTICES

Appointments

ART GALLERY OF NSW ACT 1980

Communities NSW

Appointment of Trustees
Art Gallery of New South Wales Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Art Gallery of New South Wales Act 1980, the appointment of the following persons as trustees of the Art Gallery of New South Wales Trust from 1 January 2011 to 31 December 2013 (inclusive):

Ms Sandra McPHEE (re-appointment)
Ms Eleonora TRIGUBOFF (re-appointment)
Ms Samantha MEERS (new appointment)

The Hon. VIRGINIA JUDGE, M.P.,
Minister for the Arts

- (i) Mr Geoffrey ATHERDEN, A.O. (re-appointment)
- (ii) Ms Sue MURRAY (new appointment)
- (iii) Mr Darren DALE (new appointment)

The Hon. VIRGINIA JUDGE, M.P.,
Minister for the Arts

INDUSTRIAL RELATIONS ACT 1996

Appointment of Acting Commissioner of Industrial
Relations Commission

HER Excellency the Governor, with the advice of the Executive Council, and in pursuance of Clause 2(1) of Schedule 2 to the Industrial Relations Act 1996, has approved the appointment of Patricia Ann Lynch as an Acting Commissioner of the Industrial Relations Commission of New South Wales, for a period commencing on 1 January 2011 and ending on 31 June 2011.

PAUL GERARD LYNCH, M.P.,
Minister for Industrial Relations

CONSTITUTION ACT 1902

Erratum

THE Ministerial arrangement during the absence from duty of the Premier, and Minister for Redfern Waterloo published in the *Government Gazette* No. 135 of 17 December 2010, folio 5860 contained some errors.

This notice is now republished in full.

Ministerial Arrangements During the Absence from Duty
of the Premier and Minister for Redfern Waterloo

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable C. M. TEBBUTT, Deputy Premier and Minister for Health, to act for and on behalf of the Premier and Minister for Redfern Waterloo, as on and from 6 January 2011, with a view to her performing the duties of the offices of the Premier and Minister for Redfern Waterloo during my absence from duty.

Dated: 16 December 2011.

KRISTINA KENEALLY, M.P.,
Premier

Department of Premier and Cabinet, Sydney

INDUSTRIAL RELATIONS ACT 1996

Appointment of Acting Commissioner of
Industrial Relations Commission

HER Excellency the Governor, with the advice of the Executive Council and in pursuance of Clause 2 (1) of Schedule 2 to the Industrial Relations Act 1996, has approved the appointment of Mark Frederick OAKMAN as an Acting Commissioner of the Industrial Relations Commission of New South Wales, for a period commencing on 1 January 2011 and ending on 31 June 2011.

PAUL GERARD LYNCH, M.P.,
Minister for Industrial Relations

LOCAL GOVERNMENT ACT 1993

Appointment as assessor assisting the Local Government
Remuneration Tribunal

HER Excellency, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 236 (1) (b) of the Local Government Act 1993, has appointed Helen L'ORANGE, A.M., as an Assessor assisting the Local Government Remuneration Tribunal for the interim period from 12 December 2010 to the date of the Governor's approval and for a further period from the date of the Governor's approval to 11 December 2013.

BARBARA PERRY, M.P.,
Minister for Local Government

FILM AND TELEVISION OFFICE ACT 1988

Communities NSW

Appointment of Members
Board of the New South Wales Film and Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6A of the Film and Television Office Act 1988, the appointment of the following persons as members of the Board of the New South Wales Film and Television Office from 1 January 2011 to 31 December 2013 (inclusive):

LIBRARY ACT 1939

Communities NSW

Appointment of Members
Library Council of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Library Act 1939, the appointment of the following persons as members of the Library Council of New South Wales from 1 January 2011 to 31 December 2013 (inclusive):

- (i) Mr Graham BRADLEY (re-appointment)
- (ii) Mr Richard FISHER, A.M. (re-appointment)
- (iii) Dr John VALLANCE, pursuant to Schedule 1, Clause 1 (a) (re-appointment)

The Hon. VIRGINIA JUDGE, M.P.,
Minister for the Arts

**POLICE REGULATION (SUPERANNUATION)
ACT 1906**Appointment of a Member and Deputy of the Police
Superannuation Advisory Committee

IN accordance with section 2H and Schedule 4 to the Police Regulation (Superannuation) Act 1906, I have approved the following appointments to the Police Superannuation Advisory Committee from this day to 31 August 2011:

Ms Kathryn FREYTAG and Mr Joe VASS, as Deputies
to Superintendent Anthony McWhirter

The above appointees follow the resignations of Ms Julie Wills and Ms Helen Dalton.

Dated at Sydney, 17 December 2010.

MICHAEL DALEY, M.P.,
Minister for Police and Minister for Finance

SYDNEY OPERA HOUSE TRUST ACT 1961

Communities NSW

Appointment of Trustees
Sydney Opera House Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Sydney Opera House Trust Act 1961, the appointment of the following persons as members of the Sydney Opera House Trust from 1 January 2011 to 31 December 2013 (inclusive):

- (i) Ms Renata KALDOR, A.O. (re-appointment)
- (ii) Mr Robert LEECE, A.M. (re-appointment)
- (iii) Mr Leo SCHOFIELD, A.M. (re-appointment)
- (iv) Mr Kimberley WILLIAMS, A.M., pursuant to section 6 (2) (re-appointment)

Her Excellency the Governor, with the advice of the Executive Council, has appointed, pursuant to section 10 (1) of the Sydney Opera House Trust Act 1961, Mr Kimberley WILLIAMS, A.M., as Chairperson of the Trust for the duration of his term of appointment.

The Hon. VIRGINIA JUDGE, M.P.,
Minister for the Arts

Department of Industry and Investment

COAL MINE HEALTH AND SAFETY ACT 2002

COAL MINE HEALTH AND SAFETY REGULATION 2006

Use of electrical plant in a hazardous zone,
not of Gazetted type

Exemption Order No. 317584240001/2

I, ROBERT REGAN, Chief Inspector under the Coal Mine Health and Safety Act 2002 (the Chief Inspector), pursuant to clause 201 of the Coal Mine Health and Safety Regulation 2006 (the Regulation), hereby make the following Order.

Dated this 17th day of December 2010.

ROBERT REGAN,
Chief Inspector
Department of Industry and Investment
(Under delegation from Director-General)

1 Commencement and duration

This Order commences when it is signed by the Chief Inspector and has effect until 1 June 2011 inclusive.

2 Exemption

2.1 Subject to the conditions in clause 3, operators of any underground coal mine are exempt, in respect of plant referred to in clause 2.2 and to the extent indicated by clause 2.3, from the requirements of clause 19 (1) (c) of the Regulation (in relation to the requirement for the use of electrical plant only of a Gazetted type in a hazardous zone).

2.2 The exemption applies in respect of the following plant items:

MDA Ex d 1375 Macey 1100V 55A "A" series bolted coupler; and

MDA Ex d 1285 Macey 1100V 150 / 300 / 425A "B" series bolted coupler,

in accordance with the following plant drawings:

'A' Series Bolted Adaptor drawings:

55-10-AD Issue 2 4-08-07;

55-20-AD Issue 2 4-08-07;

'B' Series Bolted Adaptor drawings:

300-10-AD Issue 2 4-08-07;

300-20-AD Issue 2 4-08-07; and

Cooper Electrical Australia – Assembly Work Instruction 26-07-07 Rev 2

2.3 This exemption permits replacement of a (non-conductive) fibre washer with a copper washer to resolve a potential intermittent conduction path between the plug housing and the internal earth ring, but does not otherwise affect the standing of the approval covered by the applicable Gazetted type. No other alteration to the plant items is permitted.

3 Conditions

3.1 A copy of the drawings and work instruction, detailed in clause 2, and this exemption must be maintained in the plant verification dossier while there is any bolted coupler of a kind identified in that clause in service at the mine concerned.

3.2 Prior to washer replacement the circuit is to be de-energized.

3.3 Prior to re-energisation of the circuit, each replaced earth screw and washer arrangement is to be inspected for deficiencies in ingress protection (IP rating) into the coupler housing and continuity from coupling housing to earth circuit is to be verified.

3.4 A list is to be compiled and maintained of any bolted couplers of a kind identified in clause 2 that are in service at the mine and that have not been upgraded with copper washers.

3.5 A copy of this exemption shall be provided to the site check inspector for the mine.

3.6 A copy of this exemption and the list of non-modified bolted couplers shall be displayed on the Mine Notice Board for the duration of the exemption, while the non-modified bolted couplers are in service at the mine.

FISHERIES MANAGEMENT ACT 1994

Total Allowable Catch for Abalone

I, Steve Whan, Minister for Primary Industries pursuant to section 33 of the Fisheries Management Act 1994, ("the Act") provide notice that the Total Allowable Catch Setting and Review Committee established under section 26 of the Act has, pursuant to section 32 of the Act reviewed the determination titled "Total Allowable Catch for Abalone" published in *Government Gazette* No. 88 of 30 June 2010 at page 3126 and hereby:

1. from midnight on 31 December 2010, revokes pursuant to sections 28 and 33 of the Act the determination titled "Total Allowable Catch for Abalone" dated 30 June 2010; and published in *Government Gazette* No. 88 of 30 June 2010 at page 3126; and
2. determines pursuant to section 28 of the Act and clause 14 of the Fisheries Management (Abalone Share Management Plan) Regulation 2000 ("the Regulation") that the total allowable catch for abalone for the fishing period beginning 1 July 2010 and ending 30 June 2011 (both dates inclusive) is 94 tonnes,

Dated this 21st day of December 2010

STEVE WHAN,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Urgent Recreational Fishing Closure Wagonga Inlet

I, PAUL O'CONNOR, Principal Director, Fisheries & Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 8 of the Act do by this notification prohibit the taking of the species of fish specified in Column 1 of the Schedule below by all recreational fishers, by the methods of fishing specified in Column 2 of the Schedule, from the waters described in Column 3 of the Schedule.

This prohibition is effective immediately and remains in effect until 23 January 2011, unless sooner amended or revoked.

SCHEDULE
Wagonga Inlet

<i>Column 1 Species</i>	<i>Column 2 Methods</i>	<i>Column 3 Waters</i>
All species of mollusca (excluding cephalopods) and all barnacles.	All methods.	All waters of Wagonga Inlet including all creeks flowing into or from Wagonga Inlet.

Dated this 10th day of December 2010.

PAUL O'CONNOR,
Principal Director, Fisheries & Compliance,
Department of Industry and Investment

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following class 1 Aquaculture Leases:

OL65/141 within the estuary of Port Stephens, having an area of 0.2517 hectares to Richard HAMLYN-HARRIS and Pamela HAMLYN-HARRIS of Lemon Tree Passage NSW, for a term of 15 years expiring on 29 June 2025.

OL79/191 within the estuary of Port Stephens, having an area of 0.9738 hectares to Richard HAMLYN-HARRIS and Pamela HAMLYN-HARRIS of Lemon Tree Passage NSW, for a term of 15 years expiring on 22 June 2025.

OL93/003 within the estuary of the Crookhaven River, having an area of 2.6211 hectares to James WILD of Greenwell Point, for a term of 15 years expiring on 9 October 2025.

OL93/026 within the estuary of the Hawkesbury River, having an area of 12.144 hectares to Robert Charles MOXHAM of Brooklyn, for a term of 15 years expiring on 17 September 2025.

OL80/059 within the estuary of the Pambula River, having an area of 0.1742 hectares to Raymond TYNAN and Christine TYNAN of Pambula, for a term of 15 years expiring on 11 September 2025.

OL80/141 within the estuary of Merimbula Lake, having an area of 0.2741 hectares to David Keith BROWN of Pambula NSW, for a term of 15 years expiring on 28 November 2025.

OL65/301 within the estuary of the Wapengo Lake, having an area of 1.1249 hectares to Christopher Robert POTTER and Debbie Anne McALLISTER of Tathra, for a term of 15 years expiring on 5 December 2025.

OL89/019 within the estuary of the Brunswick River, having an area of 0.7203 hectares to Noel Alexander BAGGALEY of Suffolk Park, for a term of 15 years expiring on 13 February 2025.

OL89/020 within the estuary of the Brunswick River, having an area of 0.4787 hectares to Noel Alexander BAGGALEY of Suffolk Park, for a term of 15 years expiring on 13 February 2025.

OL62/214 within the estuary of the Crookhaven River, having an area of 1.9914 hectares to Gregory BENSON of Nowra, for a term of 15 years expiring on 28 September 2025.

OL80/033 within the estuary of the Pambula River, having an area of 0.3842 hectares to Neil Roy GILL of South Pambula NSW, for a term of 15 years expiring on 6 September 2025.

AL06/021 within the estuary of Wagonga Inlet, having an area of 2.9104 hectares to John RITCHIE and Sally RITCHIE of Narooma, for a term of 15 years expiring on 15 June 2025.

OL63/071 within the estuary of the Camden Haven, having an area of 0.5424 hectares to Ian Campbell CRISP, for a term of 15 years expiring on 28 September 2025.

OL63/153 within the estuary of the Manning River, having an area of 0.7224 hectares to Ian Campbell CRISP of Coopersnook, for a term of 15 years expiring on 28 September 2025.

BILL TALBOT,
Director, Fisheries Conservation and Aquaculture,
Fisheries and Compliance,
Primary Industries Division,
Industry and Investment NSW

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Clause 37 (3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Leases:

OL94/038 within the estuary of the Clyde River, having an area of 1.6352 hectares to Graham RALSTON of Nelligen NSW, for a term of 15 years expiring on 4 November 2025.

OL70/093 within the estuary of Port Stephens, having an area of 1.5190 hectares to Peter BRIERLEY and Elizabeth BRIERLEY of Nelson, New Zealand, for a term of 15 years expiring on 9 September 2025.

OL77/047 within the estuary of Port Stephens, having an area of 3.3343 hectares to Peter BRIERLEY and Elizabeth BRIERLEY of Nelson, New Zealand, for a term of 15 years expiring on 9 September 2025.

OL88/023 within the estuary of Port Stephens, having an area of 3.3854 hectares to Peter BRIERLEY and Elizabeth BRIERLEY of Nelson, New Zealand, for a term of 15 years expiring on 9 September 2025.

AL08/014 within the estuary of the Crookhaven River, having an area of 0.3 hectares to Christopher LONESBOROUGH of Culburra Beach NSW, for a term of 15 years expiring on 26 August 2025.

BILL TALBOT,
Director, Fisheries Conservation and Aquaculture,
Fisheries and Compliance,
Primary Industries Division,
Industry and Investment NSW

ERRATUM

THE notice published in *New South Wales Government Gazette* No. 135, dated 17 December 2010, Folio 5861, under the heading FISHERIES MANAGEMENT ACT 1994, Identification of certain set fishing gear was published with some minor errors. The following notice replaces that in full. The gazettal date remains the same.

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Identification of Certain Set Fishing Gear

I, PAUL O’CONNOR, Principal Director, Fisheries & Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”) and pursuant to section 8 of the Act, do by this notification prohibit the taking of any species of fish from any waters by the class of persons specified in column 1 of Schedule 1 below, by the methods of fishing specified in Column 2 unless the fishing gear used for that method is identified in the manner specified in Column 3.

This fishing closure takes effect on publication and remains in force until 30 June 2011.

SCHEDULE 1

<i>Column 1 Class of Person</i>	<i>Column 2 Method</i>	<i>Column 3 Manner of Identification</i>
Recreational fishers.	Hand held lines when left unattended.	Having securely attached to a part of the gear which is at or above water level, a tag with dimensions of at least 80mm by 25mm on which are legibly and durably displayed in capital letters the person’s name and residential address or boat registration number.
Commercial fishers holding any of the following types of endorsements: 1. a handline and hauling crew endorsement (all regions) in the Estuary General Fishery; 2. a line fishing western zone endorsement in the Ocean Trap and Line Fishery; 3. a line fishing eastern zone endorsement in the Ocean Trap and Line Fishery; or 4. a school and gummy shark endorsement in the Ocean Trap and Line Fishery.	Set lines and drift lines when left unattended.	Having securely attached to a part of the gear which is at or above water level, a tag with dimensions of at least 80mm by 25mm on which are legibly and durably displayed in capital letters the person’s name and the number indicated on the person’s commercial fishing licence as the number of the licence, or, if the person is the holder of a fishing boat licence, the letters “LFB” and the fishing boat number allotted to the boat by the Director-General, as noted on the licence.

In this fishing closure:

“drift line” has the same meaning as in clause 2 of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 and clause 2 of the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006;

“hand held line” means a rod and line or handline;

“set line” has the same meaning as in clause 2 of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 and clause 2 of the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

Note: This fishing closure does not affect the operation of clause 46 of the Fisheries Management (General) Regulation 2010, clauses 33 and 34 of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 and clauses 7D, 7E and 7F of the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

Dated this 15th day of December 2010.

PAUL O’CONNOR,
Principal Director,
Fisheries & Compliance,
Department of Industry and Investment

NON-INDIGENOUS ANIMALS REGULATION 2006

Delegation by the Director-General

I, RICHARD FREDERICK SHELDRAKE, Director-General of the Department of Industry and Investment, pursuant to section 29A of the Non-Indigenous Animals Act 1987 ("the Act"), hereby delegate the functions conferred or imposed on the Director-General under the clause of the Non-Indigenous Animals Regulation 2006 specified in Column 1 of the Schedule to the officer of the Department of Industry and Investment who from time to time holds, occupies or performs the duties of the position described opposite in Column 2 of the Schedule.

SCHEDULE

<i>Column 1 Clause</i>	<i>Column 2 Position</i>
Clause 14	Deputy Director-General, Primary Industries Principal Director, Biosecurity Director, Emergencies & Animal Welfare Director, Animal Welfare Director, Invasive Species & LHPA Liaison

Dated this 17th day of December 2010.

R. F. SHELDRAKE,
Director-General,
Department of Industry and Investment

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006

Commonwealth of Australia

Prohibition of Entry into a Safety Zone – New Seaclem-1 (PEP 11)

I, Brad Mullard, Executive Director Mineral Resources, Industry & Investment NSW pursuant to section 616 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006, hereby prohibit all vessels other than vessels under the control of the registered holders of Petroleum Exploration Permit 11 (PEP 11) and vessels operated by authorised persons who are exercising powers under section 615 (1) of Division 1 of Part 6.6 of the above Act from entering or remaining in the area of the safety zone without the consent in writing from the Designated Authority.

This safety zone:

- extends to a distance of 500 metres measured from each point of the outer edge of the drilling vessel known as Ocean Patriot
- is centred at or about the point of Latitude 32° 55' 50" S, Longitude 152° 22' 25" E

for a period to commence on 24 December 2010 and to expire on 22 January 2011.

Note: The above are GDA94 co-ordinates.

Where an unauthorised vessel enters or remains in the safety zone specified in contravention of this notice, the owner and the person in command or in charge of the vessel are each guilty of an offence against section 616 of the Act

and are punishable, upon conviction, by imprisonment for a term:

- not exceeding 15 years if the breach is determined as intentional.
- not exceeding 12.5 years if the breach is determined as recklessness.
- not exceeding 10 years if the breach is determined as negligence.
- not exceeding 5 years if the breach is determined as an offence of strict liability.

Dated: 22 December 2010.

BRAD MULLARD,
Executive Director, Mineral Resources
under delegation from the designated authority

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(T07-0505)

Exploration Licence No. 7098, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), County of Evelyn, area of 149 units. Application for Cancellation was received on 15 December 2010.

(T07-0507)

Exploration Licence No. 7100, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), County of Evelyn, area of 117 units. Application for Cancellation was received on 15 December 2010.

(T09-0193)

Exploration Licence No. 7499, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), Counties of Evelyn and Yantara, area of 296 units.

Application for cancellation was received on 15 December 2010.

EXPLORATION LICENCE APPLICATIONS

(T10-0297)

No. 4141, JERVOIS MINING LIMITED (ACN 007 626 575), area of 28 units, for Group 1, dated 16 December 2010. (Orange Mining Division).

(T10-0298)

No. 4142, CGNM RESOURCES PTY LTD (ACN 139 443 137), area of 22 units, for Group 1, dated 17 December 2010. (Broken Hill Mining Division).

(T10-0299)

No. 4143, CGNM RESOURCES PTY LTD (ACN 139 443 137), area of 20 units, for Group 1, dated 17 December 2010. (Broken Hill Mining Division).

(T10-0300)

No. 4144, WATTLE RESOURCES NL (ACN 138 383 114), area of 4 units, for Group 1, dated 17 December 2010. (Orange Mining Division).

(T10-0301)

No. 4145, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), area of 100 units, for Group 1, dated 17 December 2010.

MINING LEASE APPLICATIONS

(T09-0042)

No. 364, Ronald Jason MORELLO, area of about 2 hectares, to mine for gypsum, dated 15 November 2010. (Broken Hill Mining Division).

(T09-0030)

No. 365, Ronald Jason MORELLO, area of about 2 hectares, to mine for gypsum, dated 15 November 2010. (Broken Hill Mining Division).

(T09-0074)

No. 366, CAPITAL MINING LIMITED (ACN 104 551 171), area of about 2 hectares, to mine for agate, chalcedony, corundum, diamond, gold, jade, nephrite, quartz crystal, rhodonite, ruby, sapphire, tourmaline and turquoise, dated 15 November 2010. (Sydney Mining Division).

(Z05-5564)

No. 368, Janet Louise SIGNOR, area of about 1.96 hectares, to mine for gypsum, dated 15 November 2010. (Broken Hill Mining Division).

(Z05-5565)

No. 369, Janet Louise SIGNOR, area of about 1.96 hectares, to mine for gypsum, dated 15 November 2010. (Broken Hill Mining Division).

(T10-0101)

No. 370, Riley WARD, area of about 2 hectares, to mine for copper, dated 15 November 2010. (Broken Hill Mining Division).

(T09-0196)

No. 372, David Charles PRENDERGAST, area of about 2 hectares, to mine for gypsum, dated 15 November 2010. (Broken Hill Mining Division).

(T10-0248)

No. 378, Kerry Anne ELY, area of about 1.95 hectares, to mine for gypsum, dated 15 November 2010. (Cobar Mining Division).

(T10-0249)

No. 379, Bruce JORDAN, area of about 1.95 hectares, to mine for gypsum, dated 15 November 2010. (Cobar Mining Division).

(T10-0250)

No. 380, Bruce JORDAN, area of about 1.95 hectares, to mine for gypsum, dated 15 November 2010. (Cobar Mining Division).

(T10-0252)

No. 382, Michael John KIELY, area of about 2 hectares, to mine for clay/shale and structural clay, dated 15 November 2010. (Singleton Mining Division).

(T10-0253)

No. 383, Michael John KIELY, area of about 2 hectares, to mine for clay/shale and structural clay, dated 15 November 2010. (Singleton Mining Division).

(T10-0254)

No. 384, WEDGE ROCK PTY LTD (ACN 009 038 123), area of about 2 hectares, to mine for clay/shale and structural clay, dated 15 November 2010. (Singleton Mining Division).

(T10-0255)

No. 385, WEDGE ROCK PTY LTD (ACN 009 038 123), area of about 1 hectares, to mine for clay/shale and structural clay, dated 15 November 2010.

(T10-0256)

No. 386, VINTAGE BOAT YARD PTY LTD (ACN 130 160 940), area of about 1 hectares, to mine for clay/shale and structural clay, dated 15 November 2010.

(T10-0264)

No. 387, VINTAGE BOAT YARD PTY LTD (ACN 130 160 940), area of about .75 hectares, to mine for clay/shale and structural clay, dated 15 November 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T09-0069)

No. 3679, now Exploration Licence No. 7651, EMX EXPLORATION PTY LTD (ACN 139 612 427), Counties of Mootwingee and Yungnulgra, Map Sheet (), area of 38 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T09-0079)

No. 3687, now Exploration Licence No. 7652, EMX EXPLORATION PTY LTD (ACN 139 612 427), County of Mootwingee, area of 60 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0044)

No. 3914, now Exploration Licence No. 7653, THUNDERBOLT GOLD LTD (ACN 141 342 565), County of Gloucester, area of 16 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0044)

No. 3914, now Exploration Licence No. 7654, THUNDERBOLT GOLD LTD (ACN 141 342 565), County of Gloucester, area of 33 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0082)

No. 3951, now Exploration Licence No. 7655, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), County of Farnell, area of 100 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0082)

No. 3951, now Exploration Licence No. 7656, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), County of Farnell, area of 100 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0082)

No. 3951, now Exploration Licence No. 7657, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), County of Farnell, area of 100 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0114)

No. 3983, now Exploration Licence No. 7658, GREYSTOKE MINES PTY LTD (ACN 125 517 259), Counties of Evelyn and Mootwingee, Map Sheet (7336, 7337), area of 43 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0140)

No. 4011, now Exploration Licence No. 7645, WARATAH GOLD LIMITED (ACN 125 688 940), Counties of Dampier and St Vincent, Map Sheet (8826), area of 19 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0152)

No. 4023, now Exploration Licence No. 7640, SILVER MINES LIMITED (ACN 107 452 942), Counties of Argyle and Murray, Map Sheet (8827), area of 15 units, for Group 1, dated 2 December 2010, for a term until 2 December 2012.

(T10-0157)

No. 4027, now Exploration Licence No. 7668, AUSTRALIAN HUALONG PTY LTD (ACN 131 800 934), County of Macquarie, Map Sheet (9434, 9435), area of 33 units, for Group 1, dated 9 December 2010, for a term until 9 December 2012.

(T10-0159)

No. 4029, now Exploration Licence No. 7646, VINCENT RESOURCES PTY LTD (ACN 142 721 579), Counties of Menindee and Windeyer, Map Sheet (7132, 7133), area of 270 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0162)

No. 4032, now Exploration Licence No. 7647, PLATSEARCH NL (ACN 003 254 395), County of Yancowinna, Map Sheet (7134), area of 7 units, for Group 1, dated 6 December 2010, for a term until 6 December 2012.

(T10-0170)

No. 4040, now Exploration Licence No. 7639, MALACHITE RESOURCES LIMITED (ACN 075 613 268), County of Hardinge, Map Sheet (9137, 9138), area of 48 units, for Group 1, dated 2 December 2010, for a term until 2 December 2012.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(T10-0008)

No. 51, MACQUARIE ENERGY PTY LTD (ACN 113 972 473), County of Buller, County of Clive and County of Drake, Map Sheet (9340, 9439). Refusal took effect on 17 December 2010.

(T10-0009)

No. 52, MACQUARIE ENERGY PTY LTD (ACN 113 972 473), County of Rous, Map Sheet (9540, 9541). Refusal took effect on 17 December 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

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

(T98-1140)

Exploration Licence No. 5548, ALKANE RESOURCES LTD (ACN 000 689 216), area of 27 units. Application for renewal received 20 December 2010.

(T00-0093)

Exploration Licence No. 5800, NORTH MINING LIMITED (ACN 000 081 434), area of 42 units. Application for renewal received 17 December 2010.

(T03-0891)

Exploration Licence No. 6365, ARK MINES LIMITED (ACN 123 668 717), area of 20 units. Application for renewal received 20 December 2010.

(T08-0138)

Exploration Licence No. 7264, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 12 units. Application for renewal received 6 December 2010.

(T08-0205)

Exploration Licence No. 7268, ABX1 PTY LTD (ACN 139 790 364), area of 46 units. Application for renewal received 21 December 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C03-0101)

Exploration Licence No. 4575, ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), County of Brisbane, Map Sheet (9033), area of 960.6 hectares, for a further term until 23 May 2013. Renewal effective on and from 10 December 2010.

(T08-2423)

Exploration Licence No. 5714, MALACHITE RESOURCES LIMITED (ACN 075 613 268), County of Buller, Map Sheet (9340), area of 6 units, for a further term until 17 April 2012. Renewal effective on and from 16 December 2010.

(T03-0844)

Exploration Licence No. 6269, AUSTRALIA ORIENTAL MINERALS NL (ACN 010 126 708), County of King, Map Sheet (8628), area of 9 units, for a further term until 12 July 2012. Renewal effective on and from 8 December 2010.

(T95-0613)

Gold Lease No. 5477 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 2.466 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T95-0614)

Gold Lease No. 5478 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 3996 square metres, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T95-0612)

Mining Lease No. 1147 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of Girard, County of Buller and Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 356.4 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T93-0987)

Mining Lease No. 1148 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 3.15 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T93-0988)

Mining Lease No. 1149 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 51.19 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T93-0989)

Mining Lease No. 1150 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 30 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T01-0004)

Mining Lease No. 1237 (Act 1973), MALACHITE RESOURCES LIMITED (ACN 075 613 268), Parish of Pocupar, County of Buller, Map Sheet (9340-1-S), area of 61.8 hectares, for a further term until 5 December 2021. Renewal effective on and from 10 December 2010.

(T01-0004)

Mining Lease No. 1238 (Act 1973), MALACHITE RESOURCES LIMITED (ACN 075 613 268), Parish of Pocupar, County of Buller, Map Sheet (9340-1-S), area of 183 hectares, for a further term until 5 December 2021. Renewal effective on and from 10 December 2010.

(T01-0004)

Mining Lease No. 1385 (Act 1992), MALACHITE RESOURCES LIMITED (ACN 075 613 268), Parish of Pocupar, County of Buller, Map Sheet (9340-1-S), area of 16.22 hectares, for a further term until 5 December 2021. Renewal effective on and from 10 December 2010.

(T93-1068)

Mineral Lease No. 5444 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 2.68 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T93-0683)

Mineral Lease No. 5883 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 11.3312 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T93-0724)

Mineral Lease No. 6004 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 16.16 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T93-0723)

Mineral Lease No. 6006 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 8.094 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T95-0149)

Mining Purposes Lease No. 24 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 51.19 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T95-0602)

Mining Purposes Lease No. 256 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 54.73 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T95-0603)

Mining Purposes Lease No. 259 (Act 1973), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of Girard, County of Buller; and Parish of West Fairfield, County of Drake, Map Sheet (9340-2-S), area of 151.4 hectares, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

(T07-8087)

Mining Purposes Lease No. 1345 (Act 1906), WHITE ROCK (MTC) PTY LTD (ACN 132 461 575), Parish of Callanyn, County of Buller, Map Sheet (9340-2-N), area of 8094 square metres, for a further term until 8 December 2020. Renewal effective on and from 8 December 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(07-0233)

Exploration Licence No. 7085, DIGGERSE EXPLORATION PTY LTD (ACN 127 658 280), County of Montegale, Map Sheet (8629), area of 33 units. The authority ceased to have effect on 6 December 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T09-0279)

Exploration Licence No. 7466, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Wellington, Map Sheet (8731), area of 18 units. Cancellation took effect on 14 December 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

TRANSFERS

(06-7572)

Exploration Licence No. 4474, formerly held by Noel Norman DENNIS has been transferred to PMR1 PTY LTD (ACN 145 210 528). The transfer was registered on 17 December 2010.

(07-4790)

Exploration Licence No. 5339, formerly held by WILDESIGN PTY LTD (ACN 063 680 615) has been transferred to PMR1 PTY LTD (ACN 145 210 528). The transfer was registered on 17 December 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

Land and Property Management Authority

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6770 3100 Fax (02) 6772 8782

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

Column 1	Column 2	Column 3
Robert Edwin TABER (re-appointment), John Godby WESTON (re-appointment), Stephen LOW (re-appointment), Shayne Gaile TAYLOR (re-appointment), Michael Raymond CHERRY (re-appointment), Rodney WILLIAMS (re-appointment), Allan John THOMAS (re-appointment), President, YMCA (Ex-Officio re-appointment), President, New England Antique Machinery Club (Ex-Officio re-appointment), President, Armidale Campdraft Club (Ex-Officio re-appointment), President, Armidale and New England Show Society (Ex-Officio re-appointment), Designated Council Representative, Armidale Dumaresq Council (Ex-Officio re-appointment).	Armidale Showground Reserve Trust.	Reserve Nos: 510024 and 110029. Public Purpose: Showground. Notified: 30 November 1877 and 22 November 1989 respectively. File No.: AE81 R 5.

Term of Office

For a term commencing 1 January 2011 and not exceeding 3 months (until reserve trust appointments are finalised).

SCHEDULE 2

Column 1	Column 2	Column 3
Barry Ambrose TONKIN (re-appointment), Heather Veronica HAMILTON (re-appointment), Trevor Geoffrey STRUDWICK (re-appointment), Debbie Gay WHITE (re-appointment),	Kingstown Public Hall Reserve Trust.	Reserve Nos: 63708 and 1001336. Public Purpose: Public hall and public recreation. Notified: 30 December 1932 and 19 June 1998. File No.: AE83 R 32.

Column 1	Column 2	Column 3
Alan James SWALES (re-appointment), John Lachlan MITCHELL (re-appointment), Christine CRAMPTON (re-appointment).		

Term of Office

For a term commencing 1 January 2011 and not exceeding 3 months (until reserve trust appointments are finalised).

SCHEDULE 3

Column 1	Column 2	Column 3
Suzanne Louise HARRISON (re-appointment), Douglas John WHITE (re-appointment), Allan Ray KERMODE (re-appointment), Donald Arthur KERMODE (re-appointment), Tracey Jane CAMERON (re-appointment).	Ingleba Public Hall Trust.	Reserve No.: 86546. Public Purpose: Agricultural hall. Notified: 24 November 1967. File No.: AE82 R 44.

Term of Office

For a term commencing 1 January 2011 and not exceeding 3 months (until reserve trust appointments are finalised).

SCHEDULE 4

Column 1	Column 2	Column 3
Stuart Arthur SHANNON (re-appointment), Pauline Margaret BLACKFORD (re-appointment), Garry George BLACKFORD (re-appointment), Ian Alan COVENTRY (re-appointment), Neil Kenneth THOMPSON (re-appointment).	Bonshaw Racecourse Reserve Trust.	Reserve No.: 42857. Public Purpose: Racecourse. Notified: 8 July 1908. File No.: AE80 R 38.

Term of Office

For a term commencing 1 January 2011 and not exceeding 3 months (until reserve trust appointments are finalised).

SCHEDULE 5

Column 1	Column 2	Column 3
Jon Andrew DAVIES (re-appointment), Angela Ruth CURNOW (re-appointment), Richard Owen CORK (re-appointment), Karl SHERRATT (re-appointment),	Torrington War Memorial and Recreation Reserve Trust.	Reserve No.: 52937. Public Purpose: Public recreation. Notified: 16 August 1918. File No.: AE83 R 40.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
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Lance BURTON
(re-appointment),
Desiree Dawn MASON
(re-appointment).

Term of Office

For a term commencing 1 January 2011 and not exceeding 3 months (until reserve trust appointments are finalised).

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Armidale Dumaresq Council.	Armidale Civic Administration Building (R.85813) Reserve Trust.	Reserve No.: 85813. Public Purpose: Municipal purposes. Notified: 27 May 1966. File No.: AE04 H 245.

For a term commencing the date of this notice.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Armidale Civic Administration Building (R.85813) Reserve Trust.	Reserve No.: 85813. Public Purpose: Municipal purposes. Notified: 27 May 1966. File No.: AE04 H 245.

BOARD OF SURVEYING AND SPATIAL INFORMATION
Panorama Avenue (PO Box 143), Bathurst NSW 2795
Phone: (02) 6332 8238 Fax: (02) 6332 8240

ERRATUM

THE notice published in *New South Wales Government Gazette* No. 135, dated 17 December 2010, Folio 5869, under the heading Surveying and Spatial Information Act 2002, Registration of Surveyors was published as persons registered as land surveyors, which is incorrect. The following notice replaces that in full. The date of gazettal remains the same.

SURVEYING AND SPATIAL INFORMATION ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as Mining Surveyors Unrestricted in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Clint Nathan ALLEN.	Centennial Coal Pty Ltd, PO Box 1000, Toronto NSW 2283.	8 November 2010.
Karl Denis HARISSON.	Springvale Coal, Mudgee Road, Lisdale NSW 2790.	5 November 2010.
Tinos MUTYIRI.	Peak Gold Mines, Hillston Road, Cobar NSW 2835.	19 November 2010.
Justin Terrance WYNNE.	Xstrata, The Broadway, Killingworth NSW 2278.	1 November 2010.

W. A. WATKINS, AM,
President
S. G. GLENCORSE,
Registrar

GOULBURN OFFICE
159 Auburn Street (PO Box 748), Goulburn NSW 2580
Phone: (02) 4824 3700 Fax: (02) 4822 4287

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Catherine TISCHLER (new member).	Gundillion Recreation Reserve Trust.	Reserve No.: 46380. Public Purpose: Public recreation. Notified: 8 March 1911. File No.: 08/6558.

Term of Office

For a term commencing the date of this notice and expiring 18 December 2013.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Jean Hilary MORRISON (re-appointment), Michelle Joy PRICE (re-appointment), Anthony CUNNINGHAM (re-appointment), Trish CUNNINGHAM (re-appointment), Roger William CURVEY (re-appointment).	Towrang Recreation Reserve Trust.	Reserve No.: 69316. Public Purpose: Public recreation. Notified: 21 June 1940. File No.: GB80 R 213.

Term of Office

For a term commencing the date of this notice and expiring 23 December 2015.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Heather Ellen FAULKNER (re-appointment), William Allan FAULKNER (re-appointment), Lindsay Morris SHAWCROSS (re-appointment), Gwenyth SHAWCROSS (re-appointment).	Adaminaby Golf Course Reserve Trust.	Reserve No.: 1002938. Public Purpose: Public recreation and environmental protection. Notified: 19 May 2000. File No.: GB00 R 12.

Term of Office

For a term commencing 30 December 2010 and expiring 29 December 2015.

GRAFTON OFFICE
76 Victoria Street (PO Box 272), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

**REMOVAL FROM OFFICE OF CORPORATION
MANAGER OF RESERVE TRUST**

PURSUANT to section 96(2) of the Crown Lands Act 1989, the corporation specified in Schedule 1 hereunder, is removed from the office of manager of the reserve trust specified in Schedule 2, which is trustee of the reserve referred to in Schedule 3.

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

SCHEDULE 1

The Scout Association of Australia, NSW Branch.

SCHEDULE 2

Urunga Scouts Reserve Trust.

SCHEDULE 3

Reserve No.: 97354.

Public Purpose: Boy Scouts.

Notified: 20 July 1984.

File No.: GF05 R 93.

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6990 1800 Fax: (02) 6993 1135

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closure, 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 of Deniliquin; L.G.A. – Conargo

Lot 1 in DP 1146387, Parish of Myall, County of Townsend; Lot 1 in DP 1146391, Parishes of Myall and Carroonboon North, County of Townsend; Lots 1, 2, 3 and 5, DP 1146438, Parishes of Myall and Carroonboon North and Lots 1 and 2, DP 1146379, Parishes of Quandong and Myall, County of Townsend.

File No.: 07/6131.

Schedule

On closing, title for the land comprised in Lot 1 in DP 1146387; Lot 1 in DP 1146391; Lots 1, 2, 3 and 5, DP 1146438 and Lots 1 and 2, DP 1146379 remain vested in the State of New South Wales as Crown Land.

Description

Land District of Balranald South; L.G.A. – Wakool

Lot 1 in DP 1158350 Parish of Cunninyeuk, County of Wakool.

File No.: HY06 H 95.

Schedule

On closing, title for the land comprised in Lot 1 in DP 1158350 remain vested in the State of New South Wales as Crown Land.

MAITLAND OFFICE

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

Phone: (02) 4937 9306

Fax: (02) 4934 8417

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

*Parish – Trevor; County – Gloucester;
Land District – Dungog; L.G.A. – Dungog*

Road Closed: Lot 100, DP 1155549 (not being land under the Real Property Act and subject to Right of Carriageway created by Deposited Plan 1155549).

File No.: MD06 H 246.

Schedule

On closing, the land within Lot 100, DP 1155549 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Watt; County – Brisbane;
Land District – Muswellbrook; L.G.A. – Upper Hunter*

Road Closed: Lot 1, DP 1159167 (not being land under the Real Property Act).

File No.: 09/00739.

Schedule

On closing, the land within Lot 1, DP 1159167 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Tinagroo; County – Brisbane;
Land District – Scone; L.G.A. – Upper Hunter*

Road Closed: Lot 1, DP 1158984 (not being land under the Real Property Act).

File No.: 09/04066.

Schedule

On closing, the land within Lot 1, DP 1158984 remains vested in the State of New South Wales as Crown Land.

REMOVAL FROM OFFICE OF ADMINISTRATOR OF RESERVE TRUST

PURSUANT to section 119(1a) of the Crown Lands Act 1989, the Administrator specified in Schedule 1 hereunder, is removed from the office of manager of the reserve trust specified in Schedule 2, which is trustee of the reserve referred to in Schedule 3.

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

SCHEDULE 1

Christopher Keith Dorn.

SCHEDULE 2

Lake Glenbawn State Park Trust.

SCHEDULE 3

Dedication No.: 1001337.

Public Purpose: Public recreation.

Notified: 1 June 1997.

File No.: MD92 R 10.

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

Column 1	Column 2	Column 3
Jamin RYAN.	Lake Glenbawn State Park Trust.	Dedication No.: 1001337. Public Purpose: Public recreation. Notified: 1 June 1997. File No.: MD92 R 10.

Term of Office

For a term commencing the date of this notice and expiring 31 March 2011.

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

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

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

Description

*Land District – Narrabri; Council – Narrabri;
Parish – Tippereena; County – Nandewar*

Roads Closed: Lot 1 in DP 1159855.

File No.: 08/8414.

Schedule

On closing, title to the land within Lot 1 in DP 1159855 remains vested in the State of New South Wales as Crown Land.

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*

Reserve No.: 63623.
Public Purpose: Public
recreation.

Notified: 18 November 1932.

Locality: Killara.

Column 2

Communication facilities.

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

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 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

*Parishes – Mummel and Baw Baw; County – Argyle;
Land District – Goulburn;
Local Government Area – Goulburn Mulwaree*

Road Closed: Lot 1, DP 1158891 at Wayo and Mummel.

File No.: GB05 H 593.

Schedule

On closing, the land within Lot 1, DP 1158891 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Beecroft; County – St Vincent;
Land District – Nowra;
Local Government Area – Shoalhaven*

Road Closed: Depicted as Lot 1 (4420 square metres), shown on the diagram hereunder at Currarong.

File No.: 09/00190.



Schedule

On closing, the land shown as Lot 1 (4420 square metres), remains vested in the State of New South Wales as Crown Land.

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

**REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan. Council: Warringah. Parish: Manly Cove. County: Cumberland. Location: Allambie Heights. Reserve: 752038. Purpose: Future public requirements. Date of Notification: 29 June 2007. File No.: 10/15858.	Part Reserve 752038 comprising the whole of Lot 1705, DP 752038.

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 – Piallaway; Land District – Gunnedah;
L.G.A. – Gunnedah*

Road Closed: Lot 1 in Deposited Plan 1158642, Parish Babbinsboon, County Buckland.

File No.: 07/0998.

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 – Attunga; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1157803, Parish Attunga, County Inglis.

File No.: TH06 H 109.

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

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

DISSOLUTION OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Port Macquarie Senior Citizen's Centre (R88292) Reserve Trust.	Reserve No.: 88292. Public Purpose: Senior citizen's centre. Notified: 2 July 1971. File No.: TE79 R 15.
Boultons Crossing Public Recreation (R67609) Reserve Trust.	Reserve No.: 67609. Public Purpose: Public recreation. Notified: 20 May 1938. File No.: TE80 R 143.
Clarke Public Recreation (R97622) Reserve Trust.	Reserve No.: 97622. Public Purpose: Public recreation. Notified: 14 December 1984. File No.: TE95 R 7.
Coomba Park Public Recreation (R97600) Reserve Trust.	Reserve No.: 97600. Public Purpose: Public recreation. Notified: 30 November 1984. File No.: TE82 R 22.
Forster (R86584) Reserve Trust.	Reserve No.: 86584. Public Purpose: Public recreation and reservoir. Notified: 12 January 1968.
Heron's Creek Public Recreation (R46022) Reserve Trust.	Reserve No.: 46022. Public Purpose: Public recreation. Notified: 23 November 1910.
Rawson Falls (R79856) Reserve Trust.	Reserve No.: 79856. Public Purpose: Preservation of fauna and native flora. Notified: 6 September 1957.
Seal Rocks Public Recreation (R96761) Reserve Trust.	Reserve No.: 96761. Public Purpose: Public recreation. Notified: 13 May 1983. File No.: TE04 R 6.
Unkya Rubbish Depot (R93648) Reserve Trust.	Reserve No.: 93648. Public Purpose: Rubbish depot. Notified: 26 September 1980. File No.: TE8053.
Wauchope Public Park (R610032) Reserve Trust.	Reserve No.: 610032. Public Purpose: Public park. Notified: 21 December 1901. File No.: TE80 R 433.

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 – Kempsey; L.G.A. – Nambucca
 Roads Closed: Lot 1, DP 1155321 at Macksville, Parish Congarinni, County Raleigh.
 File No.: 08/2460.

Schedule

On closing, the land within Lot 1, DP 1155321 will remain vested in Nambucca council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: SF632.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Mid-North Coast Accommodation Trust.	Part Reserve No.: 77312. Part being Lot 84, DP 753166. Public Purpose: Camping and public recreation. Notified: 31 December 1954. File No.: 10/19709.

WAGGA WAGGA OFFICE
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650
Phone: (02) 6937 2700 Fax: (02) 6921 1851

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed, the road 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 – Gregado; County – Wynyard;
Land District – Wagga Wagga; L.G.A. – Wagga Wagga*

Lots 1, 2, 3, 4 and 5 in DP 1156494 at Gregadoo.

File Nos: WA07 H 193 and 07/4900.

Note: On closing, the land within Lots 1, 2, 3, 4 and 5 in DP 1156494 remains vested in the State of New South Wales as Crown Land.

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 5400 Fax: (02) 6884 2067

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

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

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

*Administrative District – Balranald; Shire – Balranald;
Parish – Tararie; County – Caira*

The purpose/conditions of Western Lands Leases 14811, being the land contained within Folio Identifier 1/1156339 has been altered from “Irrigation and Mixed Farming” to “Business Purposes (Grain Storage Facility)” effective from 21 November, 2010.

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

The conditions previously annexed to Western Lands Lease 14811 have been revoked and the following conditions have been annexed thereto.

**CONDITIONS ANNEXED TO WESTERN LAND
LEASE 14811**

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 (b) The lessee agrees to occupy use and keep the Premises at the risk of the lessee and hereby releases to the full extent permitted by law the Lessor from all claims and demands of every kind resulting from any accident damage or injury occurring therein and the lessee EXPRESSLY AGREES that the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or the personal property of the lessee.
 (c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
 “GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
 (b) Notwithstanding any other provision of this Agreement:
 (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Business Purposes (Grain Storage).
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.

- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall effectively prevent any interference with the amenity of the locality by reason of the emission from the land leased of noise, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil or otherwise, and when directed by the Commissioner shall abate that interference forthwith.
- (17) The lessee shall, within 12 months from the date of commencement of the lease or such further period as the Minister may allow, erect business premises on the land in accordance with plans and specifications approved by the Council of the local government area.
- (18) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local Government area.
- (19) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (20) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (21) Where the Crown has paid a contribution under section 217-219 of the Roads Act 1993 in respect of the land leased, the lessee shall pay to the Crown the amount of that contribution within 3 months of being called upon to do so.
- (22) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (23) If the lessee is an Australian registered company than the following conditions shall apply:
- I The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
 - II Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
 - III Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
 - IV A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

ORDER

I, the Minister for Planning, in pursuance of section 75P(2)(d) of the Environmental Planning and Assessment Act 1979, do, by this my Order declare that the development within the Kings Forest site (identified in Schedule 1 to this Order) that satisfies the requirements for exempt or complying development specified in Part A - Exempt and Complying Development in Kings Forest Development Code, 12 December 2010, is exempt or complying development, as appropriate.

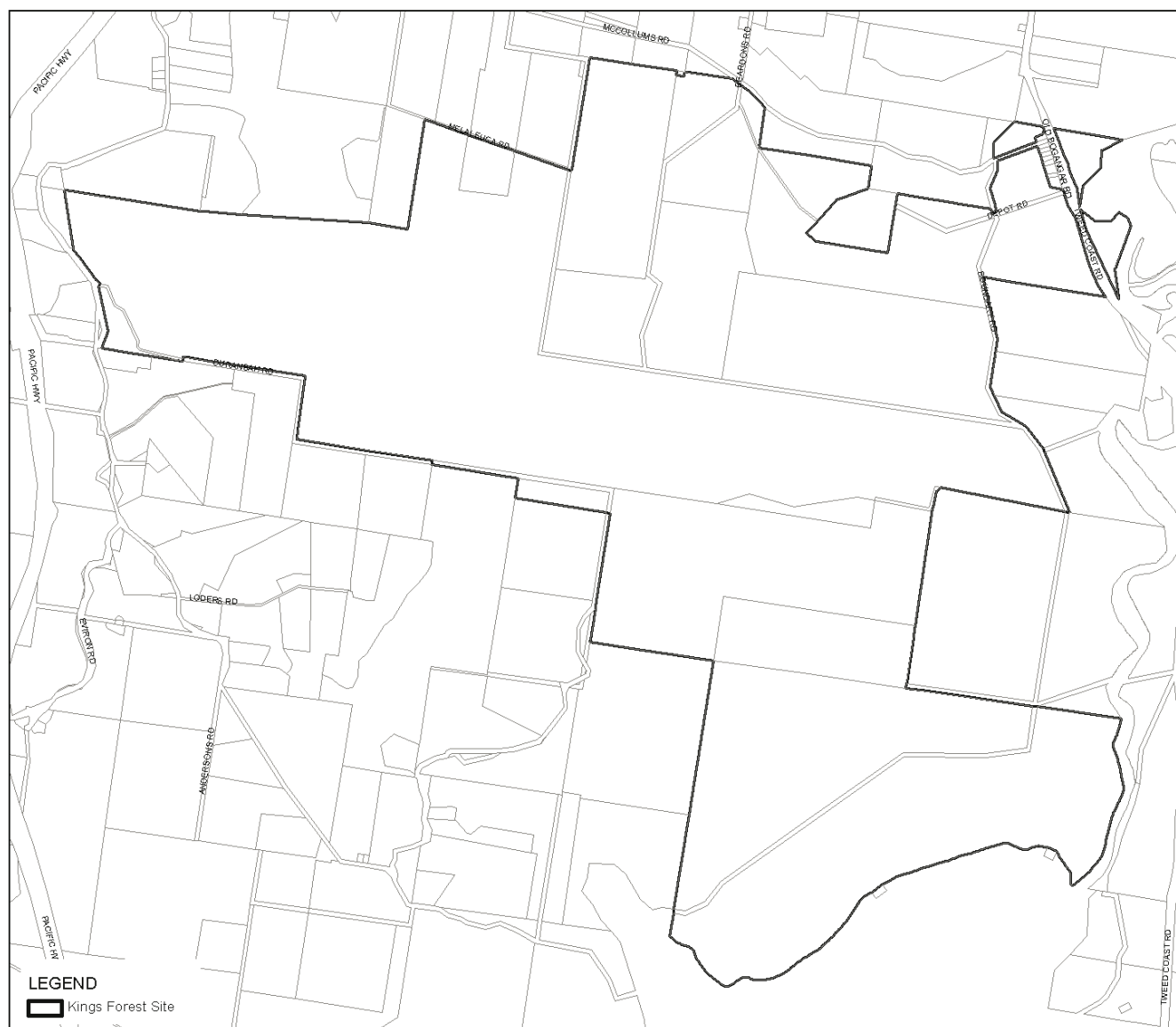
Dated this 15th day of December 2010.

ANTHONY (TONY) KELLY, M.L.C.,
Minister for Planning,
Sydney

SCHEDULE 1

The site known as 'Kings Forest' as shown edged heavy black on the map marked Kings Forest – Cadastre within the Tweed Shire Local Government Area.

Kings Forest – Cadastre



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Order declaring development to be a project under Part 3A of the Environmental Planning and Assessment Act 1979

I, the Minister for Planning, declare, pursuant to section 75B of the Environmental Planning and Assessment Act 1979, the development described in the Schedule below to be a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies.

Dated: 16 December 2010.

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

SCHEDULE

A proposal for Orange Drought Relief Connection between the Macquarie River (downstream of the Turon River confluence) and the Orange water supply network, as generally described in a letter dated 3 December 2010, from Orange City Council to the Department of Planning.

Roads and Traffic Authority

ROADS ACT 1993

ORDER

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority of New South Wales, pursuant to section 215 of the Roads Act 1993, make the Order set forth hereunder.

Dated: Sydney, 20 December 2010.

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority of NSW

Citation

1. This Order may be cited as the Roads (Sydney Harbour Bridge Toll) Order 2011.

Commencement

2. This Order takes effect on 1 January 2011.

Repeal

3. The Roads (Sydney Harbour Bridge Toll) Order 2010, dated 21 December 2009 (published in *New South Wales Government Gazette* No. 212 of 24 December 2009, at pages 6492 to 6495 is repealed on and from 1 January 2011.

Tolls

4. The toll payable for a motor vehicle that uses the Sydney Harbour Bridge travelling in a southerly direction is the amount specified in Schedule 1 of this Order in respect of the vehicle.

Motor cycle periodic toll pass

5. (1) A motor cycle periodic toll pass –
 - (a) is issued by the Roads and Traffic Authority of New South Wales on payment of the appropriate charge as set out in Schedule 2, Schedule 3, Schedule 4 or Schedule 5; and
 - (b) authorises travel by the motor cycle to which the pass relates across the Sydney Harbour Bridge without payment of a toll while the pass is in force.
- (2) A motor cycle periodic toll pass is in force on and from the date specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5 in respect of the charge paid for the pass as the date the pass may first be used, up to and including the expiry date of the pass as specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5.

Charges payable by owner of vehicle if toll not paid

6. In accordance with clause 23(5) of the Roads Regulation 2008, the following administrative charges are payable by the owner of a motor vehicle referred to in item 1 or 2 in Schedule 1 between the period 1 January 2011 and 31 December 2011 where:-
 - (a) a first pre-penalty notice letter of demand is issued to the owner seeking recovery of the unpaid toll and relevant administrative charge \$10.00
 - and
 - (b) a second pre-penalty notice letter of demand is issued to the owner seeking recovery of the unpaid toll and relevant administrative charges, an administrative charge additional to the amount specified in sub-clause (a) of this clause \$10.00

Note: The words “penalty notice” appearing in clause 6 relate to clause 80 and Schedule 1 of the Roads Regulation 2008.

SCHEDULE 1

TOLLS

<i>Class of vehicles</i>	<i>Toll</i>
1. Commencing on and including 1 January 2011, any motor vehicle, other than a vehicle referred to in item 2, 3 or 4 of this Schedule, which passes the toll point:	
(a) During an off-peak period	\$2.50
(b) During a peak period	\$4.00
(c) During a shoulder period	\$3.00

In this Schedule

Off-peak period is, on a weekday, the period between midnight and 6.30 am and between 7.00 pm and midnight and, on Saturday and Sunday or on a public holiday, the period between midnight and 8.00 am and between 8.00 pm and midnight.

Peak Period is, on a weekday, the period after 6.30 am and before 9.30 am and after 4.00 pm and before 7.00 pm

Shoulder period is, on a weekday, the period between 9.30 am and 4.00 pm and, on Saturday and Sunday or on a public holiday, the period after 8.00 am and before 8.00 pm

Weekday is any day in the period commencing on a Monday and ending on Friday, including both those days, and that is not a public holiday

Public Holiday is a special day proclaimed by the Governor to be observed as a public holiday under section 19 of the Banks and Bank Holidays Act 1912.

2. Any motor vehicle that consists of –

- (a) a vehicle that is the property of the Roads and Traffic Authority of NSW, that is readily identifiable as such and that is being used either for the purpose of maintenance work on the Bridge or for the purpose of removing vehicles from the Bridge;
- (b) a police vehicle that is readily identifiable as such;
- (c) a vehicle that is the property of the Board of Fire Commissioners and that is readily identifiable as such;
- (d) an ambulance or rescue vehicle that is readily identifiable as such;
- (e) a vehicle that is the property of the NSW Red Cross Blood Transfusion Service (Blood Bank), that is readily identifiable as such and that is fitted with a roof mounted red flashing light and siren or similar warning device;
- (f) a vehicle that is being driven by a person to whom a disabled person's toll exemption pass or tag has been issued by the Roads and Traffic Authority, being a pass or tag that exempts the person from payment of tolls and charges in respect of travelling across the Bridge;
- (g) a vehicle in which the driver or passenger is a person to whom an incapacitated ex-service person's toll exemption pass or tag has been issued by the Roads and Traffic Authority, being a pass or tag that exempts the person from payment of tolls and charges in respect of travelling across the Bridge.
- (h) a Defence Force vehicle that is readily identifiable as such; or
- (i) vehicle driven by a person who produces evidence that he or she or a passenger is a member of the Diplomatic or Consular Corps
Nil

3. Any motor vehicle that is attached to, or carried or drawn by, another vehicle
Nil

4. Any motor cycle in respect of which a periodic toll pass is in force and displayed in accordance with any directions of the Roads and Traffic Authority
Nil

Notes:

The "toll point" is the point designated by a toll operator (by signs or otherwise) as the point at which the liability to pay a toll is incurred for driving a motor vehicle on a tollway or a particular lane of a tollway.

A reference to "between" or "period between" any two times is inclusive of both those times.

SCHEDULE 2

CHARGES PAYABLE TO THE RTA FOR A MOTOR CYCLE PERIODIC TOLL PASS OR TAG

TOLL PASS OR TAG EXPIRING ON 31 MARCH 2011

<i>Date pass may first be used</i>	<i>Charge for Motor Cycle</i>
01 January 2011	\$95.00
04 January 2011	\$92.00
10 January 2011	\$84.00
17 January 2011	\$77.00
24 January 2011	\$70.00
31 January 2011	\$62.00
07 February 2011	\$55.00
14 February 2011	\$48.00
21 February 2011	\$41.00
28 February 2011	\$33.00

SCHEDULE 3

CHARGE PAYABLE TO THE RTA FOR A MOTOR CYCLE PERIODIC TOLL PASS OR TAG

TOLL PASS OR TAG EXPIRING ON 30 JUNE 2011

<i>Date Pass may First be used</i>	<i>Charge for Motor Cycle</i>
01 April 2011	\$95.00
04 April 2011	\$92.00
11 April 2011	\$84.00
18 April 2011	\$77.00
27 April 2011	\$70.00
02 May 2011	\$62.00
09 May 2011	\$55.00
16 May 2011	\$48.00
23 May 2011	\$41.00
30 May 2011	\$33.00

SCHEDULE 4

CHARGE PAYABLE TO THE RTA FOR A MOTOR CYCLE PERIODIC TOLL PASS OR TAG

TOLL PASS OR TAG EXPIRING ON 30 SEPTEMBER 2011

<i>Date pass may First be used</i>	<i>Charge for Motor Cycle</i>
01 July 2011	\$95.00
04 July 2011	\$92.00
11 July 2011	\$84.00
18 July 2011	\$77.00
25 July 2011	\$70.00
01 August 2011	\$62.00
08 August 2011	\$55.00
15 August 2011	\$48.00
22 August 2011	\$41.00
29 August 2011	\$33.00

SCHEDULE 5

CHARGE PAYABLE TO THE RTA FOR A MOTOR CYCLE PERIODIC TOLL PASS OR TAG

TOLL PASS OR TAG EXPIRING ON 31 DECEMBER 2011

<i>Date pass may First be used</i>	<i>Charge for Motor Cycle</i>
01 October 2011	\$95.00
04 October 2011	\$92.00
10 October 2011	\$84.00
17 October 2011	\$77.00
24 October 2011	\$70.00
31 October 2011	\$62.00
07 November 2011	\$55.00
14 November 2011	\$48.00
21 November 2011	\$41.00
28 November 2011	\$33.00

ROADS AND TRAFFIC AUTHORITY

Notice pursuant to Roads Transport (General) Act 2005 and Road Transport (Mass, Loading and Access) Regulation 2005
Class 2 Car Carrier Combination Notice 2011

I, MICHAEL BUSBY, Chief Executive of the Roads and Traffic Authority, in pursuance of Part 2, Division 4 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby, specify the areas and routes on which the vehicles as described in Part 2 of the Schedule to this Notice may be used, subject to the conditions set out in the Schedule of this Notice.

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

Explanatory Note

This Notice replaces the General Notice for the Restricted Access Vehicle (Car Carrier) Exemption Notice 2005, that was published on 31 December 2004, in *New South Wales Government Gazette* No. 205, at pages 9872-9877 and all amendments made to that Notice.

PART 1 – PRELIMINARY

1.1 Citation

This Notice may be cited as the Class 2 Car Carrier Combination Notice 2011.

1.2 Commencement

This Notice takes effect on 1 January 2011.

1.3 Effect

This Notice remains in force up to and including 31 December 2015, unless it is amended or repealed earlier.

1.4 Interpretation

1.4.1 Unless stated otherwise, the words and expressions used in this Notice have the same meaning as those defined in the Road Transport (General) Act 2005 and the Road Transport (Mass, Loading and Access) Regulation 2005.

1.4.2 Diagrams 1 and 2 in the text of this Notice form part of this Notice.

PART 2 – APPLICATION

2.1 This Notice applies to a car carrier combination that is designed to carry vehicles on two or more partially or completely overlapping decks that:

2.1.1 comprises of a prime mover and semi trailer combination, that when unladen, has a constructed length not exceeding 19 metres (DIAGRAM 1), or

2.1.2 comprises of a hauling unit designed to, when operated with or without a trailer or semi trailer, carry a load in addition to a load over the driving compartment (DIAGRAM 2), and

2.1.3 when laden:

(i) The forward projection does not exceed 1.2 metres; and

(ii) The distance measured at right angles between the rear overhang line of the trailer and the rear of the rearmost vehicle on the trailer does not exceed 4.9 metres; and

(iii) The overall laden length does not exceed 25 metres and

2.1.4 does not exceed 4.6 metres in height.

2.2 This Notice does not apply to B-Doubles or Road Trains designed to carry cars.

DIAGRAM 1

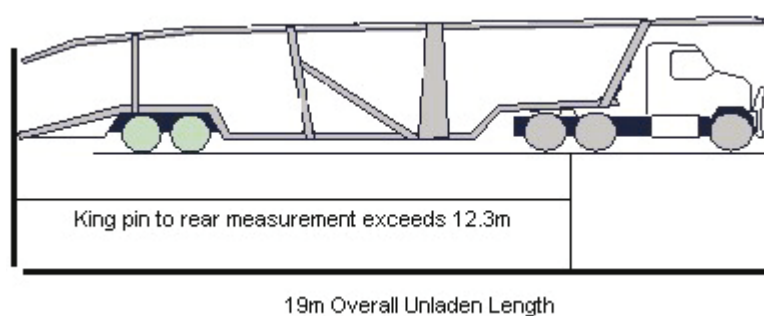
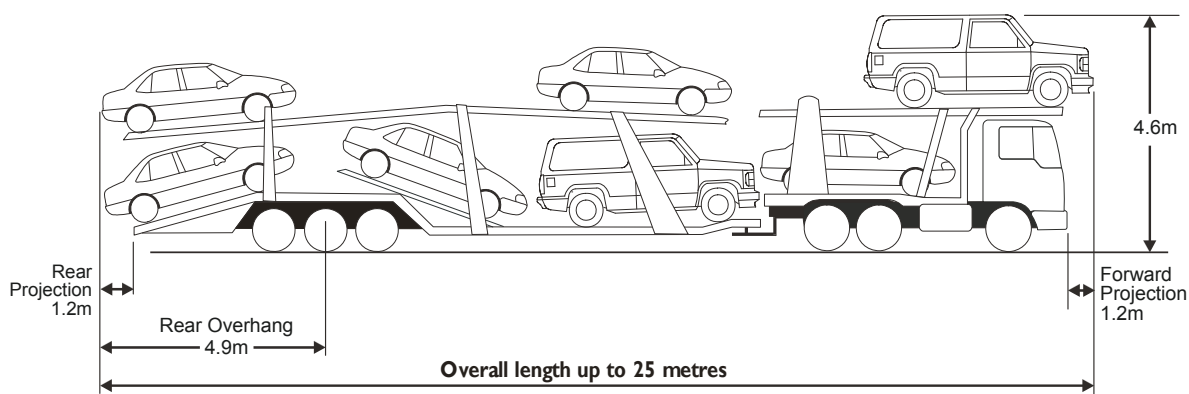


DIAGRAM 2



PART 3 – APPROVED ROUTES AND CONDITIONS

3.1 Operating conditions

A vehicle operating under this notice is not otherwise exempt from other requirements and obligations of the Road Transport Legislation as defined by section 5 of the Road Transport (General) Act 2005 (including in relation to the carrying of this Notice and statutory mass or dimension limits) and must comply with the mass and dimension limits prescribed in the Road Transport (Vehicle Registration) Regulation 2007 and Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 (except as provided in paragraph (b) of the definition of restricted access vehicle).

3.2 Approved Routes

- 3.2.1 A car carrier combination operating under this Notice may only be driven or stood on routes as set out in Appendix 1 of the Class 2 B-Double Notice 2010 and must observe the conditions of that Notice.
- 3.2.2 In addition to Clause 3.2.1, a car carrier which exceeds 4.3 metres, but does not exceed 4.6 metre in height, may only operate on routes as set out in Appendix 2 of the 4.6 metre High Vehicle Route Notice 2008, and must observe the conditions as set in that Notice.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 26 November 2010.

PAUL HICKEY,
General Manager,
Ballina Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Ballina Shire Council 25 Metre B-Double Route Notice No. 01/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 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>	<i>Conditions</i>
25.	Southern Cross Drive.	Boeing Avenue, Ballina.	450m north of Convair Avenue.	Nil.

ROAD TRANSPORT (GENERAL) ACT 2005

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

OBERON COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Doubles may be used.

Dated: 16 December 2010.

LEANNE MASH,
General Manager,
Oberon Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Oberon Council B-Double Repeal Notice No. 1/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General B Double Permit Notice 2010 is amended by omitting the following from that Notice:

<i>Type</i>	<i>Road No.</i>	<i>Road</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	SR7510.	Albion Street, Oberon.	Oberon-Jenolan Caves Road (MR253).	2.0 km east on MR253
25.	000.	Albion Street, Oberon.	Endeavour Street.	Lowes Mount Road.
25.	000.	Bathurst Road, Oberon.	Lowes Mount Road.	CSR Wood Panels, Lowes Mount Road.

ROAD TRANSPORT (GENERAL) ACT 2005

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

CITY OF SYDNEY 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.

Dated: 6 August 2010.

MONICA BARONE,
Chief Executive Officer,
City of Sydney Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as City of Sydney Council 25 Metre B-Double Route Notice No. 01/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 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>	<i>Conditions</i>
25	Bourke Road, Alexandria	Doody Street, Alexandria	Collins Street, Alexandria	Left turn only when exiting from 90-96 Bourke Road
25	Collins Street, Alexandria	Bourke Road, Alexandria	O'Riordan Street, Alexandria	Right turn only when entering rear of premises 90-96 Bourke Road

ROAD TRANSPORT (GENERAL) ACT 2005

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

GWYDIR SHIRE COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25 metre B-Double vehicles may be used.

Dated: 21 December 2010.

MAX EASTCOTT,
General Manager,
Gwydir Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Gwydir Shire Council 25metre B-Double Repeal Notice No. 01/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General B Double Permit Notice 2005 is amended by omitting the following from appendix 2 of that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25.	Gulf Creek Road.	Woodburn Emello Road.	MR 132.
25.	Trevallyn Road.	Back Creek Road.	Shire boundary.

ROADS ACT 1993**ROADS REGULATION 2008**

Renaming of a Public Road

NOTICE is hereby given that the Roads and Traffic Authority of NSW, in pursuance of section 162 of the Roads Act 1993 and the Roads Regulation 2008 has renamed the road described hereunder:

Old Road Name and Location: Northern Distributor - from the intersection with the Princes Highway at Bulli to the interchange with the F6 Southern Freeway at Gwynneville

New Road Name: Memorial Drive

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of NSW

(RTA Papers 497.5301)

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

Notice of Compulsory Acquisition and Dedication as
Public Road of land at Liverpool in the
Liverpool City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of Crown land situated in the Liverpool City Council area, Parish of St Luke and County of Cumberland, shown as Lots 12 and 13 Deposited Plan 1159118 being parts of the land known as Woodward Park and land in Certificate of Title 405/40087 respectively.

The land is said to be in the possession of the Crown and Liverpool City Council (Trustee).

(RTA Papers: 10M4526; RO 259.12500)

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

Notice of Compulsory Acquisition and Dedication as
Public Road of Land at Nashua in the
Byron Shire Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of Crown land situated in the Byron Shire Council area, Parish of Clunes and County of Rous, shown as Lot 2 Deposited Plan 1150741 being part of the land in Certificate of Title 138/728168.

(RTA Papers: 10M1636; RO 62.1188)

ROADS ACT 1993Notice of Dedication of Land as Public Road at
Manildra in the Cabonne Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Cabonne Council area, Parish of Gregra and County of Ashburnham, shown as:

Lots 11 and 12 Deposited Plan 1108886; and

Lots 90 and 91 Deposited Plan 1134250.

(RTA Papers: 7M1108; RO 72.1295)

ROADS ACT 1993Notice of Dedication of Land as Public Road at
Windsor and Mulgrave in the Hawkesbury City Council
area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

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

SCHEDULE

ALL those pieces or parcels of land situated in the Hawkesbury City Council area, Parish of St Matthew and County of Cumberland, shown as:

Lots 7 and 8 Deposited Plan 1083147;
Lots 103 and 104 Deposited Plan 1101551;
Lot A Deposited Plan 164795;
Lot 1 Deposited Plan 712431;
Lot 1 Deposited Plan 797091;
Lot 1 Deposited Plan 742990;
Lot 25 Deposited Plan 718049;
Lots 6, 7, 9 and 10 Deposited Plan 1082252;
Lot 12 Deposited Plan 1082578;
Lots 52 and 53 Deposited Plan 1137999;
Lots 15 to 18 inclusive Deposited Plan 1138749;
Lots 15 to 18 inclusive, 20 to 23 inclusive and 25 to 29 inclusive Deposited Plan 1072910;
Lot 91 Deposited Plan 1095995;
Lot 102 Deposited Plan 1096850; and
Lot 131 Deposited Plan 1100149.

(RTA Papers: 10M570; RO 91.12138)

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

Notice of Compulsory Acquisition of Land at
Knockrow, Newrybar and Bangalow in the Ballina
Shire Council and Byron Shire Council areas

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the
Ballina Shire Council area, Parish of Newrybar and
County of Rous shown as:

Lot 17 Deposited Plan 1153601, being part of the land
in Certificate of Title 1/801869 and said to be in the
possession of John Joseph Hayter, Narelle Ann Hayter,
Jennifer Margaret Hayter and Leanne Therese Hayter
(registered proprietors) and Commonwealth Bank of
Australia (mortgagee); and

Lot 4 Deposited Plan 618462, being the whole of the
land in Certificate of Title 4/618462 and said to be in
the possession of Ian George Cooke and Jane Cooke
(registered proprietors), Westpac Banking Corporation
and National Australia Bank Limited (mortgagees);

excluding any existing easements from the compulsory
acquisition of the land listed above.

AND ALSO ALL those pieces or parcels of land
situated in the Byron Shire Council area, Parish of
Byron and County of Rous shown as:

Lots 5, 6 and 7 Deposited Plan 1156187, being parts of
the land in Certificates of Title 1/879546 and 2/879546
and said to be in the possession of Retera Pty Limited;
and

Lot 4 Deposited Plan 1155012, being part of the land in
Certificate of Title 5/259624 and said to be in the
possession of Terence Vincent Buckley and Robert
Michael Buckley (registered proprietors) and Westpac
Banking Corporation (mortgagee);

excluding any existing easements from the compulsory
acquisition of the land listed above.

(RTA Papers: 10M2237)

Office of Water

WATER ACT 1912

APPLICATIONS under Part 8 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

Applications for an approval under section 167(1) of Part 8 of the Water Act 1912, has been received as follows:

Murray River Valley

CLEARVIEW (MT GWYNNE) PTY LTD for a levee (existing) on an unnamed watercourse (Lake Kilnyana), within the Murray River floodplain on Lots 69, 70, 71, 72, 79, 80, 82 and road, all DP 752278, Parish Carlyle, County Denison, for the prevention of inundation by floodwaters (Reference: 50CW805711) (GA1813402).

Barry Arthur FORDE and Tracey Kaye FORDE for a levee (existing) on the Wakool River within the Murray River floodplain on Lot 3, DP 857155, Parish Mia Mia, County Wakool, for the prevention of inundation by floodwaters (Reference: 50CW805712) (GA1813405).

Murrumbidgee River Valley

Geoffrey Francis HAM and Neville John HAM for a levee (existing) on an unnamed watercourse (Blind Creek), within the Billabong floodplain on Lot 146, DP 756461, Parish Yathong South, County Urana, for the prevention of inundation by floodwaters (Reference: 40CW804627) (GA1813404).

Any enquiries regarding the above should be directed to (03) 5898 3900.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 205, Deniliquin NSW 2710, within 28 days of the date of this publication.

LINDSAY HOLDEN,
Senior Licensing Officer

WATER ACT 1912

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

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

Murray River Valley

KARALUMBA PTY LTD for a pump on Eagle Creek on Lot 2, DP 1127579, Parish Nunnagoyt, County Wakool, for irrigation water supply and stock and domestic purposes (no increase in entitlement – application due to subdivision of land) (Reference: 50SL075724) (GA1813409).

Any inquiries regarding the above should be directed to the undersigned on (03) 5898 3900. Written objections, specifying grounds, must be lodged with the NSW Office of Water, PO Box 205, Deniliquin NSW 2710, within 28 days of the date of this publication.

LINDSAY HOLDEN,
Senior Licensing Officer

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Financial Services
- Financial Services - Accounting
- Financial Services - Accounts Administration
- Financial Services - Banking Services
- Financial Services - Bookkeeping
- Financial Services - Credit Management
- Financial Services - Finance and Mortgage Broking
- Financial Services - General Insurance
- Financial Services - Mercantile Agents
- Financial Services - Mobile Banking
- Financial Services - Personal Injury Management (Claims Management)
- Financial Services - Superannuation

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_489.html

Notice is also given that the following traineeship vocations are now repealed:

- Financial Services - Accounts Clerical
- Financial Services - Finance/Mortgage Broking
- Financial Services - Financial Practice Support
- Financial Services - Personal Trust Administration

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of incorporation pursuant to section 72

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act, 2009.

Cancellation is effective as at the date of gazettal.

Reality 2010 Incorporated Inc9892840

Greater Western Sydney Economic Development Board Incorporated Y1983004

Camden Haven Aged Persons Care Association Inc Y0642142

Dorrigio Mountain Top Landcare Group Incorporated Y2396505

Dated 21st day of December 2010.

ROBYNE LUNNEY,
A/Manager Financial Analysis
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of incorporation pursuant to section 72

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act, 2009.

Cancellation is effective as at the date of gazettal.

John Mark Ministries (NSW) Incorporated Y2926111

Leeton and District Over Fifties Club Incorporated Inc9880394

Combined Obedience Agility & Tracking School (C.O.A.T.S.) Incorporated Y1808712

Sunrise Children's Association Incorporated Inc9884057

Manly Soup Kitchen Incorporated Inc3427288

Ardis Equine Affiliates Incorporated Inc9892035

Sydney Community College Incorporated Y0671819

NSW Mining Industry Skills Association Incorporated Inc9881843

Terrigal Mens Travelling Bowlers Inc Inc9880427

Rexja Incorporated Inc9886357

North Arm Cove Community Theatre Group Incorporated Y2920815

Dated 20th day of December 2010.

ROBYNE LUNNEY,
A/Manager Financial Analysis
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Services, Technology & Administration

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to section 84

THE incorporation of COOMA UNITED RUGBY LEAGUE FOOTBALL CLUB INC (Y0854710) cancelled on 16 January 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 21st day of December 2010.

KERRI GRANT,
Manager Legal
Registry of Co-operatives & Associations
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to section 84

THE incorporation of ROTARY CLUB OF RANDWICK INCORPORATED (Y2195616) cancelled on 20 March 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 21st day of December 2010.

KERRI GRANT,
Manager Legal
Registry of Co-operatives & Associations
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that INDEPENDENT COMMUNITY LIVING ASSOCIATION INC became registered under the Corporations Act 2001 as a company limited by guarantee on 13 October 2010 and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Dated 21 December 2010.

EMMA-JANE DAY,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that LONG POINT CAMP INC became registered under the Corporations Act 2001 as a company limited by guarantee on 23 September 2010 and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Dated 21 December 2010.

EMMA-JANE DAY,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that OCTEC INCORPORATED became registered under the Corporations Act 2001 as a company limited by guarantee on 25 November 2010 and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Dated 21 December 2010.

EMMA-JANE DAY,
NSW Fair Trading

CO-OPERATIVES ACT 1992

Notice under section 601AC of the Corporations Act 2001 as applied by section 325 of the Co-Operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when three months have passed since the publication of this notice.

Mudgee Common-Equity Rental Housing Co-operative Limited

Dated this twenty first day of December 2010.

R. LUNNEY,
Delegate of the Registrar of Co-Operatives

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Parramatta	10.00am	14 March 2011 (3 weeks)
		In lieu of 14 March 2011 (4 weeks)
Parramatta	10.00am	25 April 2011 (2 weeks)
		Sittings Cancelled

Dated this 15th day of December 2010.

R. O. BLANCH,
Chief Judge

ENVIRONMENT PROTECTION AUTHORITY

Declaration of significantly contaminated land
(Section 11 of the Contaminated Land Management Act 1997)

Declaration Number 20101111; Area Number 3227

THE Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

The site is located at 66 Christina Road, Villawood NSW (Lot 2 DP851017), which is north of Leightonfield Railway Station. A map of the site is available for inspection at the offices of the Department of Environment, Climate Change and Water, Level 14, 59 Goulburn Street, Sydney NSW.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"):

- Elevated concentrations of polychlorinated biphenyls (PCBs) and DDT in soil; and
- Elevated concentrations of vinyl chloride, cis-1,2-dichloroethene (DCE), trichloroethene (TCE), chlorobenzene, chloroform and total petroleum hydrocarbons (TPH) in shallow and deep groundwater.

3. Nature of harm that the contaminants has caused

The EPA has considered the matters in s.12 of the Act and for the following reasons has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act:

- Soil at the site is contaminated with a mix of volatile and soluble compounds (trichloroethene and its degradation products) and semi-volatile and relatively insoluble compounds such as PCBs and DDT.
- Groundwater at the site is contaminated with high concentrations of trichloroethene, cis-1,2-dichloroethene, vinyl chloride, chlorobenzene, chloroform and petroleum hydrocarbons (C10-C36) which exceed human health and ecological guideline criteria.
- The contaminated groundwater is migrating offsite.
- Exposure to the contaminants in the soil may occur via unsealed areas of the site.
- Exposure to the contamination may occur should excavations disturb contaminated soil and/or groundwater within the affected area.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA. If the proposal satisfies the requirements of s.17 of the Act, the EPA may agree not to issue a management order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites
Department of Environment, Climate Change and Water
PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to 02 9995 5930
by no later than 21 January 2011

ERWIN BENKER,
Acting Manager Contaminated Sites
Department of Environment,
Climate Change and Water

Date: 20 December 2010.

NOTE:

Management order may follow

If management of the site or part of the site is required, the EPA may issue a management order under s.14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

ENVIRONMENT PROTECTION AUTHORITY

Declaration of significantly contaminated land
(Section 11 of the Contaminated Land Management Act 1997)

Declaration Number 20101117; Area Number 3289

THE Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

This declaration applies to the land that is located at 6 Burnett Street, Condobolin and is identified as Lot B in DP321756 within the local government area of Lachlan Shire Council. A map of the site is available for inspection at the offices of the Department of the Environment and Climate Change, Level 15, 59 Goulburn Street, Sydney, NSW.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"):

- Petroleum Hydrocarbons (TPH);
- Benzene, Toluene, Ethylbenzene and Xylene (BTEX); and
- Polycyclic Aromatic Hydrocarbons (PAHs).

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in s.12 of the Act and for the following reasons has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act:

- The groundwater is contaminated with separate phase and dissolved phase hydrocarbons beneath most of the site, with separate phase hydrocarbons identified at the southern downgradient site boundary; and
- The contaminated groundwater may migrate off-site and potentially impact beneficial uses of Goobang Creek, which is sourced for town water supply.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA. If the proposal satisfies the requirements of s.17 of the Act, the EPA may agree not to issue a management order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites
Department of Environment,
Climate Change and Water
PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to 02 9995 5930
by not later than 19th January 2010.

ERWIN BENKER,
Acting Manager Contaminated Sites
Department of Environment,
Climate Change and Water

Date: 20/12/2010.

NOTE:**Management order may follow**

If management of the site or part of the site is required, the EPA may issue a management order under s.14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

FIRE BRIGADES ACT 1989

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of land for a Fire Station

THE Minister for Emergency Services declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process, in the name of the "Minister for Emergency Services (New South Wales Fire Brigades) on Behalf of her Majesty Queen Elizabeth II", under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Fire Brigades Act 1989.

Dated at Sydney, this 18 day October of 2010.

STEVE WHAN, M.P.,
Minister for Emergency Services

SCHEDULE

ALL THAT portion of Lot 1 in DP 243640 at BARRABA being approximately 802 m2 of vacant land in the Local Government Area of Tamworth Regional in the Parish of Barraba.

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:

Assigned Name:	Bylong Labyrinth
Designation:	Region

L.G.A.:	Mid-Western Regional Council
Parish:	Bylong
County:	Phillip
LPI Map:	Talooby
1:100000 Map:	Mount Pomany
Ref:	GNB 5484

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, AM,
Chairperson

Geographical Names Board
PO Box 143, Bathurst NSW 2795

HOME BUILDING REGULATION 2004**Clause 28**

Qualification requirements for an endorsed contractor licence or supervisor certificate for air conditioning and refrigeration

I, Peter Duncan, Director General, Department of Services, Technology and Administration pursuant to clause 28(1) of the Home Building Regulation 2004:

- determine the possession of qualifications, units of competency or the passing of examinations specified in Column 1 of the Tables to the Schedule; and
- consider the possession of experience specified in Column 2 of that Tables opposite the relevant matter in Column 1,

to be necessary for an applicant for the issue of a Licence or Certificate.

Table 1 satisfies the qualification and practical experience requirements for the issue of a Licence or Certificate in the categories of Air conditioning and Refrigeration that includes associated electrical work.

Table 2 satisfies the qualification and practical experience requirements for the issue of a Licence or Certificate in the categories of Air conditioning and Refrigeration for authority holders with the categories of Air conditioning and Refrigeration work that excludes associated electrical work.

This Instrument commences on the Commencement Date.

Dated this 20th day of December 2010.

PETER DUNCAN,
Director General
Department of Services, Technology and
Administration

Definitions

In this Instrument:

References to *Certificate* and *Licence* are respectively to a supervisor certificate, or endorsed contractor licence, to do or supervise air conditioning and refrigeration work;

Airconditioning work has the same meaning as it has in clause 11 of *Home Building Regulation 2004*;

Refrigeration work has the same meaning as it has in clause 11 of *Home Building Regulation 2004*;

Associated electrical wiring work has the same meaning as it has in clause 11 of *Home Building Regulation 2004*;

Commencement Date means **date of approval**;

Registered Training Organisation has the same meaning as **Registered Provider** in the Vocational Education and Training Accreditation Act 1990;

TAFE means the New South Wales Technical and Further Education Commission;

the Act means the *Home Building Act 1989*;

the Regulation means the *Home Building Regulation 2004*.

Schedule 1

Table 1

Qualifications and Experience	
Column 1 Qualifications	Column 2 Experience
Completion of: One of the following Training Package qualifications:- UTE30999 Certificate III in Electrotechnology (Refrigeration and Air Conditioning) OR: UEE31306 Certificate III in Refrigeration and Air Conditioning OR: UEE31307 Certificate III in Refrigeration and Air-Conditioning	N/A

Table 2

Qualifications	
Column 1 Qualifications	Column 2 Experience
Completion of: One of the three training packages in Table 1, including completion of the two National Competencies listed in Table 2	N/A
Completion of: UTENES208 – Disconnect/reconnect fixed wired Equipment up to 1000 volts ac/1500 volts dc, and UTENES505 – Locate & rectify fault(s) in Electrical equipment 1kVac/1.5dc by procedures OR: UEENEEP001A – Disconnect/reconnect fixed wired electrical equipment to a Low Voltage Supply, and UEENEEP007A – Locate and rectify faults in electrical low voltage equipment following proscribed procedures OR: UEENEEP001B – Disconnect/reconnect fixed wired electrical equipment to a Low Voltage Supply, and UEENEEP007B – Locate and rectify faults in electrical low voltage equipment following proscribed procedures	N/A

Table 3

Transitional arrangements	
Column 1 Qualifications or Examinations	Column 2 Experience
1 Existing Licence or Certificate A Licence or Certificate held immediately before the Commencement Date.	N/A
2 Licence or Certificate held before the Commencement Date A licence or certificate ever held before the Commencement Date will meet the requirement for issue of an equivalent authority.	N/A
3 Qualifications before the Commencement Date Any qualification attained before the Commencement Date that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate.	The experience relating to such qualification that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate.
4 Transitional arrangements in respect of examinations The passing of any examination that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate PROVIDED THAT immediately before the Commencement Date the applicant was enrolled in the course or program relating to that examination.	The experience relating to such examination that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate.

HOME BUILDING REGULATION 2004

Clause 28

Qualification requirements for an endorsed contractor licence or supervisor certificate for disconnection and reconnection of fixed electrical equipment

I, Peter Duncan, Commissioner for Fair Trading, Department of Commerce, pursuant to clause 28(1) of the Home Building Regulation 2004 determine:

- Satisfactory evidence of the need for a certificate for the disconnection and reconnection of fixed electrical equipment as specified in the Need Criteria in Schedule 1; and
- Completion of the units of competency specified in Column 2 of the Table for the relevant endorsement category specified in Column 1 of the Table to Schedule 1,

to be necessary for an applicant for the issue of an endorsed contractor licence or a Supervisor Certificate.

This Instrument commences on the Commencement Date.

Dated this 20th day of December 2010.

PETER DUNCAN,
Director-General
Department of Services,
Technology and Administration

Definitions

In this Instrument:

References to **Certificate** and **Licence** are respectively to a supervisor certificate, or endorsed contractor licence, to do or supervise **Certificate** means a supervisor certificate, to do or supervise the disconnection and reconnection of fixed electrical equipment;

Australian Recognised Trade Certificate means a trade certificate issued by Trades Recognition Australia for a trade identified in the *Tradesmen's Rights Regulation Act 1946* recognising the holder as having the skills, knowledge and experience of an Australian tradesperson;

Certificate of Completion means a certificate issued by the Queensland Department of Employment and Training recognising that the holder has completed an apprenticeship or traineeship and has been awarded a relevant qualification by a Registered Training Organisation;

Certificate of Proficiency means a certificate issued by the New South Wales Vocational Training Tribunal recognising that the holder has been working in the trade for at least 4 years, has gained industry experience and has been awarded a relevant qualification by a Registered Training Organisation;

Certificate of Recognition means a certificate issued by the South Australian Training and Skills Commission to a person who has not completed an apprenticeship but developed the skills and knowledge for a trade (either in Australia or overseas) through employment and training in a trade related occupation or an occupation that allowed the applicant to develop trade related skills;

Commencement Date means *date of approval*;

Craft Certificate means a certificate issued by the New South Wales Vocational Training Tribunal recognising that the holder has been working in a trade for at least 4 years and has gained the necessary industry experience but has not been awarded a relevant qualification by a Registered Training Organisation;

Registered Training Organisation has the same meaning as **Registered Provider** in the Vocational Education and Training Accreditation Act 1990;

TAFE means the New South Wales Technical and Further Education Commission;

the Act means the *Home Building Act 1989*;

the Regulation means the *Home Building Regulation 2004*.

- Verified or certified copies of a trade certificate issued by a State or Territory registration or accreditation authority identifying the trade or calling relevant to the endorsement category for which the applicant is applying. Trade certificate includes;
- Certificate of Proficiency or Craft Certificate (NSW).
- Certificate of Completion (Queensland); or
- Certificate of Recognition (South Australia).

And

- A written statement from the applicant's current or prospective employer outlining the restricted electrical work to be performed and the reasons why the restricted electrical work should be performed by the applicant. The work to be performed must fall within the Limit of Work for the disconnection and reconnection of electrical wiring work set out in Schedule 3.

2. NEED CRITERIA – for fixed electrical equipment for plumbing

Evidence must be provided of the need for a certificate for the disconnection and reconnection of fixed plumbing electrical equipment. Acceptable evidence of a need to perform disconnection and reconnection work for the relevant endorsement includes:

- A current licence or certificate in the category of plumbing or water plumbing;

And

- A written statement from the applicant's current or prospective employer or from the applicant if they are self-employed outlining the restricted electrical work to be performed and the reasons why the restricted electrical work should be performed by the applicant. The work to be performed must fall within the Limit of Work for the disconnection and reconnection of electrical wiring work set out in Schedule 3.

3. COMPLETION OF SPECIFIC UNITS OF COMPETENCY FOR THE RELEVANT ENDORSEMENT

The applicant must provide a statement of attainment or a qualification indicating the relevant units of competency units of competency as set out in the tables below.

Schedule 1

1. NEED CRITERIA – for fixed electrical equipment (excluding plumbing)

Evidence must be provided of the need for a certificate for the disconnection and reconnection of fixed electrical equipment. Acceptable evidence of a need to perform disconnection and reconnection work for the relevant endorsement includes:

- A Certificate III level qualification in a trade or higher education qualification that directly relates to the work to be performed; or
- Verified or certified copies of a Australian Recognised Trades Certificate issued by Trades Recognition Australia identifying the trade or calling relevant to the endorsement category(s) for which the applicant is applying; or

Table 1

Endorsement category	Qualification requirement
Water Heaters	A statement of attainment indicating successful completion of: UTE NES208 endorsed for electrical water heaters "R"; OR UEENEEP001B Disconnect and reconnect fixed wired electrical equipment connected to a low voltage supply endorsed for electrical water heaters "R"

Appliances	A statement of attainment indicating successful completion of: UTE NES208 endorsed for motors “S”; OR UEENEEP001B Disconnect and reconnect fixed wired electrical equipment connected to a low voltage supply endorsed for appliances “O”
Motors	A statement of attainment indicating successful completion of: UTE NES208 endorsed for motors “S”; OR UEENEEP001B Disconnect and reconnect fixed wired electrical equipment connected to a low voltage supply endorsed for motors “S”

Schedule 2

Table 2

Transitional arrangements	
Column 1 Qualifications or Examinations	Column 2 Need Criteria
1 Existing Certificate A Certificate held immediately before the Commencement Date.	NA
2 Qualifications before the Commencement Date Any qualification attained before the Commencement Date that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate.	(a) Evidence of completion of a trade level qualification or higher education qualification, a Certificate of Proficiency, Craft Certificate or Australian Recognised Trade Certificate which directly relates to the work to be performed (b) A written statement from the applicant's current or prospective employer or statutory declaration from the applicant if they are self-employed outlining the restricted electrical work to be performed and the reasons why the restricted electrical work should be performed by the applicant.

3 Transitional arrangements in respect of examinations

The passing of any examination that was necessary immediately before the Commencement Date pursuant to clause 28(1) of the Regulation for the issue of a Certificate PROVIDED THAT immediately before the Commencement Date the applicant was enrolled in the course or program relating to that examination.

- (a) Evidence of completion of a trade level qualification or higher education qualification, a Certificate of Proficiency, Craft Certificate or Australian Recognised Trade Certificate which directly relates to the work to be performed
- (b) A written statement from the applicant's current or prospective employer or statutory declaration from the applicant if they are self-employed outlining the restricted electrical work to be performed and the reasons why the restricted electrical work should be performed by the applicant.

Schedule 3

A supervisor's certificate for the disconnection and reconnection of fixed electrical equipment enables tradespersons who are not electricians to disconnect and reconnect equipment from fixed electrical wiring, leading to major increases in efficiency in areas where an electrician would normally be required. The purpose of the certificate is to provide a means of allowing appropriately trained and competent workers to undertake straightforward disconnection and reconnection of electrical equipment where that electrical work **is incidental to the person's principal function in the workplace**. These certificates are granted to qualified tradespeople, such as plumbers, to enable them to undertake restricted electrical work in the course of their principal trade activities.

Limit of work permitted

Disconnection and reconnection work is limited to:

- Disconnection and reconnection of electrical wiring at the equipment itself and only to the extent necessary to permit the non-electrical work to be performed;
- Replacement of equipment on a “like for like” basis;
- Testing necessary for the safe isolation of the equipment to be disconnected and reconnected;
- Testing necessary for the safe operation of the equipment;
- Replacement of “blown” fuses and resetting of “tripped” circuit breakers;
- Equipment operation at voltages up to 1000V alternating current three phase and 1500V direct current.

Disconnection and reconnection work does not include work:

- On new installations or the alteration of fixed wiring;
- Where high fault currents are possible;
- On complex electrical apparatus and circuits;
- Associated with fixed wiring other than disconnecting and reconnecting electrical equipment - this exclusion includes locating and rectifying faults of circuits at a switchboard or to general electrical accessories (including switches, socket outlets, circuit protective

devices); or installation of or alteration to any part of the fixed electrical wiring system (defined as electrical wiring work);

- Associated with residential building work (for example, disconnection and replacement of stoves or hot water systems as part of a renovation) except when carried out by a plumber;
- On luminaires including pre-assembled neon signs;
- On fixed wired domestic appliances;
- Installing lifts, inclinators and turntables; and
- In hazardous areas or on electrical equipment that is part of an explosion-protection technique.

Endorsement categories and their definitions

Restricted electrical work is confined to equipment operation at voltages up to 650V alternating current and direct current and is limited to the following areas of fixed wiring:

1. Domestic Equipment
2. Plumbing Equipment
3. Commercial/Industrial Equipment
4. Instrumentation/Process Control Equipment
5. Laboratory/Scientific Equipment
6. Communication/Computing Equipment

Certificates will be endorsed with a category which is based on the type of equipment permitted to be disconnected and reconnected. Below is a list of endorsement categories with a definition of the scope of work.

Endorsement Category	Definition
Water Heaters	Means activities involved in the disconnection and reconnection, testing and replacement on a "like for like" basis of electric water heaters connected by fixed wiring.
Appliances	Means activities involved in the disconnection and reconnection, testing and replacement on a "like for like" basis of electrical appliances connected by fixed wiring.
Motors	Means activities involved in the disconnection and reconnection, testing and replacement on a "like for like" basis of electric motors connected by fixed wiring. For example, motors driving pumps, conveyors and other similar parts of plant and machinery.

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Glenrock State Conservation Area, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment.

GOD SAVE THE QUEEN

SCHEDULE

*Land District – Newcastle;
LGA – Lake Macquarie*

County Northumberland, Parishes Kahibah, 0.469 hectares, being lot 22 DP1045182.: NPWS/07/16697.

NATIONAL PARKS AND WILDLIFE ACT 1974

Barrington Tops and Mount Royal National Parks
and Barrington Tops State Conservation Area
Burrinjuck Nature Reserve
Oak Creek Nature Reserve
Plans of Management

Kosciuszko National Park Ski Patrol Beds Amendments

PLANS OF MANAGEMENT for Barrington Tops and Mount Royal National Parks and Barrington Tops State Conservation Area and for Burrinjuck Nature Reserve were adopted by the Minister for Climate Change and the Environment on 16th September 2010. A plan of management for Oak Creek Nature Reserve was adopted by the Minister on 15th September 2010, and amendments to the plan of Management for Kosciuszko National Park in relation to ski patrol beds were adopted on 12th December 2010.

Copies of the Barrington plan may be obtained from the NPWS office at 12B Teramby Road, Nelson Bay (telephone 4984 8200). Copies of the Burrinjuck plan may be obtained from the NPWS office at 11 Farrer Place, Queanbeyan (6299 2929). Copies of the Oak Creek plan may be obtained from the NPWS office at 7 Adelong Road, Tumut (6947 7000). Copies of the Kosciuszko amendments may be obtained from the Snowy Region Visitors Centre, Kosciuszko Road, Jindabyne (6450 5600).

PASSENGER TRANSPORT ACT 1990

Section 28G

Variation of Transitway Route

I, LES WIELINGA, the Director-General of Transport NSW, in accordance with section 28G of the Passenger Transport Act 1990, temporarily vary the Liverpool to Parramatta Transitway route as outlined in this notice.

The following are the road or road portions that the temporary route will proceed along:

- Inbound (toward Parramatta):
- turn right off the Liverpool Parramatta Transitway route at Davis Road, Greystanes;
- turn right at Windermere Road, Greystanes;
- turn left at Hassall Street, Greystanes;
- turn left at Gipps Road, Greystanes;

- u-turn at the roundabout at the intersection of Gipps Road and Tarlington Place, Greystanes;
- turn left at the Liverpool Parramatta Transitway.
- Outbound (toward Liverpool): the same route, in the opposite direction.

The variation will commence from 15 December 2010 and continue in effect until 17 August 2011.

Dated: 17 December 2010.

LES WIELINGA,
Director-General,
Transport NSW

NATIONAL PARKS AND WILDLIFE ACT 1974

ADDENDUM

IN the notice published in the NSW Government Gazette dated 17 December 2010, folio 5909, under National Parks and Wildlife Act 1974, Notice of Reservation of a National Park, in part “1” of the Schedule description, reference to “Section 4” should now read “lot 7304 DP1148950” and reference to “part Section 7” should now read “lots 7306 & 7307 DP1148950.

DIRECTOR-GENERAL
Department of Environment, Climate Change & Water

NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Mother of Ducks Lagoon Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,
Minister for Climate Change
and the Environment

GOD SAVE THE QUEEN

DESCRIPTION

*Land District – Armidale;
LGA – Guyra*

County Hardinge, Parish Elderbury, 5.24 hectares, being lot 344 in DP753659: DECCW/08/4034.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Wollemi National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,
Minister for Climate Change
and the Environment

GOD SAVE THE QUEEN

DESCRIPTION

*Land District – Windsor;
LGA – Hawkesbury*

Counties Cook and Hunter, Parishes Colo and Parr, about 24.3 hectares, being lot 79 in DP751632 and that part of the bed of the Colo River that separates lots 37, 38 & 79 from the left bank of the Colo River; inclusive of Crown Public road within Lot 79: DECC/07/9812

PESTICIDES ACT 1999

Pesticide Control Order under section 38

Name

This Order is to be known as the Pesticide Control (Avicide Products) Amendment Order 2010.

Commencement

This Order commences on publication in the NSW Government Gazette.

Authority for Order

This Order is made by the Environment Protection Authority with the approval of the Minister for Climate Change and the Environment under Part 4 of the Pesticides Act 1999.

Application

This Order amends Pesticide Control (Avicide Products) Order 2010 by:

- (a) Deleting paragraph (b)(iii) from the definition of Bird control officer in clause 7 and inserting instead the following –
- (iii) a current certificate of completion or statement of attainment issued by a Registered Training Organisation on completion of a DECCW approved training course delivered by, or on behalf of, the Registered Training Organisation that gives specifically contextualised training in pest bird management including training on how to identify pest birds, know and understand their behaviour, assess how to manage them and to lawfully use an avicide product to control them; and
- (b) Deleting paragraph (c) of clause 8 and inserting instead the following –
- (c) A person who:
 - (i) holds a current certificate of competency or recognised qualification (within the meaning of Part 9.1 of the Occupational Health and Safety Regulation 2001) in relation to the kind of work referred to in clause 11 (Application of pesticides) of the Schedule to clause 266 of that Regulation; and

(ii) holds either:

- (A) a current certificate of completion issued by PestCert Limited (ACN 115 850 872) on completion of the bird management training course delivered by it; or
- (B) a current certificate of completion or statement of attainment issued by a Registered Training Organisation on completion of a DECCW approved training course delivered by, or on behalf of, the Registered Training Organisation that gives specifically contextualised training in pest bird management including training on how to identify pest birds, know and understand their behaviour, assess how to manage them and to lawfully use an avicide product to control them.

(c) Deleting paragraph (c) of clause 9 and inserting instead the following –

(c) A person who:

- (i) holds a current certificate of competency or recognised qualification (within the meaning of Part 9.1 of the Occupational Health and Safety Regulation 2001) in relation to the kind of work referred to in clause 11 (Application of pesticides) of the Schedule to clause 266 of that Regulation; and

(ii) holds either:

- (A) a current certificate of completion issued by PestCert Limited (ACN 115 850 872) on completion of the bird management training course delivered by it; or
- (B) a current certificate of completion or statement of attainment issued by a Registered Training Organisation on completion of a DECCW approved training course delivered by, or on behalf of, the Registered Training Organisation that gives specifically contextualised training in pest bird management including training on how to identify pest birds, know and understand their behaviour, assess how to manage them and to lawfully use an avicide product to control them.

Notes

Words used in this Order have the same meaning as in the Pesticides Act 1999, unless otherwise defined in this Order.

A person must not contravene this Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

LISA CORBYN,
Director-General of the
Department of Environment,
Climate Change and Water (on behalf of the
Environment Protection Authority)

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

PIPELINES ACT 1967

Instrument of grant of Variation to Pipeline Licence
Killingworth to Hexham Pipeline
Licence No 8 – Variation No 3

JEMENA GAS NETWORKS (NSW) LTD (ABN 87 003 004 322), having its registered office at Mount Waverley, Victoria has applied in accordance with the provisions of section 18 of the Pipelines Act 1967 (hereinafter called “the Act”) and Pipeline Regulation 2005 (hereinafter called “the Regulation”) for a Variation to Pipeline Licence No. 8 in relation to a deviation of the pipeline over approximately 400 m to enable the construction of the proposed Hunter Expressway near Seahampton.

This application complies with the provisions of the Act and Regulation and therefore I, PAUL LYNCH, Minister for Energy, do grant Variation No. 3 to Licence No. 8 effective from my signing of this variation.

The additional land affected by the variation is shown as (A) on Deposited Plan No. DP1151990, including associated instruments, lodged and registered at the Sydney office of Land and Property Management Authority NSW.

Signed at Sydney, New South Wales this sixteenth day of December 2010.

PAUL LYNCH,
Minister for Energy

PIPELINES ACT 1967

Notification of Vesting of Easement
Killingworth to Hexham Pipeline
Licence No 8 – Variation No 3

I, PAUL LYNCH, Minister for Energy, pursuant to the provisions of sections 21 and 61 of the Pipelines Act 1967, hereby declare that the easement over the additional lands included in the Licence Area consequent to the grant of Variation No. 3 to Pipeline Licence No. 8, as described in Schedule 1 hereto, is vested in Jemena Gas Networks (NSW) Ltd (ABN 87 003 004 322) for the purposes of and incidental to the construction and operation of a pipeline.

Dated this sixteenth day of December 2010.

PAUL LYNCH,
Minister for Energy

SCHEDULE 1

Additional Land Affected By Easement For Pipeline

All those additional pieces or parcels of land described in the following Deposited Plans and accompanying instruments under section 20 of the Pipelines Act 1967 lodged and registered at the Sydney office of Land and Property Management Authority NSW.

Deposited Plan Number	Instrument Item Numbers
DP1151990	(A)

PIPELINES ACT 1967

Instrument of consent to the Surrender of Portion of a Pipeline Licence

Killingworth yo Hexham Pipeline

Licence No 8 – Variation No 3

JEMENA GAS NETWORKS (NSW) LTD (ABN 87 003 004 322), having its registered office at Mount Waverley, Victoria has applied in accordance with the provisions of section 31 of the Pipelines Act 1967 (hereinafter called “the Act”) and Pipeline Regulation 2005 (hereinafter called “the Regulation”) for consent to surrender a portion of Pipeline Licence No. 8 in relation to a removal of approximately 400 m to enable the construction of the proposed Hunter Expressway near Seahampton.

This application complies with the provisions of the Act and Regulation and therefore I, PAUL LYNCH, Minister for Energy, grant consent for that surrender following the construction and commissioning of a deviation pipeline in accordance with Variation No. 3 to Licence No. 8.

The land to be deleted from Pipeline Licence No 8 is shown as (C) on Deposited Plan No. DP1151990, including associated instruments, lodged and registered at the Sydney office of Land and Property Management Authority NSW.

Signed at Sydney, New South Wales this sixteenth day of December 2010.

PAUL LYNCH,
Minister for Energy

POISONS AND THERAPEUTIC GOODS ACT 1966

Restoration of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008, a direction has been issued that the Order issued on 12 September 2003 prohibiting Dr Chris Wetherall (MPO000178475) of 48 Carlyle Street, Byron Bay 2481, from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation, for the purpose of his profession as a medical practitioner, shall cease to operate from 17 December 2010.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales,
Sydney, 13 December 2010

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175(1),

Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008 an order has been made on Dr Antony Karolis, Registration Number 7110, of 4 Bridge Road Blaxland 2774 prohibiting him until further notice, as a veterinary practitioner from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 77 of the Regulation.

This order is to take effect on and from 22 December 2010.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales,
Sydney, 20 December 2010

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175(1),

Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of clause 175(1) of the Poisons and Therapeutic Goods Regulation 2008 an Order has been made on Mary Louise Hamilton, (NMW0001255824), 26/2 Clifford Street, Mosman, 2088, prohibiting her until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 101 and 103 of the Regulation.

This Order is to take effect on and from 30 December 2010.

Professor DEBORA PICONE, AM,
Director-General

Department of Health, New South Wales,
Sydney, 20 December 2010

**STATE EMERGENCY AND RESCUE
MANAGEMENT ACT 1989**

Changes to Emergency Management Districts

IN pursuance of section 21 (1) of the State Emergency and Rescue Management Act 1989, I have revised the boundaries of Emergency Management Districts in New South Wales. These revised district boundaries will take effect from 1 March 2011.

The Local Government Areas now included in the respective Districts are described hereunder.

STEVE WHAN, M.P.,
Minister for Emergency Services

Description

Central West Emergency Management District

comprises the areas of Bathurst Regional Council, Blayney Council, Cabonne Council, Cowra Council, Forbes Council, City of Lithgow Council, Lachlan Council, Oberon Council, Orange City Council, Parkes Council, Coonamble Council, Dubbo City Council, Gilgandra Council, Mid Western Regional Council, Narromine Council, Walgett Council, Warren Council, Warrumbungle Council and Wellington Council.

Far West Emergency Management District

comprises the areas of Bogan Council, Bourke Council, Brewarrina Council, Broken Hill City Council, Central Darling Council, Cobar Council and the Unincorporated Area of NSW.

Hunter / Central Coast Emergency Management District

comprises the areas of Cessnock City Council, Dungog Council, Gosford City Council, Lake Macquarie City Council, Maitland City Council, Muswellbrook Council,

Newcastle City Council, Port Stephens Council, Singleton Council, Upper Hunter Council, Wyong Council and the waters of Brisbane Water, Port Stephens, and Port Hunter.

Illawarra / South Coast Emergency Management District comprises the areas of Council of the Municipality of Kiama, Shellharbour City Council, Shoalhaven City Council, Wollongong City Council, Eurobodalla Council, Bega Valley Council and the waters of Jervis Bay.

New England Emergency Management District

comprises the areas of Armidale Dumaresq Council, Glen Innes Severn Council, Gunnedah Council, Guyra Council, Gwydir Council, Inverell Council, Liverpool Plains Council, Moree Plains Council, Narrabri Council, Tamworth Regional Council, Tenterfield Council, Uralla Council and Walcha Council.

North Coast Emergency Management District

comprises the areas of Ballina Council, Byron Council, Clarence Valley Council, Kyogle Council, Lismore City Council, Richmond Valley Council, Tweed Council, Bellingen Council, Coffs Harbour City Council, Gloucester Council, Greater Taree City Council, Great Lakes Council, Hastings Council, Kempsey Council, Nambucca Council and Lord Howe Island.

North West Metropolitan Emergency Management District

comprises the areas of Council of the Shire of Hornsby, Council of the Municipality of Hunters Hill, Ku-ring-gai Council, Lane Cove Municipal Council, Manly Council, Pittwater Council, Ryde City Council, Warringah Council, Willoughby City Council, and the waters of Broken Bay, Pittwater, and the Hawkesbury River upstream to Wisemans Vehicle Ferry, Council of the Shire of Baulkham Hills, Blacktown City Council, Blue Mountains City Council, Hawkesbury City Council, Holroyd City Council, Parramatta City Council and Penrith City Council.

South West Emergency Management District

comprises the areas of City of Albury Council, Balranald Council, Berrigan Council, Conargo Council, Corowa Council, Deniliquin Council, Greater Hume Council, Jerilderie Council, Murray Council, Tumbarumba Council, Urana Council, Council of the Shire of Wakool, Wentworth Council, Bland Council, Carrathool Council, Coolamon Council, Griffith City Council, Hay Council, Junee Council, Leeton Council, Lockhart Council, Murrumbidgee Council, Narrandera Council, Temora Council and Wagga Wagga City Council.

South Eastern Emergency Management District

comprises the areas of Bombala Council, Cooma- Monaro Council, Palerang Council, Queanbeyan City Council, Snowy River Council, Boorowa Council, Cootamundra Council, Wingecarribee Council, Goulburn Mulwaree Council, Gundagai Council, Harden Council, Tumut Council, Upper Lachlan Council, Weddin Council, Yass Valley Council and Young Council.

South West Metropolitan Emergency Management District

comprises the areas of Bankstown City Council, Camden Council, Campbelltown City Council, Fairfield City Council, Liverpool City Council, Wollondilly Council, Auburn Council, Council of the Municipality of Ashfield, Burwood Council, Canterbury City Council, City of Canada Bay

Council, Marrickville Council and Strathfield Municipal Council.

Sydney Metropolitan Emergency Management District

comprises the areas of Council of the City of Botany Bay, Hurstville City Council, Kogarah Municipal Council, Randwick City Council, Rockdale City Council, Sutherland

Council and the waters of Botany Bay and Port Hacking, Council of the City of Sydney, Leichhardt Municipal Council, Mosman Municipal Council, North Sydney Council, Waverley Council, Woollahra Municipal Council and the waters of Port Jackson and Parramatta River up to the Parramatta Weir.

STATE WATER CORPORATION ACT, 2004

Land Acquisition (Just Terms Compensation) Act 1991

Inverell – Copeton Dam Safety Upgrade
Compulsory Acquisition

STATE WATER CORPORATION declares, with the approval of Her Excellency the Governor, that the land described in the Schedule hereto is acquired by compulsory process pursuant to section 19 of the Land Acquisition (Just Terms Compensation) Act 1991 and section 22 of the State Water Corporation Act 2004.

Dated at Parramatta this 21st day of December, 2010.

Signed for State Water Corporation pursuant to authorisation effective from 1 July, 2010

MICHAEL JEFFERY,
General Manager, Major Project & Business Systems
State Water Corporation

SCHEDULE

Lot 1 in Deposited Plan 1155301 Parish of Mehi County of Murchison.

SYDNEY WATER ACT, 1994

Land Acquisition (Just Terms Compensation) Act, 1991

Notice of Compulsory Acquisition of easements at
Blacktown in the Local Government Area of Blacktown

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency, the Governor, that the Interests in land described in Schedules 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 Parramatta this 22nd day of December 2010.

Signed for Sydney Water Corporation	)
by its Attorneys	)
	)
Mark Rowley	) Signed Mark
	) Rowley
.....	).....
	)
Peter Vincent Byrne	) Signed Peter
	) Vincent Byrne
.....	).....
	)
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

An Easement for Services more fully described in Memorandum AE292282A filed at the Land and Property Management Authority, over all that piece of land in the Local Government Area of Blacktown, Locality of Blacktown, Parish of Prospect, County of Cumberland being the land shown on Deposited Plan 1144175 as “(A) PROPOSED EASEMENT FOR SERVICES 4.9 WIDE (40.41m2)” affecting Lot 107 DP28347.

SCHEDULE 2

An Easement for Services more fully described in Memorandum AE292282A lodged at the Land and Property Management Authority, over all that piece of land in the Local Government Area of Blacktown, Locality of Blacktown, Parish of Prospect, County of Cumberland being the land shown on Deposited Plan 1144178 as “(A) PROPOSED EASEMENT FOR SERVICES 4.87 WIDE (41.79m2)” affecting Lot 2 DP 604886.

SCHEDULE 3

An Easement for Services more fully described in Memorandum AE292282A filed at the Land and Property Management Authority, over all that piece or parcel of land in the Local Government Area of Blacktown, Locality of Seven Hills, Parish of Prospect, County of Cumberland being the interest in land shown on Deposited Plan 1144181 as “(C) PROPOSED EASEMENT FOR SERVICES 8.03 WIDE (76.29m2)” affecting Lot 1 DP 634841.

WORKCOVER NSW

Erratum

2010 WorkCover Assist - Work Health and Safety
Legislation Implementation Program

PLEASE NOTE that this program was advertised on 17 December 2010, Gazette No. 135, folio 5911. The program was published with an alternate closing date for the WC Assist Work Health and Safety Legislation Implementation Program. The correct closing date and details about the information seminar appear in the revised advertisement below.

This erratum now amends the error and the gazettal date remains the 17 December 2010.

WORKCOVER NSW

2010 WorkCover Assist

Work Health and Safety Legislation Implementation
Program

WORKCOVER NSW invites NSW employer associations, registered trade unions and registered not for profit group training organisations to apply for a funding grant under the Work Health and Safety Legislation Implementation Program. Other organisations wishing to be involved in the program may do so in partnership with one of these organisations.

The funding is being made available to assist target groups to better understand and adopt key requirements arising from the new Work Health and Safety legislation. The available grants are comprised of a number of stages that will run from March 2011 to June 2012.

Further detail of the program stages, application forms and detailed guidelines on how to submit an application are available on the WorkCover website at www.workcover.nsw.gov.au. Please note that only those applications that fully address the criteria set out in the application form and guidelines will be considered for funding.

An information seminar will be held in late January 2011. For further detail, registration and any other enquiries please email workcover.assist@workcover.nsw.gov.au.

Closing Date for Applications: COB 4 February 2011.

WORKCOVER NSW

Erratum

2010 WorkCover Assist - High Risk Area Grants Program

PLEASE NOTE that this program was advertised on 17 December 2010, Gazette No. 135, folio 5912. The program was published with alternative details concerning the information seminar. Correct details about the information seminar appear in the revised advertisement below.

This erratum now amends the errors and the gazettal date remains the 17 December 2010.

WORKCOVER NSW

2010 WorkCover Assist High Risk Area Grants Program

WORKCOVER NSW invites NSW employer associations, registered trade unions and registered not for profit group training organisations to apply for a funding grant under the WorkCover Assist High Risk Area Grants Program. Other organisations wishing to be involved in the program may do so in partnership with one of these organisations.

The funding grants will enable key target groups to develop and deliver innovative, evidence-based initiatives to address one of the following high risk areas:

- Manual Handling
- Falls
- Psychosocial issues
- Return to Work initiatives

A limit of up to \$150,000 per educational initiative is available for eligible organisations to address these key areas. To obtain an application form, guidelines and information on how to submit an application, visit the WorkCover website at www.workcover.nsw.gov.au.

An information seminar will be held in late January 2011. For further details, registration and any enquiries email workcover.assist@workcover.nsw.gov.au.

Closing Date for Applications: COB 4 February 2011.

ELECTRICITY SUPPLY ACT 1995**Section 119(1)(a)****ORDER**

I, Paul Gerard Lynch, MP, Minister for Energy, pursuant to Section 119(1)(a) of the *Electricity Supply Act 1995* (the Act) declare as follows:

1. Each electricity load used by the persons (including any related bodies corporate) specified in the Schedule (the specified person) at the locations set out in the Schedule is partially exempt from the energy savings scheme in Part 9 of the Act. The proportion of each electricity load that is exempt is specified in the Schedule as a percentage (the exempt proportion).
2. In applying the exemption granted by paragraph 1 of this Order a scheme participant may deduct from the total value of its liable acquisitions an allowance of 5% of the exempt proportion for losses occurring between the purchase of electricity by the scheme participant and its use by the specified person.
3. The exemption granted by paragraph 1 of this Order is effective from 1 January 2011 until revoked, and to the extent that it is inconsistent with the Order published on 18 December 2009, will prevail over the previous Order.
4. The Scheme Regulator, pursuant to Section 120(5) of the Act, is authorised to make rules with respect to the exemption granted by paragraphs 1 and 2 of this Order (including rules relating to assessment of deductions under Division 5 of the Act)

I am satisfied that each electricity load to which this Order applies is used in connection with an industry or activity that is both emissions intensive and trade exposed and that the exemption is generally consistent with the objects of Part 9 of the Act.

Dated: 17 December 2010.

PAUL LYNCH, M.P.,
Minister for Energy

SCHEDULE

Specified Person (name and Australian Business Number)	Specified Location (address)	Activity or industry	Exempt Proportion (per cent)
A.B.C. Paper & Paper Mills Pty Ltd 41 003 879 098	63-65 Redfern St Wetherill Park NSW 2164	Tissue paper manufacturing	60%
ACI Glass Packaging Penrith Pty Ltd 92 004 243 725	Andrews Rd Penrith NSW 2749	Glass containers production	60%
Australian Paper Pty Ltd Shoalhaven Paper Mill 63 061 583 533	340 Bolong Rd Bomaderry NSW 2541	Printing and writing paper manufacturing	90%
Amcor Packaging (Australia) Pty Ltd 55 004 275 165	1891 Botany Rd Matraville NSW 2036	Cartonboard manufacturing; Packaging and industrial paper manufacturing	90%
Blue Circle Southern Cement Ltd 62 008 528 523	Taylor Avenue New Berrima NSW 2577	Lime production; Clinker production	90%
Blue Circle Southern Cement Ltd 62 008 528 523	Maldon Bridge Rd Picton NSW 2571	Lime production; Clinker production	90%

Specified Person (name and Australian Business Number)	Specified Location (address)	Activity or industry	Exempt Proportion (per cent)
Blue Circle Southern Cement Ltd 62 008 528 523	Hume St Marulan South NSW 2579	Lime production	90%
Blue Circle Southern Cement Ltd 62 008 528 523	Lot 3, Eubindal Rd Galong NSW 2585	Lime production	90%
Bluescope Steel Limited 16 000 011 058	Lot 1 Five Islands Rd Port Kembla NSW 2505	Coke production; Pig iron production; Integrated iron and steel manufacturing, Carbon steel from cold ferrous feed manufacture	90%
Caltex Australia Limited 40 004 201 307	2 Solander St Kurnell NSW 2231	Petroleum refining	90%
Causmag Ore Company Pty Ltd 73 004 301 517	2 Park Ave Young NSW 2594	Magnesia production	90%
Cement Australia Holdings Pty Ltd 99 001 085 561	Jamieson St Kandos NSW 2848	Lime production; Clinker production	90%

Specified Person (name and Australian Business Number)	Specified Location (address)	Activity or industry	Exempt Proportion (per cent)
Continental Carbon Australia Pty Ltd 80 000 486 966	Sir Joseph Banks Drive Kurnell NSW 2231	Carbon black production	90%
CSR Viridian Limited 68 006 904 052	Patterned Glass Plant 8-40 Euston Rd Alexandria NSW 2015	Bulk Flat glass production	90%
CSR Viridian Limited 68 006 904 052	Float Glass Plant 8 Williamson Rd Ingleburn NSW 2565	Bulk Flat glass production	90%
Hydro Aluminium Kurri Kurri Pty Ltd 55 093 266 221	Hart Rd Kurri Kurri NSW 2327	Aluminium smelting	90%
National Ceramic Industries Australia Pty Ltd 83 100 467 267	Racecourse Rd Rutherford NSW 2320	Ceramic floor and wall tile production	60%
Norske Skog Paper Mills (Australia) Limited 84 009 477 132	Norske Skog Paper Mill Hume Highway Albury NSW 2640	Newsprint manufacture	90%

Specified Person (name and Australian Business Number)	Specified Location (address)	Activity or industry	Exempt Proportion (per cent)
OneSteel Manufacturing Pty Limited 42 004 651 325	22 Kellogg Road Rooty Hill NSW 2766	Integrated iron and steel manufacturing; Carbon steel from cold ferrous feed manufacture	90%
OneSteel Manufacturing Pty Limited 42 004 651 325	Ingall St Mayfield NSW 2304	Integrated iron and steel manufacturing; Carbon steel from cold ferrous feed manufacture	90%
OneSteel Manufacturing Pty Limited 42 004 651 325	Maud St Waratah NSW 2298	Carbon steel from cold ferrous feed manufacture	90%
Orica Australia Pty Ltd 99 004 117 828	Botany Industrial Park 16-20 Beauchamp Rd Matraville NSW 2036	Chlorine gas and sodium hydroxide (caustic soda) production	60%
Orica Australia Pty Ltd 99 004 117 828	15 Greenleaf Rd Kooragang NSW 2304	Ammonia production; Ammonium nitrate / nitric acid production	60%

Specified Person (name and Australian Business Number)	Specified Location (address)	Activity or industry	Exempt Proportion (per cent)
Qenos Pty Ltd 62 054 196 771	Botany Industrial Park, 16-20 Beauchamp Rd Matraville NSW 2036	Ethene (ethylene) production; Polyethylene production	90%
Shell Refining (Australia) Pty Ltd 46 004 303 842	Shell Clyde Refinery, Durham St Rosehill NSW 2142	Petroleum refining	90%
Shoalhaven Starches Pty Ltd 94 000 045 045	160 Bolong Rd Bomaderry NSW 2541	High purity ethanol production	60%
Solvay Interlox 70 000 882 137	20-22 McPherson St Banksmeadow NSW 2019	Hydrogen peroxide production	60%
Tomago Aluminium Company Pty Ltd 68 001 862 228	33 Tomago Road Tomago NSW 2322	Aluminium smelting	90%
Unimin Australia Limited 20 000 971 844	Dunedoo Rd Gulgong NSW 2852	Magnetite concentrate production	60%
Unimin Lime (NSW) Pty Ltd 34 004 776 989	Garthowen Rd Attunga NSW 2345	Lime production	90%

Specified Person (name and Australian Business Number)	Specified Location (address)	Activity or industry	Exempt Proportion (per cent)
Visy Industries Holdings Pty Ltd 56 005 787 968	Gadara St Tumut NSW 2720	Cartonboard manufacturing and packaging; Industrial paper manufacturing	90%
Visy Industries Holdings Pty Ltd 56 005 787 968	158 McCredie Rd Smithfield NSW 2164	Cartonboard manufacturing and; Packaging and Industrial paper manufacturing	90%
Westcal Pty Ltd 71 063 659 601	Charbon Rd Charbon NSW 2848	Lime production	90%

Energy Savings Scheme Rule of 2009
Effective from 24 December 2010

Energy Savings Scheme Rule of 2009

Paul Gerard Lynch, MP
Minister for Energy

1 Name and commencement

1.1 This Rule is the *Energy Savings Scheme Rule of 2009* and commences on 24 December 2010.

1.2 Without limiting the circumstances in which this Rule applies, this Rule applies to:

- (a) the accreditation of Accredited Certificate Providers after the commencement of this Rule (regardless of the date of application for accreditation);
- (b) the calculation and creation of Energy Savings Certificates registered after the commencement of this Rule (regardless of the date of accreditation of the Accredited Certificate Provider); and
- (c) the ongoing eligibility of a person to remain accredited as an Accredited Certificate Provider accredited for the purpose of the Scheme Administrator exercising its powers under the Act and Regulations, after the commencement of this Rule, to vary, suspend or cancel a person's accreditation as an Accredited Certificate Provider.

2 Objects of the Rule

The object of this Rule is to provide specific arrangements for the creation and calculation of Energy Savings Certificates where energy is saved through increased efficiency of electricity consumption, or reduction in electricity consumption where there is no negative effect on production or service levels. The Rule aims to save energy through measures that improve electricity end-use efficiency.

3 Application of the Rule

Without limiting the persons to whom this Rule applies, this Rule applies to Accredited Certificate Providers accredited to create Energy Savings Certificates in respect of Recognised Energy Savings Activities in accordance with Part 9 Division 8 of the Act, the Regulations and this Rule.

4 Status and Operation of the Rule

This Rule is an Energy Savings Scheme Rule made under Part 9 Division 13 of the Act.

5 Eligibility to be an Accredited Certificate Provider

5.1 A person is eligible to be accredited as an Accredited Certificate Provider under this Rule if:

- (a) the person is an Energy Saver, and
- (b) the accreditation is in respect of one or more Recognised Energy Savings Activities.

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Note: Under the Regulations, a person must also have record keeping arrangements with respect to the Recognised Energy Savings Activity approved by the Scheme Administrator. Further matters must also be satisfied under the Regulations if the accreditation is in respect of a proposed (rather than existing) Recognised Energy Savings Activity.

5.2 An Energy Saver is:

- (a) the person who is contractually liable (or otherwise liable if there is no contract) to pay for the energy consumed by the End-User Equipment at the Site that is the subject of a Recognised Energy Savings Activity at the relevant Implementation Date; or

Note: Where confusion exists, the Energy Saver in (a) above is the retail or wholesale customer that is named in the contract, or if no contract exists is liable (by statute, convention or otherwise) to pay the electricity charges derived from a meter with a National Meter Identifier (NMI) in the National Electricity Market.

- (b) where the method used to quantify the Energy Savings is the NABERS Method under clause 8.8 of this Rule, the person who is the NABERS Rating Holder during the period for which the Energy Savings Certificates are being claimed; or
- (c) a person nominated (“nominee”), to the satisfaction of the Scheme Administrator, to be the Energy Saver in respect of the Recognised Energy Savings Activity by one of the following persons (“nominator”):
- (i) the person in (a) or (b); or
 - (ii) a person previously nominated to be the Energy Saver,
- provided that:
- (iii) the nominator has not previously nominated another person to be the Energy Saver, or if the nominator has done so, that previous nomination is not still effective;
 - (iv) the nomination is in writing in a form approved by the Scheme Administrator and signed by the nominator via a process approved by the Scheme Administrator; and
 - (v) the nominee consents to the nomination; or
- (d) a person whom the Scheme Administrator is satisfied will be a person in (a) or (b), provided that the person will not be entitled to create Energy Savings Certificates unless that person satisfies the criteria in clause 5.2 (a) or (b), at the relevant Implementation Date (in the case of (a)), or at the time of Energy Savings Certificate creation (in the case of (b)).
- (e) Without limiting clause 5.2(c), in relation to a Recognised Energy Savings Activity in which the person seeking accreditation proposes to be nominated by multiple persons to be the Energy Saver in relation to multiple End-User Equipment at multiple Sites, the person is eligible to be accredited in respect of that Recognised Energy Savings Activity even if not all of the nominations have been made as at the date of accreditation, provided that:
- (i) the Scheme Administrator approves the form of the nomination and the process by which nomination forms are signed; and

- (ii) the accreditation in relation to each End-User Equipment does not come into effect until each respective nomination has been made.

Note: Section 143(1) in Division 9 of the Act provides that the creation of an Energy Savings Certificate must be registered with the Scheme Administrator for the Energy Savings Certificate to have effect. Section 143(4) provides that the person creating the Energy Savings Certificates and registered in the register as the owner is the owner.

5.3 A Recognised Energy Savings Activity is defined as:

- (a) Specific activities implemented by an Energy Saver that increase the efficiency of electricity consumption or reduce electricity consumption, by:
 - (i) modifying End-User Equipment or usage of End-User Equipment (including installing additional components) resulting in a reduction in the consumption of electricity compared to what would have otherwise been consumed;
 - (ii) replacing End-User Equipment with other End-User Equipment that consumes less electricity;
 - (iii) installing New End-User Equipment that consumes less electricity than other End-User Equipment of the same type, function, output or service; or
 - (iv) removing End-User Equipment that results in reduced electricity consumption, where there is no negative effect on production or service levels,and where those activities have no negative effect on production or service levels
- (b) The activities specified in clause 5.3(a) must have been implemented on or after 1 July 2008 (subject to section 53 of Schedule 6 Part 9 of the Act) at a Site or Sites in New South Wales or another jurisdiction in which an *Approved Corresponding Scheme* is in operation.

5.4 Recognised Energy Savings Activities do not include:

- (a) any activity undertaken in order to comply with any Statutory Requirement;

Note: This is intended to exclude from this Rule the creation of Energy Savings Certificates for Energy Savings undertaken for the purpose of meeting any mandatory legal requirement imposed through a statutory or regulatory instrument of any originating jurisdiction, including but not limited to compliance with BASIX and Building Code of Australia requirements.

- (b) the supply of electricity by a retail supplier, or electricity purchases from a retail supplier by a customer, from the NSW Electricity Network, under a representation by the retail supplier that there is a reduction in greenhouse gas emissions because the electricity supplied is connected with, or represents an amount equal to, the generation of electricity from a particular energy source; or

Note: This is intended to exclude from this Rule the creation of Energy Savings Certificates because of the purchase of electricity under “Green Power” accredited or similar schemes that is eligible to create certificates or RECs at the point of generation.

- (c) activities that reduce electricity consumption by reducing the scope or quantity of production or service derived from the use of that electricity.

Note: Reduced energy consumption not due to specific actions to improve efficiency does not qualify as a Recognised Energy Savings Activity. Mild weather, lower production, closing down part of a site, or reducing the quality or quantity of service derived from the use of that electricity do not qualify as a Recognised Energy Savings Activity.

Reducing electricity consumption where there is no negative effect on production or service levels (e.g. reduction of excessive lighting, removal of redundant installed capacity or the installation of more energy efficient equipment) is a Recognised Energy Savings Activity and is not excluded by this clause.

- 5.5 For the purposes of clause 5.3, the Scheme Administrator may in its discretion determine whether a Recognised Energy Savings Activity that involves changes to multiple End-User Equipment or occurs across multiple Sites constitutes one or more Recognised Energy Savings Activities.

6 Creation of Energy Savings Certificates

- 6.1 Only Accredited Certificate Providers accredited for the purpose set out in clause 5 may create Energy Savings Certificates under the Act, the Regulation and this Rule.
- 6.2 Accredited Certificate Providers may not create Energy Savings Certificates in respect of any Energy Savings where that Energy Savings occur:
- (a) before 1 July 2009; and
 - (b) in respect of an application for accreditation - subject to clause 6.3, before the date on which the accredited certificate provider lodged with the Scheme Administrator an application for its accreditation (completed to the satisfaction of, and in a form acceptable to, the Scheme Administrator) in respect of a Recognised Energy Savings Activity; and
 - (c) in respect of a subsequent Recognised Energy Savings Activity after accreditation - before the date on which the Accredited Certificate Provider lodged with the Scheme Administrator an application to amend its accreditation for a subsequent Recognised Energy Savings Activity (completed to the satisfaction of, and in a form acceptable to, the Scheme Administrator)
- 6.3 Notwithstanding clause 6.2(b), for any applications lodged in calendar year 2009 for accreditation as an Accredited Certificate Provider ("Application Date"), the Accredited Certificate Provider may create Energy Savings Certificates for any Energy Savings occurring on or after 1 July 2009 but before the Application Date.
- 6.4 A person may not create Energy Savings Certificates in respect of any Energy Savings if that person or another person has previously validly created Energy Savings Certificates in respect of the same Energy Savings under the Act, the Regulation or this Rule (including previous versions of it).
- 6.5 The Accredited Certificate Provider may create Energy Savings Certificates for any Energy Savings by using:
- (a) the Project Impact Assessment Method;
 - (b) the Metered Baseline Method; or

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- (c) the Deemed Energy Savings Method.

to calculate the Number of Certificates provided that:

- (d) the Scheme Administrator approves the method used (being one of the methods in (a) to (c)) before any Energy Savings Certificates are created using that method (which approval may be conditional upon applying the method in a particular manner that is permitted under this Rule);
- (e) the method used must produce a result reasonably reflecting (to the satisfaction of the Scheme Administrator) the extent of the Energy Savings from the relevant Recognised Energy Savings Activity;
- (f) the assumptions used in the calculation of the Number of Certificates are reasonable (to the satisfaction of the Scheme Administrator) and follow common engineering practice;
- (g) those Energy Savings Certificates are reasonably attributable (to the satisfaction of the Scheme Administrator) to the Energy Savings in respect of which the calculation is made;
- (h) in the case of the Project Impact Assessment Method (other than in the case of Energy Savings Certificates brought forward under clause 7.4), or the Metered Baseline Method, the time period over which those Energy Savings Certificates are calculated must reasonably reflect to the satisfaction of the Scheme Administrator the time period for the Energy Savings in respect of which the calculation is made; and
- (i) in the case of Energy Savings Certificates brought forward under clause 7.4, the Scheme Administrator considers that the Energy Savings for which those Energy Savings Certificates are created is reasonably likely to occur during the time period by reference to which those Energy Savings Certificates were calculated.

6.7 New End-User Equipment (other than New NABERS Buildings) to be better than existing End-User Equipment

- (a) For New End-User Equipment (other than New NABERS Buildings), before being entitled to create Energy Savings Certificates under clause 6 using either the Project Impact Assessment Method or the Metered Baseline Method, an Accredited Certificate Provider must demonstrate to the Scheme Administrator's satisfaction that the New End-User Equipment has the lowest energy consumption of any comparable New End-User Equipment by reference to:
- (i) any benchmarking or performance indicators established and published by a body recognised by the Scheme Administrator, including industry associations;
- (ii) any Default Savings Factors for New End-User Equipment listed in Tables 5, 6 or 8;
- (iii) the type of equipment, process, or system and level of consumption considered typical for New End-User Equipment, taking into account recent End-User Equipment of this type of equipment, process, or system and Australian and global developments in technology; and
- (iv) the type of improved equipment, process, or system proposed to be installed and the level of energy consumption,

taking into account all existing comparable End-User Equipment having the same function, output or service:

- (i) in New South Wales or in an *Approved Corresponding Scheme*;
- (ii) if there is no such End-User Equipment in New South Wales or in an *Approved Corresponding Scheme*, in Australia; or
- (iii) if there is no value that can be determined under (v) or (vi), a level of electricity consumption determined by the Scheme Administrator.

7 Project Impact Assessment Method

Note: The Project Impact Assessment Method determines the number of Energy Savings Certificates an Accredited Certificate Provider is entitled to create on the basis of an engineering assessment of only the equipment, process, or system that is the subject of Energy Savings.

The Project Impact Assessment Method is most appropriate when Energy Savings is small compared to site electricity consumption, unexplained variation in baseline energy consumption is high, or baseline energy consumption data for the site is unavailable.

7.1 Number of Certificates under the Project Impact Assessment Method

Using the Project Impact Assessment Method, Number of Certificates is calculated using **Equation 1**.

Equation 1

Number of Certificates = Energy Savings x Certificate Conversion Factor

Where:

- *Number of Certificates* is in tCO₂-e
- *Energy Savings* (in MWh) is calculated in **Equation 2** for Energy Savings calculated on an annual basis and **Equation 3** for Energy Savings brought forward using clause 7.4.

Equation 2

Energy Savings = *Reduced Electricity Consumption* x *Confidence Factor*

Where:

- *Reduced Electricity Consumption* is the extent to which the electricity consumption of the equipment, process, or system is as a consequence of the Recognised Energy Savings Activity is different to what it otherwise would have been and is to be calculated in accordance with the engineering assessment in clause 7.2.
- *Confidence Factor* depends on the type of engineering assessment performed under clause 7.2 and is assigned to the calculation according to clause 7.3

7.2 Engineering assessment of reduced electricity consumption

Accredited Certificate Providers choosing to use the Project Impact Assessment Method in respect of any Recognised Energy Savings Activity, are to calculate the reduced electricity consumption of only the equipment, process, or system that is the subject of the Recognised Energy Savings Activity using an engineering assessment or model:

- (a) that uses reasonable assumptions and generally accepted engineering methods, models, and formulae;
- (b) in which the methods, models and formulae used to assess the Recognised Energy Savings Activity are chosen by the Accredited Certificate Provider, but the assessment is assigned a Confidence Factor under clause 7.3 reflecting the accuracy of the engineering assessment conducted;
- (c) that takes account of:
 - (i) the consumption of the existing equipment, systems or processes, or for the purposes of clause 6.7 a typical New End-User Equipment thereof that represents better than recent existing End-User Equipment of that type as described in that section, compared with its replacement;
 - (ii) the performance of the equipment, systems or processes, including degradation over time;
 - (iii) the operating characteristics of the equipment, systems or processes, including hours of use, degree of loading, usage, operating patterns and behaviour, ambient conditions and any other relevant factors; and
 - (iv) any of the Default Savings Factors set out in Tables 1 to 15 of Schedule A to this Rule if the variable that the value represents is relevant to the assessment or, if the Accredited Certificate Provider proposes to use a different value for the same purpose, that value is acceptable to the Scheme Administrator.

7.3 Confidence Factor

The *Confidence Factor* is:

- (a) 1.0, if the engineering assessment determines energy consumption to a high level of accuracy based on logged or equivalent data from the End-User Equipment such as:
 - (i) hours of operation for the End-User Equipment determined from measurements taken over time or other logged data, or a simpler method where this yields an equivalent level of accuracy;
 - (ii) allowances for any variance in input characteristics and usage, degree of loading, or output characteristics for the End-User Equipment over time determined from measurements or other logged data, or a simpler method where this yields an equivalent level of accuracy;
 - (iii) operating environment and ambient conditions over time for the End-User Equipment determined from measurements or other logged data, or a simpler method where this yields an equivalent level of accuracy;

- (iv) End-User Equipment characteristics using a full performance curve from manufacturers' or measured data, or a simpler method where this yields an equivalent level of accuracy; and
- (v) performance degradation of the End-User Equipment over time using detailed calculations and manufacturers' or measured degradation characteristics, or a simpler method where this yields an equivalent level of accuracy,

(including where the engineering assessment relies upon default factors from any of Tables 1 to 15 of Schedule A to this Rule),

or,

- (b) 0.9, if the engineering assessment determines energy consumption to a lesser level of accuracy from that described in clause 7.3(a), based on estimations from logged data, records or equivalent data such as:
 - (i) hours of operation for the End-User Equipment estimated from records, or a simpler method where this yields an equivalent level of accuracy;
 - (ii) allowances for any variance in input characteristics and usage, degree of loading, or output characteristics for the End-User Equipment over time estimated from records, or a simpler method where this yields an equivalent level of accuracy;
 - (iii) operating environment and ambient conditions over time estimated for the End-User Equipment from records or average measurements, or a simpler method where this yields an equivalent level of accuracy;
 - (iv) End-User Equipment characteristics taking account of performance at full and part load or discrete operating modes, or a simpler method where this yields an equivalent level of accuracy; and
 - (v) estimates of performance degradation of the End-User Equipment over time using manufacturers' or other representative degradation characteristics, or a simpler method where this yields an equivalent level of accuracy,

or,

- (c) 0.8, or another value approved by the Scheme Administrator, if the engineering assessment does not meet the level of accuracy set out in clause 7.3 (a) or (b).

7.4 Creation of Certificates able to be brought forward using the Project Impact Assessment Method

Note: Section 131(1) of Division 7 of the Act provides that Energy Savings Certificates may be created in respect of the Energy Savings arising from a Recognised Energy Savings Activity immediately after those Energy Savings occur. Therefore each Energy Savings Certificate may be created immediately after the occurrence of the Energy Savings.

However, section 131(4) and (5) provides that in certain circumstances the date Energy Savings are deemed to have occurred (for the purpose of Energy Savings Certificate creation) can be brought forward. To reduce transaction costs associated with creating Energy Savings Certificates the Regulations or the Rule may allow Energy Savings Certificates to be created in respect of an activity that has ongoing Energy Saving effects, as soon as the activity is commenced.

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If the creation of Energy Savings Certificates is brought forward due to the deemed Energy Savings from future Energy Savings, the Number of Certificates will be subject to discount factors. This is to mitigate the risks of some of the future Energy Savings not being realised. This may occur due to the End-User Equipment being removed or replaced, or the facility closing down.

This section does not prevent claims for Energy Savings Certificates for Energy Savings that have already occurred.

- 7.4.1 For the purposes of section 131 of Division 7 of the Act, the Accredited Certificate Provider may, subject to clause 6.5, elect for the Energy Savings that give rise to the entitlement to create Energy Savings Certificates under the Project Impact Assessment Method determined in accordance with clause 7.4.2 to be deemed to have occurred (for the purpose of the entitlement to create Energy Savings Certificates but not for any other purpose) on a date determined in accordance with clause 7.4.3, and subject to the application of the discount factor in accordance with clause 7.4.4.
- 7.4.2 The maximum time period for which Energy Savings Certificate creation can be brought forward as a result of future Energy Savings being deemed to have occurred on a date determined under clause 7.4.3 is the lesser of:
- (a) 5 years; or
 - (b) the life of the Recognised Energy Savings Activity (in years) determined by the Accredited Certificate Provider, to the satisfaction of the Scheme Administrator, with reference to:
 - (i) the number of Energy Savings Certificates that are otherwise eligible to be created over a given period, determined in accordance with this Rule and to the satisfaction of the Scheme Administrator; and
 - (ii) any likely performance degradation of the End-User Equipment that will tend to result in Energy Savings in one period being lower than Energy Savings in preceding periods of equal duration; and
 - (iii) the expected lifetime of the End-User Equipment, taking into account its characteristics, its usage, typical frequency of replacement, and the use of the Site and End-User Equipment remaining the same.
- 7.4.3 The date on which the Energy Savings are deemed to occur under clause 7.4.1 is the later of:
- (a) 1 July 2009;
 - (b) the Implementation Date; or
 - (c) the first date by which all the Energy Savings previously brought forward under clause 7.4.1 to create Energy Savings Certificates in respect of the same Recognised Energy Savings Activity has actually occurred.
- 7.4.4 The number of Energy Savings Certificates able to be brought forward must be calculated by applying the Discount Factor to the Number of Certificates entitled to be created for each future year as set out in **Equation 3**.

Equation 3

$$\text{Energy Savings} = \sum_n \frac{\text{Reduced Electricity Consumption}_n \times \text{Confidence Factor} \times \text{Discount Factor}_n}{\text{Factor}_n}$$

Where:

- *Reduced Electricity Consumption* is the extent to which the electricity consumption of the equipment, process, or system is, as a consequence of the Recognised Energy Savings Activity, different to what it otherwise would have been in year n ;
- *Confidence Factor* depends on the type of engineering assessment performed under clause 7.2 and is assigned to the calculation according to clause 7.3
- *Discount Factor* is set out in Table 16 of Schedule A of this Rule in year n ;
- n is the year from 1 (the first year of Energy Savings claimed) to 5.

7.4.5 At the end of the maximum time period as determined in clause 7.4.2, the Accredited Certificate Provider may create an additional Number of Certificates equal to:

- (a) the Energy Savings for each year in the maximum time period other than the first year as calculated using **Equation 2**, less
- (b) the Energy Savings for each year in the maximum time period other than the first year as calculated for the relevant year in **Equation 3**, and
- (c) multiplied by the Certificate Conversion Factor,

provided the Accredited Certificate Provider establishes, to the satisfaction of the Scheme Administrator, that the Energy Savings calculated in clause 7.4.5(a) have actually occurred.

7.4.6 For the purposes of section 131(4) of Division 7 of the Act, the Energy Savings in respect to the Number of Certificates are to be created in accordance with clause 7.4.5 are deemed to occur on the date on which the maximum time period as determined in clause 7.4.2 ends.

8 Metered Baseline Method

Note: The Metered Baseline Method uses measurements of electricity consumption “before” the Recognised Energy Savings Activity takes place to establish a “baseline” electricity consumption standard for the Site being considered. The same measurements performed “after” the Recognised Energy Savings Activity has commenced will establish new levels of electricity consumption, with the difference representing the impact of the Recognised Energy Savings Activity.

Energy Savings are adjusted by a confidence factor that is calculated based on the size of the Energy Savings relative to the unexplained variance in the baseline.

The Metered Baseline Method relies on the remainder of the Site operating as it did before the Recognised Energy Savings Activity was implemented. Where changes at the Site, other than those that constitute the Recognised Energy Savings Activity will affect metered consumption per unit of output or service, the results will not reasonably reflect the Energy Savings due to

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the Recognised Energy Savings Activity, and Energy Savings Certificates cannot be created using the Metered Baseline Method.

Consequently, the Metered Baseline Method should not be used where changes other than the Recognised Energy Savings Activity have taken place during the baseline period, or are anticipated during the life of the Recognised Energy Savings Activity for which Energy Savings Certificates will be claimed.

This also does not prevent additional Recognised Energy Savings Activities at the same Site from being implemented and assessed against the original baseline.

8.1 The Metered Baseline Method in this clause 8 may only be used to calculate Number of Certificates if measurements made pursuant to this clause 8 are of a standard and duration enabling the Number of Certificates to be determined to a level of accuracy satisfactory to the Scheme Administrator.

8.2 Using the Metered Baseline Method, Number of Certificates is calculated under:

- (a) clause 8.5, using a baseline per unit of output;
- (b) clause 8.6, using a baseline unaffected by output;
- (c) clause 8.7, using a normalised baseline; or
- (d) clause 8.8, using a baseline normalised by means of a methodology adapted from the National Australian Built Environment Rating System,

provided that all Energy Savings Certificates that the Accredited Certificate Provider seeks to create for the Energy Savings can reasonably (to the satisfaction of the Scheme Administrator) be attributed to the corresponding Recognised Energy Savings Activity.

8.3 The period over which any baseline is determined under this clause 8, using electricity measurements before the Implementation Date of the Recognised Energy Savings Activity, must include one or more periods preceding the Implementation Date, excluding any time periods that are not representative of normal operating Site consumption due to factors including plant shutdown or major maintenance. The time periods used to determine the baseline must be acceptable to the Scheme Administrator.

8.4 The Accredited Certificate Provider must use utility meters or other metering equipment acceptable to the Scheme Administrator.

Note: Sub-metering may be used to effectively reduce the size of the Site considered for baseline calculations, thereby increasing Energy Savings relative to the baseline and hence the Confidence Factor.

8.5 Baseline per unit of output

Note: This Metered Baseline Method is most appropriate where electricity consumption is strongly linked to output (for example, in aluminium smelting). Where the relationship is non-linear, or there are multiple products or changes in raw materials affecting consumption, another method of normalising the baseline should be used.

Number of Certificates may be calculated using Method 1, provided that:

- (a) the electricity consumption for the Site is a linear function of output;
- (b) fixed electricity consumption, which is the electricity consumption of the Site that does not vary with variations in output, can be measured or estimated;
- (c) output has not changed by more than 50% from the average output over the period during which the variable electricity baseline was measured, and
- (d) the variable electricity baseline is calculated using data from periods immediately preceding the Implementation Date, up to a maximum of 5 years, excluding any periods prior to the Implementation Date that are not representative of the long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

Method 1

Step (1) Select a *measurement period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

- (a) a minimum of one day and a maximum of one year; and
- (b) if there is a regular cycle to the consumption of electricity on the Site, an integer multiple of the period of that cycle.

Step (2) Determine Energy Savings by completing steps (2A) to (2G), and for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates by repeating Steps (2E) to (3) for each such period.

Step (2A)

The *fixed electricity consumption* (in MWh) is the consumption of electricity for the Site that does not vary with variations in output, and is:

- determined by estimating or extrapolating from measurements taken during plant downtime or estimated or determined mathematically from multiple periods;
- a reasonable reflection of the consumption unaffected by output, and will lead to Energy Savings calculations that are reasonable, and
- over a period T_b before Energy Savings commences and the duration of which is equal to the measurement period.

Step (2B)

Calculate *variable consumption* _{T_b} (in MWh / unit of output) for n time periods T_b :

$$\text{variable consumption}_{T_b} = (\text{total consumption}_{T_b} - \text{fixed electricity consumption}) / \text{output}_{T_b}$$

Where:

- T_b denotes a time period, before the Implementation Date, the duration of which is equal to the measurement period, and where each time period is mutually exclusive with each other such time period
- *Total consumption* _{T_b} (in MWh) is the consumption of electricity for the Site measured by metering that consumption over each time period T_b

- $Output_{Tb}$ is the number of units of output during each time period Tb
- n is the number of time periods, Tb , where n must be at least 1

Step (2C) Calculate *variable electricity baseline* (in MWh / unit of output):

$$\text{Variable electricity baseline} = \left\{ \sum_{T=1}^n \text{Variable consumption}_{Tb} \right\} / n$$

Step (2D) Calculate *Baseline variability* (in MWh / unit of output), which is the unexplained variance in the baseline, as:

- where $n > 2$:

$$\text{Baseline variability} = (\text{Maximum variable consumption}_{Tb} - \text{Minimum variable consumption}_{Tb}) / 2$$

Where:

- *Maximum variable consumption_{Tb}* is the maximum value of variable consumption_{Tb} over n time periods Tb
- *Minimum variable consumption_{Tb}* is the least value of variable consumption_{Tb} over n time periods Tb
- where $n \leq 2$:

$$\text{Baseline variability} = 10\% \text{ of Variable electricity baseline}$$

Step (2E) Calculate *reduced electricity consumption* (in MWh) for each time period T_a (after the Implementation Date) by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

$$\text{reduced electricity consumption} = (\text{Output}_{Ta} \times \text{Variable electricity baseline} + \text{fixed electricity consumption}) - \text{Total consumption}_{Ta}$$

Where:

- T_a denotes a time period, after the Implementation Date, the duration of which is equal to the *Measurement Period*
- *Total consumption_{Ta}* (in MWh) is the consumption of electricity for the Site measured by metering that consumption over a time period T_a
- $Output_{Ta}$ is the number of units of output during the time period T_a .

Step (2F) Calculate *Confidence Factor*:

$$\text{Confidence Factor} = 1 - (\text{Baseline variability} / \text{Variable electricity baseline})$$

Step (2G) Calculate *Energy Savings* (in MWh) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

$$\text{Energy Savings} = \text{Reduced electricity consumption} \times \text{confidence factor}$$

Step (3) Calculate *Number of Certificates* (in t CO₂-e) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

If Energy Savings ≥ 0 :

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Number of Certificates = Energy Savings x Certificate Conversion Factor

or

If Energy Savings < 0:

Number of Certificates = 0

8.6 Baseline unaffected by output

Note: This Metered Baseline Method is most appropriate where consumption is not linked to output. For example, schools and swimming pools.

Number of Certificates may be calculated using **Method 2**, provided that

- (a) the consumption of all energy sources for the Site is independent of output; and
- (b) the *Electricity Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Recognised Energy Saving Activity, to a maximum duration of 5 years, and excluding any periods that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

Method 2

Step (1) Select a *measurement period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

- (a) a minimum of one day and a maximum of one year; and
- (b) if there is a regular cycle to the consumption of electricity on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Energy Savings* by completing steps (2A) to (2E), and for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates by repeating Steps (2C) to (3) for each such period.

Step (2A) Calculate *Electricity Baseline* (in MWh or GJ):

$$\text{Electricity Baseline} = \left\{ \sum_{T=1}^n \text{Total Consumption}_{Tb} \right\} / n$$

Where:

- Tb denotes a time period, before the Implementation Date, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- $\text{Total Consumption}_{Tb}$ (in MWh) is the consumption of electricity for the Site measured by metering that consumption over each time periods Tb
- n is the number of time periods, Tb , where n must be at least 1

Step (2B) Calculate *Baseline Variability* (in MWh or GJ), which is the variance in

the baseline, as:

where $n > 1$:

$$\text{Baseline Variability} = (\text{maximum total consumption}_{Tb} - \text{minimum total consumption}_{Tb}) / 2$$

Where:

- *Maximum total consumption_{Tb}* is the maximum value of *total consumption_{Tb}* over *n* time periods *Tb*
- *Minimum total consumption_{Tb}* is the least value of *total consumption_{Tb}* over *n* time periods *Tb*

where $n = 1$:

Baseline variability = 10% of electricity baseline

Step (2C) Calculate *reduced electricity consumption* (in MWh) for each time period T_a by reference to which the energy saver seeks to create Certificates:

$$\text{Reduced electricity consumption} = \text{Electricity Baseline} - \text{Total consumption}_{Ta}$$

Where:

- T_a denotes a time period, after the Implementation Date of the Energy Saving project, the duration of which is equal to the measurement period
- *Total consumption_{Ta}* (in MWh) is the consumption of electricity for the Site measured by metering that consumption over a time period T_a

Step (2D) Calculate *Confidence factor*:

$$\text{Confidence factor} = 1 - (\text{Baseline Variability} / \text{Electricity Baseline})$$

Step (2E) Calculate Energy Savings (in MWh) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

- $\text{Energy Savings} = \text{Reduced electricity consumption} \times \text{Confidence Factor}$

Step (3) Calculate *Number of Certificates* (in t CO₂-e) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

If Energy Savings ≥ 0 :

$$\text{Number of Certificates} = \text{Energy Savings} \times \text{Certificate Conversion Factor}$$

or

If Energy Savings < 0 :

$$\text{Number of Certificates} = 0$$

8.7 Normalised baselines

Note: This Metered Baseline Method normalises energy consumption for a Site to remove explainable variation from the baseline, for example, adjusting for variations in ambient conditions or variations in input characteristics. The factors chosen for the normalisation must cause the variability that is removed and not be the result of spurious correlations.

Option C of the International Performance Measurement and Verification Protocol can be used for guidance as to the normalisation of baselines, particularly for complex cases.

Number of Certificates may be calculated using Method 3, provided that

- (a) the *Normalisation Variables* in respect of which the *Total Consumption* is normalised are variables corresponding to the specific activities that are a reason for change in *Total Consumption*; and
- (b) the *Normalised Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date, to a maximum duration of 5 years, and excluding any periods that are not representative of long term Site consumption due to circumstances such as plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

Method 3

Step (1) Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

- (a) a minimum of one day and a maximum of one year; and
- (b) if there is a regular cycle to the consumption of electricity on the Site, an integer multiple of the period of that cycle.

Step (2) Determine Energy Savings resulting from the Recognised Energy Savings Activity by completing Steps (2A) to (2F) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates by repeating Steps (2D) to (3) for each such period.

Step (2A) Calculate *Normalised consumption* _{T_b} (in MWh) for n time periods T_b by normalising the *total consumption* _{T_b} to determine the consumption that would have occurred for period T_b had the conditions at time T_a existed, using:

- (a) a set of normalisation coefficients, which are one or more coefficients calculated to account for the variation in *total consumption* _{T_b} per unit of change for each corresponding normalisation variable used in (b); and
- (b) a set of values, which are the difference between the values of the normalisation variables for each time period T_b , and the values of the normalisation variables for one time period T_a , determined by measurements or other data sources.

Where:

- T_b denotes a time period, before the Implementation Date, the duration of which is equal to the Measurement Period, and where each time period is

- mutually exclusive with each other such time period
- T_a denotes a time period, after the Implementation Date, the duration of which is equal to the Measurement Period
- $Total\ consumption_{T_b}$ (in MWh) is the consumption of electricity for the Site measured by metering that consumption over each time period T_b
- n is the number of time periods, T_b , where n must be at least 1
- *Normalisation Variables* are the variables in respect of which the *Total Consumption_{T_b}* is normalised and must correspond to factors that are a reason for change in *Total Consumption_{T_b}*

Step (2B) Calculate *Normalised Energy Baseline*(in MWh):

$$Normalised\ Energy\ Baseline = \left\{ \sum_{T=1}^n Normalised\ Consumption_{T_b} \right\} / n$$

Step (2C) Calculate *Baseline Variability* (in MWh), which is the unexplained variance in the baseline, as:

where $n > 1$:

$$Baseline\ Variability = (Maximum\ Normalised\ Consumption_{T_b} - Minimum\ Normalised\ Consumption_{T_b}) / 2$$

Where:

- *Maximum Normalised Consumption_{T_b}* is the maximum value of *Normalised Consumption_{T_b}* over n time periods T_b
- *Minimum Normalised Consumption_{T_b}* is the least value of *Normalised Consumption_{T_b}* over n time periods T_b

where $n = 1$:

$$Baseline\ Variability = 10\% \text{ of } Normalised\ Energy\ Baseline$$

Step (2D) Calculate *reduced electricity consumption* (in MWh for each time period T_a by reference to which the energy saver seeks to create Certificates:

$$Reduced\ electricity\ consumption = normalised\ electricity\ baseline - total\ consumption_{T_a}$$

Where:

- T_a denotes a time period, after the Implementation Date, the duration of which is equal to the Measurement Period
- $Total\ Consumption_{T_a}$ (in MWh) is the consumption of electricity for the Site measured by metering that consumption over a time period T_a

Step (2E) Calculate *Confidence Factor*:

$$Confidence\ Factor = 1 - (Baseline\ Variability / Normalised\ electricity\ baseline)$$

Step (2F) Calculate *Energy Savings* (in MWh) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

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Energy Savings = reduced electricity consumption x confidence factor

Step (3) Calculate *Number of Certificates* (in t CO₂-e) for each time period T_a by reference to which the Accredited Certificate Provider seeks to create Energy Savings Certificates:

If Energy Savings ≥ 0 :

Number of Certificates = Energy Savings x Certificate Conversion Factor

or

If Energy Savings < 0 :

Number of Certificates = 0

8.8 National Australian Built Environment Rating System baseline

Note: This Metered Baseline Method is one acceptable method for normalising baselines for New NABERS Buildings or Existing NABERS Buildings – which use the National Australian Built Environment Rating System (NABERS) for measuring building energy performance.

- 8.8.1 Number of Certificates may be calculated using **Method 4a** only for Existing NABERS Buildings or **Method 4b** New NABERS Buildings.

Method 4a – Existing Buildings

Step (1) The *Measurement Period* is the duration of time over which all measurements in this Method will be taken and is twelve months.

The *Abatement period* T_a denotes a time period, after the Implementation Date, the duration of which is equal to the Measurement Period.

The *Baseline period* T_b denotes a time period, before the Implementation Date, the duration of which is equal to the Measurement Period.

Step (2) *Emissions Baseline* EB_{T_a} for the *Abatement Period* T_a (in kg CO₂-e / Common Unit) is calculated as

$$EB_{T_a} = GE_{T_b} * (GE_{T_a} / NE_{T_a}) / (GE_{T_b} / NE_{T_b}) - \text{for offices}$$

$$EB_{T_a} = GE_{T_b} * (PM_{T_a} / PM_{T_b}) - \text{for other building types}$$

Where:

The *Common Unit* CU_{T_x} in *Measurement Period* T_x is:

- For Offices: Area (m²) of rated floor area as assessed under NABERS Energy for Offices, based on Net Lettable Area, in *Measurement Period* T_x ;
- For Hotels: Number of guest rooms as assessed under NABERS Energy for Hotels in *Measurement Period* T_x ;

- For Shopping Centres: Area (m²) of the shopping centre as assessed under NABERS Energy for Shopping Centres, based on Gross Lettable Area, in *Measurement Period Tx*

The *Gross Emissions GE_{Tx}* is the gross emissions per common unit in *Measurement Period Tx* calculated using the relevant NABERS calculator with all electricity counted as grid electricity corrected to use the *Certificate Conversion Factor* instead of the NABERS default emission factor and with no discount for GreenPower and all other fuel uses included using the applicable NABERS default emissions factors.

The *Normalised Emissions NE_{Tx}* is the gross emissions per common unit in *Measurement Period Tx* calculated using the relevant NABERS Office calculator with all electricity counted as grid electricity corrected to use the *Certificate Conversion Factor* instead of the NABERS default emission factor and with no discount for GreenPower and all other fuel uses included using the applicable NABERS default emissions factors.

The *Predicted Mean Emissions PM_{Tx}* is the predicted mean emissions for the site from the NABERS Calculator with all electricity counted as grid electricity corrected to use the *Certificate Conversion Factor* instead of the NABERS default emission factor and all other fuel uses included using the applicable NABERS default emissions factors, using the input data relevant to *Measurement Period Tx*.

Step (3) Calculate the Energy Savings ES_{Ta} in MWh the *Abatement Period Ta* as:

$$ES_{Ta} = (EB_{Ta} - GE_{Ta}) / (1000 * \text{Certificate Conversion Factor})$$

Step (4) Set *Confidence Factor CF* = 0.95

Step (5) Calculate *Number of Certificates* (in t CO₂-e):

If Energy Savings ≥ 0 :

$$\text{Number of Certificates} = ES_{Ta} \cdot CU_{Ta} \cdot CF \cdot (\text{Certificate Conversion Factor})$$

or

If Energy Savings < 0 :

$$\text{Number of Certificates} = 0$$

Method 4b New Buildings

Step (1) The *Measurement Period* is the duration of time over which all measurements in this Method will be taken and is twelve months.

The *Abatement period Ta* denotes a time period, after the Implementation Date, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period

Step (2) *Emissions Baseline EB_{Ta}* for the *Abatement Period Ta* (in kg CO₂-e / Common Unit) is

- For offices: $EB_{Ta} = NE_{\text{target}} * (GE_{Ta} / NE_{Ta}) * (GE_{Ta} / GED_{Ta})$

- For other building types: $EB_{Ta} = GE_{target}$

Where the *target* star rating is the higher of:

- NABERS 4 star; or
- The NABERS rating required for the building by a consent authority, as that term is defined in the *Environmental Planning and Assessment Act 1979*,

Where:

The *Common Unit* CU_{Tx} in *Measurement Period* T_x is:

- For Offices: Area (m^2) of rated floor area as assessed under NABERS Energy for Offices, based on Net Lettable Area, in *Measurement Period* T_x ;
- For Hotels: Number of guest rooms as assessed under NABERS Energy for Hotels in *Measurement Period* T_x ;
- For Shopping Centres: Area (m^2) of the shopping centre as assessed under NABERS Energy for Shopping Centres, based on Gross Lettable Area, in *Measurement Period* T_x

The *Gross Emissions* GE_{Tx} is the gross emissions per common unit in *Measurement Period* T_x calculated using the relevant NABERS calculator with all electricity counted as grid electricity corrected to use the *Certificate Conversion Factor* instead of the NABERS default emission factor and with no discount for GreenPower and all other fuel uses included using the applicable NABERS default emissions factors.

The *Gross Emissions (Default)* GED_{Tx} is the gross emissions per common unit in *Measurement Period* T_x calculated using the relevant NABERS calculator with all other fuel uses included using the applicable NABERS default emissions factors but with no discount for GreenPower and.

The *Normalised Emissions* NE_{Tx} is the normalised emissions per common unit in *Measurement Period* T_x calculated using the relevant NABERS Office calculator with all electricity counted as grid electricity corrected to use the *Certificate Conversion Factor* instead of the NABERS default emission factor and with no discount for GreenPower and all other fuel uses included using the applicable NABERS default emissions factors.

The *Normalised Emissions Default for “target” stars* NE_{target} is the threshold (highest normalised emissions per m^2) for a “target” star rating for an office calculated using the relevant NABERS Office calculator with the applicable NABERS default emissions factors.

The *Gross Emissions for “target” stars* GE_{target} is the threshold (highest emissions per m^2) for a “target” star rating for buildings other than offices, calculated using the relevant NABERS calculator with all electricity counted as grid electricity corrected to use the *Certificate Conversion Factor* instead of the NABERS default emission factor and with no discount for GreenPower and all other fuel uses included using the applicable NABERS default emissions factors.

Step (3) Calculate the Energy Savings ES_{Ta} in MWh the *Abatement Period* T_a as:

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$$ES_{Ta} = (EB_{Ta} - GE_{Ta}) / (1000 * \text{Certificate Conversion Factor})$$

Step (4) Calculate *Number of Certificates* (in t CO₂-e):

If Energy Savings ≥ 0 :

$$\text{Number of Certificates} = ES_{Ta} \cdot CU_{Ta} \cdot (\text{Certificate Conversion Factor})$$

or

If Energy Savings < 0 :

$$\text{Number of Certificates} = 0$$

- 8.8.2 For the purposes of section 131(4) of Division 7 of the Act, the Energy Savings in respect to the Number of Certificates as calculated in clause 8.8.1 are deemed to have occurred at the time that the relevant NABERS rating was completed (“Deemed Time”), provided that the rating was completed with three months of the end of the Measurement Period Tx for which energy savings is being claimed.

Note: Due to clause 8.8.2, an Accredited Certificate Provider may create Energy Savings Certificate within 6 months of the end of the year in which the Deemed Time occurred.

- 8.8.3 For the purposes of clause 8.8.2, the Scheme Administrator may in its discretion determine when a NABERS rating is considered to have been completed.

9 Deemed Energy Savings Method

Note: The Deemed Energy Savings Method can be used for the installation of common End-User Equipment such as refrigerators and certain electric motors. A program of installing multiple End-User Equipment of the same type is considered a single Recognised Energy Savings Activity.

The Deemed Energy Savings in Tables 1 to 15 in Schedule A take account of failures or removal of an item after the Implementation Date and before the end of its normal service life.

- 9.1 Using the Deemed Energy Savings Method, Number of Certificates is calculated under:

- (a) clause 9.3, using Default Savings Factors;
- (b) clause 9.4, using the Commercial Lighting Energy Savings Formula;
- (c) clause 9.5, using the High Efficiency Motor Energy Savings Formula; or
- (d) clause 9.6, using the Power Factor Correction Energy Savings Formula;

provided that all of the Energy Savings Certificates that the Accredited Certificate Provider seeks to create in respect of Recognised Energy Savings Activity can reasonably be attributed to the corresponding Energy Savings.

- 9.2 Where the Number of Certificates is calculated using the Deemed Energy Savings Method in this clause 9, the Energy Savings that is the subject of that calculation is deemed to have taken

place (for the purpose of the entitlement to create Certificates but not for any other purpose) on the later of:

- (a) 1 July 2009; and
- (b) the relevant Implementation Date

9.3 Default Savings Factors

Note: This default Deemed Energy Savings Method for Recognised Energy Savings Activities that involve the installation or supply of End-User Equipment types listed in Tables 1 to 8d of Schedule A. This includes the replacement of halogen down-lights with energy efficient alternatives; the sale or purchase of energy efficient clothes washers, dishwashers, fridges or freezers, retirement of old spare fridges and freezers, and installation of low flow showerheads.

The Number of Certificates may be calculated using **Equation 4**, provided that:

- (a) the End-User Equipment or activity is of a class of End-User Equipment or activity listed in Tables 4, 5, 6, 7, 8a, 8b, 8c or 8d; and
 - (i) the Scheme Administrator is satisfied that the specific End-User Equipment meets the requirements for the relevant class of End-User Equipment or activity;

or;

- (b) the End-User Equipment or activity is of a class of End-User Equipment or activity listed in Tables 1, 2 or 3; and
 - (i) the Scheme Administrator is satisfied that for any activity involving the replacement of 50W ELV halogen lamps with another type of Lamp or Luminaire, each type of replacement Lamp or Luminaire shall have an initial light output of ≥ 500 lumens and minimum Lumen Maintenance of 80% as determined by testing using a method approved by the Scheme Administrator (note that in the case of replacements for 50W ELV halogen reflector Lamps, light output refers only to Downward Light); and
 - (ii) if the activity involves the modification or replacement of electrical wiring, the activity is performed by an electrician.

Equation 4

Number of Certificates = *Number of End-User Equipment or activities* x *Default Savings Factor* x *Installation Discount Factor* x *Certificate Conversion Factor*

Where:

- *Number of Certificates* is in t CO₂-e
- *Number of End-User Equipment or activities* is the quantity of a certain type of End-User Equipment that has been installed or activities that have been undertaken
- *Default Savings Factor* is the Default Energy Savings Factor corresponding to that type of End-User Equipment or activity in **Table 1 to 8d** of Schedule A to this Rule
- *Installation Discount Factor* is a factor to be applied to take account of the risk that under a particular program design some End-User Equipment may not be installed,

and is:

- 1.0, if the Scheme Administrator is satisfied that the End-User Equipment has been installed or removed, which may be on the basis of a written statement from an appropriately trained person who performed the installation or removal, or contractor invoices; or
- if the Scheme Administrator is satisfied that a person has purchased and has taken possession of the End-User Equipment for the purposes of being installed, but does not have sufficient evidence to be satisfied that the End-User Equipment has been installed the Installation Discount Factor is the Sales Discount Factor for the activity set out in Tables 1 to 8d; or
- 0.0, if the Scheme Administrator is satisfied that the End-User Equipment was provided free of charge by an applicant or Accredited Certificate Provider, but does not have sufficient evidence to be satisfied that the End-User Equipment has been installed or removed; or
- another value approved by the Scheme Administrator.
- An *Installation Discount Factor* value approved by the Scheme Administrator for the above purpose applies in the circumstances specified by the Scheme Administrator; and may be submitted by an applicant or Accredited Certificate Provider, or determined and imposed by the Scheme Administrator of its own volition.
- In this Equation, a reference to the risk of End-User Equipment not being installed means the risk of the item not being installed either at all or for the End-User Equipment to be installed in New South Wales, not installed in New South Wales or for the End-User Equipment to be installed in another jurisdiction under an *Approved Corresponding Scheme*, not installed in that jurisdiction.

9.4 Commercial Lighting Energy Savings Formula

Notes: This default Deemed Energy Savings Method is for Recognised Energy Savings Activities that only involve Energy Savings attributable to commercial lighting upgrades.

This method cannot be used in conjunction with the Project Impact Assessment or the Metered Baseline Method. As outlined in the Act, Energy Savings Certificates cannot be created for the same activity more than once.

For example, if End-User Equipment is the subject of a Recognised Energy Savings Activity under the Metered Baseline Method which results in Energy Savings due to a commercial lighting upgrade, Energy Savings Certificates can only be calculated using the Metered Baseline Method.

Accredited Certificate Providers will not have to manually calculate the Number of Certificates using the below Equations. These Equations and the default inputs in Tables 9 and 10 will be incorporated into an electronic Commercial Lighting Calculation Tool which will be made available on a public website. This Commercial Lighting Calculation Tool will enable the simple calculation of the Number of Certificates from Energy Savings.

A Commercial Lighting Upgrade involves the replacement of existing general lighting End-User Equipment with new general lighting End-User Equipment in a commercial premises or Street Lighting.

A commercial premises is defined as a building classified as one of the following Building Code of Australia Classes: 5, 6, 7, 8, 9a, 9b, or 10.

Street Lighting is defined as lighting providing illumination for an area used primarily for the safe movement of people and corresponding to category V and category P as specified by AS/NZS 1158.

The Number of Certificates may be calculated using **Equations 5, 6, 9** and either **Equations 7** or **8** as appropriate, provided that the End-User Equipment or activity is listed in Table 9.

Equation 5

Number of Certificates = Energy Savings x Certificate Conversion Factor

Where:

- *Number of Certificates* is in t CO₂-e
- *Energy Savings* is in MWh, and is calculated using **Equation 6**

Equation 6

Energy Savings = *Baseline Energy Consumption* - *Upgrade Energy Consumption*

Where:

- *Baseline Energy Consumption* is in MWh, and is calculated using **Equation 7**, if the lighting upgrade is part of a site refurbishment that is not required to comply with the Building Code of Australia Part J6, or using **Equation 8** if the lighting upgrade is part of a refurbishment that is required to comply with the Building Code of Australia Part J6
- *Upgrade Energy Consumption* is in MWh, and is calculated using **Equation 9**

Equation 7

Baseline Energy Consumption (MWh) =

$$\sum_{\text{Each Incumbent Lamp}} \left(LCP \times \text{Asset Lifetime} \times \text{Annual Operating Hours} \times CM \right. \\ \left. \times AM \right) \div 10^6$$

Where:

- *Each Incumbent Lamp* means each lamp and control gear in the pre-existing lighting system.
- *LCP* is the default lamp circuit power (Watts) Factor corresponding to that Type of Lamp and Control Gear for that End-User Equipment or activity as in **Table 9** of Schedule A to this Rule, representing the power drawn by the lamp, plus the losses of its control gear (which are pro-rata if the control gear supplies multiple lamps).
- *Asset Lifetime* is the default lifetime of the lighting upgrade in years for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule,
- *Annual Operating Hours* is the default number of hours per annum that the upgraded lighting system is expected to operate for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule.
- *CM* is the control multiplier. If the lamp is connected to a control system, the factor for the control multiplier shall be applied for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule, otherwise CM = 1.0.
- *AM* is the air-conditioning multiplier. If the lamp is installed in an air-conditioned space, a multiplier of 1.3 shall be applied, otherwise AM = 1.0.

Equation 8*Baseline Energy Consumption (MWh)=*

$$\sum_{\text{Each Space}} (IPD \times Area \times Asset Lifetime \times Annual Operating Hours \times CM \times AM) \div 10^6$$

Where:

- *Each Space* means each portion of space within the site requiring a different illumination power density (IPD) as defined in Part J6 of the Building Code of Australia.
- *IPD* is the maximum allowable illumination power density for each space (in Watts/m²), as required by Table J6.2b of the Building Code of Australia. For simplicity, the Scheme Administrator may aggregate similar IPDs in the Commercial Lighting Energy Savings Formula. The IPD should not be adjusted by the adjustment factors tabled in Table 6.2c of the Building Code of Australia.
- *Area* is the area of Each Space in m².
- *Asset Lifetime* is the default lifetime of the lighting upgrade in years for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule.
- *Annual Operating Hours* is the default number of hours per annum that the upgraded lighting system is expected to operate for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule.
- *CM* is the control multiplier. If the lamp is connected to a control system, the factor for the control multiplier shall be applied for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule, otherwise CM = 1.0.
- *AM* is the air-conditioning multiplier. If the lamp is installed in an air-conditioned space, a multiplier of 1.3 shall be applied, otherwise AM = 1.0.

Equation 9*Upgrade Energy Consumption (MWh) =*

$$\sum_{\text{Each Upgrade Lamp}} (LCP \times Asset Lifetime \times Annual Operating Hours \times CM \times AM) \div 10^6$$

Where:

- *Each Upgrade Lamp* means each lamp and control gear in the upgraded lighting system.
- *LCP* is the default lamp circuit power (Watts) Factor corresponding to that Type of Lamp and Control Gear for that End-User Equipment or activity as in **Table 9** of Schedule A to this Rule, representing the power drawn by the lamp, plus the losses of its control gear (which are pro-rata if the control gear supplies multiple lamps).
- *Asset Lifetime* is the default the lifetime of the lighting upgrade in years for the

relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule.

- *Annual Operating Hours* is the default the number of hours per annum that the upgraded lighting system is expected to operate for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule.
- *CM* is the control multiplier. If the lamp is connected to a control system, the factor for the control multiplier shall be applied for the relevant End-User Equipment or activity as in **Table 10** of Schedule A to this Rule, otherwise $CM = 1.0$.

AM is the air-conditioning multiplier. If the lamp is installed in an air-conditioned space, a multiplier of 1.3 shall be applied, otherwise $AM = 1.0$.

9.5 High Efficiency Motor Energy Savings Formula

Note: This default Deemed Energy Savings Method is for Recognised Energy Savings Activities that only involve Energy Savings attributable to the sale or installation of one or more High Efficiency Motors.

This method can not be used in conjunction with the Project Impact Assessment or the Metered Baseline Method. As outlined in the Act, Energy Savings Certificates cannot be created for the same activity more than once. For example, if an End-User Equipment is the subject of a Recognised Energy Savings Activity under the Metered Baseline Method, which results in Energy Savings due to the installation of a High Efficiency Motor, Energy Savings Certificates can only calculated using the Metered Baseline Method.

The Number of Certificates may be calculated using **Equation 10** and **Equation 11**, provided that the motor is a High Efficiency Motor.

Equation 10

Number of Certificates = Energy Savings x Certificate Conversion Factor

Where:

- *Number of Certificates* is in t CO₂-e
- *Energy Savings* is in MWh, and is calculated using **Equation 11**

Equation 11

Energy Savings = $P \times LUF \times DEI \times t \times 8766 \div 1000$

Where:

- *P* is the rated output of the High Efficiency Motor (kW)
- *LUF* is the combined load and utilisation factors (including confidence factors) for the relevant High Efficiency Motor as in **Table 12** or **Table 13** of Schedule A to this Rule
- *DEI* is the default efficiency improvement (as a fraction, not as a percentage) for the relevant High Efficiency Motor as in **Table 11** of Schedule A to this Rule
- *t* is the lifetime of the High Efficiency Motor (years) as set out in **Table 14** for the corresponding Rated Output of the High Efficiency Motor.

9.6 Power Factor Correction Energy Savings Formula

Note: This default Deemed Energy Savings Method is for Recognised Energy Savings Activities that only involve Energy Savings attributable to the reduced losses from the installation of Power Factor Correction (PFC) equipment.

The Electricity Service and Installation Rules of NSW require the power factor of a site to be a minimum of 0.9 lagging. As such, certificates can be generated only by the implementation of PFC which increases the power factor of a site above 0.9 to a maximum of 0.98.

The Number of Certificates created through the implementation of power factor correction at a site may be calculated using **Equation 12** and **Equation 13**.

Equation 12

Number of Certificates = Energy Savings x Certificate Conversion Factor

Where:

- *Number of Certificates* is in t CO₂-e
- *Energy Savings* are the savings in MWh occurring over the default lifetime of the PFC equipment calculated using **Equation 13**

Equation 13

Energy Savings = $0.1205 \times (1.2346 - (1/(\text{Power Factor after installation of PFC capacitors})^2) - 0.0042) \times (\text{Rating of installed PFC capacitors}) \times \text{Default Lifetime}$

Where:

- *Energy Savings* are the lifetime energy savings in MWh
- *Rating of Installed PFC Capacitors* is in kVAr and is rating of capacitors (PFC) installed to improve the power factor of the Site from 0.9 up to a maximum of 0.98 provided PFC is:
 - Not being installed as part of a mandatory program or installation
 - A central or global based PFC installation
 - A new installation
 - Installed on the low voltage distribution network
 - Not a replacement of old equipment
- *Default lifetime* of equipment is 10 years
- *Power Factor after installation of PFC capacitors* is the calculated power factor based on the measured maximum demand of the installation (kW) and the reactive power still required to bring the power factor of the installation to unity after installation of the PFC capacitors.

Note: The Default Lifetime for which Energy Savings may be claimed commences from the date the PFC equipment is installed. For example, where an application concerning a PFC installation is lodged 2 years after the PFC equipment was installed, only 8 years of Energy Savings may be claimed.

10 Definitions and Interpretation

10.1 In this Rule:

“Accredited Certificate Provider” means a person accredited to create Energy Savings Certificates under clause 5 of this Rule.

“Act” means the *Electricity Supply Act 1995*.

“Approved Corresponding Scheme” means an Approved Corresponding Scheme as defined in section 127 of the Act.

“AS/NZS 1359.5-2004” means the Standard set out in the most recent published version of the *Australian Standard 1359 - Rotating electrical machines—General requirements, Part 5 - Three-phase cage induction motors—High efficiency and minimum energy performance standards requirements*, as amended from time to time.

“Ballast EEI” means the ballast energy efficiency index as defined in AS/NZS 4783.2

“CCFL” means a cold cathode compact fluorescent lamp.

“Certificate Conversion Factor” is defined in section 130 of the Act.

“CFL” means compact fluorescent lamp.

“CFLi” means a compact fluorescent lamp with integral ballast.

“CFLn” means a compact fluorescent lamp with non-integral ballast.

“CMH” means a ceramic metal halide.

“Control Gear” means the lighting ballast or transformer.

“Control System” means a system for controlling the light output of a Luminaire, including:

- (a) occupancy sensor;
- (b) daylight-linked control;
- (c) programmable dimming; or
- (d) manual dimming.

“Daylight-Linked Control” means Luminaire light output varied automatically by a photoelectric cell to compensate for the availability of daylight. Luminaire must be located close to a significant source of daylight.

“Default Load Utilisation Factor” is a composite of a deemed load factor and a deemed utilisation factor for HEMs, as set out in Table 12 or Table 13 of this Rule.

“Distribution System” means a “distribution system” (as that term is defined in the National Electricity Law) in respect of which a person is registered as a “Network Service Provider” under the National Electricity Law.

“Downward light” means the light output (measured in lumens) emitted in the downwards direction; i.e. this is equivalent to the light output from a Lamp or Luminaire when installed flush with a ceiling.

“DSF” means Default Savings Factor, as per clause 9.3 of this Rule.

“EEI” means the ballast energy efficiency index as defined in AS/NZS 4783.2.

“ELV” means extra low voltage, typically not exceeding 50 V AC.

“End-User Equipment” means electricity consuming equipment, processes, or systems, including the equipment directly consuming electricity, and other equipment that causes, controls or influences the consumption of electricity, and includes (in the context of clause 8.8) a New NABERS Building.

“Energy Savings” means the amount of electricity consumption reduction arising from the undertaking of a Recognised Energy Savings Activity as calculated by the approved calculation method in clauses 7, 8 or 9 of this Rule.

“Energy Savings Certificate” is a transferable Certificate under part 9 of the Act, which is created in accordance with this Rule.

“Energy Star Rating” means an Energy Star Rating as defined in:

- (a) the standard set out in the most recent published version of the *Australian Standard AS/NZS 4474.2-2009* for refrigerators and freezers;
- (b) the standard set out in the most recent published version of the *Australian Standard AS/NZS2040.2-2005* for clothes washers; or
- (c) the standard set out in the most recent published version of the *Australian Standard AS/NZS2007.2-2005* for dishwashers.

“Existing NABERS Building” means an NABERS Building which was first occupied prior to 1 July 2009.

“Group” in the context of Table 8 in Schedule A of this Rule, means a class of refrigerator or freezer as defined in AS/NZS 4474.1-2007.

“High Efficiency Motor” (HEM) is an electric motor meeting the high efficiency requirements of AS/NZS 1359.5 (0.73 to <185kW).

“HPS” means a high pressure sodium lamp.

“Implementation Date” means the date on which the Energy Savings from the Recognised Energy Savings Activity commences or occurs. In the case of a single Recognised Energy Savings Activity that involves multiple End-User Equipment or occurs across multiple Sites, it means the date on which the Energy Savings resulting from the first End-User Equipment at the first Site commences or the Energy Savings at the first Site occurs. And in relation to any particular End-User Equipment forming part of a Recognised Energy Savings Activity where the Number of Certificates is calculated using the Deemed Energy Savings Method, the following date (as relevant):

- (a) in the case of an Installation Discount Factor of 1.0, the date on which the End-User Equipment was installed;

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- (b) in the case of an Installation Discount Factor of less than 1.0, the date on which the End-User Equipment is sold to or otherwise received by an end-user who intends to install it or ensure that it is installed.

“**IPD**” means the illumination power density as defined in the Building Code of Australia part J6.

“**Lamp**” means an artificial source of visible light.

“**Lamp Life**” means the lifetime of the lamp, expressed in hours, as determined by testing using a method approved by the Scheme Administrator.

“**LCP**” means lamp circuit power. The power drawn by a single lamp and its associated Control Gear. Control Gear losses are pro-rata if the control gear supplies multiple lamps.

“**LED**” means light emitting diode.

“**LUF**” means default Load Utilisation Factor

“**Lumen maintenance**” means the ratio of maintained light output (measured after 2000 hours of operation) to initial light output (measured after 100 hours of operation). Note that in the case of replacements for 50W ELV halogen reflector lamps, light output refers only to Downward Light.

“**Luminaire**” means the apparatus which distributes, filters or transforms the light transmitted from a light source, including lamp(s), control gear and all components necessary for fixing and protecting the lamps.

“**Luminous Flux**” means the light power emitted by a source, as defined by the International Commission on Illumination (CIE).

“**Manual Dimming**” means Luminaire light output controlled by a knob, slider or other mechanism or where pre-selected light levels (scenes) are manually selected.

“**NABERS**” means the National Australian Built Environment Rating System.

“**NABERS Building**” means a building that can be rated under NABERS, as determined by the NABERS National Administrator.

“**NABERS Rating Holder**” means the person who is the customer in respect of the rating for a NABERS Building as determined by the NABERS National Administrator.

“**New End-User Equipment**” means End-User Equipment where no End-User Equipment of the same type, function, output or service was previously in its place (but does not include additional components installed in the course of modifying existing End-User Equipment), but (in the context of clause 8.8) does not include a New NABERS Building.

“**New NABERS Building**” means an NABERS Building which was first occupied on or after 1 July 2009.

“**Nominal Lamp Power**” means the manufacturer’s rated value for power drawn by a single lamp

“**NLP**” means nominal lamp power.

“**NSW Electricity Network**” means all electricity Transmission Systems and Distribution Systems located in New South Wales.

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“Number of Certificates” means the number of Energy Savings Certificates to be created by an Accredited Certificate Provider for Energy Savings calculated in accordance with the methods set out in clause 7, 8 or 9 (as the case may be).

“Occupancy sensor” means a motion sensor that detects the presence of occupants and switches Luminaires on and off. Each occupancy sensor must control a maximum of 6 Luminaires.

“Programmable Dimming” means Luminaire light output controlled by pre-selected light levels (scenes) which are automatically selected according to time of day, photoelectric cell and/or occupancy sensor. Scenes must reduce lighting power.

“Project Impact Assessment Method” means the method in clause 7

“REC” means a renewable energy certificate as defined in s 97AB of the Act.

“Recognised Energy Savings Activity” has the meaning given to that term in clause 5.3 and excludes the activities listed in clause 5.4.

“Regulations” means regulations made pursuant to Part 9 of the Act.

“Showerhead” means a shower as defined in AS/NZS 3662.

“Scheme Administrator” is defined in Part 9 Division 11 of the Act.

“Site” means all End-User Equipment for which the electricity consumed is measured by the same utility meter allocated a National Meter Identifier (NMI) under the National Electricity Rules, or by other meters or logging devices measuring a part of this site, and approved by the Scheme Administrator (whether alone or in combination with the utility meter).

Note: Meters other than utility meters that measure part of the consumption of a Site can be used to “sub-meter” consumption related to Energy Savings. In this case, the Site would become only that part of the End-User Equipment that has its consumption recorded by that meter, provided it meets the requirement of the Scheme Administrator.

Meters other than “utility” meters (those allocated a NMI) can only be used to sub-meter loads within an individual Site, not aggregate several Sites.

“Statutory Requirement” means any mandatory legal requirement imposed through a statutory or regulatory instrument of any originating jurisdiction, including but not limited to compliance with BASIX and Building Code of Australia requirements.

“T5 Adaptor” is a kit that will modify a T8 or T12 Luminaire to suit a T5 lamp without the need for internal re-wiring of the Luminaire.

“Transmission System” is a “transmission system” (as that term is defined in the National Electricity Law) in respect of which a person is registered as a “Network Service Provider” under the National Electricity Law.

“VRU” means voltage reduction unit, used to reduce voltage to a lighting system.

“WELS Rating” means the star rating assigned under the WELS Scheme, in respect of a product that complies with all registration, labelling and other legal requirements under that Scheme, and **“WELS Rated”** has a corresponding meaning.

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“WELS Scheme” means the Water Efficiency Labelling and Standards Scheme established under the *Water Efficiency Labelling and Standards Act 2005* (Cth) and corresponding State-Territory laws.

- 10.2 Notes in this Rule do not form part of the Rule.
- 10.3 In the event that the Number of Certificates is not a whole number, the Number of Certificates is taken to be rounded down to a whole number.
- 10.4 For the purpose of this Rule the terms and expressions used in this Rule have the same meaning as in the Act or as defined in Part 9 of the Act, except the terms that are expressly defined in this Rule.
- 10.5 A reference to accreditation in respect of a Recognised Energy Savings Activity means accreditation in respect of Energy Savings from that Recognised Energy Savings Activity.
- 10.6 A reference in clause 1.3 to the commencement of this Rule includes a reference to the commencement of any particular provision of this Rule that commences at a different time from the rest of the Rule.

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Schedule A – Default Savings Factors and supporting information

Table 1: Replacement of 50W ELV halogen lamp with a 35W ELV halogen lamp

Activity	Lamp Life of Replacement Lamp (hours)	DSF (MWh)	Sales Discount Factor
Replacement of 50W ELV halogen lamp with 35W ELV halogen lamp	4000	0.07	0.8
	5000	0.09	0.8
	6000	0.11	0.8
	10000	0.17	0.8

Table 2: Replacement of 50W ELV halogen lamp and magnetic transformer with a 35W ELV halogen lamp and electronic transformer

Activity	Lamp Life of Replacement Lamp (hours)	DSF (MWh)	Sales Discount Factor
Replacement of 50W ELV halogen lamp and magnetic transformer with 35W ELV halogen lamp and electronic transformer – Residential	4000	0.15	0.8
	5000	0.17	0.8
	6000	0.18	0.8
	10000	0.25	0.8
Replacement of 50W ELV halogen lamp and magnetic transformer with 35W ELV halogen lamp and electronic transformer – Commercial	4000	0.33	0.8
	5000	0.34	0.8
	6000	0.36	0.8
	10000	0.42	0.8

Table 3: Replacement of 50W a halogen lamp and transformer with CFL, CCFL, LED or CMH lamp with lifetime $\geq 10,000$ hours

Activity	Total Power Drawn by Replacement Lamp and any Connected Control Gear (Watts)	DSF (MWh)	Sales Discount Factor -
Replacement of a 50W halogen ELV lamp and transformer with a CFL, CCFL, LED or CMH, which has a Lamp Life of $\geq 10,000$ hours	≤ 10	0.50	0.9
	11 to 15	0.45	0.9
	16 to 20	0.40	0.9
	21 to 25	0.35	0.9
	26 to 30	0.30	0.9

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Table 4: Showerhead replacement

Activity	DSF (MWh)	Sales Discount Factor
Replacement of an existing showerhead with an ultra low flow showerhead (3 Star WELS Rating with a nominal flow rate of ≤ 6 litres/minute), where the hot water system to which it is connected is an electric resistance water heater, up to a maximum of 3 showerheads in a single residential premises.	1.9	N/A
Replacement of an existing showerhead with an ultra low flow showerhead (3 Star WELS Rating with a nominal flow rate of ≤ 6 litres/minute), where the hot water system to which it is connected is an electrically-boostered solar or electric heat pump water heater, up to a maximum of 3 showerheads in a single residential premises.	1.1	N/A
Sale of an ultra low flow showerhead (3 Star WELS Rating with a nominal flow rate of ≤ 6 litres/minute), without regard to the water heater system type to which it will be connected.	1.3	0.9

Table 5: Purchase of a new high efficiency Clothes Washer

Activity	Energy Star Rating of New Clothes Washer	DSF (MWh)	Sales Discount Factor
Purchase of a new high efficiency Top Loader Clothes Washer	3.0	0.8	1.0
	3.5	1.2	1.0
	4.0	1.5	1.0
	4.5	1.8	1.0
	5.0	2.0	1.0
	5.5	2.2	1.0
	≥ 6.0	2.4	1.0
Purchase of a new high efficiency Front Loader Clothes Washer	4.5	1.9	1.0
	5.0	2.1	1.0
	5.5	2.3	1.0
	≥ 6.0	2.4	1.0

Table 6: Purchase of a new high efficiency Dishwasher

Activity	Energy Star Rating of New Dishwasher	DSF (MWh)	Sales Discount Factor
Purchase of a new high efficiency Dishwasher with 4 – 7.99 place settings	4.0	0.1	1.0
	4.5	0.2	1.0
	5.0	0.3	1.0
	≥ 5.5	0.4	1.0
Purchase of a new high efficiency Dishwasher with 8 - 11.99 place settings	3.5	0.3	1.0
	4.0	0.5	1.0
	4.5	0.7	1.0
	5.0	0.8	1.0
	≥ 5.5	1.0	1.0
Purchase of a new high efficiency Dishwasher with > 12 place settings	3.5	0.4	1.0
	4.0	0.7	1.0
	4.5	0.9	1.0
	5.0	1.2	1.0
	≥ 5.5	1.3	1.0

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Table 7: Destruction of refrigerator or freezer built before 1996

Activity	Type of Appliance Removed	DSF (MWh)	Sales Discount Factor
Permanent removal (for disposal and destruction, with appropriate disposal of refrigerant) of spare refrigerator that is built before 1996, 200 litres or greater in gross volume, in working order and in regular use but not providing the primary refrigeration service of a household.	1-door refrigerator (Group 1, 2 or 3 according to AS/NZS4474.1:2007)	4.5	1.0
	2-door refrigerator (Group 4, 5T, 5B or 5S according to AS/NZS4474.1:2007)	6.5	1.0
Permanent removal (for disposal and destruction, with appropriate disposal of refrigerant) of spare freezer that is built before 1996, 200 litres or greater in gross volume, in working order and in regular use but not providing the primary refrigeration service of a household.	Chest (Group 6C according to AS/NZS4474.1:2007)	3.3	1.0
	Upright (Group 6U or 7 according to AS/NZS4474.1:2007)	5.2	1.0
Permanent removal (for disposal and destruction, with appropriate disposal of refrigerant) of Primary operating refrigerator built before 1996, greater than 200 Litres in capacity and replacement with a new high efficiency refrigerator of the equivalent type (1-door or 2-door).	1-door refrigerator	2.2	1.0
	2-door refrigerator	3.4	1.0
Permanent removal (for disposal and destruction, with appropriate disposal of refrigerant) of Primary operating freezer built before 1996, and replacement with a new high efficiency freezer of the equivalent type (chest or upright).	Chest	1.4	1.0
	Upright	3.0	1.0

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Table 8a: Purchase of a new high efficiency 1 door refrigerator

		Capacity less than 300 litres	Capacity 300 litres or more	
Activity	Energy Star Rating of new 1 door refrigerator	DSF (MWh)	DSF (MWh)	Sales Discount Factor
Purchase of a new high efficiency 1 door refrigerator (Group 1, 2 or 3 according to AS/NZS4474.1:2007)	2.0	0.3	0.3	1.0
	2.5	0.7	0.9	1.0
	3.0	1.1	1.4	1.0
	3.5	1.5	1.8	1.0
	4.0	1.8	2.2	1.0
	4.5	2.0	2.5	1.0
	5.0	2.3	2.8	1.0
	5.5	2.5	3.1	1.0
	6.0	2.7	3.5	1.0

Table 8b: Purchase of a new high efficiency 2 door refrigerator

		Capacity less than 300 litres	Capacity 300 litres or more and less than 500 litres	Capacity 500 litres or more	
Activity	Energy Star Rating of new 2 door refrigerator	DSF (MWh)	DSF (MWh)	DSF (MWh)	Sales Discount Factor
Purchase of a new high efficiency 2 door refrigerator (Group 4, 5T, 5B or 5S according to AS/NZS4474.1:2007)	2.5	0.5	0.7	0.9	1.0
	3.0	1.1	1.5	1.9	1.0
	3.5	1.6	2.2	2.8	1.0
	4.0	2.1	2.8	3.5	1.0
	4.5	2.5	3.4	4.2	1.0
	5.0	2.9	3.9	4.8	1.0
	5.5	3.2	4.3	5.4	1.0
	6.0	3.5	4.7	5.8	1.0

Table 8c: Purchase of new high efficiency chest freezer

		Capacity less than 300 litres	Capacity 300 litres or more and less than 500 litres	Capacity 500 litres or more	
Activity	Energy Star Rating of new chest freezer	DSF (MWh)	DSF (MWh)	DSF (MWh)	Sales Discount Factor
Purchase of a new high efficiency chest freezer (Group 6C according to AS/NZS4474.1:2007)	3.0	0.4	0.6	0.8	1.0
	3.5	1.0	1.5	1.9	1.0
	4.0	1.6	2.3	2.9	1.0
	4.5	2.1	3.0	3.8	1.0
	5.0	2.5	3.6	4.6	1.0
	5.5	2.9	4.1	5.3	1.0
	6.0	3.2	4.6	5.9	1.0

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Table 8d: Purchase of new high efficiency upright freezer

		Capacity less than 300 litres	Capacity 300 litres or more	
Activity	Energy Star Rating of new upright freezer	DSF (MWh)	DSF (MWh)	Sales Discount Factor
Purchase of a new high efficiency upright freezer (Group 6U or 7 according to AS/NZS4474.1:2007)	2.5	0.5	0.7	1.0
	3.0	1.3	1.8	1.0
	3.5	1.9	2.7	1.0
	4.0	2.5	3.5	1.0
	4.5	3.0	4.2	1.0
	5.0	3.4	4.8	1.0
	5.5	3.8	5.3	1.0
	6.0	4.2	5.8	1.0

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Table 9: Default LCP for Commercial Lighting Energy Savings Formula

LCP								
Type of Lamp and Control Gear	LCP (Watts)							
Linear fluorescent, circular fluorescent and CFLn	Ballast EEI:	A1	A2	A3	B1	B2	C	D
	T8 and T12 Lamps	NLP + 2	NLP	NLP + 2	NLP + 6	NLP + 8	NLP + 10	NLP + 12
	T5 Lamps	1.13 x NLP + 2.5	1.08 x NLP + 1.5	1.13 x NLP + 2.5	N/A	N/A	N/A	N/A
	CFLn Lamps	NLP + 3	NLP + 1	NLP + 3	NLP + 5	NLP + 7	NLP + 9	NLP + 11
Where NLP = nominal lamp power								
CFLi	NLP							
Tungsten incandescent and tungsten halogen (mains voltage)	NLP							
Tungsten incandescent and tungsten halogen (extra low voltage)	Where connected to magnetic transformer, NLP ÷ 80%. Where connected to electronic transformer, NLP ÷ 93%.							
Metal halide with magnetic ballast (reactor type)	1.0456 x NLP + 14							
Metal halide with magnetic ballast (constant wattage type)	1.071 x NLP + 22							
Metal halide with electronic ballast	1.096 x NLP + 0.9							
Mercury vapour with magnetic ballast	1.033 x NLP + 11							
High pressure sodium (HPS) with magnetic ballast	1.051 x NLP + 13							
Traffic signals	From Traffic Light Load Table published by IPART or relevant regulator. Note that, unlike other lamps, an entire traffic signal unit is used as the basis for calculation, rather than individual lamps.							
LED, induction lighting or other Emerging Technology	Proponent shall apply to the Scheme Administrator in advance for LCP value, and supply product specification sheets or laboratory test reports. Control gear losses shall be included in the LCP.							
Notes:								
If the EEI is not marked on a magnetic ballast, it is assumed to be C. If the EEI is not marked on an electronic ballast, it is assumed to be A3.								
Evidence of LCP should take the form of manufacturer specification sheets or independent testing at the discretion of the Scheme Administrator.								
Different LCP values, to those outlined in this table, can be sought from the Scheme Administrator <u>in advance</u> , accompanied by product specification sheets or test reports.								

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Table 10: Default Operating Factors for Commercial Lighting Energy Savings Formula

Default Lighting Operating Factors			
Field		Value	Notes
Illumination power density = IPD		Maximum allowable illumination power density for each space, as required by Table J6.2b of the Building Code of Australia.	
Asset Lifetime	If the following are replaced: • Luminaire , or • control gear, or • lamp and control gear	Road lighting: 12 years Other lighting: 10 years	If the replacement lamp can be easily replaced with a higher power lamp, the asset lifetimes of lamp and control gear may be treated separately.
	If only lamp is replaced	Nominal lamp lifetime ÷ Annual Operating Hours	
	If T5 adaptor used	1.5 x nominal lamp lifetime ÷ Annual Operating Hours	
Annual Operating Hours		Road lighting: 4,500 hours p.a. Other lighting: 3,000 hours p.a.	If sites have longer annual operating hours, proponent can request a higher value from the Scheme Administrator (in advance).
Control Multiplier = CM		No control system: 1.0 Occupancy sensor: 0.7 Daylight-linked control: 0.7 Programmable dimming: 0.85 Manual dimming: 0.9 VRU: as verified with the Scheme Administrator	Maximum of 2 control multipliers can be used, multiplied together, resulting in minimum product of 0.6.
Air-conditioning Multiplier = AM		1.0 if not air-conditioned, 1.3 if air-conditioned.	

Table 11: Default Efficiency Improvements for High Efficiency Motors

Rated output (kW)	DEI by number of Poles			
	2 pole	4 pole	6 pole	8 pole
0.73 to < 2.6	0.033	0.030	0.039	0.047
2.6 to < 9.2	0.021	0.020	0.024	0.027
9.2 to < 41	0.014	0.014	0.016	0.017
41 to < 100	0.010	0.009	0.010	0.010
100 to < 180	0.008	0.007	0.008	0.008

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Table 12: Default Load Utilisation Factor for High Efficiency Motors – Where End-User Equipment Industry and End-use are known

Load Utilisation Factor	Refrigeration	Pumping	Compressed Air	Fans	Process Drives	Mill / Refining / Mix / Grind	Material Handling/ conveying
Division A Agriculture, Forestry and Fishing	0.14	0.32	0.27	0.28	0.32	0.2	0.2
Division B Mining	0.09	0.36	0.32	0.41	0.32	0.32	0.28
Division C Manufacturing	0.28	0.32	0.27	0.32	0.27	0.24	0.28
Division D Electricity, Gas, Water and Waste Services	0.11	0.32	0.24	0.28	0.28	0.12	0.17
Division E Construction	0.09	0.24	0.15	0.15	0.17	0.14	0.2
Division F Wholesale Trade	0.2	0.14	0.07	0.13	0.13	0.03	0.11
Division G Retail Trade	0.17	0.09	0.07	0.13	0.13	0.03	0.07
Division H Accommodation and Food Services	0.24	0.11	0.04	0.14	0.13	0.09	0.11
Division I Transport, Postal and Warehousing	0.17	0.11	0.08	0.13	0.17	0.03	0.16
Division J Information Media and Telecommunications	0.11	0.09	0.04	0.1	0.11	0.03	0.03
Division K Financial and Insurance Services	0.09	0.05	0.04	0.06	0.06	0.03	0.03
Division L Rental, Hiring and Real Estate Services	0.09	0.05	0.04	0.06	0.06	0.03	0.03
Division M Professional, Scientific and Technical Services	0.17	0.07	0.05	0.08	0.08	0.04	0.03
Division N Administrative and Support Services	0.11	0.05	0.04	0.06	0.04	0.03	0.03
Division O Public Administration and Safety	0.09	0.05	0.04	0.06	0.04	0.03	0.03
Division P Education and Training	0.11	0.05	0.04	0.06	0.04	0.03	0.03
Division Q Health Care and Social Assistance	0.11	0.08	0.11	0.06	0.06	0.03	0.03
Division R Arts and Recreation Services	0.09	0.05	0.04	0.06	0.04	0.03	0.03
Division S Other Services	0.07	0.05	0.04	0.06	0.04	0.03	0.03

Energy Savings Scheme Rule of 2009
Effective from 24 December 2010

Table 13: Default Load Utilisation Factor for High Efficiency Motors – Where End-User Equipment Industry and End-use are not known

Rated output (kW)	LUF
0.73 to < 2.6	0.09
2.6 to < 9.2	0.10
9.2 to < 41	0.11
41 to < 100	0.13
100 to < 180	0.15

Table 14: Asset Life for High Efficiency Motors (t)

Rated output (kW) of High Efficiency Motor	t (Asset life (years))
0.73 to < 2.6	12
2.6 to < 9.2	15
9.2 to < 41	20
41 to < 100	22
100 to < 180	25

Table 15: Default Efficiencies

Application	Device type	Default Efficiency
Electric Space heating	Resistance	100%
	Reverse cycle	280%
Electric Cooking	Hotplate	60%
	Oven	50%
Electric Industrial heat	Boiler	90%
Natural gas and LPG Water heating	Instantaneous	75%
	Storage	60%
Natural gas and LPG Space heating	Flued heater	70%
Wood space heating	Closed combustion	50%
	Open fire	20%
Natural gas and LPG Cooking	Burners	50%
	Oven	45%
Natural gas and LPG Industrial heat	Boiler	80%
Bagasse Industrial heat	Boiler	60%

Energy Savings Scheme Rule of 2009
Effective from 24 December 2010

Table 16: Discount Factors for calculating forward creation of Certificates under the Project Impact Assessment Method

Year	Discount Factor
1	1.00
2	0.80
3	0.60
4	0.40
5	0.20



LOCAL COURT PRACTICE NOTE NO 1 of 2010

ISSUED: 4 January 2010

Amended: 17 December 2010

Procedures to be adopted for Committal hearings in the Local Court for proceedings commenced on or after 1 May 2008

This Practice Note applies to all matters for which a Court Attendance Notice was filed on or after 1 May 2008 (irrespective of whether the offence was committed before or after 1 May 2008) and supersedes Practice Notes 1 of 2007 and 4 of 2008 for these matters.

Part A of this Practice Note applies in relation to committal proceedings heard at Downing Centre Local Court and Central Local Court in Sydney. Part B of this Practice Note applies to committal proceedings heard at all other Local Court locations.

This Practice Note does not apply to offences in the Children's Court.

PART A

This Part applies in relation to committal proceedings in respect of indictable offences heard at Downing Centre Local Court and Central Local Court in Sydney, for which a Court Attendance Notice was filed on or after 1 May 2008 (irrespective of whether the offence was committed before or after 1 May 2008).

The procedures outlined in the Practice Note are intended as best practice to:

- Ensure Time Standards for cases committed for trial or sentence to the Supreme or District Court are complied with; and
- Enable accused persons who are adults and are legally represented to attend a Compulsory Case Conference (**Compulsory Conference**) whilst the trial of Compulsory Case Conferencing continues pursuant to the *Criminal Case Conferencing Trial Act 2008 (CCCT Act)*.

Paragraph 2.2 and all of Item 4 of Part A do not apply in proceedings relating to Commonwealth offences.

The procedures outlined are also intended to ensure that the utilisation of Audio Visual Link technology is conducted in the most efficient manner.

1. Matters where Election to proceed on indictment to be considered pursuant to Criminal Procedure Act

1.1 On first appearance, matters to which Table 1 of the Criminal Procedure Act (CPA) apply will be adjourned for 14 days for determination as to whether an Election is to be made to have the matter dealt with on indictment. No brief orders are to be made on the first appearance in these circumstances.

1.2 If an Election is made after the fourteen (14) day adjournment, the matter is to proceed in accordance with item 2 of this Practice Note.

1.3 If no Election is made, the matter is to proceed in the same way as any summary proceeding (see Practice Note 7 of 2007).

2. Strictly Indictable matters or matters where election made to proceed on indictment – 1st Appearance

2.1 On the first appearance date, a brief order must be made by the Court.

2.2 The Court will give the accused person a statement in writing explaining the effect of Part 3 of the CCCT Act (see Attachment A).

2.3 The brief order will depend on the nature of the evidence to be included in the brief and will be either:

- (a) a brief service order (see 2.4-2.6 below), or
- (b) an extended brief service order (see 2.7-2.11 below).

Brief Service Order

2.4 Where the prosecution does not seek extended brief service orders, or the Court is not satisfied that extended brief service orders should be made, the Court will order service of the brief in no less than six weeks.

2.5 The matter will be adjourned to a date no less than one week after the brief service date for review.

2.6 The Prosecuting Authority is to ensure the informant is notified not more than 72 hours after the brief orders are made of the need to prepare a brief for service on an accused person.

Extended Brief Service Order

2.7 An extended brief service order will generally only be made when the Court is informed that the Prosecuting Authority intends to rely on evidence drug analysis, DNA or fingerprints or where the Court is informed that other evidence is required that justifies the making of an extended brief service order¹.

¹ Such evidence may include medical evidence, telephone intercepts or listening device transcripts, translations, computer analysis evidence, business record affidavits and/or evidence from overseas.

2.8 The Court may make extended brief service orders if it is satisfied that the brief is to include evidence that cannot be obtained within six weeks.

2.9 If the prosecution seeks extended brief service orders, it must advise the Court of the categories of evidence that cannot be obtained within six weeks and the date the evidence is expected to be obtained.

2.10 If the Court is satisfied that extended brief service orders should be made the Court will order:

- (a) the brief, excluding the evidence referred to in paragraph 2.9 above, be served in no less than six weeks (the **brief service date**)
- (b) the brief, including the evidence referred to in paragraph 2.9 above, be served in no less than twelve weeks or such time as is necessary for the prosecution to obtain that evidence (the **further evidence date**)
- (c) the matter be adjourned to a date no less than one week after the further evidence date ordered in under paragraph 2.10(b).
- (d) The Prosecuting Authority is to ensure the informant is notified not more than 72 hours after the extended brief service orders are made of the need to prepare a brief for service on an accused person.

2.11 Either party may seek leave to restore the matter to the list on giving at least three days notice in writing to the other party/parties and the Court.

3. Case Management at the 2nd appearance where brief served and accused not legally represented or charged with a Commonwealth offence

3.1 The accused must be at Court on this date. If in custody, the accused must appear by AVL unless the Court otherwise directs.

3.2 The following directions apply only where the accused is not represented by a barrister or solicitor, or is charged with a Commonwealth offence.

The Court may proceed with;

- (a) a committal for sentence or hearing of a plea of guilty where an election to proceed on indictment is withdrawn; or
- (b) the hearing of committal proceedings either by paper committal or waiver; or
- (c) the setting down for hearing of a contested s 91 CPA application or an application to which s 93 CPA (special reasons) applies at the earliest available opportunity. The Court may order that any submissions by the accused in support of an application for a direction under s 91 CPA or s 93 CPA be served on the DPP and filed with the Court at least seven days before the application is to be heard; or

(d) the hearing of a contested s 91 CPA application or s 93 CPA application;
or

(e) the setting down of the proceedings for committal hearing.

3.3 The Court may make such further orders as it thinks fit.

3.4 Where proceedings under this section are further adjourned, the Court may order that a Disclosure Certificate be served on the accused within two weeks of this date.

4. Case Management at the 2nd appearance where brief served and accused is legally represented

For the duration of the trial of Compulsory Case Conferencing pursuant to the CCCT Act, where an adult accused is legally represented by a barrister or a solicitor and a plea of guilty has not been entered for an offence other than an offence mentioned in section 6(1) of the CCCT Act, a Compulsory Conference is to be held.

The following practice directions are to apply:

4.1 A Compulsory Conference must be held in accordance with Part 3 of the CCCT Act.

4.2 The Court will:

- (a) Order that the prosecution pursuant to section 9 of the *CCCT Act* serve on the accused, within twenty-eight (28) days, a Pre-Conference Disclosure Certificate in relation to the offence.
- (b) Order that a Compulsory Conference be held within forty-two (42) days unless compelling circumstances exist in the interests of justice for a later date.
- (c) Order that in the event of agreement between the parties as to a plea of guilty at any time the parties have liberty to restore the matter to the list.
- (d) Order that in the event of agreement not being reached at a Compulsory Conference, any submissions by the accused in support of an application for a direction under s 91 or s 93 CPA are to be in writing, served on the DPP and filed with the Court not more than seven (7) days after a Compulsory Conference.
- (e) Order that the DPP to respond within seven (7) days of being served with those submissions.
- (f) Adjourn the proceedings for a period not more than eight weeks or for such time as the Court considers appropriate in the interests of justice, (the **Adjournment Date**) when the Pre-Conference Disclosure Certificate and Compulsory Conference certificate will be filed with the Local Court.

4.3 Failure to comply with orders under 4.2(d) and (e) may result in the Court refusing to make a second or subsequent order without cause being shown. In such case the matter may proceed by way of paper committal, with or without submissions.

4.4 Where a Court makes a second or subsequent order, it may consider an order for costs against the defaulting party in accordance with section 118 of the *Criminal Procedure Act 1986*.

4.5 This item does not apply where an accused is charged with a Commonwealth offence.

5. Case management on the Adjournment Date

Failure by the accused or the accused's legal representative to attend at a Compulsory Conference will not entitle the accused to an adjournment unless compelling circumstances exist in the interests of justice.

5.1 On the adjournment date, the Court may proceed with;

- (a) a committal for sentence or hearing of a plea of guilty where an election to proceed on indictment is withdrawn; or
- (b) the hearing of committal proceedings either by paper committal or waiver; or
- (c) the setting down for hearing of a contested s 91 CPA application or an application to which s 93 CPA (special reasons) applies at the earliest available opportunity. The Court may order that any submissions by the accused in support of an application for a direction under s 91 CPA or s 93 CPA be served on the DPP and filed with the Court at least seven days before the application is to be heard; or
- (d) the hearing of a contested s 91 CPA application or s 93 CPA application; or
- (e) the setting down of the committal proceedings for hearing.

5.2 The Court may make such further orders as it thinks fit.

6. Listing of committal proceedings for hearing in the Local Court

Subject to the interests of justice, committal proceedings are to be completed as expeditiously as possible to enable the transfer, if appropriate, of these cases to either the Supreme or District Court.

7. Adjournments

No variations of the above procedural timetable will be granted unless compelling circumstances exist in the interests of justice.

Criminal Case Processing – A

Process of Matters through the Local Court at *Downing Centre* and *Central* – except where accused is unrepresented or is charged with a Commonwealth offence

First Appearance

If matter is Table 1

- Matter adjourned for not less than 14 days for Election to be made.
- No brief service orders made.

If Strictly Indictable or election made

- Brief service orders or extended brief service orders made
- Explanation of Compulsory Case Conference
- Adjourned for **not less than 7 weeks** for service of the brief for review.
- Where extended brief service orders made, brief service in not less than six weeks, further evidence service in no less than 12 weeks or further period as required and matter adjourned until one week after further evidence date for review.

Second Appearance²

Accused must participate in a conference³

Matter adjourned for **eight weeks**:

- Disclosure Certificate to be served within 28 days
- Conference within 42 days of second appearance.
- Liberty to restore to list if plea negotiated.
- If not negotiated, defence to serve 91/93 application submissions on DPP within 7 days after conference.
- DPP to reply 7 days after that.

Third Appearance

Disclosure Certificate and Compulsory Conference certificate filed.

Matter proceeds in Local Court or as Paper Committal for Sentence or Trial or 91/93 Application determined by the Court:

- If granted: matter adjourned for Committal Hearing
- If refused: matter proceeds as Paper Committal for Trial

Fourth Appearance: Committal Hearing

Only applies where the Court has made orders under sections 91 or 93.

Notes

- *DPP Disclosure Certificate to be served in all matters where accused is participating in the case conference.*

² Assumes brief served – otherwise, further brief service orders to be made

³ Assumes accused legally represented – otherwise paragraph 3 applies

PART B

This Part applies in relation to committal proceedings in respect of indictable offences heard at Local Courts other than the Downing Centre and Central Local Courts, for which a court attendance notice was filed on or after 1 May 2008 (irrespective of whether the offence was committed before or after 1 May 2008).

The procedures outlined in the Practice Note are intended as best practice to ensure that Time Standards for cases committed for trial or sentence to the Supreme or District Court, are as far as possible complied with and to enable accused persons who are adults and are legally represented to attend a Case Conference (**Conference**).

Item 4 of Part B does not apply in proceedings relating to Commonwealth offences.

The procedures outlined are also intended to ensure that the utilisation of Audio Visual Link technology is conducted in the most efficient manner.

1. Matters where Election to proceed on indictment to be considered pursuant to Criminal Procedure Act

1.1 On first appearance, to which Table 1 of the CPA applies matters will be adjourned for 14 days for determination of whether an Election is to be made to have the matter dealt with on indictment. No brief orders are to be made on the first appearance in these circumstances.

1.2 If an Election is made after the fourteen (14) day adjournment, the matter is to proceed in accordance with item 2 of this Practice Note.

1.3 If no Election is made, the matter is to proceed in the same way as any summary proceeding (see Practice Note 7 of 2007).

2. Strictly Indictable Matters, or matters where election made to proceed on indictment – 1st Appearance

2.1 On the first appearance date a brief order must be made by the Court.

2.2 The Court will order service of the brief in no less than six weeks.

2.3 The matter will be adjourned to a date no less than one week after the brief service date for review.

2.4 The Prosecuting Authority is to ensure the informant is notified not more than 72 hours after the brief orders are made of the need to prepare a brief for service on an accused person.

3. Case Management at the 2nd appearance where brief served and accused is not legally represented or charged with a Commonwealth offence

3.1 The accused must be at Court on this date. If in custody, the accused must appear by AVL unless the Court otherwise directs.

3.2 The Court may proceed with:

- (a) a committal for sentence or hearing of a plea of guilty where an election to proceed on indictment is withdrawn; or
- (b) the hearing of committal proceedings either by paper committal or waiver; or
- (c) the setting down for hearing of a contested s 91 CPA application or an application to which s 93 CPA (special reasons) applies at the earliest available opportunity. The Court may order that any submissions by the accused in support of an application for a direction under s 91 CPA or s 93 CPA be served on the DPP and filed with the Court at least seven days before the application is to be heard; or
- (d) the hearing of a contested s 91 CPA application or s 93 CPA application; or
- (e) the setting down of committal proceedings for hearing.

3.3 The Court may make such further orders as it thinks fit.

4. Case Management at the 2nd appearance where brief served and accused is legally represented

4.1 The following practice directions are to apply only where an adult accused is legally represented by a barrister or a solicitor and a plea of guilty has not been entered:

- (a) the legal representative of the accused must inform the Court whether a legal representative of the accused will attend a Conference. Where an accused will not attend a Conference the Court will proceed in accordance with Paragraph 3 above.
- (b) Upon being informed that the legal representative of the accused will attend a Conference the Court will:
 - (i) Order that a Conference be held within forty-two (42) days unless compelling circumstances exist in the interests of justice for a later date.
 - (ii) Order that in the event of agreement between the parties as to a plea of guilty at any time the parties have liberty to restore the matter to the list.
 - (iii) Order that in the event of agreement not being reached at a Conference, any submissions by the accused in support of an application for a direction under s 91 or s 93 CPA are to be in writing, served on the DPP and filed with the Court not more than seven (7) days after a Conference.

(iv) The DPP to respond within seven (7) days of being served with those submissions

(v) Adjourn the proceedings for a period not more than eight weeks or for such time as the Court considers appropriate in the interests of justice (the adjournment date).

4.2 The committal hearing will not be adjourned to another date to allow such a Conference to be held.

4.3 Failure to comply with orders under 4.1(b)(iii) and (iv) may result in the Court refusing to make a second or subsequent order without cause being shown. In such case the matter may proceed by way of paper committal, with or without submissions.

4.4 Where a Court makes a second or subsequent order, it may consider an order for costs against the defaulting party in accordance with section 118 of the *Criminal Procedure Act 1986*.

4.5 This item does not apply where the accused is charged with a Commonwealth offence.

5. Case management on the adjournment date

Failure by the accused or the accused's legal representative to attend at a Conference will not entitle the accused to an adjournment unless compelling circumstances exist in the interests of justice.

5.1 On the adjournment date, the Court may proceed with;

- (a) a committal for sentence or hearing of a plea of guilty where an election to proceed on indictment is withdrawn; or
- (b) the hearing of committal proceedings either by paper committal or waiver; or
- (c) the setting down for hearing of a contested s 91 CPA application or an application to which s 93 CPA (special reasons) applies at the earliest available opportunity. The Court may order that any submissions by the accused in support of an application for a direction under s 91 CPA or s 93 CPA be served on the DPP and filed with the Court at least seven days before the application is to be heard; or
- (d) the hearing of a contested s 91 CPA application or s 93 CPA application; or
- (e) the setting down of the committal proceedings for hearing.

5.2 The Court may make such further orders as it thinks fit.

6. Listing of committal proceedings for hearing in the Local Court

Subject to the interests of justice, committal proceedings are to be completed as expeditiously as possible to enable the transfer, if appropriate, of these cases to either the Supreme or District Court.

7. Adjournments

No variations of the above procedural timetable will be granted unless compelling circumstances exist in the interests of justice.

Judge Graeme Henson
Chief Magistrate

Criminal Case Processing – B

Process of Matters through the Local Court *other than* Downing Centre and Central

First Appearance

If matter is Table 1

- Matter adjourned for not less than 14 days for Election to be made.
- No brief service orders made.

If Strictly Indictable or election made

- At first appearance (not necessarily first DPP appearance): Brief service orders made – 6 weeks
- Adjourned for **not less than 7 weeks** for review

Second Appearance¹ – does not apply to Commonwealth matters or unrepresented parties

If accused informs court they are **not participating** in a conference² then usual committal proceedings continue.

If accused **is participating**, matter adjourned for **eight weeks**:

- Conference within 28 days of second appearance.
- Liberty to restore to list if plea negotiated
- If not negotiated, defence to serve 91/93 application submissions on DPP within 7 days after conference
- DPP to reply 7 days after that

Third Appearance

Matter proceeds in Local Court or as Paper Committal for Sentence or Trial or 91/93 Application determined by the Court:

- If granted: matter adjourned for Committal Hearing
- If refused: matter proceeds as Paper Committal for Trial

Fourth Appearance: Committal Hearing

Only applies where the Court has made orders under sections 91 or 93.

Notes

- *Participation in the conference is not compulsory.*
- *Unrepresented accused may not participate in a conference.*

¹ Assumes brief served – otherwise, further brief service orders to be made

² Or accused is not legally represented, paragraph 3 applies

Attachment A

CRIMINAL CASE CONFERENCING
Statement of effect of legislation and accused person's rights

Section 10(2) Criminal Case Conferencing Trial Act 2008

To the Defendant:**Statement****Compulsory conferences**

A compulsory conference is to be held in relation to the offence with which you have been charged.

Purpose of compulsory conference

The purpose of the compulsory conference is to determine whether there is any offence or are any offences to which you are prepared to plead guilty and whether you and the prosecution can reach agreement on certain other matters, such as the details of the agreed facts and facts in dispute in relation to any offence to which you have offered to plead guilty.

Who must attend the compulsory conference

Your legal representative and an officer from the Office of the Director of Public Prosecutions representing the prosecution are to attend the compulsory conference.

Documents to be provided to your legal representative

The prosecution must give a brief of evidence and then a pre-conference disclosure certificate to your legal representative before the holding of the compulsory conference. Those documents will outline the offence or offences with which you have been charged and the prosecution's case in relation to those offences.

Holding of compulsory conference

If you don't plead guilty, the pre-conference disclosure certificate will then be filed and the compulsory conference will be held.

If you plead guilty before the filing of the pre-conference disclosure certificate, the compulsory conference will not be held.

Outcome of compulsory conference

The prosecution and your legal representative will sign a compulsory conference certificate after the holding of the compulsory conference and that document will be filed with the court. The certificate will set out the offence or offences with which you have been charged and other matters arising from the compulsory conference, such as whether you offered to plead guilty to any offences and whether you or the prosecution rejected any such offers. It may also include whether you consider the brief of evidence to have been inadequate.

The compulsory conference certificate can only be used by a sentencing court for limited purposes.

Disclosing any information in a compulsory conference does not count as a pre-trial disclosure for the purposes of any additional sentence discounts.

Attachment A**Sentence discounts****Maximum sentence discount for guilty plea before committal for trial**

If you plead guilty before being committed for trial, you are entitled to a 25% discount on your sentence for the guilty plea.

Maximum sentence discount for guilty plea after committal for trial

If you plead guilty at any time after being committed for trial, a court may discount your sentence by up to 12.5% for the guilty plea depending on how much of a benefit will result from you pleading guilty at that stage of the proceedings. If the court considers there is no benefit gained from the guilty plea at that stage, no discount for the guilty plea will be allowed.

In certain exceptional circumstances, you may be allowed a sentence discount of up to 25%.

Prosecutor may exclude offences

The prosecution may exclude any offence from the operation of the sentence discounting provisions by a notice in writing filed with the court at the same time as the pre-conference disclosure certificate. The prosecution can only exclude an offence if the prosecutor is satisfied that the case in question is an extreme case and there is a high probability of conviction.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The blast furnace slag exemption 2010

Name

1. This exemption is to be known as 'The blast furnace slag exemption 2010'.

Commencement

2. This exemption commences on 27 December 2010.

Duration

3. This exemption is valid unless revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette. 'The blast furnace slag exemption 2010' which commenced on 5 March 2010, is revoked from 27 December 2010.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.
 - 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Generator	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act Part 3 of the Regulation	all requirements specified in section 7 and 8
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act Part 3 of the Regulation	all requirements specified in section 7 and 9
Consumer	section 48 of the Act in respect of clauses 39 and 42 of Schedule 1 to the Act Part 3 of the Regulation section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 10

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Blast furnace slag is a waste formed when iron ore, a mixture of oxides of iron, silica and alumina, a fuel consisting of coke, natural gas, oxygen and pulverised coal and limestone are fed into a blast furnace during the manufacture of iron for steel production.

Characterisation means sampling and testing that must be conducted on the blast furnace slag for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of blast furnace slag within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which blast furnace slag is applied. Where a person responsible for transporting the blast furnace slag to the land application site is also the party applying the blast furnace slag, this person must meet the responsibilities of the consumer.

Generator means a person who generates, supplies, causes, or permits the supply of blast furnace slag to a processor or consumer. The generator may also be the processor.

NA means not applicable.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of blast furnace slag that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates blast furnace slag into a material for supply to a consumer.

Relevant waste means blast furnace slag that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the blast furnace slag on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:
- 7.1. The chemical concentration or other attribute of the blast furnace slag listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
 - 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
 - 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
 - 7.2. The blast furnace slag can only be applied to land as an engineering fill in earthworks or for road making activities as follows:
 - 7.2.1. engineered fill,
 - 7.2.2. engineered pavements (base and sub-base coarse),
 - 7.2.3. filter aggregate
 - 7.2.4. asphalt aggregate
 - 7.3. The blast furnace slag can only be applied to land consistent with section 7.2 where:
 - 7.3.1. it complies with a relevant specification or Australian Standard or supply agreement/s, and
 - 7.3.2. planning or development consent that has specifically considered the use of blast furnace slag has been granted for the project.
 - 7.4. The blast furnace slag can be applied to land consistent with section 7.2 when blended with other exempted materials, provided that the blended materials have been validated as compliant with the conditions of each individual exemption, for the use specified in each exemption.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:
- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. Where the blast furnace slag is generated as part of a continuous process, the generator must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.3. Where the blast furnace slag is not generated as part of a continuous process, the generator may undertake once-off sampling of a batch, truckload or stockpile of blast furnace slag according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.4. Where there is a change in inputs that is likely to affect the properties in the blast furnace slag, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
 - 8.5. Generators must keep a written record of all characterisation, routine and/or once-off test results for a period of five years.

- 8.6. Records of the quantity and proposed use of blast furnace slag supplied to the processor or consumer and the processor or consumer's name and address must be kept for a period of five years.
- 8.7. The generator of blast furnace slag must provide a written statement of compliance to the processor or consumer with each transaction, certifying that the blast furnace slag complies with the relevant conditions of this exemption.
- 8.8. The generator of blast furnace slag must make information on the latest characterisation and routine test results available to the processor and consumer.
- 8.9. The generator of blast furnace slag must use due diligence to ensure that the relevant waste is utilised in applications that are consistent with the conditions of this exemption.

Processor responsibilities

9. The following conditions must be met by the processor for this exemption to apply:

- 9.1. Records of the quantity and proposed use of blast furnace slag supplied to the consumer and the consumer's name and address must be kept for a period of five years.
- 9.2. Records of the quantity of blast furnace slag received by the processor from the generator, and the generators name and address, must be kept for a period of five years.
- 9.3. The processor of blast furnace slag must provide a written statement of compliance to the consumer with each transaction, certifying that the blast furnace slag complies with the relevant conditions of this exemption.
- 9.4. The processor of blast furnace slag must make information on the latest characterisation and routine test results available to the consumer.
- 9.5. The processor of blast furnace slag must use due diligence to ensure that the relevant waste is utilised in applications that are consistent with the conditions of this exemption.

Consumer responsibilities

10. The following conditions must be met by the consumer for this exemption to apply:

- 10.1. Records of the quantity and use of the blast furnace slag received by the consumer and the suppliers' name and address must be kept for a period of five years.
- 10.2. The blast furnace slag must not be applied in or beneath water including groundwater.
- 10.3. The consumer should note that regardless of having an exemption, the use of blast furnace slag remains subject to all other relevant environmental regulations within the Act and Regulations, including but not limited to land pollution (s142A) and water pollution (s120).
- 10.4. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

11. This Notice of Exemption only applies to blast furnace slag where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2. Note that while limits are not included for boron and electrical conductivity, these must be tested in each sample and records kept of results.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not Required	1	13.1
2. Cadmium	0.5	0.5	1	13.2
3. Lead	10	10	20	13.2
4. Arsenic	5	Not Required	10	13.2
5. Beryllium	10	Not Required	20	13.2
6. Boron	NA	NA	NA	13.2
7. Chromium (total)	50	Not Required	100	13.2
8. Copper	10	Not Required	20	13.2
9. Molybdenum	5	5	10	13.2
10. Nickel	10	Not Required	20	13.2
11. Selenium	2	Not Required	5	13.2
12. Zinc	25	25	50	13.2
13. Electrical Conductivity	NA	NA	NA	13.3
14. pH *	7.5 to 12.5	Not Required	7 to 13	13.3

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the blast furnace slag.

Sampling and testing requirements

12. This Notice of Exemption only applies to blast furnace slag sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation sampling frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every 2 years.	Either 5 composite samples per 10,000 tonnes or 5 composite samples per 6 months.	10 composite samples per 4,000 tonnes e.g. discrete once-off delivery or ship load.

Test methods

13. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 13.1. Test method for measuring the mercury concentration in blast furnace slag:
 - 13.1.1. Particle size reduction & sample splitting may be required.
 - 13.1.1. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold-vapor technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 0.2 mg/kg dry weight).
 - 13.1.2. Report as mg/kg dry weight.
- 13.2. Test method for measuring chemicals 2 - 12 in blast furnace slag:
 - 13.2.1. Particle size reduction & sample splitting may be required.
 - 13.2.2. Sample preparation by digestion using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 13.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 2 mg/kg dry weight for lead).
 - 13.2.4. Report as mg/kg dry weight.
- 13.3. Test methods for measuring the electrical conductivity and pH in blast furnace slag:
 - 13.3.1. Sample preparation by mixing 1 part blast furnace slag with 5 parts distilled water.
 - 13.3.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 13.3.3. Report electrical conductivity in deciSiemens per metre (dS/m).

Exemption Granted

Christopher McElwain
Acting Waste Management
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The EPA may grant specific exemptions in certain circumstances in recognition of intellectual property rights or where it is necessary to impose specific conditions on the use or application of a waste.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The electric arc furnace slag exemption 2010

Name

1. This exemption is to be known as 'The electric arc furnace slag exemption 2010'.

Commencement

2. This exemption commences on 27 December 2010.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette. 'The electric arc furnace slag exemption 2010' which commenced on 5 March 2010 is revoked on 27 December 2010.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.
 - 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Generator	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act Part 3 of the Regulation	all requirements specified in section 7 and 8
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act Part 3 of the Regulation	all requirements specified in section 7 and 9
Consumer	section 48 of the Act in respect of clauses 39 and 42 of Schedule 1 to the Act Part 3 of the Regulation section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 10

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the electric arc furnace slag for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of electric arc furnace slag within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which electric arc furnace slag is applied. Where a person responsible for transporting the electric arc furnace slag to the land application site is also the party applying the electric arc furnace slag, this person must also meet the responsibilities of the consumer.

Electric arc furnace slag is the waste sourced from steels produced by the Electric Arc Furnace steelmaking process, and is formed after the molten solution of silicates and oxides cools and solidifies. Electric arc furnace slag does not include any bag house dust or air pollution control residues.

Generator means a person who generates, supplies, causes, or permits the supply of electric arc furnace slag to a processor or consumer. The generator may also be the processor.

NA means not applicable.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of electric arc furnace slag that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates electric arc furnace slag into a material for supply to a consumer.

Routine sampling means sampling and testing that must be conducted on the electric arc furnace slag on an ongoing and regular basis.

Relevant waste means electric arc furnace slag that meets the requirements of Section 7.

General conditions

7. This Notice of Exemption is subject to the following conditions:
- 7.1. The chemical concentration or other attribute of the electric arc furnace slag listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
 - 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
 - 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
 - 7.2. The electric arc furnace slag can only be applied to land for engineering fill in earthworks or for road making activities as follows:
 - 7.2.1. sealing aggregate,
 - 7.2.2. asphalt aggregate,
 - 7.2.3. engineered pavements (base and sub-base coarse),
 - 7.2.4. engineered fill,
 - 7.2.5. subsoil drains,
 - 7.2.6. filter aggregate.
 - 7.3. The electric arc furnace slag can only be applied to land consistent with section 7.2 where:
 - 7.3.1. it complies with a relevant specification or Australian Standard or supply agreement/s, and
 - 7.3.2. planning or development consent that has specifically considered the use of electric arc furnace slag has been granted for the project.
 - 7.4. The electric arc furnace slag can be applied to land consistent with section 7.2 when blended with other exempted materials, provided that the blended materials have been validated as compliant with the conditions of each individual exemption, for the use specified in each exemption.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:
- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. Where the electric arc furnace slag is generated as part of a continuous process, the generator must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.3. Where the electric arc furnace slag is not generated as part of a continuous process, the generator may undertake once-off sampling of a batch, truckload or stockpile of electric arc furnace slag according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.4. Where there is a change in inputs that is likely to affect the properties in the electric arc furnace slag, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
 - 8.5. Generators must keep a written record of all characterisation, routine and/or once-off test results for a period of five years.

- 8.6. Records of the quantity and proposed use of electric arc furnace slag supplied to the processor or consumer and the processor or consumer's name and address must be kept for a period of five years.
- 8.7. The generator of electric arc furnace slag must provide a written statement of compliance to the processor or consumer with each transaction, certifying that the electric arc furnace slag complies with the relevant conditions of this exemption.
- 8.8. The generator of electric arc furnace slag must make information on the latest characterisation and routine test results available to the processor and consumer.
- 8.9. The generator of electric arc furnace slag must use due diligence to ensure that the relevant waste is utilised in applications that are consistent with the conditions of this exemption.

Processor responsibilities

9. The following conditions must be met by the processor for this exemption to apply:

- 9.1. Records of the quantity and proposed use of electric arc furnace slag supplied to the consumer and the consumer's name and address must be kept for a period of five years.
- 9.2. Records of the quantity of electric arc furnace slag received by the processor from the generator, and the generators name and address, must be kept for a period of five years.
- 9.3. The processor of electric arc furnace slag must provide a written statement of compliance to the consumer with each transaction, certifying that the electric arc furnace slag complies with the relevant conditions of this exemption.
- 9.4. The processor of electric arc furnace slag must make information on the latest characterisation and routine test results available to the consumer.
- 9.5. The processor of electric arc furnace slag must use due diligence to ensure that the relevant waste is utilised in applications that are consistent with the conditions of this exemption.

Consumer responsibilities

10. The following conditions must be met by the consumer for this exemption to apply:

- 10.1. Records of the quantity and use of the electric arc furnace slag received by the consumer and the suppliers' name and address must be kept for a period of five years.
- 10.2. The electric arc furnace slag must not be applied in or beneath water including groundwater.
- 10.3. The consumer should note that regardless of having an exemption, the use of electric arc furnace slag remains subject to all other relevant environmental regulations within the Act and Regulations, including but not limited to land pollution (s142A) and water pollution (s120).
- 10.4. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

11. This Notice of Exemption only applies to electric arc furnace slag where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2. Note that while limits are not included for boron and electrical conductivity, these must be tested in each sample and records kept of results.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not Required	1	13.1
2. Cadmium	0.5	0.5	1	13.2
3. Lead	25	25	50	13.2
4. Arsenic	5	Not Required	10	13.2
5. Beryllium	5	Not Required	10	13.2
6. Boron	NA	NA	NA	13.2
7. Chromium (total)	1%	Not Required	2%	13.2
8. Copper	150	150	300	13.2
9. Molybdenum	35	35	70	13.2
10. Nickel	50	50	100	13.2
11. Selenium	2	Not Required	5	13.2
12. Zinc	400	400	700	13.2
13. Leachable concentration (TCLP) of Chromium	1 mg/L	1 mg/L	2 mg/L	13.3
14. Leachable concentration (TCLP) of Copper	0.1 mg/L	0.1 mg/L	0.2 mg/L	13.3
15. Leachable concentration (TCLP) of Molybdenum	0.1 mg/L	0.1 mg/L	0.2 mg/L	13.3
16. Leachable concentration (TCLP) of Nickel	0.25mg/L	0.25mg/L	0.5mg/L	13.3
17. Leachable concentration (TCLP) of Zinc	2 mg/L	2 mg/L	4 mg/L	13.3
18. Electrical Conductivity	NA	NA	NA	13.4
19. pH*	9 to 12.5	Not Required	8 to 13	13.4

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the electric arc furnace slag.

Sampling and testing requirements

12. This Notice of Exemption only applies to electric arc furnace slag sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation sampling frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every year.	Either 5 composite samples per 2,000 tonnes or 5 composite samples per 3 months.	10 composite samples per 2,000 tonnes e.g discrete once-off delivery or ship load.

Test methods

13. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 13.1. Test method for measuring the mercury concentration in electric arc furnace slag:
 - 13.1.1. Particle size reduction & sample splitting may be required.
 - 13.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold-vapor technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 0.2 mg/kg dry weight).
 - 13.1.3. Report as mg/kg dry weight.
- 13.2. Test methods for measuring chemicals 2 - 12 in electric arc furnace slag:
 - 13.2.1. Particle size reduction & sample splitting may be required.
 - 13.2.2. Sample preparation by digestion using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 13.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 5 mg/kg dry weight for lead).
 - 13.2.4. Report as mg/kg dry weight.
- 13.3. Test method for measuring attributes 13 - 17 in electric arc furnace slag:
 - 13.3.1. Analysis using USEPA SW-846 Method 1311 Toxicity characteristic leaching procedure (or an equivalent analytical method).
 - 13.3.2. Report as mg/L.

- 13.4. Test methods for measuring the electrical conductivity and pH in electric arc furnace slag:
- 13.4.1. Sample preparation by mixing 1 part electric arc furnace slag with 5 parts distilled water.
- 13.4.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
- 13.4.3. Report electrical conductivity in deciSiemens per metre (dS/m).

Exemption Granted

Christopher McElwain
Acting Manager, Waste Management
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The EPA may grant specific exemptions in certain circumstances in recognition of intellectual property rights or where it is necessary to impose specific conditions on the use or application of a waste.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The steel furnace slag exemption 2010

Name

1. This exemption is to be known as 'The steel furnace slag exemption 2010'.

Commencement

2. This exemption commences on 27 December 2010.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette. 'The steel furnace slag exemption 2010' which commenced on 5 March 2010, is revoked on 27 December 2010.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.
 - 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Generator	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act Part 3 of the Regulation	all requirements specified in section 7 and 8
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act Part 3 of the Regulation	all requirements specified in section 7 and 9
Consumer	section 48 of the Act in respect of clauses 39 and 42 of Schedule 1 to the Act Part 3 of the Regulation section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 10

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the steel furnace slag for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of steel furnace slag within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which steel furnace slag is applied. Where a person responsible for transporting the steel furnace slag to the land application site is also the party applying the steel furnace slag, this person must also meet the responsibilities of the consumer.

Generator means a person who generates, supplies, causes, or permits the supply of steel furnace slag to a processor or consumer. The generator may also be the processor.

NA means not applicable.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of steel furnace slag that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates steel furnace slag into a material for supply to a consumer.

Relevant waste means the steel furnace slag that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the steel furnace slag on an ongoing and regular basis.

Steel furnace slag is a waste formed from the reaction of molten iron, scrap steel and fluxes in a Basic Oxygen Steel (BOS) furnace during the manufacture of steel. Steel furnace slag does not include any bag house dust or air pollution control residues.

General conditions

7. This Notice of Exemption is subject to the following conditions:
- 7.1. The chemical concentration or other attribute of the steel furnace slag listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
 - 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
 - 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
 - 7.2. The steel furnace slag can only be applied to land as an engineering fill in earthworks or for road making activities as follows:
 - 7.2.1. sealing aggregate,
 - 7.2.2. asphalt aggregate,
 - 7.2.3. engineered pavements (base and sub-base coarse),
 - 7.2.4. engineered fill,
 - 7.2.5. subsoil drains,
 - 7.2.6. filter aggregate.
 - 7.3. The steel furnace slag can only be applied to land consistent with section 7.2 where:
 - 7.3.1. it complies with a relevant specification or Australian Standard or supply agreement/s, and
 - 7.3.2. planning or development consent that has specifically considered the use of steel furnace slag has been granted for the project.
 - 7.4. The steel furnace slag can be applied to land consistent with section 7.2 when blended with other exempted materials, provided that the blended materials have been validated as compliant with the conditions of each individual exemption, for the use specified in each exemption.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:
- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. Where the steel furnace slag is generated as part of a continuous process, the generator must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.3. Where the steel furnace slag is not generated as part of a continuous process, the generator may undertake once-off sampling of a batch, truckload or stockpile of steel furnace slag according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.4. Where there is a change in inputs that is likely to affect the properties in the steel furnace slag, characterisation must be repeated.

Characterisation samples can be used for routine testing and subsequent calculations.

- 8.5. Generators must keep a written record of all characterisation, routine and/or once-off test results for a period of five years.
- 8.6. Records of the quantity of steel furnace slag supplied to the processor or consumer and the processor's or consumer's name and address must be kept for a period of five years.
- 8.7. The generator of steel furnace slag must provide a written statement of compliance to the processor or consumer with each transaction, certifying that the steel furnace slag complies with the relevant conditions of this exemption.
- 8.8. The generator of steel furnace slag must make information on the latest characterisation and routine test results available to the processor and consumer.
- 8.9. The generator of steel furnace slag must use due diligence to ensure that the relevant waste is utilised in applications that are consistent with the conditions of this exemption.

Processor responsibilities

9. The following conditions must be met by the processor for this exemption to apply:

- 9.1. Records of the quantity and proposed use of steel furnace slag supplied to the consumer and the consumer's name and address must be kept for a period of five years.
- 9.2. Records of the quantity of steel furnace slag received by the processor from the generator, and the generators name and address, must be kept for a period of five years.
- 9.3. The processor of steel furnace slag must provide a written statement of compliance to the consumer with each transaction, certifying that the steel furnace slag complies with the relevant conditions of this exemption.
- 9.4. The processor of steel furnace slag must make information on the latest characterisation and routine test results available to the consumer.
- 9.5. The processor of steel furnace slag must use due diligence to ensure that the relevant waste is utilised in applications that are consistent with the conditions of this exemption.

Consumer responsibilities

10. The following conditions must be met by the consumer for this exemption to apply:

- 10.1. Records of the quantity and use of the steel furnace slag received by the consumer and the suppliers' name and address must be kept for a period of five years.
- 10.2. The steel furnace slag must not be applied in or beneath water including groundwater.
- 10.3. The consumer should note that regardless of having an exemption, the use of steel furnace slag remains subject to all other relevant environmental regulations within the Act and Regulations, including but not limited to land pollution (s142A) and water pollution (s120).
- 10.4. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

11. This Notice of Exemption only applies to steel furnace slag where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2. Note that while limits are not included for boron and electrical conductivity, these must be tested in each sample and records kept of results.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not Required	1	13.1
2. Cadmium	0.5	0.5	1	13.2
3. Lead	10	10	20	13.2
4. Arsenic	5	Not Required	10	13.2
5. Beryllium	10	Not Required	20	13.2
6. Boron	NA	NA	NA	13.2
7. Chromium (total)	1000	Not Required	2000	13.2
8. Copper	20	Not Required	40	13.2
9. Molybdenum	15	15	30	13.2
10. Nickel	30	30	60	13.2
11. Selenium	2	Not Required	5	13.2
12. Zinc	50	50	100	13.2
13. Leachable concentration (TCLP) of Chromium	0.1 mg/L	0.1 mg/L	0.2 mg/L	13.3
14. Leachable concentration (TCLP) of Zinc	0.5 mg/L	0.5 mg/L	1.0 mg/L	13.3
15. Electrical Conductivity	NA	NA	NA	13.4
16. pH*	7.5 to 12.5	Not Required	7 to 13	13.4

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the steel furnace slag.

Sampling and testing requirements

12. This Notice of Exemption only applies to steel furnace slag sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation sampling frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every 2 years.	Either 5 composite samples per 10,000 tonnes or 5 composite samples per 6 months.	10 composite samples per 4,000 tonnes e.g discrete once-off delivery or ship load.

Test methods

13. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

13.1. Test method for measuring the mercury concentration in steel furnace slag:

13.1.1. Particle size reduction & sample splitting may be required.

13.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold-vapor technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 0.2 mg/kg dry weight).

13.1.3. Report as mg/kg dry weight.

13.2. Test methods for measuring chemicals 2 - 12 in steel furnace slag:

13.2.1. Particle size reduction & sample splitting may be required.

13.2.2. Sample preparation by digestion using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.

13.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 2 mg/kg dry weight for lead).

13.2.4. Report as mg/kg dry weight.

13.3. Test method for measuring attributes 13 - 14 in steel furnace slag:

13.3.1. USEPA SW-846 Method 1311 Toxicity characteristic leaching procedure (or an equivalent analytical method).

13.3.2. Report as mg/L.

13.4. Test methods for measuring the electrical conductivity and pH in steel furnace slag:

13.4.1. Sample preparation by mixing 1 part steel furnace slag with 5 parts distilled water.

13.4.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of

Site Contamination) Measure 1999 (or an equivalent analytical method).

13.4.3. Report electrical conductivity in deciSiemens per metre (dS/m).

Exemption Granted

Christopher McElwain
Acting Waste Management
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The EPA may grant specific exemptions in certain circumstances in recognition of intellectual property rights or where it is necessary to impose specific conditions on the use or application of a waste.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.



Rail Safety Act 2008

Order Approving Compliance Code 2010—No 1

Under the Rail Safety Act 2008

I, **JOHN ROBERTSON, Minister for Transport**, pursuant to section 167 of the Act make this Order approving the Compliance Code listed in Schedule 1 of this Order as a Compliance Code made for the purposes of providing practical guidance to persons who have duties or obligations under the *Rail Safety Act 2008*.

This Order takes effect from 1 January 2011.

Copies of the Compliance Code made under this Order are available on ITSR's website: www.transportregulator.nsw.gov.au

John Robertson
Minister for Transport

Schedule 1

1. Rail Safety Compliance Code – Data Loggers, Independent Transport Safety Regulator, December 2010



INDEPENDENT
TRANSPORT
SAFETY
REGULATOR

Rail Safety Act 2008

Order Approving Guideline 2010—No 1

Under the Rail Safety Act 2008

I, **LEN NEIST**, Chief Executive of the Independent Transport Safety Regulator, pursuant to section 167 of the Act make this Order approving the Guideline listed in Schedule 1 of this Order as a Guideline made for the purposes of providing practical guidance to persons who have duties or obligations under the *Rail Safety Act 2008*.

This Order takes effect from 1 January 2011.

Copies of all Guidelines made under this Order are available on ITSR's website:
www.transportregulator.nsw.gov.au

Dated, this 22 day of December 2010.

LEN NEIST

Chief Executive
Independent Transport Safety Regulator

Schedule 1

1. *Rail Safety Guideline – Competence Requirements under the Rail Safety Act 2008* by the Independent Transport Safety Regulator December 2010.

THREATENED SPECIES CONSERVATION ACT 1995

Order Conferring biodiversity certification on the Wagga Wagga Local Environmental Plan 2010

I, Frank Sartor, MP, Minister for Climate Change and the Environment, being satisfied that the Wagga Wagga Local Environmental Plan 2010 (the LEP), in addition to the measures set out in Schedule 2 to this order, will lead to the overall improvement or maintenance of biodiversity values, do by this order confer biodiversity certification on the LEP, under the *Threatened Species Conservation Act 1995* (the Act).

Pursuant to clause 25 (3) of Schedule 7 to the Act:

1. the biodiversity certification of the LEP is subject to the condition listed in Schedule 1 to this order; and
2. the measures listed in Schedule 2 to this order are specified as measures that have been taken or are to be taken within the timeframes specified.

Pursuant to clause 27 of Schedule 7 to the Act, biodiversity certification of the LEP takes effect from the date of publication of this order in the Government Gazette and shall remain in force for a period of 10 years from that date.

This order is made under clause 25(2) of Schedule 7 to the Act.

Signed at Sydney, this 20th day of December 2010.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

Schedule 1 Condition of Biodiversity Certification

Biodiversity Certification of the Wagga Wagga Local Environmental Plan 2010 is limited to the area identified as the Biodiversity Certification Area on the following five maps titled:

1. "Wagga Wagga City Council Biodiversity Certification Area"
2. "Wagga Wagga City Council Biodiversity Certification Area – Map 1"
3. "Wagga Wagga City Council Biodiversity Certification Area – Map 2"
4. "Wagga Wagga City Council Biodiversity Certification Area – Map 3"
5. "Wagga Wagga City Council Biodiversity Certification Area – Map 4"



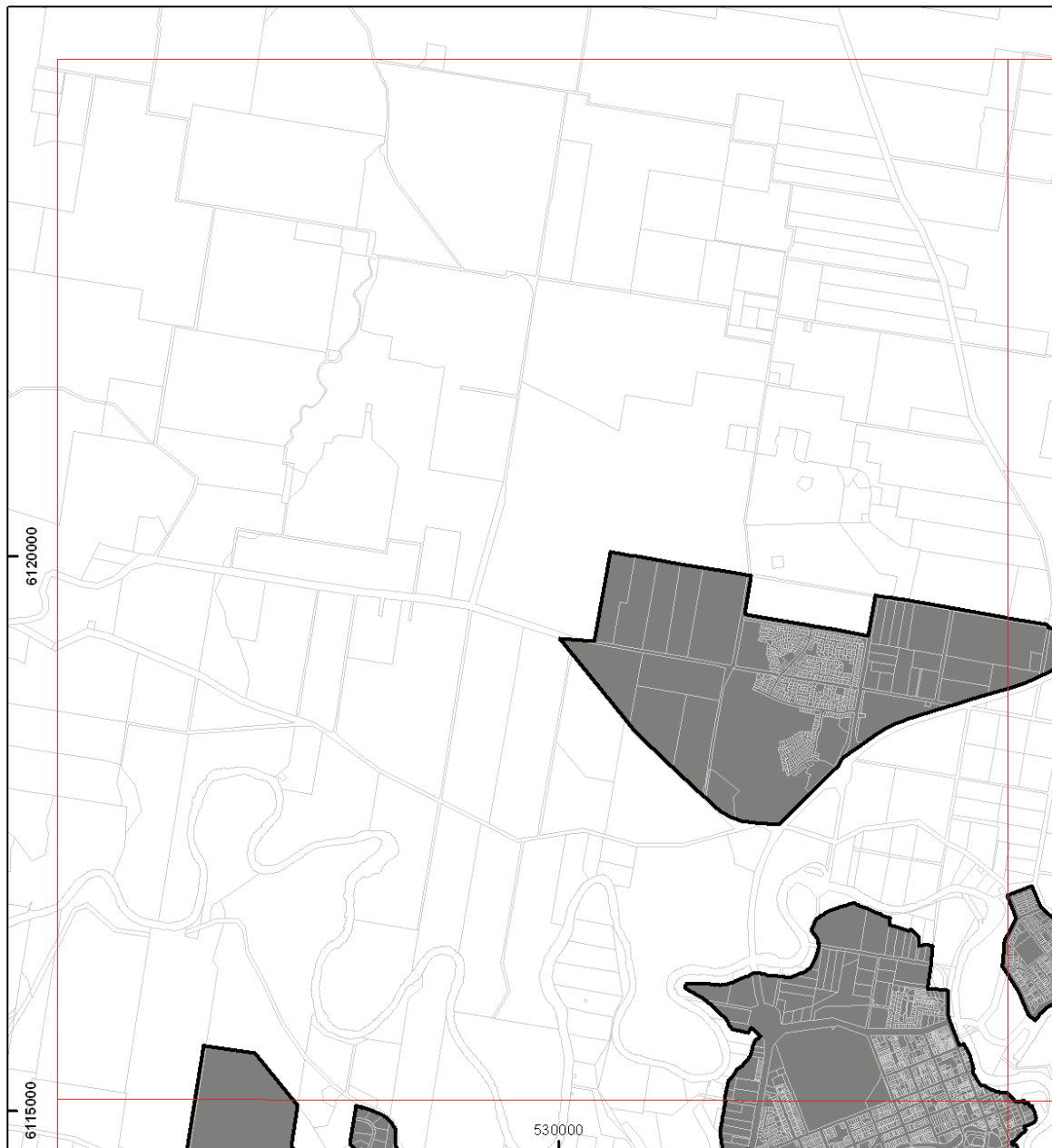
Wagga Wagga City Council Biodiversity Certification Area

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

0 5
Kilometres

Transverse Mercator Projection
Horizontal Datum: Geographic Datum of Australia 1994
Tick marks on edges of map are of 5 km intervals of the
Australian Map Grid, Zone 55





Wagga Wagga City Council Biodiversity Certification Area - Map 1

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 5 km intervals of the
 Australian Map Grid, Zone 55

0 5 Kilometres





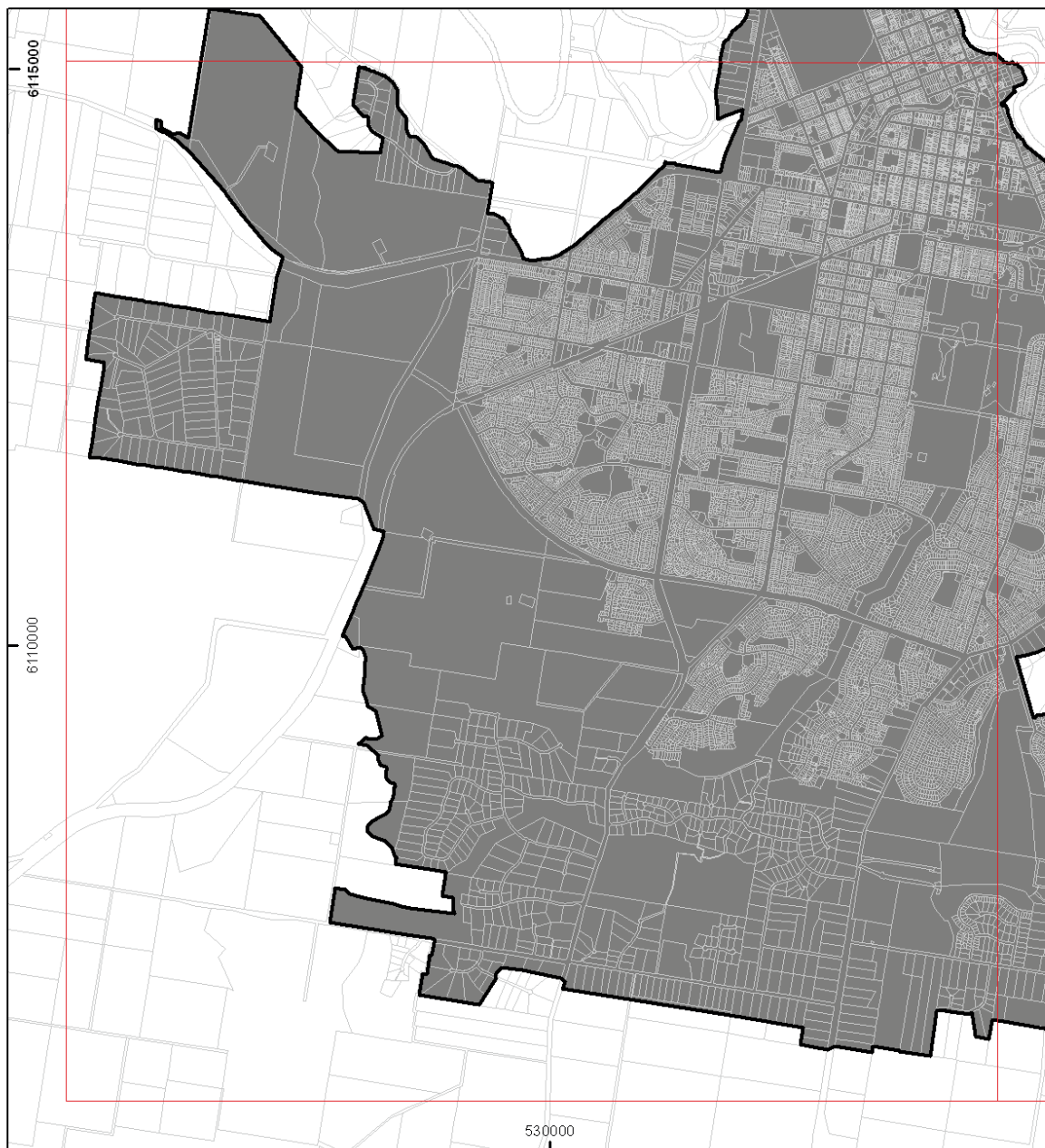
Wagga Wagga City Council Biodiversity Certification Area - Map 2

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 5 km intervals of the
 Australian Map Grid, Zone 55

0 5
 Kilometres





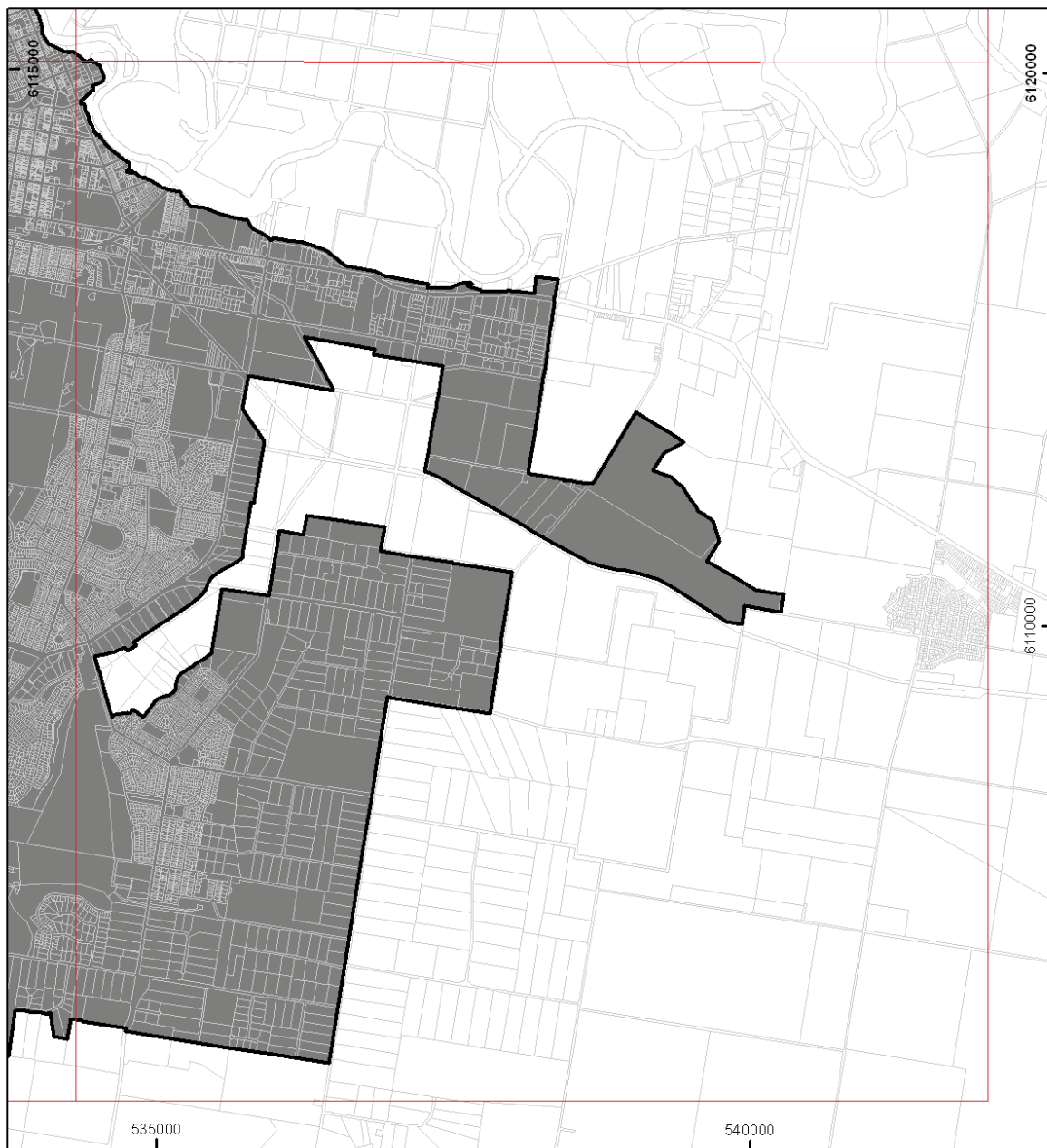
Wagga Wagga City Council Biodiversity Certification Area - Map 3

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 5 km intervals of the
 Australian Map Grid, Zone 55

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 Kilometres





Wagga Wagga City Council Biodiversity Certification Area - Map 4

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection
 Horizontal Datum: Geographic Datum of Australia 1994
 Tick marks on edges of map are of 5 km intervals of the
 Australian Map Grid, Zone 55

0 5 Kilometres



Schedule 2 Other measures relevant to biodiversity certification

The following sets out the other relevant measures to be taken, that in addition to the Wagga Wagga Local Environmental Plan 2010, will lead to the overall improvement and maintenance of biodiversity values:

1. Implementation by Wagga Wagga City Council (WWCC) of the following provisions of the Lloyd Development Control Plan (DCP):

(a) cat control measures, which will, in addition to complying with the requirements of the *Companion Animals Act 1998*, require owners of domestic cats in the Lloyd Urban release area to manage their cats so that they are not to roam freely outdoors between the hours of 6pm and 6am. The Lloyd DCP outlines Council's intention to, as a condition of development consent, require the imposition of a restriction pursuant to section 88B of the *Conveyancing Act 1919* on all residential subdivisions within the Lloyd Urban Release Area; and

(b) retention and protection of trees:

(i) in the area of identified Squirrel Glider habitat outside the E2 zone at Lloyd shown in Figure 12 of the "Proposed Biodiversity Certification for the Wagga Wagga Local Environmental Plan 2009" (the PBC Report); and

(ii) along drainage lines to the west and south of the quarry at Lloyd shown as Area 2 in Figure 13 of the PBC Report.

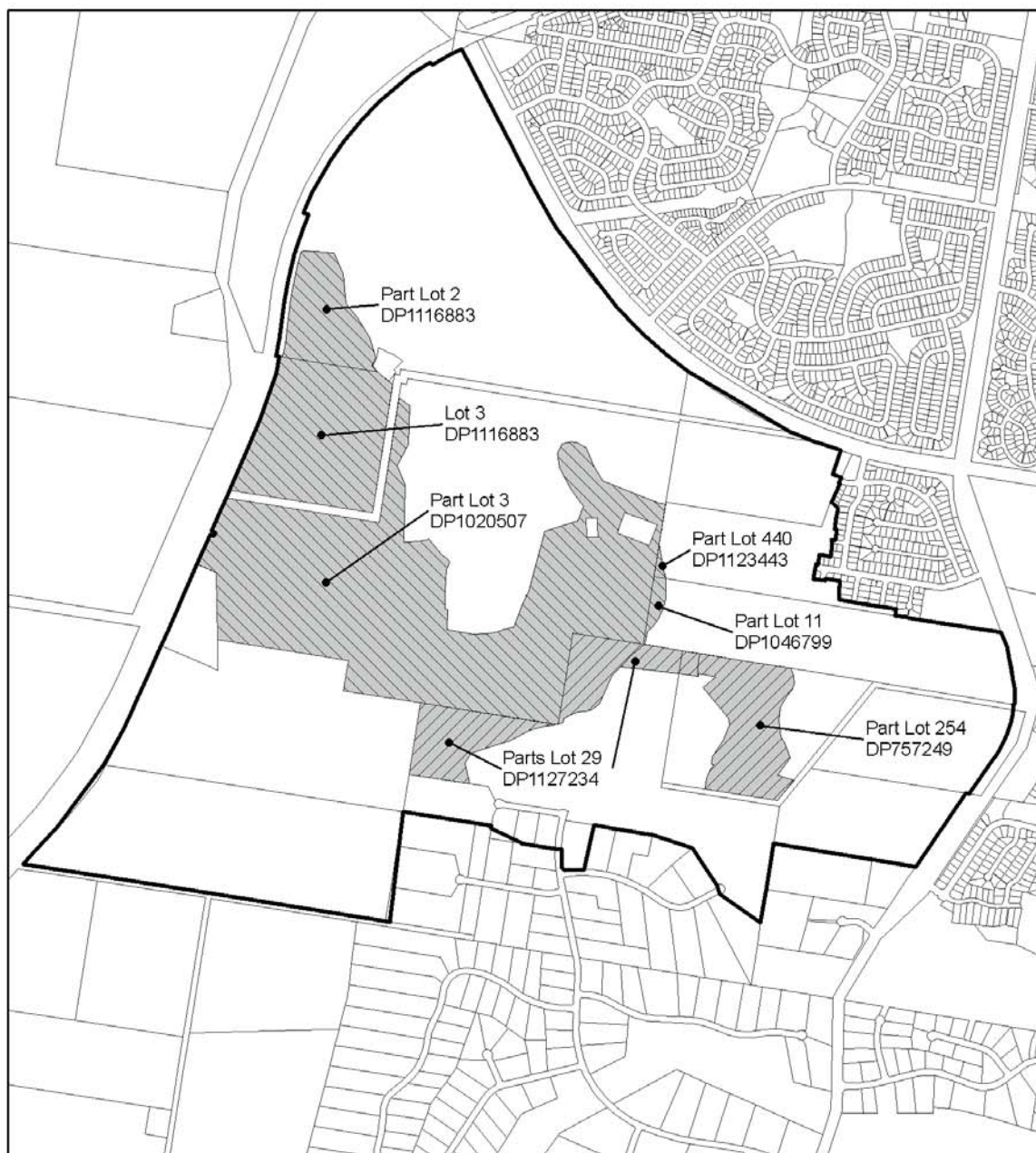
2. Wagga Wagga City Council (WWCC) will enter into Planning Agreements with:

(a) the relevant landholders of the land identified as "Planning Agreement Area 1" in the map titled "Map of Planning Agreement Areas at Lloyd" (below); and

(b) the relevant landholders of the land identified as "Planning Agreement Area 2" in the map titled "Map of Planning Agreement Areas at Lloyd" (below)

under section 93F of the *Environmental Planning and Assessment Act 1979*. The draft Planning Agreements have been negotiated with the relevant landholders and are to provide for the transfer of a total of 148 ha of land to WWCC. The planning agreements are scheduled to be publicly exhibited from 20 December 2010 to 16 January 2011 and must be entered within 12 months from the date of gazettal of this order.

3. Adoption and implementation by WWCC of the draft Conservation Management Plan (CMP), for the Lloyd area. The draft CMP has been developed in consultation with the Department of Environment, Climate Change and Water and includes cat control measures and other measures relating to management of the land to be transferred to Council under the Planning Agreements referred to in measure 2 above. The CMP is to be adopted by WWCC as part of the Lloyd DCP once the Planning Agreements (above) are finalised.
4. Implementation by WWCC of provisions in the Boorooma East DCP that prohibit within the E4 zone the location of building envelopes or their accompanying asset protection zones in an area that will require the removal of any trees with a diameter of >60cm at a height of 140cm from the ground.
5. Adoption and implementation of the draft Bomen DCP, including provisions that protect all areas of remnant native vegetation including that on Trahairs Road and the areas identified in Figure 14 of the PBC Report. The final Bomen DCP which includes these provisions must be adopted by WWCC within 12 months of the date of gazettal of this order.



Map of Planning Agreement Areas at Lloyd

 Area to be managed under the Lloyd Conservation Management Plan

 Planning Agreement Area 1

 Planning Agreement Area 2

 Cadastre May 2010 © Land & Property Management Authority

0 1
Kilometres

Transverse Mercator Projection
Datum: Geographic Datum of Australia 1994
Australian Map Grid, Zone 55



PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURY CITY COUNCIL

Roads Act 1993, Section 162

NOTICE is hereby given that Albury City, pursuant to section 162 of the Roads Act 1993, has named the following roads:

<i>Location</i>	<i>Road Name</i>
Proposed public road at western end of Interchange Road, Ettamogah. (See attached map).	Knowles Road.
Proposed public road from Gerogery Road to Davey Road interchange on Hume Freeway. (See attached map).	Robinson Road.
Proposed public road off proposed Knowles Road. (See attached map).	McLaurin Road

L. G. TOMICH, General Manager, Albury City Council,
553 Kiewa Street, Albury NSW 2640. [5634]

INVERELL SHIRE COUNCIL

Fixing of Levels

NOTICE is hereby given that levels of:

Mansfield Street – Greaves Street to Bennett Street,
as shown on plans exhibited at Council's Office and as advertised in the Inverell Times on 27 August 2010, have been duly approved and fixed by the authority delegated to me under section 378 of the Local Government Act, 1993, as amended, in accordance with such plans, on 13 December 2010. P. J. HENRY, General Manager, Inverell Shire Council, Administrative Centre, 144 Otho Street, Inverell NSW 2360. [5635]

MAITLAND CITY COUNCIL

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name/s for gazettal:

<i>Deposited Plan/Location</i>	<i>Road Names</i>
DP 783438, DP 1149331, and DP 1071247, off Avondale Drive, Thornton.	Byrne Street, Wyatt Street, Horton Street, Hanley Street and Whitford Parade.

The above road names have been advertised and notified. No objections to the proposed names have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland NSW 2320. [5636]

PORT STEPHENS COUNCIL

ERRATUM

Roads Act 1993, Section 162 (1)

Naming of Roads

THE notice published in the *New South Wales Government Gazette*, dated 10 December 2010 (folio 5824), under Port Stephens Council – Naming of Roads – inadvertently showed the name as Cygnet Cove this should have read CYGNET CLOSE this notice is to correct that. Council contact Cliff Johnson telephone (02) 4980 0265. P. GESLING, General Manager, PO Box 42, Raymond Terrace NSW 2324. Council File: PSC2010-04633. [5637]

MID-WESTERN REGIONAL COUNCIL

Notice pursuant to Section 715 (1) (b) Local Government Act 1993

Sale of Land for Overdue Rates and Charges

NOTICE is hereby given to the persons named hereunder, that the Mid-Western Regional Council has resolved, in pursuance of section 713 (2) of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to Council to be the owners of the land or in which they appear to have an interest in the land on which the amount of rates and charges and interest stated, as at 10 December 2010, is payable, at public auction by O'Brien Bartlett First National Mudgee in The Stables Complex, 86 Market Street, Mudgee, on Saturday, 26 March 2011, at 10:00 a.m.

<i>Owners or person having interest in land</i>	<i>Description of Land</i>	<i>Amount of rates and charges payable on the land unpaid for more than 5 years from the date on which they became payable including interest accrued</i>	<i>Amount of any other rates and charges payable on the land and unpaid including interest accrued</i>	<i>Total amount of rates and charges (including overdue rates and charges) payable on the land</i>
(a)	(b)	(c) \$	(d) \$	(e) \$
John Raymond MAHON Mortgage to State Bank of NSW – U973738	Lot 6, DP 39042, 4 Gladstone Street, Mudgee NSW 2850.	36,673.28	22,303.08	58,976.36

If all rates and charges payable (including overdue rates and charges) are not paid to the Council or an arrangement satisfactory to the Council is not entered into by the rateable person before the time fixed for the sale, the Council will proceed with the sale. Warick L. Bennett, General Manager, Mid-Western Regional Council, 86 Market Street, Mudgee NSW 2850. [5638]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of Liqiong Li, late of 4/18 Sackville Street, Blacktown, in the State of New South Wales, pensioner, deceased, who died on 3 September 2010, must send particulars of the claim to the executor, Mingda Yu (in the Will called Mindga Yu), c.o. EASTSIDE LAW, Solicitors, 85A Bay Road, Waverton NSW 2060, within 31 days from publication of this notice. After that time, the assets may be distributed having regard only to the claims of which at the time of distribution the executors have notice. Probate was granted in New South Wales on 13 December 2010. EASTSIDE LAW, Solicitors, 85A Bay Road, Waverton NSW 2060, Tel.: (02) 9460 4655. [5639]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PETER MURRAY TAYLOR, late of Dee Why, in the State of New South Wales, retired, who died on 3 October 2010, must send particulars of his claim to the executor, Warwick Peter Taylor, c.o. HPL Lawyers, Level 1, 17 Albert Street, Freshwater NSW 2096, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales to Warwick Peter Taylor on 8 December 2010. HPL LAWYERS, Level 1, 17 Albert Street (PO Box 705), Freshwater NSW 2096, tel.: (02) 9905 9500. [5640]

COMPANY NOTICES

NOTICE of members' voluntary liquidation.—GAIRANIC INVESTMENTS PTY LIMITED (ACN 000 130 718).—Notice of Special Resolution.—At a General Meeting of Members of Gairanic Investments Pty Limited, duly convened and held at 'Belang', Coolah NSW, on 16th December 2010, the Special Resolution set out below was duly passed: Special Resolution: "That the Company be wound up voluntarily and that Mr Jeremy Clarke of 6th Floor, 10 Spring Street, Sydney, be appointed Liquidator for the purposes of such winding up." Dated 16 December 2010. JEREMY CLARKE, CA Liquidator, c.o. Goss & Clarke, Chartered Accountants, Level 6, 10 Spring Street, Sydney NSW 2000, tel (02) 9221 7566. [5641]

NOTICE of final meeting of members.—In the matter of the Corporations Act 2001 and in the matter of BYATT CONSTRUCTIONS PTY LTD (in liquidation), ACN 122 908 936.—Notice is hereby given pursuant to section 509 of the Corporations Act 2001, that the final meeting of the Members of the abovenamed Company will be held on 17 January 2011, at 9:00 a.m., at the office of Crosbie Warren Sinclair, cnr Pacific Highway and Warabrook Boulevard, Warabrook NSW 2304, for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the Company disposed of and hearing any explanation that may be given by the Liquidator.

Dated 20 December 2010. BRENT ANTONY PERKINS, Liquidator, c.o. Crosbie Warren Sinclair, Box 29, Hunter Region Mail Centre NSW 2310, Tel.: (02) 4923 4000. [5642]

OTHER NOTICES

ELECTRICITY SUPPLY ACT 1995

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of an Interest in Land at Tumbi Umbi in the Wyong Shire Council Area

ENERGYAUSTRALIA by its delegate declares, with the approval of Her Excellency the Governor, that the interest in 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 Electricity Supply Act 1995.

Dated at Sydney, 15th December 2010.

Signed for and behalf of EnergyAustralia of 570 George Street, Sydney, by Katherine Margaret GUNTON its duly constituted attorney pursuant to registered power attorney registered Book 4528, No. 401.

SCHEDULE

A Right of Access on the terms contained in Part 11 Schedule 4A of the Conveyancing Act 1919 over part of the land comprised in Certificate of Title 102/790685 being all that piece or parcel of land in the Local Government Area of Wyong, Parish of Tuggerah, County of Northumberland in the State of New South Wales shown as "PROPOSED RIGHT OF ACCESS 4 WIDE (831.7m2)" on Deposited Plan 1145103 said to be in the possession of Lucianna Pty Limited; and

An Easement for Transmission Lines on the terms contained in Memorandum AF372183 over part of the land comprised in Certificate of Title 102/790685 being all that piece or parcel of land in the Local Government Area of Wyong, Parish of Tuggerah, County of Northumberland in the State of New South Wales shown as "EXISTING EASEMENT FOR TRANSMISSION LINE 20.115 WIDE VIDE L579984" on Deposited Plan 790685 but excluding the interest contained in the Easement for Transmission Line registered at Land & Property Management Authority under dealing L579984 said to be in the possession of Lucianna Pty Limited. [5643]

ELECTRICITY SUPPLY ACT 1995

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of an Interest in Land at Ourimbah in the Wyong Shire Council Area

ENERGYAUSTRALIA by its delegate declares, with the approval of Her Excellency the Governor, that the interest in 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 Electricity Supply Act 1995.

Dated at Sydney, 16 December 2010.

Signed for and behalf of EnergyAustralia of 570 George Street, Sydney, by Katherine Margaret GUNTON its duly constituted attorney pursuant to registered power attorney registered Book 4528, No. 401.

SCHEDULE

An Easement for Transmission Lines on the terms contained in Memorandum AF372183 over part of the land comprised in Certificate of Title 21/860232 being all that piece or parcel of land in the Local Government Area of Wyong, Parish of Tuggerah, County of Northumberland in the State of New South Wales shown as "PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 20.115 WIDE (433.9m2)" on Deposited Plan 1147752 said to be in the possession of E S & A Holdings Pty Limited. [5644]

INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

In so far as any Native Title rights and interests may exist over any of the Land (in Schedule 2), the "non-extinguishment principle" as defined in section 238 of the Native Title Act 1993 (Cth), applies to the acquisition.

Dated at Huntingwood, 24 December 2010.

SCOTT RYAN,
Acting Group General Manager,
Network

Integral Energy Australia,
51 Huntingwood Drive, Huntingwood NSW 2148.
IE Ref: 2004/03775/001 – UUL0501.

SCHEDULE 1

An easement for Overhead Power Lines incorporating the terms set out in Memorandum No. 9262884 filed at Land and Property Information (NSW). For the purpose of this notice, in Memorandum No. 9262884 "lot burdened" means Lot 7304, DP 1142283.

An Easement for Electricity Purposes incorporating the terms set out in Memorandum No. 9262885 filed at Land and Property Information (NSW). For the purpose of this notice, in Memorandum No. 9262885 "lot burdened" means Lot 7304, DP 1142283

SCHEDULE 2

All that piece or parcel of land at Stanwell Park, in the Local Government area of Wollongong, Parish of Southend and County of Cumberland, being:

- the site of the proposed easement for Overhead Power Lines 6 wide (414m2) designated (G) in DP 1119336 shown affecting Lot 7035, DP 1058889, such land being subsequently identified as Lot 7304, DP 1142283.
- the site of the proposed easement for Electricity Purposes 1 wide (79.2m2) designated (H) in DP 1119336 shown affecting Lot 7035, DP 1058889, such land being subsequently identified as Lot 7304, DP 1142283.

The land is said to be Crown Land Reserved R83095 for public recreation, *vide: New South Wales Government Gazette*, dated 5 May 1961, Folio 1306. Trustee of the subject land is the Council of the City of Greater Wollongong, *vide: New South Wales Government Gazette*, dated 30 June 1961, Folio 1957/8. Declared the Stanwell Park (R83095) Reserve Trust *vide: New South Wales Government Gazette*, dated 17 June 1994, Folio 2978. [5645]



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PUBLIC SECTOR NOTICES

SENIOR EXECUTIVE SERVICE

Instrument of Appointment
(section 17 of the Public Sector Employment and
Management Act 2002)

I, RICHARD SHELDRAKE, the Director-General of the NSW Department of Industry and Investment, under section 17 of the Public Sector Employment and Management Act 2002, appoint Mr Stephen GRIFFITH to the Senior Executive Service Level 2 position of General Manager, NSW Rural Assistance Authority, for a term of five (5) years effective from 10 January 2011.

Dated this 17th day of December 2010.

R. F. SHELDRAKE,
Director-General,
Department of Industry and Investment

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