



# *Government Gazette*

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NEW SOUTH WALES

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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

**Legislative Council Office Sydney 20 November 2002**

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

Act No. 89, 2002 - An Act to amend the *Guardianship Act 1987* with respect to enduring guardians; to make consequential amendments to the *Guardianship Regulation 2000*; and for other purposes. [**Guardianship Amendment (Enduring Guardians) Act 2002**]

John Evans  
Clerk of the Parliaments

**ACT OF PARLIAMENT ASSENTED TO****Legislative Assembly Office, Sydney, 20 November 2002**

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

Act No. 88 2002 - An Act to set out the rights and obligations of long-term casual occupants of holiday parks and the park owners; to amend various Acts; and for other purposes. **[Holiday Parks (Long-term Casual Occupation) Bill]**

Russell D. Grove PSM  
Clerk of the Legislative Assembly

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## Proclamations

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New South Wales

### Proclamation

under the

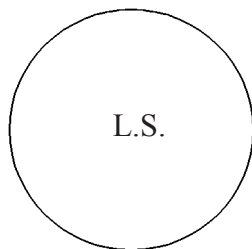
Crimes Legislation Amendment (Periodic and Home Detention)  
Act 2002 No 74

JAMES JACOB SPIGELMAN,  
by Deputation from Her Excellency the Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes Legislation Amendment (Periodic and Home Detention) Act 2002*, do, by this my Proclamation, appoint 2 December 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 13th day of November 2002.

By His Excellency's Command,



RICHARD AMERY, M.P.,  
Minister for Corrective Services

GOD SAVE THE QUEEN!



## Proclamation

under the

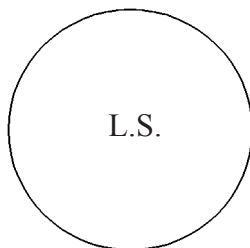
Legal Profession Amendment (Disciplinary Provisions) Act 2001  
No 53

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Legal Profession Amendment (Disciplinary Provisions) Act 2001*, do, by this my Proclamation, appoint 22 November 2002 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 20th day of November 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Legal Profession Amendment (Disciplinary Provisions) Act 2001*, namely Schedule 1 [17] and [18] and Schedule 2.1 to that Act.

Schedule 1 [17] and [18] make amendments to the *Legal Profession Act 1987* relating to appeals from decisions or orders of the Administrative Decisions Tribunal made under that Act if the Tribunal includes a Judge of the District Court.

Proclamation

Explanatory note

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Schedule 2.1 amends the *Administrative Decisions Tribunal Act 1997* to make changes to the constitution of the Administrative Decisions Tribunal when dealing with complaints against legal practitioners.



New South Wales

## Proclamation

under the

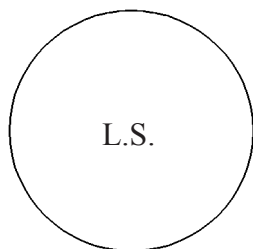
Western Lands Amendment Act 2002 No 68

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Western Lands Amendment Act 2002*, do, by this my Proclamation, appoint 1 December 2002 as the day on which that Act (except for Schedule 1 [2], Schedule 2 and Schedule 4 [14]) commences.

Signed and sealed at Sydney, this 20th day of November 2002.

By Her Excellency's Command,



JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence all of the provisions of the *Western Lands Amendment Act 2002*, other than provisions with respect to rent, a provision with respect to rights of access along roads and tracks that must be preserved until new arrangements with respect to public roads and rights of way are in place and a provision with respect to the application of the *Crown Lands Act 1989* to Western Lands leases.

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## Regulations

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New South Wales

# Crimes (Administration of Sentences) Amendment (Consequential Amendments) Regulation 2002

under the

Crimes (Administration of Sentences) Act 1999

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Administration of Sentences) Act 1999*.

RICHARD AMERY, M.P.,  
Minister for Corrective Services

### Explanatory note

The object of this Regulation is to amend the *Crimes (Administration of Sentences) Regulation 2001* to remove an obsolete provision, and to update a reference to a section of the *Crimes (Administration of Sentences) Act 1999*, as a consequence of certain amendments made to that Act by the *Crimes Legislation Amendment (Periodic and Home Detention) Act 2002*.

This Regulation is made under the *Crimes (Administration of Sentences) Act 1999*, including section 271 (the general power to make regulations).

Clause 1 Crimes (Administration of Sentences) Amendment (Consequential Amendments) Regulation 2002

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## **Crimes (Administration of Sentences) Amendment (Consequential Amendments) Regulation 2002**

under the

Crimes (Administration of Sentences) Act 1999

### **1 Name of Regulation**

This Regulation is the *Crimes (Administration of Sentences) Amendment (Consequential Amendments) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 2 December 2002.

### **3 Amendment of Crimes (Administration of Sentences) Regulation 2001**

The *Crimes (Administration of Sentences) Regulation 2001* is amended as set out in Schedule 1.



Crimes (Administration of Sentences) Amendment (Consequential Amendments) Regulation 2002

Amendments

Schedule 1

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## **Schedule 1 Amendments**

(Clause 3)

**[1] Clause 190 Unavoidable absence**

Omit the clause.

**[2] Clause 226 Supervision during home detention assessment**

Omit “section 165 (3) (b)” wherever occurring.

Insert instead “section 165AA (1)”.



New South Wales

# Legal Profession Amendment (Transitional Provisions) Regulation 2002

under the

Legal Profession Act 1987

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

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to prescribe transitional provisions in relation to certain amendments made by the *Legal Profession Amendment (Disciplinary Provisions) Act 2001*. The amendments concerned change the way in which the Administrative Decisions Tribunal is to be constituted when hearing complaints under the *Legal Profession Act 1987* and provide that appeals from decisions of the Tribunal under that Act are to be heard by the Supreme Court (rather than an Appeal Panel of the Tribunal) when the original constitution of the Tribunal included a Judge of the District Court.

The Regulation also contains some minor law revision amendments.

This Regulation is made under the *Legal Profession Act 1987*, including section 216 (the general regulation-making power) and clause 1A of Schedule 8.

Clause 1            Legal Profession Amendment (Transitional Provisions) Regulation 2002

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## **Legal Profession Amendment (Transitional Provisions) Regulation 2002**

under the

Legal Profession Act 1987

### **1 Name of Regulation**

This Regulation is the *Legal Profession Amendment (Transitional Provisions) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 22 November 2002.

### **3 Amendment of Legal Profession Regulation 2002**

The *Legal Profession Regulation 2002* is amended as set out in Schedule 1.

Legal Profession Amendment (Transitional Provisions) Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 5 Period for holder to apply for new certificate: sections 27 (3) and 28 (3)**

Omit “15 May” from clause 5 (1). Insert instead “7 June”.

**[2] Clause 5 (2)**

Omit “7 June” from clause 5 (2). Insert instead “15 May”.

**[3] Clause 45 Particulars in bill of costs**

Omit clause 45 (1) (d). Insert instead:

(d) a statement:

- (i) in a case where the bill of costs is given to a client—that the client may apply to have the costs assessed under Part 11 of the Act, but that if the costs have been wholly or partly paid, the application must be made within 12 months after the client is given the bill of costs, or
- (ii) in a case where the bill of costs is given by a barrister or solicitor who was retained by another barrister or solicitor to act on behalf of a client and the bill of costs is given to that other barrister or solicitor—that the barrister or solicitor who is given the bill of costs may apply to have the costs assessed under Part 11 of the Act within 30 days after the bill of costs is given,

**[4] Schedule 2 Costs for legal services in workers compensation matters**

Omit “\$56” from item 5 of Part 1. Insert instead “\$5”.

## Legal Profession Amendment (Transitional Provisions) Regulation 2002

## Schedule 1 Amendments

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**[5] Schedule 5 Savings and transitional provisions**

Insert after clause 15:

**16 Matters relating to Administrative Decisions Tribunal and appeals**

(1) In this clause:

*commencement date* means the day on which Schedule 2.1 to the amending Act commenced.

*new provisions* means clause 4 (1) of Part 3 of Schedule 2 to the *Administrative Decisions Tribunal Act 1997* (as substituted by the amending Act).

*old provisions* means clause 4 (1) of Part 3 of Schedule 2 to the *Administrative Decisions Tribunal Act 1997* (as in force immediately before its substitution by the amending Act).

*the amending Act* means the *Legal Profession Amendment (Disciplinary Provisions) Act 2001*.

- (2) Subject to subclause (4), the old provisions continue to apply in relation to proceedings in respect of a complaint that were instituted in the Administrative Decisions Tribunal before the commencement date.
- (3) Subject to subclause (4), the new provisions apply only in relation to proceedings in respect of a complaint that are instituted in the Administrative Decisions Tribunal on or after the commencement date.
- (4) The President of the Administrative Decisions Tribunal may determine that, for the purpose of conducting a hearing into a complaint where the relevant proceedings were instituted in the Tribunal before the commencement date, the Tribunal is to be constituted in accordance with the new provisions.
- (5) The President is to make a determination under subclause (4) only if the President is of the opinion that it would be impracticable or undesirable to constitute the Tribunal in accordance with the old provisions, having regard to the length of time before which the hearing will occur or to any other matter that the President considers relevant.

Legal Profession Amendment (Transitional Provisions) Regulation 2002

Amendments

Schedule 1

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- (6) The amendments made to section 171F of the Act by the amending Act do not apply in relation to orders or decisions made by the Administrative Decisions Tribunal before the commencement of those amendments.

# Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

## Explanatory note

The object of this Regulation is to provide for the management of discharges of saline water into the Hunter River catchment by the establishment of a tradeable emission scheme. The scheme is based on a pilot scheme that has been conducted by the EPA and the Department of Land and Water Conservation since 1995.

The objects of the scheme are:

- (a) to minimise the impact of saline discharges on irrigation, other water uses and on aquatic ecosystems in the Hunter River catchment:
  - (i) at the lowest overall cost to the community, and
  - (ii) in a way that provides ongoing financial incentives to reduce pollution, and
- (b) to facilitate sustainable water management by industry in the Hunter River catchment.

A person who holds a relevant environment protection licence will be permitted to discharge saline water only in accordance with the scheme. Discharges are permitted under the scheme only during periods in which the Hunter River is

Protection of the Environment Operations (Hunter River Salinity Trading Scheme)  
Regulation 2002

Explanatory note

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classified as being in flood flow or high flow. During flood flow periods, the licence holder may discharge unlimited amounts of saline water, subject to the salinity targets and any overriding limit that may be applied by the EPA as a condition of the licence held by the discharger. During high flow periods, the licence holder will be entitled to discharge saline water only if the licence holder holds one or more credits in the scheme.

The EPA will create 1,000 credits in the scheme. Initially, the credits will be allocated only to certain licence holders. Over a 10-year transition period, 20% of those “first issue” credits will expire every 2 years. On expiry, those credits will be replaced with credits with a 10-year lifespan. The replacement credits will be sold by the EPA at auction. Members of the public will be able to purchase credits at those auctions.

Credits will be transferable in accordance with the Regulation.

A credit entitles a person who holds a licence that authorises discharges of saline water into the Hunter River catchment to discharge 0.1% of the total allowable discharge for the Hunter River catchment. The total allowable discharge for the Hunter River catchment is determined on a day-to-day basis, by reference to the salinity targets for the Hunter River catchment. The targets are set out in the Regulation. The more credits the licence holder holds, the more saline water the licence holder is entitled to discharge. However, the timing of any discharge is subject to very specific rules that are set out in the Regulation.

A credit does not confer any authority on a person to discharge saline water unless the person also holds an environment protection licence that authorises the holder to discharge saline water into the Hunter River catchment.

The Regulation provides for the operation, administration and workings of the tradeable emission scheme. It also requires participants in the scheme to contribute to the funding of the scheme and authorises the EPA to exercise certain enforcement powers in respect of the scheme.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 222, 295, 295C, 295F, 295H, 295J and 323 (the general regulation-making power).



Protection of the Environment Operations (Hunter River Salinity Trading Scheme)  
Regulation 2002

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Clause 1	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 1	Preliminary

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## Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.

#### 2 Commencement

This Regulation commences on 1 December 2002.

#### 3 Establishment of scheme and objects

- (1) There is established by this Regulation a tradeable emission scheme, to be known as the Hunter River Salinity Trading Scheme, to provide for the management of discharges of saline water into the Hunter River catchment.
- (2) The objects of the scheme are:
  - (a) to minimise the impact of discharges of saline water on irrigation, other water uses and on aquatic ecosystems in the Hunter River catchment:
    - (i) at the lowest overall cost to the community, and
    - (ii) in a way that provides ongoing financial incentives to reduce pollution, and
  - (b) to facilitate sustainable water management by industry in the Hunter River catchment.

#### Note.

##### Overview of scheme

Under the scheme provided for by this Regulation, discharges of saline water into the Hunter River catchment are permitted only during periods when the Hunter River is considered to be in high flow or flood flow, and only by persons who hold licences that authorise such discharges (discharge licences).

During high flow periods, a discharge licence holder will be entitled to discharge saline water only if the licence holder holds one or more credits in the scheme. During flood flow periods, the amount of saline water that may be discharged by a discharge licence holder is unlimited, subject to the salinity targets and any

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 Clause 3

Preliminary Part 1

overriding limit that may be applied by the EPA as a condition of the licence. However, the EPA is authorised in certain circumstances to require discharges to be made in accordance with credit holdings, even during flood flow periods. The rules relating to discharges are set out in Parts 2 and 3.

Credits in the scheme are created by the EPA. Initially credits will be allocated to certain licence holders, most of whom were participants in the pilot scheme which has been conducted by the EPA, in conjunction with the Department of Land and Water Conservation, since 1995. Provision is also made for the allocation of credits to new entrants to the scheme. A credit will have a limited lifespan of not more than 10 years. The EPA will be able to create and sell new credits as existing credits expire. Provisions relating to the creation, allocation and sale of credits are set out in Part 4.

A credit entitles a person who holds a discharge licence to discharge 0.1% of the total allowable discharge of salt for the Hunter River catchment. The total allowable discharge is determined on a day-to-day basis, by reference to the salinity targets for the Hunter River catchment. The more credits the licence holder holds, the more saline water the licence holder is entitled to discharge. However, the timing of any discharge is subject to very specific rules.

A credit is transferable in accordance with this Regulation. Initially credits will be transferable only between persons who are allocated those credits by the EPA. However, after the first auction of credits is held, any person will be able to buy, hold and trade in credits. A credit does not confer any authority on the holder to discharge saline water unless the person also holds a licence that authorises such discharges. Provisions relating to trading of credits are set out in Part 5.

The remaining parts of this Regulation set out other provisions relating to the scheme, including administration, cost recovery and enforcement provisions.

#### 4 Definitions

Expressions used in this Regulation have the meanings set out in the Dictionary at the end of this Regulation.

#### 5 Participants in scheme

- (1) For the purposes of this Regulation, *participant* in the scheme has the meaning given by section 295A of the Act.
- (2) For the purposes of paragraph (b) of the definition of *participant* in that section, the scheme applies to discharge licences.

#### 6 Discharge licence

For the purposes of this Regulation, a *discharge licence* means a licence that authorises the discharge of saline water into the Hunter River catchment from an authorised discharge point or points.

**Note.** *Licence* is defined in the Act to mean an environment protection licence.

Clause 7	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 1	Preliminary

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## **7 Hunter River catchment**

For the purposes of this Regulation, the *Hunter River catchment* means the catchment of the Hunter River and its tributaries upstream of Singleton, excluding:

- (a) the Goulburn River upstream of Kerrabee, and
- (b) any tributary that drains into Lake St Clair, and
- (c) any tributary that drains into Lake Glenbawn.

## **8 Notes**

Notes included in this Regulation do not form part of this Regulation.



Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 9
General workings of scheme	Part 2
Classification of river flow	Division 1

## Part 2 General workings of scheme

### Division 1 Classification of river flow

#### 9 Division of Hunter River flow into blocks

- (1) For the purposes of the scheme, the flow of the Hunter River is taken to be divided into notional blocks.
- (2) A block is a body of water that flows down the Hunter River and that is predicted to pass through the lower sector reference point in a 24-hour period (starting at midnight on one day and ending immediately before midnight on the following day).

**Note.** *Lower sector reference point* is defined in the Dictionary.

- (3) Blocks are to be identified in the River Register by the Services Co-ordinator by means of a unique identification number.

**Note.** There will be the same number of blocks as there are days in a year. Each block represents an opportunity for a discharge licence holder to discharge saline water, depending on its classification. This is explained further below.

#### 10 Classification of river blocks

- (1) The Services Co-ordinator is to classify the rate of flow of each block of the Hunter River in accordance with this Part.
- (2) A block is to be classified, in relation to each sector that it passes through, as:
  - (a) low flow, or
  - (b) high flow, or
  - (c) flood flow.
- (3) The following reference points are to be used for the purpose of predicting the rate of flow of a block as it passes through each sector:
  - (a) for the upper sector—the upper sector reference point,
  - (b) for the middle sector—the middle sector reference point,
  - (c) for the lower sector—the lower sector reference point.
- (4) The classification of a block may differ from sector to sector.

Clause 10 Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Part 2 General workings of scheme

Division 1 Classification of river flow

- (5) The classification of a block is to be entered in the River Register.
- (6) If a block is not classified, or its classification is not entered in the River Register, in relation to any or all sectors, it is taken to be a low flow block in the sector concerned.

**Note.** Classification of a block of the Hunter River establishes when discharges will be permitted. As a general rule, participants may discharge saline water into high flow and flood flow blocks.

## 11 Flow ranges

- (1) For the purposes of this Part, the low flow range, high flow range and flood flow range for each sector is as specified next to the sector concerned in the Table to this clause.
- (2) In the Table, *ML* means megalitres.

### Table

#### Classification of river blocks

Sector	Low flow range	High flow range	Flood flow range
Upper	Less than 1,000 ML per day	1,000 ML per day–4,000 ML per day (inclusive)	Exceeds 4,000 ML per day
Middle	Less than 1,800 ML per day	1,800 ML per day–6,000 ML per day (inclusive)	Exceeds 6,000 ML per day
Lower	Less than 2,000 ML per day	2,000 ML per day–10,000 ML per day (inclusive)	Exceeds 10,000 ML per day

## 12 Classification of block—upper sector

- (1) **Low flow**  
A block is to be classified low flow in relation to the upper sector if it is predicted that:
- (a) the rate of flow of the block in the upper sector will be in the low flow range for the upper sector, or

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 Clause 12

General workings of scheme Part 2  
 Classification of river flow Division 1

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- (b) the rate of flow of the block in either the middle sector or the lower sector (or both) will be in the low flow range for those sectors.

(2) **High flow**

A block is to be classified high flow in relation to the upper sector if it is predicted that:

- (a) the rate of flow of the block in the upper sector will be in the high flow range for the upper sector and the rate of flow of the block in the middle sector and lower sector will be in the high flow or flood flow range for those sectors, but will not be in the low flow range in either of those sectors, or
- (b) the rate of flow of the block in the upper sector will be in the flood flow range for the upper sector, and the rate of flow of the block in either the middle sector or the lower sector (or both) will be in the high flow range for those sectors, but will not be in the low flow range for either of those sectors.

(3) **Flood flow**

A block is to be classified flood flow in relation to the upper sector if it is predicted that:

- (a) the rate of flow of the block in the upper sector will be in the flood flow range for the sector, and
- (b) the rate of flow of the block in both the middle sector and the lower sector will be in the flood flow range for those sectors.

**13 Classification of block—middle sector**

(1) **Low flow**

A block is to be classified low flow in relation to the middle sector if it is predicted that:

- (a) the rate of flow of the block in the middle sector will be in the low flow range for the middle sector, or
- (b) the rate of flow of the block in the lower sector will be in the low flow range for the lower sector.

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Clause 13	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 2	General workings of scheme
Division 1	Classification of river flow

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(2) **High flow**

A block is to be classified high flow in relation to the middle sector if it is predicted that:

- (a) the rate of flow of the block in the middle sector will be in the high flow range for the middle sector and the rate of flow of the block in the lower sector will be in the high flow or flood flow range for the lower sector, or
- (b) the rate of flow of the block in the middle sector will be in the flood flow range for the middle sector, and the rate of flow of the block in the lower sector will be in the high flow range for the lower sector.

(3) **Flood flow**

A block is to be classified flood flow in relation to the middle sector if it is predicted that:

- (a) the rate of flow of the block in the middle sector will be in the flood flow range for the sector, and
- (b) the rate of flow of the block in the lower sector will be in the flood flow range for the lower sector.

**14 Classification of block—lower sector**

(1) **Low flow**

A block is to be classified low flow in relation to the lower sector if it is predicted that the rate of flow of the block in the lower sector will be in the low flow range for the lower sector.

(2) **High flow**

A block is to be classified high flow in relation to the lower sector if it is predicted that the rate of flow of the block in the lower sector will be in the high flow range for the lower sector.

(3) **Flood flow**

A block is to be classified flood flow in relation to the lower sector if it is predicted that the rate of flow of the block in the lower sector will be in the flood flow range for the sector.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 15
General workings of scheme	Part 2
River Register	Division 2

## Division 2 River Register

### 15 River Register

- (1) The Services Co-ordinator is to establish and maintain a River Register.
- (2) The Services Co-ordinator is to enter in the River Register:
  - (a) such matters as are required to be included in it by this Regulation or by the EPA, and
  - (b) any additional matters that the Services Co-ordinator considers appropriate.
- (3) The River Register may be kept wholly or partly by means of a computer (including by means of an on-line service).
- (4) The River Register is to be made available for inspection by the public (including participants in the scheme) at an office of the Services Co-ordinator or another person or body appointed to provide the River Register.
- (5) If the River Register is kept wholly or partly by means of a computer, subclause (4) may be complied with by providing a computer print-out or providing access to a computer that can be used to view the River Register.

**Note.** The Services Co-ordinator may enter into a contract with any person for the provision of the River Register. This is dealt with under Part 6 (Administration of scheme).

### 16 Entry of information in River Register

The Services Co-ordinator is not required to classify a block, or to make any other determination under this Regulation that is required to be entered in the River Register, until it is satisfied that it has enough information to do so with a reasonable degree of accuracy.

Clause 17                    Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Part 3                        Discharge rules

Division 1                  Preliminary

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## Part 3 Discharge rules

### Division 1                  Preliminary

#### 17 Salinity targets

- (1) The object of the discharge rules is to ensure that salinity levels in the Hunter River catchment do not, as a result of discharges of saline water by participants in the scheme, exceed the salinity targets set out in this clause.
- (2) The electrical conductivity of saline water in a high flow block is not at any stage to exceed the following targets:
  - (a) 600 EC in the upper sector (determined at the upper sector reference point),
  - (b) 900 EC in the middle sector (determined at the middle sector reference point),
  - (c) 900 EC in the lower sector (determined at the lower sector reference point).
- (3) The targets set out in subclause (2) are referred to in this Regulation as the ***high flow salinity targets***.
- (4) The electrical conductivity of saline water in a flood flow block, determined as the average salinity level of the block, is not to exceed the following targets for each sector:
  - (a) 900 EC in the upper sector (determined at the upper sector reference point),
  - (b) 900 EC in the middle sector (determined at the middle sector reference point),
  - (c) 900 EC in the lower sector (determined at the lower sector reference point).
- (5) In addition, the electrical conductivity of saline water in a flood flow block is not at any stage to exceed 1500 EC in any sector.
- (6) The targets set out in subclauses (4) and (5) are referred to in this Regulation as the ***flood flow salinity targets***.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 17
Discharge rules	Part 3
Preliminary	Division 1

(7) The Services Co-ordinator is to have regard to this clause in exercising its functions under this Part.

(8) In this clause:

*EC* means electrical conductivity, measured in microSiemens per centimetre.

## 18 Definitions

In this Part:

*relevant sector*, in relation to the holder of a discharge licence, means the sector into which any saline water discharged from the licence holder's authorised discharge point first flows.

*sector credit discount factor* means the sector credit discount factor for a block when it is in an identified sector, determined by the Services Co-ordinator under this Part and entered in the River Register.

## Division 2 Principal rules about discharges

### 19 No discharges except from authorised discharge point

It is a condition of a discharge licence that the licence holder does not cause or permit saline water to be discharged into the Hunter River catchment except from the licence holder's authorised discharge point or points.

### 20 No discharges except during site discharge period

It is a condition of a discharge licence that the licence holder does not cause or permit saline water to be discharged from an authorised discharge point otherwise than during a site discharge period for that authorised discharge point.

### 21 Services Co-ordinator to determine site discharge period

(1) The Services Co-ordinator is to determine a site discharge period for each authorised discharge point, in relation to each high flow or flood flow block.

**Note.** There are no site discharge periods for low flow blocks. The purpose of that restriction is to ensure that discharges of saline water are made into high flow and flood flow blocks, and not into low flow blocks.

Clause 21	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 3	Discharge rules
Division 2	Principal rules about discharges

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- (2) The site discharge period for an authorised discharge point is the period in which discharges of saline water are permitted from that authorised discharge point, subject to this Part.
- (3) In determining the site discharge period, the Services Co-ordinator is to ensure that any discharge of saline water that is made from an authorised discharge point in a sector is made into a block that is a high flow block or a flood flow block in that sector.
- (4) The start and finish times for the site discharge period are to be determined by the Services Co-ordinator based on an estimate of the time it will take a discharge from an authorised discharge point to reach and mix with a block as it passes through the sector in which the authorised discharge point is located.
- (5) In determining the site discharge period, the Services Co-ordinator may make such adjustments as the Services Co-ordinator thinks fit to optimise water quality. For example, the Services Co-ordinator may adjust the start and finish times so as to ensure discharges mix with the higher flows of the block.
- (6) The start and finish times for each site discharge period, in relation to a particular high flow or flood flow block, are to be entered in the River Register.

## 22 Maximum discharge during site discharge period

- (1) The maximum volume of saline water that may be discharged by the holder of a discharge licence into the Hunter River catchment during a site discharge period for the holder's authorised discharge point is:
  - (a) the licence holder's volume discharge limit for the block to which the site discharge period relates, determined in accordance with this Part, or
  - (b) the licence holder's tributary protection limit (if any),
 whichever is the lower.
 

**Note.** The tributary protection limit (if any) for saline water discharges is specified in the discharge licence.
- (2) If a discharge licence has more than one authorised discharge point, the total volume of all discharges of saline water from those points during the site discharge period for those points must not exceed the maximum volume of saline water that may be discharged by the holder of the licence under subclause (1).



Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 22
Discharge rules	Part 3
Principal rules about discharges	Division 2

- (3) It is a condition of a discharge licence that the licence holder does not cause or permit saline water to be discharged in contravention of this clause.

**Note.** Under the Act, the maximum penalty for a contravention of a licence condition is \$250,000 (in the case of a corporation) or \$120,000 (in the case of an individual). Further penalties apply to continuing offences.

### Division 3 Volume discharge limit—high flow block

**Note.** This Division sets out the method for calculating a licence holder's volume discharge limit in relation to a high flow block. This Division does not apply if a trading rules order is in force. In that case, the total allowable discharge of salt, and volume discharge limits, are to be determined as provided for by Division 5.

#### 23 High flow block—determination of volume discharge limit

- (1) A licence holder's volume discharge limit, in relation to a block that is a high flow block in the licence holder's relevant sector, is to be determined in accordance with the following steps:

**Step 1: Determine the number of credits the licence holder can use for the high flow block**

The number of credits that a licence holder may use for a high flow block is to be determined as follows:

$$E = Cr \times D$$

Where:

*E* is the number of credits that a licence holder may use for a high flow block.

*Cr* is the number of credits held by the licence holder in respect of the block at the time at which the discharge takes place (as entered in the Credit Register), being credits that are in force, and excluding any credits forfeited under this Regulation or that are excluded under Part 5.

**Note.** Parts 4 and 5 explain credit holdings and trading in credits. Under Part 5, a credit that is transferred in contravention of the Regulation cannot be counted toward the holder's volume discharge limit.

*D* is the sector credit discount factor for the block in the licence holder's relevant sector at the start of the discharge.

Clause 23	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 3	Discharge rules
Division 3	Volume discharge limit—high flow block

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**Step 2: Determine the licence holder's individual salt discharge limit**

The licence holder's salt discharge limit is to be determined as follows:

$$L = \frac{T \times E}{1,000}$$

Where:

*L* is the licence holder's salt discharge limit (in tonnes).

*T* is the total allowable discharge for the block (in tonnes) at the start of the discharge.

*E* is the number of credits that a licence holder may use for a high flow block, being the amount determined in step 1 rounded down to the nearest whole number.

**Step 3: Calculate the salt concentration of the water to be discharged**

The salt concentration of the water to be discharged is to be calculated as follows:

$$C = \frac{EC \times F}{1,000}$$

Where:

*C* is the salt concentration of the water to be discharged by the licence holder, measured in tonnes per megalitre.

*EC* is the mean electrical conductivity of the water discharged by the licence holder, measured in microSiemens per centimetre, calculated in accordance with subclause (2).

*F* is the conversion factor set out in the discharge licence.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 23
Discharge rules	Part 3
Volume discharge limit—high flow block	Division 3

**Step 4: Determine the volume discharge limit**

The volume discharge limit of the licence holder is to be determined as follows:

$$V = \frac{L}{C}$$

Where:

*V* is the licence holder's volume discharge limit for the block (in megalitres).

*L* is the licence holder's salt discharge limit for the block (calculated in step 2).

*C* is the salt concentration in the saline water to be discharged (calculated in step 3).

- (2) The mean electrical conductivity of the water discharged is to be estimated before the discharge takes place, and monitored throughout the period of the discharge, in accordance with the conditions of the discharge licence. If the mean electrical conductivity of the water discharged differs from any estimate made before the discharge is completed, the volume discharge limit must be re-calculated using the actual figures (and the amount of saline water discharged must be reduced if necessary).

**24 Sector credit discount factor—high flow block**

- (1) The Services Co-ordinator may, for the purpose of ensuring that the full exercise of credit entitlements does not result in a high flow salinity target for any sector being exceeded, determine a sector credit discount factor that is to be applied in relation to a high flow block while it is in a particular sector.
- (2) The sector credit discount factor is to be one or a fraction of one.
- (3) The sector credit discount factor is to be entered in the River Register.

**25 Total allowable discharge of salt**

- (1) The Services Co-ordinator is to determine a total allowable discharge of salt in relation to each block that is a high flow block.

Clause 25	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 3	Discharge rules
Division 3	Volume discharge limit—high flow block

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- (2) The total allowable discharge of salt is to be determined by calculating the maximum amount of salt that may be discharged in the sector or sectors in which the block is a high flow block so that, taking into account the river flow and background salinity levels, the salinity target for the high flow sector that is the farthest downstream is not exceeded.
- (3) The following are examples of the operation of subclause (2):
- (a) **Example 1: Block is high flow in all sectors**  
 The total allowable discharge will be determined by calculating the maximum amount of salt that may be discharged in all sectors so that the high flow salinity target for the lower sector (900 EC) is not exceeded.
- (b) **Example 2: Block is high flow in the upper and middle sectors, and flood flow in the lower sector**  
 The total allowable discharge will be determined by calculating the maximum amount of salt that may be discharged in the upper and middle sectors so that the high flow salinity target for the middle sector (900 EC) is not exceeded.
- (c) **Example 3: Block is high flow in the upper sector, and flood flow in the middle and lower sectors**  
 The total allowable discharge will be determined by calculating the maximum amount of salt that may be discharged in the upper sector so that the high flow salinity target for the upper sector (600 EC) is not exceeded.
- (4) The total allowable discharge is to be expressed in tonnes (or fractions of tonnes).
- (5) The total allowable discharge of salt for each block that is a high flow block is to be entered in the River Register.

#### **Division 4 Volume discharge limit—flood flow blocks**

##### **26 Flood flow block**

- (1) There is no volume discharge limit in relation to a block that is a flood flow block in the licence holder's relevant sector.

**Note.** A block will not be classified flood flow in the upper or middle sector unless it is also predicted to be in the flood flow range in all downstream sectors.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 Clause 26

Discharge rules Part 3  
 Volume discharge limit—flood flow blocks Division 4

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- (2) Accordingly, during a site discharge period for a block that is a flood flow block in the licence holder's relevant sector, the maximum volume of saline water that the licence holder may cause or permit to be discharged is the licence holder's tributary protection limit (if any).

**Note.** This Division does not apply if a trading rules order is in force. In that case, the volume discharge limit is to be determined as provided for by Division 5.

## Division 5      Trading rules order

### 27    Imposition of trading rules by EPA

- (1) If at any time it appears that the flood flow salinity targets have been exceeded, the EPA may conduct an investigation to determine whether the flood flow salinity targets were exceeded as a result of discharges of saline water by participants in the scheme.
- (2) Following that investigation, if the EPA is satisfied that the flood flow salinity targets were exceeded as a result of discharges of saline water by participants in the scheme, the EPA may, by order published in the Gazette, direct that the trading rules be used during flood flows.
- (3) Any such order is called a *trading rules order*.
- (4) A trading rules order takes effect on the publication of the order in the Gazette or on a later date specified in the order.
- (5) A trading rules order remains in force for the period (not exceeding 5 years) specified in the order.

### 28    Effect of trading rules order

- (1) Divisions 3 and 4 do not apply in respect of any period during which a trading rules order is in force.
- (2) This Division applies to the calculation of a licence holder's volume discharge limit in relation to a block that is a high flow block or a flood flow block in the licence holder's relevant sector in respect of any period in which a trading rules order is in force.

### 29    Effect of order—determination of volume discharge limit

- (1) A licence holder's volume discharge limit, in relation to a block that is a high flow block or flood flow block in the licence holder's relevant sector, is to be determined in accordance with the following steps:

Clause 29	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 3	Discharge rules
Division 5	Trading rules order

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**Step 1: Determine the number of credits the licence holder can use for the block**

The number of credits that a licence holder may use for a high flow block or flood flow block is to be determined as follows:

$$E = Cr \times D$$

Where:

*E* is the number of credits that a licence holder may use for a high flow block or flood flow block.

*Cr* is the number of credits held by the licence holder in respect of the block at the time at which the discharge takes place (as entered in the Credit Register), being credits that are in force, and excluding any credits forfeited under this Regulation or that are excluded under Part 5.

**Note.** Under Part 5, a credit that is transferred in contravention of the Regulation cannot be counted toward the holder's volume discharge limit.

*D* is the sector credit discount factor for the block in the licence holder's relevant sector at the start of the discharge.

**Step 2: Determine the licence holder's individual salt discharge limit**

The licence holder's salt discharge limit is to be determined as follows:

$$L = \frac{T \times E}{1,000}$$

Where:

*L* is the licence holder's salt discharge limit (in tonnes).

*T* is the total allowable discharge for the block (in tonnes) at the start of the discharge.

*E* is the number of credits that a licence holder may use for a high flow block or flood flow block, being the amount determined in step 1 rounded down to the nearest whole number.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 Clause 29

Discharge rules Part 3  
Trading rules order Division 5

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**Step 3: Calculate the salt concentration of the water to be discharged**

The salt concentration of the water to be discharged is to be calculated as follows:

$$C = \frac{EC \times F}{1,000}$$

Where:

*C* is the salt concentration of the water to be discharged by the licence holder, measured in tonnes per megalitre.

*EC* is the mean electrical conductivity of the water discharged by the licence holder, measured in microSiemens per centimetre, calculated in accordance with subclause (2).

*F* is the conversion factor set out in the discharge licence.

**Step 4: Determine the volume discharge limit**

The volume discharge limit of the licence holder is to be determined as follows:

$$V = \frac{L}{C}$$

Where:

*V* is the licence holder's volume discharge limit for the block (in megalitres).

*L* is the licence holder's salt discharge limit for the block (calculated in step 2).

*C* is the salt concentration in the saline water to be discharged (calculated in step 3).

- (2) The mean electrical conductivity of the water discharged is to be estimated before the discharge takes place, and monitored throughout the period of the discharge, in accordance with the conditions of the discharge licence. If the mean electrical conductivity of the water discharged differs from any estimate made before the discharge is completed, the volume discharge limit must be re-calculated using the actual figures (and the amount of saline water discharged must be reduced if necessary).

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Clause 30	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 3	Discharge rules
Division 5	Trading rules order

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### **30 Sector credit discount factor**

- (1) The Services Co-ordinator may, for the purpose of ensuring that the full exercise of credit entitlements does not result in a high flow salinity target or flood flow salinity target for any sector being exceeded, determine a sector credit discount factor that is to be applied in relation to a high flow or flood flow block while it is in a particular sector.
- (2) The sector credit discount factor is to be one or a fraction of one.
- (3) The sector credit discount factor is to be entered in the River Register.

### **31 Total allowable discharge of salt**

- (1) The Services Co-ordinator is to determine a total allowable discharge of salt in relation to each block that is a flood flow or high flow block.
- (2) The total allowable discharge of salt is to be determined by calculating the maximum amount of salt that may be discharged in the sector or sectors in which the block is a flood flow or high flow block so that, taking into account the river flow and background salinity levels, the salinity target for the lower sector is not exceeded.
- (3) The total allowable discharge is to be expressed in tonnes (or fractions of tonnes).
- (4) The total allowable discharge of salt for each block that is a flood flow or high flow block is to be entered in the River Register.

## **Division 6 Other rules relating to discharges**

### **32 Saline water to be discharged at a regular rate**

- (1) Saline water is to be discharged from an authorised discharge point in such a manner as to ensure that, as far as is reasonably practicable, saline water is discharged at approximately the same rate throughout the site discharge period.  
**Note.** The object of this clause is to prevent salinity “spikes” in the Hunter River.
- (2) It is a condition of a discharge licence that the licence holder does not cause or permit saline water to be discharged in contravention of this clause.



Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 33
Discharge rules	Part 3
Other rules relating to discharges	Division 6

### 33 Record keeping requirements

- (1) A holder of a discharge licence who causes or permits saline water to be discharged into the Hunter River catchment must make a record of the following:
  - (a) the date and time at which the discharge started and finished,
  - (b) the total volume (in megalitres) of saline water discharged during that discharge period,
  - (c) the quantity of salt (in tonnes) discharged during that discharge period,
  - (d) the mean electrical conductivity of water discharged during that discharge period,
  - (e) the unique identification number of the block to which the relevant site discharge period relates, as entered in the River Register,
  - (f) the total allowable discharge for that block, as entered in the River Register at the date and time at which the discharge started,
  - (g) the number of credits held by the licence holder, as entered in the Credit Register, as at the date and time at which the discharge started,
  - (h) any other matters relating to the discharge that the EPA, by notice in writing to the holder of the discharge licence, requires the holder to include in the record.
- (2) The record must be made in a form and manner approved by the EPA.
- (3) The record must be retained by the licence holder for at least 4 years after the discharge is completed.
 

**Note.** Part 7.3 of Chapter 7 of the Act allows the EPA, or an authorised officer, to require any person to furnish records to the EPA or authorised officer.
- (4) It is a condition of a discharge licence that the licence holder does not contravene this clause.
- (5) Subclause (1) (f) and (g) do not apply in respect of a discharge that is made during a site discharge period for a flood flow block, unless a trading rules order is in force.

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Clause 34	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 3	Discharge rules
Division 6	Other rules relating to discharges

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### **34 Reporting requirements**

- (1) The EPA may, by notice in writing to the holder of a discharge licence, require the holder to provide information to the EPA about the licence holder's anticipated saline water discharge requirements.
- (2) A licence holder must not, without reasonable excuse, fail to comply with any such requirement.
- (3) It is a condition of a discharge licence that the licence holder does not contravene this clause.

## **Division 7 Emergency dilution arrangements**

### **35 Defence—emergency dilution arrangements**

- (1) If at any time the EPA is satisfied that:
  - (a) a contravention by a licence holder of clause 20 (No discharges except during site discharge period) or clause 22 (Maximum discharge during site discharge period) is imminent, and
  - (b) the licence holder has taken all reasonable steps to avoid the contravention,the EPA may approve the licence holder discharging saline water in accordance with an emergency dilution arrangement.
- (2) An emergency dilution arrangement is an arrangement under which a licence holder purchases or secures the release of water from the Water Administration Ministerial Corporation (being water that is additional to any other water that is generally purchased from or released by the Corporation), and uses that water for the sole purpose of diluting the discharge of saline water that is the subject of the arrangement.
- (3) The EPA may approve the licence holder discharging saline water in accordance with such an arrangement only if satisfied that:
  - (a) the discharge will not increase the overall salinity level of the Hunter River catchment (taking into account salinity levels upstream of the authorised discharge point of the licence holder), and

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Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 35
Discharge rules	Part 3
Emergency dilution arrangements	Division 7

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- (b) the licence holder purchases or secures the release of sufficient water to ensure that the rate of flow of the Hunter River catchment, at the time and point of the discharge, achieves a target rate determined by the EPA, and
  - (c) the arrangement is consistent with the water sharing provisions of any management plan under the *Water Management Act 2000* that has effect in relation to the area concerned.
- (4) An approval given by the EPA under this clause:
- (a) is to be in writing, and
  - (b) is subject to such conditions as may be specified by the EPA in the approval.
- (5) It is a defence to a prosecution for an offence arising from an alleged contravention of clause 20 or 22 that the licence holder discharged the saline water concerned in accordance with such an approval.
- (6) An approval under this clause must not authorise a licence holder to exceed the licence holder's tributary protection limit.

Clause 36	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 4	Credits in scheme
Division 1	General

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## Part 4 Credits in scheme

### Division 1 General

#### 36 Creation of credits

- (1) Credits in the scheme are to be created by the EPA.
- (2) Credits are to be in a form approved by the EPA.

#### 37 Authority conferred by credit

- (1) A credit, when held by the holder of a discharge licence, confers authority on the holder to discharge 0.1% of the total allowable discharge for a high flow block, subject to the discharge rules, during the period in which the credit remains in force.
- (2) If a trading rules order is in force, a credit also confers authority on the holder to discharge 0.1% of the total allowable discharge for a flood flow block, subject to the discharge rules, during the period in which the credit remains in force.
- (3) A credit does not confer any authority on a person to discharge saline water unless the person also holds a discharge licence.

#### 38 Lifespan of credit

- (1) A credit remains in force for the period specified in relation to the credit in the Credit Register, expressed by reference to a number of sequential blocks, and expires at the end of that period.
- (2) A credit ceases to be in force during any period in which it is suspended under this Regulation.

#### 39 Who may hold credit

- (1) Any person may hold a credit, subject to subclause (2).
- (2) A first issue credit may be held only by a person who holds a relevant licence or by the EPA.

**Note.** *First issue credits* are the first 1,000 credits created in the scheme by the EPA. Those credits are allocated only to certain licence holders (most of whom participated in the pilot scheme).

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 40
Credits in scheme	Part 4
Initial allocation of credits	Division 2

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## Division 2 Initial allocation of credits

### 40 First issue credits

- (1) On the commencement of this Regulation, the EPA is to create 1,000 credits in the scheme (*first issue credits*).
- (2) Those first issue credits are to have a lifespan that commences on the commencement of this Regulation.
- (3) Of those first issue credits:
  - (a) 200 are to have a lifespan ending on 30 June 2004, and
  - (b) 200 are to have a lifespan ending on 30 June 2006, and
  - (c) 200 are to have a lifespan ending on 30 June 2008, and
  - (d) 200 are to have a lifespan ending on 30 June 2010, and
  - (e) 200 are to have a lifespan ending on 30 June 2012.

### 41 Allocation of first issue credits to relevant licence holders

- (1) On the commencement of this Regulation, the first issue credits are to be issued to the persons referred to in Schedule 1, in accordance with that Schedule.
- (2) Each person who is allocated first issue credits is to be allocated an equal number of first issue credits of each possible lifespan. For example, if a person is eligible for 15 first issue credits, the participant should be allocated 3 credits with a lifespan ending in 2004, 3 credits with a lifespan ending in 2006, 3 credits with a lifespan ending in 2008, 3 credits with a lifespan ending in 2010 and 3 credits with a lifespan ending in 2012.
- (3) The first issue credits are to be allocated free of charge. This subclause does not affect any liability for a contribution in respect of the credit under Part 7.

## Division 3 Allocation of residual first issue credits

### 42 Residual first issue credits

- (1) Any first issue credits that are allocated to the EPA under Schedule 1 (the *residual first issue credits*) may be retained by the EPA.

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Clause 42	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 4	Credits in scheme
Division 3	Allocation of residual first issue credits

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- (2) The EPA may allocate all or any of the residual first issue credits to any other person as provided for by this Division.
- (3) Any residual first issue credits that are not allocated by the EPA by the time the first auction of credits is held are to be sold at that first auction.

#### **43 Notice of intention to allocate residual first issue credits**

- (1) If the EPA proposes to allocate any residual first issue credits it must:
  - (a) cause a notice to be published in the Gazette and in a newspaper circulating throughout the State or in the locality in which the scheme operates inviting eligible persons to apply for the allocation of residual first issue credits, and
  - (b) allow a period of not less than 21 days for the making of those applications to the EPA.
- (2) An application for an allocation of residual first issue credits must be made to the EPA:
  - (a) in a form and manner approved by the EPA, and
  - (b) before the end of the period specified in the notice as being the period in which those applications may be made.
- (3) A person may apply for the allocation of residual first issue credits whether or not the person holds a discharge licence.
- (4) However, if the person does not hold a discharge licence, any undertaking by the EPA to allocate residual credits to the person:
  - (a) is conditional on the person applying for, and being issued with, a discharge licence within such period as may be specified by the EPA, and
  - (b) is taken to be revoked if the EPA refuses to issue a discharge licence to the person.

#### **44 Eligibility criteria**

- (1) Residual first issue credits may be allocated by the EPA to persons who are eligible for the allocation of residual first issue credits, and who apply for an allocation in accordance with clause 43.
- (2) A person is eligible for the allocation of residual first issue credits if the person carries out or proposes to carry out any new or expanded activity that:

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 44
Credits in scheme	Part 4
Allocation of residual first issue credits	Division 3

- (a) results or is likely to result in discharges of saline water in the Hunter River catchment, and
  - (b) cannot be carried out unless authorised by a discharge licence or a variation of a discharge licence.
- (3) An activity is a *new activity* for the purposes of this clause if the EPA is satisfied that it was not being carried out, or was not being regulated by a discharge licence, at the commencement of this Regulation.
- (4) An activity is an *expanded activity* for the purposes of this clause if the activity is not a new activity but the EPA is satisfied that the scale of the activity, or the nature of the activity, has been, or is proposed to be, changed so as to require a variation of the discharge licence, being a variation that will authorise a significant increase in the environmental impact of the activity authorised by the licence.

**Note.** If the EPA proposes to vary a licence in such a manner and the proposed variation has not been the subject of an environmental assessment and public consultation under the *Environmental Planning and Assessment Act 1979*, the EPA is required to invite and consider public submissions before it varies the licence under section 58 (6) of the Act.

#### 45 Number of credits to be allocated

- (1) Residual first issue credits are to be allocated in multiples of 5.
- (2) In determining the number of residual first issue credits to be allocated to an eligible person, the EPA is to have regard to the following:
  - (a) the number of residual first issue credits available for allocation,
  - (b) the number of applicants who are eligible for allocation of residual first issue credits,
  - (c) the criteria used to allocate pilot scheme credits to participants in that scheme and the need to maintain equity between those participants and new entrants to the scheme,
  - (d) the type of activity for which the credits are sought and any relevant difference between that activity and the types of activities for which pilot scheme credits were allocated,
  - (e) whether any first issue credits have already been allocated to the person and, if so, how many,

Clause 45	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 4	Credits in scheme
Division 3	Allocation of residual first issue credits

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- (f) in the case of expanded activities, the scale of the activities relative to the scale of the activities before the expansion and the impact of the expansion on the need to discharge saline water,
- (g) the period remaining before the first auction of credits.

#### **Division 4      Creation and sale of new credits**

##### **46    New credits to be created every 2 years**

- (1) After the creation of the first 1,000 credits in the scheme, the EPA is to create 200 new credits in the scheme every 2 years, for the purpose of replacing the 200 credits that expire every 2 years.
- (2) The credits are to have a lifespan of 10 years.
- (3) The 10-year lifespan of the credits so created must not start until the end of the lifespan of the credits that they replace, so that at no stage will there be more than 1,000 credits in force.
- (4) However, a credit may be sold by the EPA before its lifespan starts.

##### **47    Sale of new credits by auction**

- (1) The EPA is to make arrangements for the sale of credits created as provided for by this Division from time to time by auction.
- (2) At least one auction is to be held in every 2-year period.
- (3) An auction is to be conducted in a manner determined by the EPA, in accordance with such rules (if any) as the EPA may make from time to time in connection with the conduct of auctions.
- (4) Without limiting subclause (3), the rules made by the EPA in connection with the conduct of an auction may include:
  - (a) a limit on the number of credits that may be purchased by any one person, and
  - (b) a requirement that the successful bidder provide to the EPA evidence to the satisfaction of the EPA that the bidder has complied with the other rules of the auction.
- (5) A copy of the rules (if any) that apply to an auction is to be made available for public inspection on the website of the EPA before the auction is conducted.



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Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 47
Credits in scheme	Part 4
Creation and sale of new credits	Division 4

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- (6) The EPA may charge a fee to any person who buys a credit at auction in order to recover the costs incurred by or on behalf of the EPA in connection with the auction.

**48 Sale of new credits by private treaty**

The EPA may sell any credit that is not sold at auction by private treaty or otherwise.

**49 Sale of residual first issue credits**

Any first issue credits that are not allocated by the EPA as provided for by Divisions 2 and 3 may also be sold in the manner provided for by this Division.

Clause 50	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 5	Trading in credits
Division 1	Trading in credits

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## Part 5 Trading in credits

### Division 1 Trading in credits

#### 50 Trading in credits

- (1) Credits are tradeable only as provided by this Part.
- (2) A credit may be transferred in accordance with this Part.
- (3) A credit cannot be assigned or mortgaged, charged, leased or otherwise encumbered.

#### 51 Trading facility to be established

- (1) The EPA is to make arrangements for the provision of a service to facilitate the trading of credits (a *credit trading facility*).
- (2) The credit trading facility is to be an on-line service provided by the Registrar.
- (3) The credit trading facility may be used only by registered credit traders.
- (4) The EPA may approve the trading of credits by alternative means to the credit trading facility if the on-line service is not available, or in any other circumstances in which the EPA considers it appropriate.

#### 52 Registration of credit traders

- (1) The Registrar may, on application by an eligible person, register the person as a credit trader.
- (2) Any person is eligible to be registered as a credit trader.
- (3) However, until the first auction of credits (not being first issue credits) is held, only the following persons are eligible to be registered as credit traders:
  - (a) persons who hold a relevant licence,
  - (b) the EPA.

**Note.** Until the first auction of credits, only holders of a relevant licence and the EPA may hold credits in the scheme.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 52
Trading in credits	Part 5
Trading in credits	Division 1

- (4) An application for registration as a credit trader is to be made to the Registrar in a form approved by the Registrar.
- (5) The Registrar may require the applicant, in or in connection with the application, to supply to the Registrar such information as the Registrar may reasonably require in connection with the trading of credits by the applicant or the use of the credit trading facility.
- (6) The Registrar may refuse any application for registration as a credit trader that is not made in accordance with this clause.
- (7) The Registrar may cancel the registration of a person as a credit trader on request of the person.
- (8) Until the first auction of credits (not being first issue credits) is held, the Registrar may cancel the registration of a person as a credit trader if the person ceases to hold a relevant licence.

### **53 Use of credit trading facility**

- (1) Use of the credit trading facility is subject to such conditions as may be imposed by the Registrar from time to time.
- (2) If access to the credit trading facility is conditional on the use of a password, and a person accesses the credit trading facility by means of the password associated with a registered credit trader, the Registrar is entitled to assume that the person is the registered credit trader or is acting with the authority of the registered credit trader.

### **54 Transfers to be effected by registered traders by means of facility**

A transfer of a credit does not have effect unless:

- (a) it is effected by means of the credit trading facility, or by alternative means approved by the EPA, and
- (b) the parties to the transfer are registered credit traders.

### **55 Transfers may be made for consideration**

A transfer of a credit may be made for consideration or otherwise.

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Clause 56	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 5	Trading in credits
Division 2	Trading rules

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## **Division 2      Trading rules**

### **56    General rules as to transfers**

A credit may be transferred as follows:

- (a) as it relates to a particular block, or
- (b) as it relates to a particular series of blocks, being blocks that occur in a sequential order, or
- (c) as it relates to all remaining blocks in the lifespan of the credit.

### **57    To whom credits may be transferred**

- (1) A credit, other than a first issue credit, may be transferred to any person, but only if the person is a registered credit trader.
- (2) A first issue credit may be transferred only to a person who is the holder of a relevant licence and a registered credit trader.

### **58    Retrospective transfers not permitted**

- (1) A retrospective transfer of a credit is not permitted.
- (2) For the purposes of this clause, a transfer of a credit, in respect of a block, is retrospective if, when the transfer takes effect, the site discharge period for that block in relation to the transferee's authorised discharge point has already ended.

### **59    Credits valid for single use only**

- (1) A credit may be utilised only:
  - (a) once in relation to a block, and
  - (b) by one discharge licence holder in relation to a block.
- (2) A part of a credit, as it relates to a particular block, is not transferable.
- (3) Accordingly, a person must not transfer a credit in respect of a block to any other person after having purported to include that credit in the calculation of the volume discharge limit of the transferor.

**Note.** It is permissible for a credit holder who does not want to make a discharge into a particular river block to transfer the authority conferred by the credit in respect of that block to a licence holder who does wish to discharge into that block. This

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Trading in credits	Part 5
Trading rules	Division 2

clause prevents a licence holder from “splitting” one credit with another licence holder by agreeing to share the authority conferred by the credit between the two of them or from using the credit and then transferring it to a discharge licence holder further downstream.

#### 60 Effect of sector credit discount factor on transfers

- (1) If a sector credit discount factor of less than one in relation to a particular block and sector is entered in the River Register, a person must not transfer any credit in respect of that block to a licence holder whose authorised discharge point is in that sector, unless the transferor’s authorised discharge point is in the same sector.

- (2) In this clause:

*sector credit discount factor* has the meaning given by Part 3.

**Note.** The purpose of applying a sector credit discount factor of less than one is to ensure that the salinity target in a particular sector is not exceeded. As a result of this clause and clause 59, a licence holder cannot transfer any part of a credit that the person is disqualified from using as a result of the application of a sector credit discount factor. The licence holder can transfer the whole credit, but only to a licence holder whose authorised discharge point is in a sector to which a sector credit discount factor of less than one does not apply. In addition, once a sector credit discount factor of less than one has been entered in the River Register, licence holders whose authorised discharge points are in the sector to which the sector credit discount factor applies are not permitted to acquire more credits to authorise a particular discharge.

#### 61 Offence for contravention of trading rules

A person who transfers, or purports to transfer, a credit in contravention of the provisions of this Division is guilty of an offence.

Maximum penalty:

- (a) in the case of a corporation—400 penalty units, and  
 (b) in the case of an individual—200 penalty units.

#### 62 Effect of contravention of trading rules on volume discharge limit

- (1) A person who proposes to accept the transfer of a credit is under a duty to ensure that the credit is transferred in accordance with this Division.
- (2) If a credit is transferred, in respect of a block, to a discharge licence holder in contravention of this Division, the credit is to be excluded from the calculation of the volume discharge limit of the discharge licence holder in respect of that block under Part 3.

Clause 62	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 5	Trading in credits
Division 2	Trading rules

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- (3) Subclause (2) applies even if the transfer of the credit is entered in the Credit Register.

**Note.** A contravention of the provisions of this Regulation may also result in an enforcement or forfeiture order being made against a person under Part 8.

### Division 3      **Credit Register**

#### **63      Credit Register**

- (1) The Registrar is to establish and maintain a Credit Register.
- (2) The following information is to be entered in the Credit Register in relation to each credit that is created in the scheme:
  - (a) the name of the person who holds each credit with respect to each block,
  - (b) the lifespan of the credit,
  - (c) such other particulars as the Registrar considers appropriate.
- (3) The Credit Register:
  - (a) is to be in a form determined by the EPA, and
  - (b) may be established and maintained wholly or partly by means of a computer (including by means of an on-line service), and
  - (c) is to be made available for inspection by members of the public at an office of the Registrar in a manner approved by the EPA.

#### **64      Transfers to be entered in Register**

- (1) A transfer of a credit does not take effect until it is entered in the Credit Register, in accordance with such arrangements for the entry of transactions as may be approved by the EPA from time to time.
- (2) After a transfer of a credit is entered in the Credit Register:
  - (a) the transferee becomes the holder of the credit, in respect of the block or blocks concerned, and
  - (b) the transferor ceases to be the holder of the credit, in respect of the block or blocks concerned.
- (3) The following information, in relation to a credit transfer, is to be entered in the Credit Register (in accordance with the arrangements referred to in subclause (1)):

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Trading in credits

Part 5

Credit Register

Division 3

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- (a) the names of the transferor and the transferee,
- (b) the date and time at which the transfer occurred,
- (c) the number of credits transferred and the blocks to which the transfer applies.

#### **65 Correction of Credit Register**

The Registrar may correct any error or mistake in the Credit Register.

Clause 66            Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Part 6                Administration of scheme

Division 1           Services Co-ordinator

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## Part 6 Administration of scheme

### Division 1            Services Co-ordinator

#### 66 Services Co-ordinator

- (1) There is to be a Services Co-ordinator for the scheme.
- (2) The Services Co-ordinator is to be the EPA or a person or body appointed by the EPA as Services Co-ordinator.
- (3) The Services Co-ordinator has the following functions:
  - (a) to monitor and gauge the flow of the Hunter River, for the purpose of carrying out its functions under this Regulation,
  - (b) to establish and maintain the River Register,
  - (c) to make the contents of the River Register available to the public,
  - (d) such other functions as are conferred or imposed on it by this Regulation or, if the Services Co-ordinator is appointed by the EPA, by the EPA.

#### 67 Engagement of contractors to carry out functions

- (1) The Services Co-ordinator may enter into a contract with any person (referred to in this Part as a *sub-contractor*) under which the person agrees to carry out any of the functions of the Services Co-ordinator.
- (2) If the Services Co-ordinator is not the EPA, such a contract may be entered into only with the approval of the EPA.

#### 68 Functions of EPA

- (1) The EPA is to ensure that any contract or other arrangement under which the Services Co-ordinator (if it is not the EPA) is appointed, or under which a sub-contractor is appointed, includes such provisions as the EPA considers appropriate:
  - (a) to ensure that the objects and aims of the scheme are attained, and
  - (b) to ensure that the Services Co-ordinator or sub-contractor is accountable for its performance in connection with the scheme.



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 Services Co-ordinator Division 1

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- (2) Without limiting subclause (1), the contract or arrangement may require the Services Co-ordinator or sub-contractor:
- (a) to make and keep records in connection with the exercise of its functions under this Regulation and the contract, and
  - (b) to retain those records for at least 4 years after they are made, and
  - (c) to make those records available to the EPA on request, and
  - (d) to establish and maintain suitable monitoring stations for the purpose of detecting contraventions of this Regulation, and
  - (e) to advise the EPA of any suspected contravention of this Regulation, and
  - (f) to provide the EPA with copies of the River Register.
- (3) The EPA is to ensure that the contract or arrangement requires the Services Co-ordinator to report to the EPA on the performance of its functions under the contract or arrangement on an annual basis and to make that report available for public inspection.

## **Division 2 Registrar**

### **69 Registrar**

- (1) There is to be a Registrar for the scheme.
- (2) The Registrar is to be the EPA or a person or body appointed as Registrar by the EPA.
- (3) The Registrar has the functions conferred or imposed on the Registrar by this Regulation.

## **Division 3 Operations Committee**

### **70 Appointment of Operations Committee**

- (1) There is constituted by this Regulation a body corporate to be called the Hunter River Salinity Trading Scheme Operations Committee.
- (2) The Operations Committee is to consist of the following members, each of whom is to be appointed by the EPA:

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Division 3 Operations Committee

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- (a) 1 person who is a member of the Hunter Catchment Management Trust or a person nominated by the Hunter Catchment Management Trust,
  - (b) 4 persons appointed to represent the interests of licence holders,
  - (c) 1 person appointed to represent the interests of persons who use water from the Hunter River catchment for irrigation,
  - (d) 1 person appointed to represent environmental interests,
  - (e) 1 person who is a member of a committee or other organisation concerned in the management of the Hunter River or of any other river in the Hunter River catchment,
  - (f) 1 person who is an officer or employee of the Department of Land and Water Conservation, appointed on the nomination of the head of that Department.
- (3) Each person appointed by the EPA as a member of the Operations Committee is to be a person who, in the opinion of the EPA, has sufficient skills and experience to be a member of the Operations Committee.
- (4) If the EPA declines to appoint a person nominated as a member of the Operations Committee by a person or body as referred to in subclause (2), the EPA may invite the person or body to nominate another person as member of the Operations Committee.
- (5) The member referred to in subclause (2) (a) is to be Chairperson of the Operations Committee.
- (6) Schedule 2 has effect.

#### **71 Functions of Operations Committee**

- (1) The Operations Committee has the following functions:
- (a) to advise the EPA on such matters as are referred to it by the EPA in connection with the operation of the scheme,
  - (b) such other functions as may be conferred or imposed on it by this Regulation or by the EPA in connection with the scheme.
- (2) The EPA may appoint the Operations Committee as Services Co-ordinator.

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Administration of scheme  
Operations Committee

Part 6  
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## **72 Failure by Operations Committee to perform functions**

- (1) If the EPA is not satisfied with the performance of the Operations Committee under this Regulation, the EPA may:
  - (a) suspend the Operations Committee from performing its functions under this Regulation, and
  - (b) remove any or all of the members of the Committee from office (as provided by Schedule 2).
- (2) If the EPA appoints the Operations Committee as Services Co-ordinator, and is not satisfied with the performance of the Operations Committee as Services Co-ordinator, the EPA may do any of the following:
  - (a) terminate the appointment of the Operations Committee as Services Co-ordinator,
  - (b) suspend the Operations Committee from performing any of the functions of Services Co-ordinator (in which case the EPA is to carry out those functions during the suspension period),
  - (c) remove any or all of the members of the Committee from office (as provided by Schedule 2).

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Clause 73	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 7	Cost recovery
Division 1	Contribution payable by participants towards costs of scheme

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## Part 7 Cost recovery

### Division 1 Contribution payable by participants towards costs of scheme

#### 73 Participants required to contribute toward costs of scheme

- (1) A person who, at the start of a scheme year, is a participant in the scheme is required to pay to the EPA a contribution as referred to in section 295H of the Act, calculated in accordance with this Part.
- (2) The EPA is to inform each person who is required to pay a contribution under this clause of the amount that the person is required to pay, by notice in writing given to the person.
- (3) The contribution must be paid within 30 days after the notice is given by the EPA, or by such later date as may be specified by the EPA in the notice.
- (4) The contribution may be paid in instalments, in accordance with arrangements specified by the EPA in the notice.  
**Note.** Section 295H (4) of the Act provides that if an instalment is not paid by the due date, the balance then becomes due and payable.
- (5) If a contribution (or an instalment) is not paid by the due date for its payment, the contribution (or balance payable) is to be increased by the amount of simple interest calculated at the rate of 25 per cent per annum on the amount of the contribution unpaid for each day that elapses after the due date and before the date of payment.
- (6) For avoidance of doubt, a person remains liable for a contribution under this Part even if the person ceases to be a participant in the scheme during the scheme year.

**Note.** The EPA is not required to pay a contribution under this Part (see section 295H (6) of the Act).

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Cost recovery	Part 7
Contribution payable by participants towards costs of scheme	Division 1

#### 74 Calculation of contribution

The contribution payable by a person under this Part is calculated as follows:

$$C = H + DL$$

Where:

*C* is the contribution payable by the person.

*H* is the contribution payable by the person on the person's credit holdings (if any) at the start of the scheme year, calculated in accordance with this Part.

*DL* is the contribution payable by the person on the discharge licence (if any) held by the person at the start of the scheme year, calculated in accordance with this Part.

**Note.** The calculation of the contribution payable by a participant in the scheme is based on their credit holdings at the start of the scheme year and their licence. If the participant held a discharge licence but did not hold any credits at the start of the scheme year, the participant will only be liable for a contribution on the participant's discharge licence (*DL* in the formula above). If the participant held credits but not a discharge licence, the participant will only be liable for a contribution on the participant's credit holdings at the start of the scheme year (*H* in the formula above). If the participant held credits and a discharge licence, the participant will be liable for a contribution in respect of both.

#### 75 Contribution on credit holdings

For the purposes of this Part, the contribution payable by a person on the person's credit holdings at the start of a scheme year is calculated as follows:

$$H = 0.5 \times TCA \times \frac{CH}{TCH}$$

Where:

*H* is the contribution payable by a person on the person's credit holdings at the start of the scheme year.

*TCA* is the total contributions amount (calculated under Division 2).

**Note.** *TCA* is multiplied by 0.5 in the formula because half of the total contributions amount is paid by participants in the scheme who are credit holders and the other half is paid by participants in the scheme who are discharge licence holders. Participants who hold both credits and a discharge licence will be liable to contribute both as credit holders and licence holders.

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Part 7	Cost recovery
Division 1	Contribution payable by participants towards costs of scheme

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*CH* is the number of credits held by the person at the start of the scheme year.

*TCH* is 1000, minus the number of credits (if any) held by the EPA at the start of the scheme year.

#### 76 Contribution on licence

- (1) For the purposes of this Part, the contribution payable by a person on a discharge licence held by the person at the start of the scheme year is calculated as follows:

$$DL = 0.5 \times \frac{TCA}{TL}$$

Where:

*DL* is the contribution payable by the person on a discharge licence held by the person at the start of the scheme year.

*TCA* is the total contributions amount (calculated under Division 2).

**Note.** *TCA* is multiplied by 0.5 in the formula because half of the total contributions amount is paid by participants in the scheme who are credit holders and the other half is paid by participants in the scheme who are discharge licence holders. Participants who hold both credits and a discharge licence will be liable to contribute both as credit holders and licence holders.

*TL* is the total number of discharge licences held by participants in the scheme at the start of the scheme year.

- (2) For avoidance of doubt, if more than one discharge licence is held by a person, a contribution is payable under this clause in respect of each of those discharge licences.

#### 77 Contributions on forfeited credits

- (1) For the purposes of this Part, a person is taken to continue to hold a credit that is forfeited to the EPA under this Regulation until the EPA sells the credit.
- (2) Any such credit is not to be considered to be held by the EPA for the purposes of a calculation made under this Part.

**Note.** The object of this clause is to ensure that participants who forfeit credits remain liable to make a contribution under this Part in respect of the credit until the EPA sells the credit.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	Clause 78
Cost recovery	Part 7
Calculating total contributions amount	Division 2

## Division 2      Calculating total contributions amount

### 78    Total contributions amount

- (1) For the purposes of this Part, the *total contributions amount* for a scheme year is the total cost of the scheme for the scheme year estimated in accordance with this Division, and adjusted by the EPA (if required) in accordance with Division 3.
- (2) The total cost of the scheme for the scheme year is the total of the following costs:
  - (a) the costs of the Services Co-ordinator in connection with the scheme for the scheme year, as estimated by the Services Co-ordinator under this Division,
  - (b) the costs of the Registrar in connection with the scheme for the scheme year, as estimated by the Registrar under this Division,
  - (c) the costs of the EPA in connection with the scheme for the scheme year, as estimated by the EPA under this Division.

### 79    Costs of Services Co-ordinator

- (1) For the purposes of this Part, the costs of the Services Co-ordinator in connection with the scheme for a scheme year consists of the costs incurred by the Services Co-ordinator (including any sub-contractor of the Services Co-ordinator), being costs of a kind referred to in section 295H (1) of the Act, in exercising its functions under this Regulation during the scheme year.
- (2) For the purposes of determining contributions payable in respect of a scheme year, the Services Co-ordinator must, before the start of each scheme year, prepare and adopt an estimate of the costs of the Services Co-ordinator in connection with the scheme for the scheme year.
- (3) If the Services Co-ordinator is not the EPA, the estimate may be adopted by the Services Co-ordinator only with the concurrence of the EPA.

Clause 80	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 7	Cost recovery
Division 2	Calculating total contributions amount

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### **80 Costs of Registrar**

- (1) For the purposes of this Part, the costs of the Registrar in connection with the scheme for a scheme year consists of the costs incurred by the Registrar, being costs of a kind referred to in section 295H (1) of the Act, in exercising its functions under this Regulation.
- (2) For the purpose of determining the contributions payable in respect of a scheme year, the Registrar must, before the start of each scheme year, prepare and adopt an estimate of the costs of the Registrar in connection with the scheme for the scheme year.
- (3) If the Registrar is not the EPA, the estimate may be adopted by the Registrar only with the concurrence of the EPA.

### **81 Costs of EPA**

- (1) For the purposes of this Part, the costs of the EPA in connection with the scheme for a scheme year consists of the costs incurred by the EPA, being costs of a kind referred to in section 295H (1) of the Act, not including those costs that are included in the costs of the Services Co-ordinator or the Registrar in connection with the scheme year.
- (2) The EPA must, before the start of each scheme year, prepare and adopt an estimate of the costs of the EPA in connection with the scheme for the scheme year.

## **Division 3 Adjustments to total cost**

### **82 Functions of EPA**

The EPA is to adjust the total contributions amount for a scheme year from time to time as required in accordance with this Division.

### **83 Reconciliation at end of scheme year**

- (1) At the end of a scheme year, the EPA is to calculate the actual cost of the scheme for that scheme year.
- (2) The actual cost of the scheme for the scheme year is the total of the following:
  - (a) the costs of the Services Co-ordinator in connection with the scheme for the scheme year, as assessed by the Services Co-ordinator at the end of the scheme year,



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Adjustments to total cost Division 3

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- (b) the costs of the Registrar in connection with the scheme for the scheme year, as assessed by the Registrar at the end of the scheme year,
  - (c) the costs of the EPA in connection with the scheme for the scheme year, as assessed by the EPA at the end of the scheme year.
- (3) The Services Co-ordinator and the Registrar are to provide the EPA with such information as is necessary for the purpose of calculating the actual cost of the scheme for the scheme year.
- (4) If the actual cost of the scheme for the scheme year exceeds the total contributions amount in respect of that scheme year, the amount of the difference is to be added to estimated cost of the scheme for the next scheme year, and the total contributions amount for that year is to be increased accordingly.
- (5) If the actual cost of the scheme for the scheme year is less than the total contributions amount in respect of that scheme year, the amount of the difference is to be deducted from the estimated cost of the scheme for the next scheme year, and the total contributions amount for that year is to be decreased accordingly.

#### **84 Auction and sale proceeds**

The EPA is to deduct from the total cost of the scheme for a scheme year the amount of the proceeds (if any) of any auction or other sale of credits by the EPA under the scheme held during the previous scheme year and the total contributions amount is to be decreased accordingly.

#### **85 Adjustments to contributions**

The EPA may determine the arrangements for payment of any additional contribution, or refund of contribution, that is required because of an adjustment to the total contributions amount under this Division.

Clause 86            Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Part 8                Enforcement

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## Part 8 Enforcement

### 86 General enforcement power of EPA

- (1) The EPA may, by order in writing served on a person:
  - (a) suspend any or all credits held by the person, and
  - (b) prohibit the person from transferring or accepting the transfer of credits, or impose conditions on any such transfers.
- (2) Such an order (an *enforcement order*) may be made only if the EPA is satisfied that the person:
  - (a) has contravened a provision of this Regulation, or
  - (b) has contravened a condition of the person's licence, being a condition that relates to the scheme.
- (3) An enforcement order takes effect on the date notice of the order is served on the person against whom it is made, or on a later date specified in the order, subject to clause 87.
- (4) An enforcement order may be expressed to have effect for a specified period, or until the fulfilment of specified conditions, or until further order of the EPA.
- (5) An enforcement order has effect according to its tenor, despite any other provision of this Regulation.
- (6) A person must not contravene the terms of an enforcement order.

Maximum penalty:

  - (a) in the case of a corporation—400 penalty units, and
  - (b) in the case of an individual—200 penalty units.
- (7) An enforcement order does not affect the liability of a person to pay a contribution in respect of a licence or credit under this Regulation.
- (8) This clause does not prevent any proceedings being taken for an offence against the Act or this Regulation.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Clause 87

Enforcement

Part 8

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### 87 Confirmation of enforcement order

- (1) An enforcement order ceases to be in force at the end of the period of 60 days after the order takes effect, unless the EPA confirms the making of the enforcement order before the end of that period, in accordance with this clause.
- (2) The making of an enforcement order is confirmed if notice of the confirmation is served on the person against whom the order was made.
- (3) The EPA must not confirm the making of an enforcement order unless:
  - (a) it has given notice to the person against whom the order was made of its reasons for making the order, and
  - (b) it has given the person a reasonable opportunity to make submissions with respect to the order, and
  - (c) it has taken into consideration any such submissions by the person.

### 88 Forfeiture of credits

- (1) The EPA may, by order in writing served on a person, require the forfeiture of any credits held by the person to the EPA.
- (2) Such an order (a *forfeiture order*) may be made only if the EPA is satisfied that the person:
  - (a) has contravened a provision of this Regulation, or
  - (b) has contravened a condition of the person's licence, being a condition that relates to the scheme, or
  - (c) has failed to pay a contribution required under this Regulation by the due date for its payment.
- (3) The order is to specify the number of credits forfeited.
- (4) In the case of a forfeiture order made because of a contravention of this Regulation, the EPA may, in determining how many credits are to be forfeited, take into account:
  - (a) any pecuniary benefit that has been obtained by the person, or any cost that has been avoided by the person, because of the contravention, and
  - (b) any other relevant matters.

Clause 88            Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Part 8                Enforcement

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- (5) In the case of a forfeiture order made because of a failure to pay a contribution by the due date for its payment, the EPA may order the forfeiture of the number of credits that, in the opinion of the EPA, would, if sold by auction or public tender, raise an amount sufficient to meet the following:
- (a) the contribution that is payable by the person, together with any interest payable on the contribution, and
  - (b) the costs that are likely to be incurred by the EPA in connection with the sale of the credits.
- (6) A forfeiture order takes effect on the date notice of the order is served on the person against whom it is made, or on a later date specified in the order.
- (7) On the date that a forfeiture order takes effect, the credit or credits specified in the order are forfeited to the EPA.
- (8) This clause does not prevent any proceedings being taken:
- (a) for an offence against the Act or this Regulation, or
  - (b) for the recovery of a contribution as a debt payable to the EPA, as provided for by section 295H (3) of the Act.

**Note.** Under section 295H (3) of the Act, a contribution payable to the EPA is recoverable by the EPA as a debt in a court of competent jurisdiction.

#### **89 Notice of reasons for making forfeiture order**

- (1) The EPA must not make a forfeiture order unless:
- (a) it has given notice to the person against whom the order is to be made of its intention to do so, and
  - (b) it has specified in that notice the reasons for its intention to do so, and
  - (c) it has given the person a reasonable opportunity to make submissions with respect to the proposed order, and
  - (d) it has taken into consideration any such submissions by the person.
- (2) For the purpose of preventing the trading of credits that are proposed to be forfeited under the forfeiture order, the EPA may make an enforcement order against the person, with effect from the date notice of its intention to make the forfeiture order is given to the person.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Clause 90

Enforcement

Part 8

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## 90 Effect of forfeiture order

- (1) A forfeited credit continues in force as if it had not been forfeited, except that the EPA becomes the holder of the credit.
- (2) The EPA is to make arrangements for the sale of any credits forfeited to the EPA by auction or public tender.
- (3) This clause is subject to Part 7 (which requires a person who forfeits a credit to continue to pay to the EPA a contribution in respect of the credit until it is sold).

## 91 Offence of providing false information

A person who, in or in connection with an application for credits or any other application or information provided to the EPA, the Services Co-ordinator or the Registrar under this Regulation, provides any information, or makes any statement, knowing that it is false or misleading in a material particular, is guilty of an offence.

Maximum penalty:

- (a) in the case of a corporation—200 penalty units,
- (b) in the case of an individual—100 penalty units.

### Note.

#### Other enforcement powers

The Act also provides that certain offences can be dealt with by the issue of a penalty notice (sometimes referred to as an on the spot fine) by an authorised officer. Under the *Protection of the Environment Operations (Penalty Notices) Regulation 1999*, an officer or employee of the EPA is authorised to issue a penalty notice for the offence of contravening a licence condition (including the licence conditions referred to in Part 3). In such a case, the on the spot fine is \$1,500 (in the case of a corporation) or \$750 (in the case of an individual). If the offence is dealt with by a court, the maximum penalty that the court can impose for the offence is \$250,000 (in the case of a corporation) or \$120,000 (in the case of an individual).

Clause 92	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 9	Miscellaneous

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## Part 9 Miscellaneous

### 92 Suspension of scheme

- (1) A suspension of the scheme, or part of the scheme, as provided by section 293A of the Act, may be effected by the EPA by order published in the Gazette.

**Note.** The Act requires the EPA to undertake public consultation before suspending the scheme, unless the suspension is required urgently in order to protect the environment, public health, property, or the integrity of the scheme, or is necessary because of an emergency.

- (2) The order is to specify the period during which the scheme or part of the scheme is suspended, but that period may be extended by further order published in the Gazette.
- (3) The order may specify the effect of the suspension on any rights conferred or obligations imposed under the scheme.
- (4) It is a condition of a discharge licence that the holder of the licence does not discharge saline water during any period in which the scheme or part of the scheme is suspended by the EPA, except with the written approval of the EPA or in accordance with the terms of any order made under this clause.
- (5) Subclause (4) has effect despite the discharge rules.

### 93 Review of Regulation—timetable

The review referred to in section 295C of the Act is to be undertaken by the Minister as soon as possible after the period of 10 years from the date of commencement of this Regulation.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 Clause 94

Miscellaneous Part 9

**94 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999**

The *Protection of the Environment Operations (Penalty Notices) Regulation 1999* is amended by inserting at the end of Schedule 1:

**Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002**

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Officer	Penalty (individuals)	Penalty (corporations)
Clause 61	2	750	1500

Clause 95	Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002
Part 10	Savings and transitional provisions

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## **Part 10 Savings and transitional provisions**

### **95 Regulation supersedes pilot scheme**

- (1) On the commencement of this Regulation, the pilot scheme is terminated and all pilot scheme credits cease to have effect.
- (2) The provisions of this Regulation supersede the guidelines and rulebook relating to the pilot scheme (being documents published by the EPA), and the provisions of those guidelines and rulebook cease to have effect when this Regulation commences.

### **96 Services Co-ordinator**

- (1) On the commencement of this Regulation, the Water Administration Ministerial Corporation is taken to have been appointed by the EPA as Services Co-ordinator.
- (2) This clause does not prevent the EPA from terminating the appointment of the Water Administration Ministerial Corporation as Services Co-ordinator or varying the terms of that appointment.

### **97 First scheme year**

The first scheme year of the scheme is taken to be the period commencing on the date of commencement of this Regulation and ending on 30 June in the following year.

### **98 Discharge licences issued under pilot scheme**

- (1) A reference in this Regulation to a discharge licence includes a licence that, immediately before the commencement of this Regulation, authorises a person to discharge saline water under the pilot scheme.
- (2) A reference in any such licence to the pilot scheme is taken, on the commencement of this Regulation, to be a reference to the scheme established by this Regulation.
- (3) This clause ceases to have effect 6 months after the commencement of this Regulation.



Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Allocation of first issue credits

Schedule 1

## Schedule 1 Allocation of first issue credits

(Clauses 4 and 41)

<b>Credit holder</b>	<b>Licence number (if applicable)</b>	<b>Premises name (if applicable)</b>	<b>Number of credits</b>
Bengalla Mining Company Pty Ltd	6538	Bengalla Mine	35
Bulga Coal Management Pty Ltd	563	Saxonvale Colliery Holding	40
Camberwell Coal Pty Ltd	3390	Camberwell Coal Mine Colliery Holding	15
Coal and Allied Industries Ltd	640	Hunter Valley Operations	120
Coal and Allied Industries Ltd	1976	Mt Thorley Colliery Holding	0
Cumnock No 1 Colliery Pty Ltd	37	Cumnock No 1 Colliery	15
Dartbrook Coal Pty Ltd	4885	Dartbrook Coal Mine	15
Drayton Coal Pty Ltd	1323	Drayton Coal Mine Colliery Holding	25
Hunter Valley Coal Corporation Pty Ltd	4460	Mt Owen Coal Mine	15
Lemington Coal Mines Ltd	1497	Lemington Coal Mine Colliery Holding	40
Liddell Coal Operations Pty Ltd	2094	Liddell Colliery Holding	55
Macquarie Generation	779	Bayswater Power Station	230
Mt Arthur Coal Company Ltd	113	Bayswater Colliery	25

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Schedule 1 Allocation of first issue credits

<b>Credit holder</b>	<b>Licence number (if applicable)</b>	<b>Premises name (if applicable)</b>	<b>Number of credits</b>
Muswellbrook Coal Company Ltd	656	Muswellbrook No 2 Open Cut Coal Mine	10
Nardell Coal Corporation Pty Ltd	10337	Nardell Coal Corporation Pty Ltd	30
New South Wales Environment Protection Authority	na	na	85
Ravensworth Operations Pty Ltd	10860	Ravensworth East Mine	0
Ravensworth Operations Pty Ltd	2652	Ravensworth Operations Narama Mine	100
Redbank Project Pty Ltd	11262	Redbank Power Station	35
Rix's Creek Pty Ltd	3391	Rix's Creek Colliery	25
United Collieries Pty Ltd	3141	United Colliery	10
Wambo Mining Corporation Pty Ltd	529	Wambo Mining Corporation	35
Warkworth Mining Ltd	1376	Warkworth Colliery Holding	40
<b>Total credits</b>			<b>1,000</b>

**Note.** Although some of the participants referred to above are not to be issued with first issue credits, they will be able to participate in trading in first issue credits.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Constitution and procedure of Operations Committee

Schedule 2

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## Schedule 2 Constitution and procedure of Operations Committee

(Clause 70)

### Part 1 General

#### 1 Definitions

In this Schedule:

*Chairperson* means the Chairperson of the Operations Committee.

*member* means any member of the Operations Committee.

### Part 2 Constitution

#### 2 Terms of office of members

Subject to this Schedule, a member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

#### 3 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the EPA may from time to time determine in respect of the member.

#### 4 Deputies

- (1) The EPA may, from time to time, appoint a person to be the deputy of a member, and the EPA may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of a member, a person:
  - (a) has all the functions of the member and is taken to be a member, and

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Schedule 2 Constitution and procedure of Operations Committee

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(b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the EPA may from time to time determine in respect of the person.

(4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.

### **5 Vacancy in office of member**

(1) The office of a member becomes vacant if the member:

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by instrument in writing addressed to the EPA, or
- (d) is removed from office by the EPA under this clause, or
- (e) is absent from 4 consecutive meetings of the Operations Committee of which reasonable notice has been given to the member personally or by post, except on leave granted by the EPA or unless the member is excused by the EPA for having been absent from those meetings, or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The EPA may at any time remove a member from office.

### **6 Filling of vacancy in office of member**

If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Constitution and procedure of Operations Committee

Schedule 2

## **7 Chairperson**

- (1) The Chairperson vacates office as Chairperson if the person:
  - (a) is removed from office by the EPA under this clause, or
  - (b) ceases to be a member.
- (2) The EPA may at any time remove the Chairperson from office as Chairperson.

## **8 Disclosure of pecuniary interests**

- (1) If:
  - (a) a member of the Operations Committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Operations Committee, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Operations Committee.
- (2) A disclosure by a member at a meeting of the Operations Committee that the member:
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- (3) Particulars of any disclosure made under this clause must be recorded by the Operations Committee in the minutes of the meeting concerned.
- (4) A member of the Operations Committee is not disqualified from taking part in any deliberation of the matter, or in a decision with respect to the matter, because of the member's pecuniary interest.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Schedule 2 Constitution and procedure of Operations Committee

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- (5) A contravention of this clause does not invalidate any decision of the Operations Committee.

### Part 3 Procedure

#### 9 Procedures of Operations Committee

Subject to this Schedule, the procedures of the Operations Committee are to be determined by the EPA and, subject to any such determination, by the Operations Committee.

#### 10 Quorum

The quorum for a meeting of the Operations Committee is a majority of its members for the time being.

#### 11 Presiding member

- (1) The Chairperson is to preside at a meeting of the Operations Committee.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

#### 12 Voting

A decision supported by a majority of the votes cast at a meeting of the Operations Committee at which a quorum is present is the decision of the Operations Committee.

#### 13 Minutes

The Operations Committee is required to keep minutes of proceedings at its meetings.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Dictionary

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## Dictionary

(Clause 4)

**authorised discharge point** means a discharge point in the Hunter River catchment that is specified in a discharge licence as a point from which discharges of saline water by the licence holder are authorised (subject to the scheme).

**block** or **river block** means a block identified in the River Register, as referred to in Part 2.

**credit** means a credit in the scheme.

**Credit Register** means the Credit Register required to be kept under this Regulation.

**credit trading facility** means the facility for the trading of credits provided by the Registrar, as referred to in Part 5.

**discharge licence** is defined in clause 6.

**discharge rules** means the provisions set out in Part 3.

**enforcement order** means an order made by the EPA under clause 86.

**first issue credit** means any of the first 1,000 credits created in the scheme by the EPA.

**flood flow block**, in relation to a particular sector, means a block classified as a flood flow block in relation to that sector under this Regulation, and identified as such by an entry in the River Register.

**flood flow salinity target** has the meaning given by clause 17.

**forfeiture order** means an order made by the EPA under clause 88.

**high flow block**, in relation to a particular sector, means a block classified as a high flow block in relation to that sector under this Regulation, and identified as such by an entry in the River Register.

**high flow salinity target** has the meaning given by clause 17.

**Hunter River catchment** is defined in clause 7.

**lifespan** of a credit means the period (expressed in terms of sequential blocks) for which it remains in force.

**low flow block**, in relation to a particular sector, means:

- (a) a block classified as a low flow block in relation to that sector under this Regulation, and identified as such by an entry in the River Register, or

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Dictionary

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- (b) a block in respect of which no classification is entered in the River Register.

**lower sector** means that part of the Hunter River catchment downstream of the middle sector reference point and upstream of the lower sector reference point.

**lower sector reference point** means the Department of Land and Water Conservation gauging station at Singleton.

**middle sector** means that part of the Hunter River catchment downstream of the upper sector reference point and upstream of the middle sector reference point.

**middle sector reference point** means the Department of Land and Water Conservation gauging station immediately upstream of the confluence of the Hunter River and Glennies Creek.

**on-line service** means a service provided by or through the facilities of a computer communication system and accessed through a telecommunications network that allows for:

- (a) the input, output or examination of computer data or computer programs, or
- (b) the transmission of computer data from one computer to another.

**Operations Committee** means the Hunter River Salinity Trading Scheme Operations Committee established by the EPA under this Regulation.

**participant** in the scheme has the meaning given by clause 5.

**pilot scheme** means the pilot scheme of the same name as the scheme established by this Regulation that was conducted by the EPA and the Department of Land and Water Conservation before the commencement of this Regulation.

**pilot scheme credit** means a credit in the pilot scheme.

**registered credit trader** means a person who is registered by the Registrar as a credit trader under Part 5.

**Registrar** means the EPA or a person or body appointed by the EPA as Registrar.

**relevant licence** means a discharge licence or a licence that applies to premises referred to in Schedule 1.



Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Dictionary

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***residual first issue credit*** means any first issue credit allocated to the EPA as provided for by Schedule 1.

***River Register*** means the River Register required to be kept under this Regulation.

***saline water*** means water with an electrical conductivity of not less than 400 microSiemens per centimetre.

***salinity target*** means a high flow salinity target or a flood flow salinity target.

***scheme*** means the Hunter River Salinity Trading Scheme established by this Regulation.

***scheme year*** means the period commencing on 1 July in any year and ending on 30 June in the following year.

***sector*** means the upper sector, the middle sector or the lower sector.

***sequential blocks*** means blocks that have identification numbers that are in sequential order.

***Services Co-ordinator*** means the EPA or the person or body appointed by the EPA as Services Co-ordinator.

***site discharge period***, in relation to an authorised discharge point, means the site discharge period determined by the Services Co-ordinator under Part 3 for a high flow or flood flow block and entered in the River Register.

***the Act*** means the *Protection of the Environment Operations Act 1997*.

***total allowable discharge*** means the total allowable discharge of salt for a block determined by the Services Co-ordinator under Part 3 and entered in the River Register.

***total contributions amount*** has the meaning given by Part 7.

***trading rules order***—see Division 5 of Part 3.

***tributary protection limit*** of a discharge licence holder means an amount specified in a discharge licence as the maximum amount of saline water that may be discharged by a licence holder from an authorised discharge point during any specified period.

***upper sector*** means that part of the Hunter River catchment upstream of the upper sector reference point.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

Dictionary

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***upper sector reference point*** means the Department of Land and Water Conservation gauging station upstream of the confluence of the Hunter and Goulburn Rivers at Denman.

***volume discharge limit*** of a discharge licence holder in respect of a block means the volume discharge limit calculated under Part 3.



# Western Lands Amendment Regulation 2002

under the

Western Lands Act 1901

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Western Lands Act 1901*.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

## Explanatory note

The object of this Regulation is to amend the *Western Lands Regulation 1997* in connection with the commencement of certain provisions of the *Western Lands Amendment Act 2002*. The Regulation omits a number of obsolete provisions and enacts minor savings and transitional provisions in connection with the amendments made by that Act.

This Regulation is made under the *Western Lands Act 1901*, including section 36 (the general power to make regulations) and clause 1AAA of Schedule 3.

Clause 1            Western Lands Amendment Regulation 2002

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## **Western Lands Amendment Regulation 2002**

under the

Western Lands Act 1901

### **1 Name of Regulation**

This Regulation is the *Western Lands Amendment Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 December 2002.

### **3 Amendment of Western Lands Regulation 1997**

The *Western Lands Regulation 1997* is amended as set out in Schedule 1.

Western Lands Amendment Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 21

Omit the clause. Insert instead:

#### 21 Minister's consent to transfer: section 18G

- (1) An application for the Minister's consent under section 18G (1) is to be accompanied by the relevant fee specified in Schedule 1.
- (2) A consent given under the former section 18G within the period of 6 months before the substitution of that section by the *Western Lands Amendment Act 2002* is taken to be a consent under the new section 18G.
- (3) An application for a Minister's certificate under subsection (1E) of the former section 18G that had not been determined before the substitution of that section by the *Western Lands Amendment Act 2002* is to be determined in accordance with that section as if it had not been substituted.
- (4) A Minister's certificate under subsection (1E) of the former section 18G, including a certificate issued under that subsection pursuant to subclause (3), is taken to be a declaration under subsection (3) of the new section 18G.

### [2] Clauses 22, 23 and 26

Omit the clauses.

### [3] Clause 32 Surrenders: section 33A

Insert after clause 32 (3):

- (4) The Minister may continue to take any action under section 33A that had been begun before the amendment of that section by the *Western Lands Amendment Act 2002*, and section 33A, as in force before that amendment, continues to have effect in relation to anything arising from that action as if that it had not been so amended.

### [4] Schedule 1 Fees

Omit items 5 and 6.

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## Orders

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New South Wales

# Crimes (Administration of Sentences) (Interstate Leave) Order 2002

under the

Crimes (Administration of Sentences) Act 1999

JAMES JACOB SPIGELMAN,  
by Deputation from Her Excellency the Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 28 of the *Crimes (Administration of Sentences) Act 1999*, make the following Order.

Dated, this 13th day of November 2002.

By His Excellency's Command,

RICHARD AMERY, M.P.,  
Minister for Corrective Services

### Explanatory note

Section 28 of the *Crimes (Administration of Sentences) Act 1999* provides that the Governor may, by an order published in the Gazette, declare that a law of a State or Territory other than New South Wales is a corresponding interstate law for the purposes of Subdivision 2 (Interstate leave of absence) of Division 3 (Transfer and leave of absence) of Part 2 (Imprisonment by way of full-time detention) of that Act.

The purpose of this Order is to declare the *Corrective Services Act 2000* of Queensland and the *Corrective Services Regulation 2001* of Queensland as two such corresponding laws.

Clause 1 Crimes (Administration of Sentences) (Interstate Leave) Order 2002

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## **Crimes (Administration of Sentences) (Interstate Leave) Order 2002**

under the

Crimes (Administration of Sentences) Act 1999

### **1 Name of Order**

This Order is the *Crimes (Administration of Sentences) (Interstate Leave) Order 2002*.

### **2 Corrective Services Act 2000 and Corrective Services Regulation 2001 of Queensland**

It is declared that the *Corrective Services Act 2000* of Queensland and the *Corrective Services Regulation 2001* of Queensland are both corresponding interstate laws for the purposes of Subdivision 2 of Division 3 of Part 2 of the *Crimes (Administration of Sentences) Act 1999*.

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# Department of Agriculture

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## EXOTIC DISEASES OF ANIMALS ACT 1991

### SECTION 15

#### Declaration of Binalong Restricted Area

I, Richard Fredrick Sheldrake, being the person holding the office of Director-General under the *Exotic Diseases of Animals Act 1991* ("the Act"), in accordance with the powers delegated to me by the Minister for Agriculture under section 67 of the *Exotic Diseases of Animals Act 1991*, and being of the opinion that the area specified in Schedule A may be or become infected with an exotic disease, namely Small Hive Beetle (*Aethina tumida*), pursuant to section 15 of the Act, hereby declare:

1. the specified area in Schedule A to be a restricted area in accordance with the terms of the Act, and
2. that the classes of animals, animal products and fodder to which this Order applies are those specified in Schedule B which have originated from the Restricted Area.

#### SCHEDULE A

Commencing at the intersection of Ryan Street and the extension of Linden Road at Galong and following Ryan Street to Galong Road, thence northerly along Galong Road to Eubindal Road and thence easterly along Eubindal Road to its intersection with the Binalong-Boorowa Road, thence northerly following the Binalong – Boorowa Road to its intersection with the western boundary of the Parish of Gooramma, County of Harden, thence in a southerly direction along the Western boundary of the Parish of Gooramma, then East along the Southern boundary of the Parish of Gooramma to its junction with the Boorowa River, and thence south along the Boorowa River to its intersection with the Western side of the Lachlan Valley Way, thence southerly along the Lachlan Valley Way to the northern side of the Hume Highway, thence westerly into the old Hume Highway, thence along the old Hume Highway to its junction with Berremangra Road then northerly along Berremangra Road to its junction with Coppabella Road, thence northerly along Coppabella Road to its junction with Bouyeo Road, thence easterly along to Bouyeo Road to its junction with Galong Road, thence along Galong Road in an easterly direction to its intersection with Station Street, thence easterly along Station Street across the main Southern Railway line into Crescent Street thence east along Crescent Street to its junction with Railway Street, then north along Railway Street to McMahan Road then north easterly along McMahan Road to its junction with Orient Street thence in a northerly direction to where the extension of Linden Road intersects with Ryan Street at the commencement.

#### SCHEDULE B

##### Classes of animals

All Bees

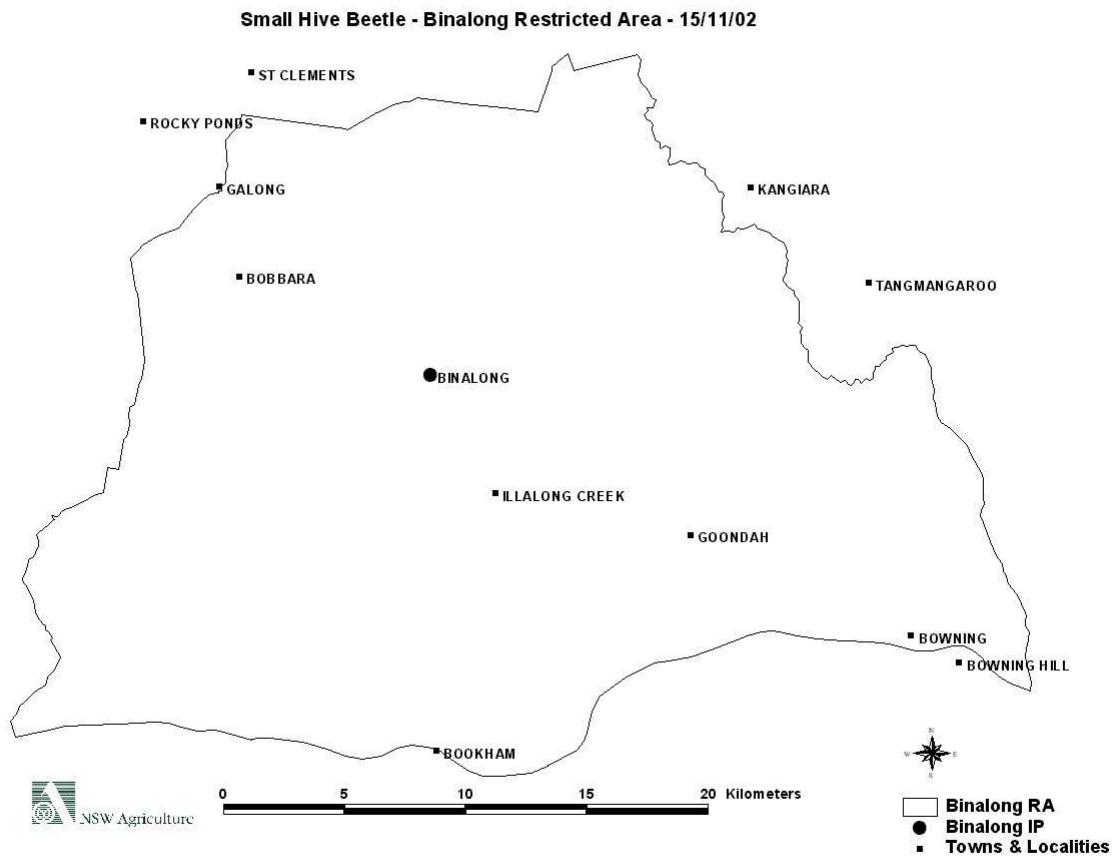
##### Classes of animal products

- ◆ All bee products except extracted honey
- ◆ All fittings of the animals specified above including beehives, any components of beehives and extraction equipment

**RICHARD F SHELDRAKE**  
**DIRECTOR GENERAL**

Dated: 15th November 2002





**EXOTIC DISEASES OF ANIMALS ACT 1991****SECTION 15****Declaration of Cowra/Woodstock Restricted Area**

I, Richard Fredrick Sheldrake, being the person holding the office of Director-General under the *Exotic Diseases of Animals Act 1991* ("the Act"), in accordance with the powers delegated to me by the Minister for Agriculture under section 67 of the *Exotic Diseases of Animals Act 1991*, and being of the opinion that the area specified in Schedule A may be or become infected with an exotic disease, namely Small Hive Beetle (*Aethina tumida*), pursuant to section 15 of the Act, hereby:

1. revoke the Declaration of the Cowra Restricted Area Order made by me on 8 November 2002, and
2. declare the specified area in Schedule A to be a restricted area in accordance with the terms of the Act, and
3. declare that the classes of animals, animal products and fodder to which this Order applies are those specified in Schedule B which have originated from the Restricted Area.

**SCHEDULE A**

Description - Small Hive Beetle - Cowra - Restricted Area - 15/11/02

Commencing at the intersection of the Lachlan Valley Way and the Mid-Western Highway at Cowra, then generally south by the eastern side of the Lachlan Valley Way to its intersection with an unnamed road approximately 4.9km south of the former Cucumgillica Public School then generally east by that road to its intersection with Springvale Lane then north by the western side of that road to its intersection with Bennetts Road then generally east by the northern side of that road to its intersection with Frogmore Road then north by the western side of that road to its intersection with Hovells Creek. Then by Hovells Creek downstream to its confluence with the Lachlan River then by that river upstream to its intersection with Wyangala Rd on the Wyangala Dam wall, then north by that road to Reg Hailstone Way then north by the western boundary of that road to its intersection with Oaky Creek Road then east and north by that road to its intersection with Quartpot Rd then generally north by that road to Garland Road then generally north by that road to its intersection with the Harden-Blayney Railway Line then generally west by that railway to its intersection with Limestone Creek then downstream by that creek to its intersection with Belubula Way then west by the southern side of that road to its intersection with Tenandra Lane and then west on the southern side of that lane to its intersection with George Russell Drive then west on the southern side of that road to its intersection with the northern boundary of the Parish of Tenandra, county of Bathurst then west and south by the northern and western boundaries of that parish and the southern boundary of the parish of Billimari, county of Bathurst to its intersection with Glenlogan Road then generally south by that road to its intersection with the Cowra-Eugowra Railway Line then by that railway south east to its intersection with the Mid-Western Highway at Cowra then west by that highway to the point of commencement.

**SCHEDULE B****Classes of animals**

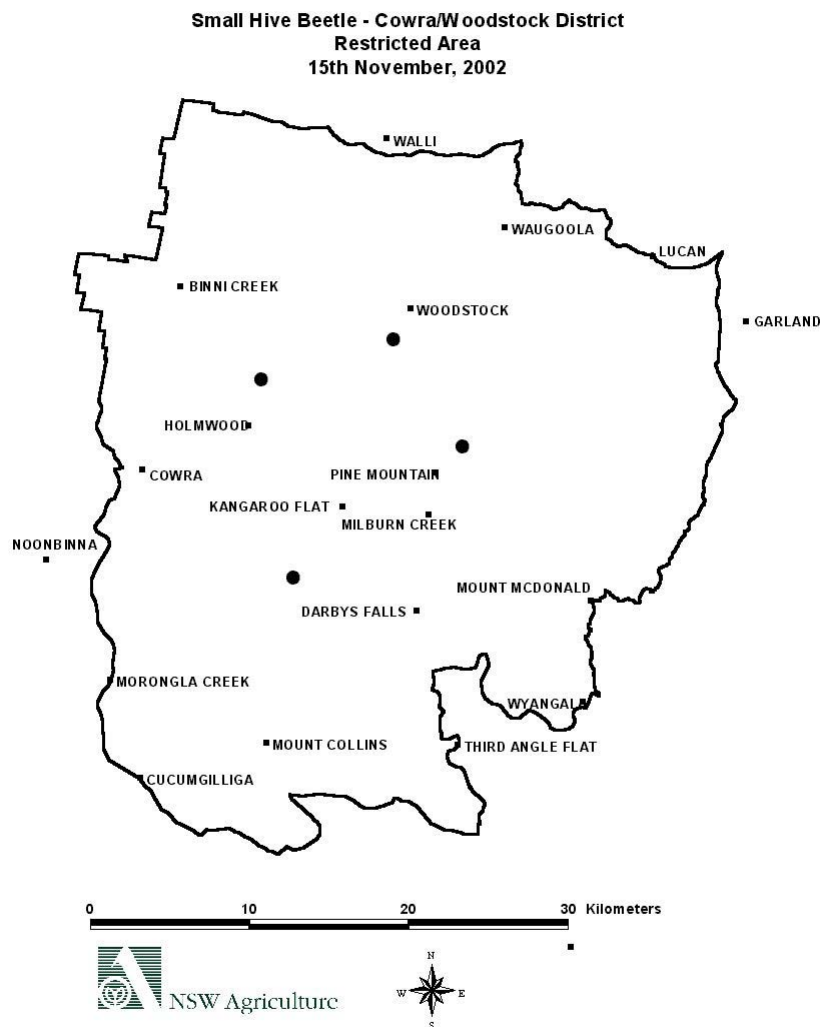
All Bees

**Classes of animal products**

- ◆ All bee products except extracted honey
- ◆ All fittings of the animals specified above including beehives, any components of beehives and extraction equipment

**RICHARD F SHELDRAKE**  
**DIRECTOR GENERAL**

Dated: 15th November 2002



## EXOTIC DISEASES OF ANIMALS ACT 1991

### SECTION 15

#### Declaration of Restricted Area

I, Richard Fredrick Sheldrake, being the person holding the office of Director-General under the *Exotic Diseases of Animals Act 1991*, in accordance with the powers delegated to me by the Minister for Agriculture under section 67 of the *Exotic Diseases of Animals Act 1991*, and being of the opinion that the area specified in Schedule A may be or become infected with an exotic disease, namely Small Hive Beetle (*Aethina tumida*), pursuant to section 15 of the Act do hereby declare the specified area to be a restricted area in accordance with the terms of the Act.

I further declare that the classes of animals, animal products and fodder to which this Order applies are those specified in Schedule B which have originated from the Restricted Area.

#### SCHEDULE A

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

#### SCHEDULE B

##### Classes of animals

All Bees

##### Classes of animal products

- ◆ All bee products except extracted honey
- ◆ All fittings of the animals specified above including beehives, any components of beehives and extraction equipment

RF Sheldrake

**Director-General**

Dated: 14 November 2002

## NSW Fisheries

### FISHERIES MANAGEMENT ACT 1994

#### Notification under Section 8

#### Fishing Closure – Abalone Region 1

I, Edward Obeid, prohibit the taking of abalone by all methods from the whole of the waters between Port Stephens (that is, south of a line drawn east of the point 152° 11' 09.4272" east, 32° 42' 40.032" south) and the middle of Wreck Bay Beach, Jervis Bay, (that is, the waters bounded by the points 150° 37' 30.6192" east, 35° 10' 06.0816" south and 150° 37' 30.6192" east, 35° 12' 59.7960" south).

This notification replaces all other abalone fishing closures currently in force in the waters subject to this notification.

This notification is effective from the date of publication for a period of five (5) years.

The Hon Edward Obeid OAM, MLC,  
Minister for Mineral Resources  
and Minister for Fisheries

### FISHERIES MANAGEMENT ACT 1994

#### Section 8 Notification - Fishing Closure

#### Ocean Prawn Trawling

#### Coffs Harbour

I, Edward Obeid, prohibit the taking of prawns and fish by all methods of trawling in the whole of the waters of Coffs Harbour.

This prohibition does not extend to the taking of prawns and fish by a licensed commercial fisher:

- exercising the authority of an Inshore Prawn Trawl endorsement;
- using an otter trawl net (prawns) fitted with a by-catch reduction device approved by the Director, NSW Fisheries;

when fishing in accordance with the schedule below.

This closure is effective from the date of publication for a period of 2 years.

The Hon EDWARD OBEID OAM, MLC,  
Minister for Mineral Resources  
and Minister for Fisheries

#### Schedule

#### Waters and Period in which prawn trawling is permitted

<i>Column 1</i> <i>Waters</i>	<i>Column 2</i> <i>Period</i>
The waters of Coffs Harbour enclosed by a line drawn from the northern extremity of the southern breakwall to the eastern extremity of Coffs Harbour jetty.	Between 5am Monday and 6am Saturday in each week (excluding 6am to 6pm of each public holiday), from the 25 November to 25 September in each year.

# Department of Land and Water Conservation

## Land Conservation

### GRAFTON OFFICE

Department of Land and Water Conservation  
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460  
Phone: (02) 6640 2000 Fax: (02) 6640 2035

#### APPOINTMENT OF TRUST BOARD MEMBERS

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

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

#### SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Gary Michael NICHOLLS (new member), Christopher Bede PRATT (new member), George Stephen BALL (re-appointment), Robert Dunbar LOWREY (re-appointment), Herbert Reginald HARTLEY (re-appointment), George Thomas McKENNA (re-appointment), John Arthur DOMAN (re-appointment).	Bentley Public Hall Reserve Trust.	Reserve No.: 82429. Public Purpose: Public hall. Notified: 18 March 1960. File No.: GF81 R 375.

#### Term of Office

For a term commencing 2 January 2003 and expiring 1 January 2008.

#### SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Robert Bruce HARPER (new member), Kenneth Ernest DAWES (new member), Kenneth Raymond WOODWARD (re-appointment).	Clarenza Flood Refuge and Water Reserve Trust.	Reserve No.: 33013. Public Purpose: Refuge in time of flood water supply. Notified: 20 July 1901. File No.: GF80 R 227.

Geoffrey DUCKWORTH (re-appointment),  
Brian William EGGINS (re-appointment),  
Geoffrey Arthur MILLER (re-appointment),  
Joseph William PIGG (re-appointment).

#### Term of Office

For a term commencing 2 January 2003 and expiring 1 January 2008.

#### 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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

#### SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Cyprus Centre Incorporated (R91311) Reserve Trust	Cyprus Centre Incorporated (R91311) Reserve Trust	Reserve No. 91311 Public Purpose: Charitable Organisations Notified: 1 December 1978 File Reference: GH90R9/1

For a term commencing the date of this notice.

**GRIFFITH OFFICE**  
**Department of Land and Water Conservation**  
**2nd Floor, Griffith City Plaza,**  
**120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680**  
**Phone: (02) 6962 7522      Fax: (02) 6962 5670**

**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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

Description

*Land District — Mirrool;*  
*Shire — Griffith;*  
*Parish — Jondaryan;*  
*County — Cooper.*

Lot 4 in DP 1035387 at Griffith.

File No.: GH02 H 5.

Councils Reference: 186.

Note: On closing, the land within the former council public road remain vested in the Council of the Shire of Griffith as operational land for the purposes of the Local Government Act 1993.

**GOULBURN OFFICE**  
**Department of Land and Water Conservation**  
**159 Auburn Street (PO Box 748), Goulburn, NSW 2580**  
**Phone: (02) 4828 6725 Fax: (02) 4828 6730**

**ROADS ACT 1993**

ORDER

Transfer of Crown Road to a Council

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

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

—————  
SCHEDULE 1

*Parish — Mundoonen;*  
*County — King;*  
*Land District — Gunning;*  
*Shire — Gunning*

DESCRIPTION: Crown road separating Lot 1 DP 809910 from Lot 2 DP 570496 and Lots 203 & 204 DP 754130.

—————  
SCHEDULE 2

Roads Authority: The Council of the Shire of Gunning.  
(Council's Ref: DA 98/13).  
Reference: GB 02 H 322.



**MAITLAND OFFICE**  
**Department of Land and Water Conservation**  
**Newcastle Road (PO Box 6), East Maitland, NSW 2323**  
**Phone: (02) 4937 9300 Fax: (02) 4934 2252**

**ROADS ACT 1993**  
**ORDER**

Transfer of a Crown Road to a Council

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

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation  
 and Minister for Fair Trading

SCHEDULE 1

*Parish – Wallarah;*  
*County – Northumberland;*  
*Land District – Gosford;*  
*Local Government Area – Wyong Shire Council*

That part of Carters Road at Lake Munmorah, extending northerly from its intersection with Scaysbrook Avenue to Karignan Creek.

SCHEDULE 2

Roads Authority: Wyong Shire Council  
 File No: MD99 H253  
 Council's Reference: F/001547

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

A Draft Assessment has been prepared for Crown Land situated as described hereunder.

Inspection of this Draft Assessment during normal business hours may be made at the following listed locations.

Department of Land and Water Conservation (Maitland), Cnr. Banks and Newcastle Road, East Maitland; Port Stephens Council, Pacific Highway, Raymond Terrace.

Submissions in writing will be accepted by the Manager, Resource Knowledge of the Newcastle Regional Office, 464 King Street, Newcastle until 4.00 p.m. on 20 December 2002.

JOHN AQUILINA, M.P.,  
 Minister for Fair Trading  
 and Minister for Land and Water Conservation

Description

Draft Assessment of Crown Land being Part Lot 6, DP 753194, about 22.32 hectares, at Tanilba Bay Road, off Industrial Drive at Lemon Tree Passage, Parish Sutton, County Northumberland.

Land Assessment No.: 554.

File No.: MD82 H 1039.

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Gosford City Council.	Kariong Public Hall and Recreation (R.73628) Reserve Trust.	Reserve No.: 73628. Public Purpose: Public hall and public recreation. Notified: 4 August 1950. File No.: MD80 R 119/1.

For a term commencing 22 November 2002.

**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.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Kariong Public Hall and Recreation (R.73628) Reserve Trust.	Reserve No.: 73628. Public Purpose: Public Hall and public recreation. Notified: 4 August 1950. File No.: MD80 R 119/1.

**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.

JOHN AQUILINA, M.P.,  
 Minister for Fair Trading  
 and Minister for Land and Water Conservation

Description

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

Road Closed: Lot 3, DP 1034860 at Laguna (not being land under the Real Property Act).

File No.: MD00 H 219.

Note: On closing, the land within Lot 3, DP 1034860 will remain land vested in the Crown as Crown Land.

**NOWRA OFFICE**  
**Department of Land and Water Conservation**  
**64 North Street (PO Box 309), Nowra, NSW 2541**  
**Phone: (02) 4423 0122 Fax: (02) 4423 3011**

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE

**COLUMN 1**

Land District: Nowra.  
 Local Government Area:  
 Shoalhaven City Council.  
 Locality: Apple Tree  
 Orchard Island.  
 Lot 25, DP No. 755953,  
 Parish Numbaa,  
 County St Vincent.  
 Lot 26, DP No. 755953,  
 Parish Numbaa,  
 County St Vincent.  
 Area: 62.23 hectares.  
 File No.: NA02 R 18.

Note: R.75894 for future public requirements, notified 8th May 1953, is hereby automatically revoked, this day.

**COLUMN 2**

Reserve No.: 1003228.  
 Public Purpose: Environmental  
 protection.

**APPOINTMENT OF TRUST BOARD MEMBERS**

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

JOHN AQUILINA, M.P., Minister for Land and Water  
 Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Bruno Henke (new member)	Kangaroo Valley Pioneer Settlement	Reserve No. 88460 Public Purpose: Public Recreation Museum
Pankaj Rai Mehta (new member)	Reserve Trust	Notified: 7 January 1972 File Reference: NA79R115/1
Elaine Apperley (new member)		
Doris Mabel Saville Davey-Blinman (re-appointment)		
Dorothy Rebbeck (re-appointment)		

For a term commencing the date of this notice and expiring  
 21 November 2007.

**ORANGE OFFICE**  
**Department of Land and Water Conservation**  
**92 Kite Street (PO Box 2146), Orange NSW 2800**  
**Phone: (02) 6393 4300 Fax: (02) 6362 3896**

**ROADS ACT 1993**

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public roads.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

SCHEDULE 1

The parts of the Crown public roads within the Parish of Walli and County of Bathurst comprising the road 20.115 metres wide north of Lot 146, DP 750416.

File No.: OE02 H 296.

SCHEDULE 2

Road Authority: Cowra Shire Council.

**DRAFT ASSESSMENT OF LAND AT  
 LAKE CARGELLIGO UNDER PART 3 OF THE  
 CROWN LANDS ACT 1989 AND  
 CROWN LANDS REGULATIONS 2000**

A Draft Land Assessment has been prepared for Crown Land situated at Lake Cargelligo being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Land NSW, Department of Land and Water Conservation, Cnr. Kite and Anson Streets, Orange 2800 (PO Box 2146), the Lake Cargelligo Office of Department of Land and Water Conservation, 4 Foster Street, Lake Cargelligo 2672 (PO Box 108), the Griffith Office of Land NSW, Department of Land and Water Conservation, 120-130 Banna Avenue, Griffith 2680 (PO Box 1030) and Lachlan Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 22 November 2002, and should be addressed to Louise Harcombe, Resource Compliance Unit, Orange, at the above address.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

Description

*Parish — Gurangully;*  
*County — Dowling;*  
*Land District — Lake Cargelligo;*  
*Shire — Lachlan.*

A parcel of Crown Land of approximately 2.94 hectares, locally referred to as Dead Man's Point being unnumbered, unreserved parcel of Crown Land east of freehold Lot 13, DP 846242. The land is located at the eastern end of McInnes Road, approximately 1.5 km north of the Town of Lake Cargelligo, fronting Lake Cargelligo.

File No.: OE02 H 238.

**DRAFT ASSESSMENT OF LAND AT CONDOBOLIN  
 UNDER PART 3 OF THE CROWN LANDS ACT 1989  
 AND CROWN LANDS REGULATIONS, 2000**

A Draft Land Assessment has been prepared for Crown land situated at Condobolin being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Land NSW, Department of Land and Water Conservation, Cnr Kite and Anson Streets Orange 2800 (P.O. Box 2146) and Lachlan Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 22<sup>nd</sup> November 2002, and should be addressed to Louise Harcombe, Resource Compliance Unit, Orange at the above address.

JOHN AQUILINA, M.P.,  
 Minister for Land and Water Conservation

DESCRIPTION

*Parish - Murda;*  
*County - Cunningham*  
*Land District - Condobolin;*  
*Shire - Lachlan*

Land within Lot 100 DP 257205, being Travelling Stock and Camping Reserve 54217, approximately 5km north of the Town of Condobolin. The area contains developed motocross and dirt-track circuits with associated amenities on approximately 17.5 hectares within the larger reserve. The occupier of this area is the Condobolin Auto Sports Club.

Reference: OE02R1.

**SYDNEY METROPOLITAN OFFICE**  
**Department of Land and Water Conservation**  
**2-10 Wentworth Street (PO Box 3935), Parramatta, NSW 2124**  
**Phone: (02) 9895 7503 Fax: (02) 9895 6227**

**RESERVATION OF CROWN LAND**

PURSUANT to Section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA M.P.,  
Minister for Land and Water Conservation.

SCHEDULE

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Metropolitan	Reserve No. 1004208
Local Government Area: Pittwater	Public Purpose: Access
Locality: Mackerel Beach	
Lot 7016 D.P. 752017	
Parish: Broken Bay	
County: Cumberland	
Area: 1875 m2	
File Ref.: MN02R15/1	

**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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Mackerel Beach Wharf (R1004208) Reserve Trust	Reserve No. 1004208
	Public Purpose: Access
	Notified: This Day
	File Ref.: MN02R15/1

**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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation.

SCHEDULE

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Pittwater Council	Mackerel Beach Wharf (R1004208) Reserve Trust	Reserve No. 1004208
		Public Purpose: Access
		Notified: This Day
		File Ref.: MN02R15/1

**ERRATUM**

THE notification appearing in the Government Gazette of the 8 November 2002, folio 9487 under the heading "Addition to Reserved Crown Land" and detailing "addition of part Lot 1 D.P. 126704 to Reserve 1003788" is cancelled.

MN02R57

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

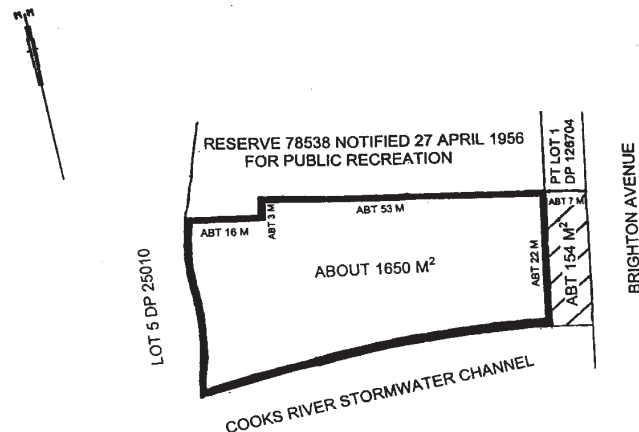
**REVOCATION OF DEDICATION OF CROWN LAND FOR A PUBLIC PURPOSE**

PURSUANT to Section 84 of the Crown Lands Act 1989, the dedication 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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Land District: Metropolitan	The part within Lot 1 D.P. 126704 comprising about 154 square metres as shown hatched on diagram hereunder.
City: Canterbury	
Parish: Concord	
County: Cumberland	
Locality: Croydon Park	
Lots: Lot 1 D.P. 126704, Lot 7067 D.P. 93375 and Lot 7070 D.P. 93373	
Area: About 3.7 hectares	
Dedicated for: Public Park	
Date of notification: 17 April 1888	
Dedication No.: 1000507	
Title Details: Certificate of Titles	
Volume 2175 Folios 187 & 188	
File No.: MN02R57	



**ADDITION TO RESERVED CROWN LAND**

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

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Metropolitan City: Canterbury Parish: Concord County: Cumberland Locality: Croydon Park Part Lot 1 D.P. 126704 Area: About 154 square metres as shown hatched on diagram hereunder Title Details: Part Certificate of Title Volume 2175 Folios 187 & 188 File No.: MN02R57	Reserve 1003788 for the purpose of Community and Sporting Club Facilities notified 16 August 2002.



**DECLARATION OF LAND TO BE CROWN LAND**

PURSUANT to Section 138 (b) of the Crown Lands Act, 1989, the land described in the Schedule hereunder, is declared to be Crown land within the meaning of that Act.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

Land held by the State of New South Wales

*Land District — Metropolitan;  
City — Randwick;  
Parish — Alexandria;  
County — Cumberland*

1088 square metres at Randwick being Lots 1 and 2, D.P. 566976.  
Title: Certificate of Title Volume 2674 Folio 187.  
File No.: MN89R49.

**RESERVATION OF CROWN LAND**

PURSUANT to Section 87 of the Crown Lands Act, 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserve as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Metropolitan City: Randwick Parish: Alexandria County: Cumberland Locality: Randwick Lot 1 & 2 D.P. 566976 Area: 1088 square metres Title: Volume 2674 Folio 187 File No.: MN89R49	Reserve No. 1003948 Public Purpose: Community Purposes

**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.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Randwick Literary Institute (R1003948) Reserve Trust	Area at Randwick being Lots 1 and 2 D.P. 566976 notified for the purpose of Community Purposes this day. File No.: MN89R49

**APPOINTMENT OF ADMINISTRATOR**

PURSUANT to Section 117 of the Crown Lands Act, 1989, the person named in Column 1 of the Schedule hereunder is appointed to be the administrator of the reserve trust named in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Andrew James McANESPIE	Randwick Literary Institute (R1003948) Reserve Trust	An area at Randwick being Lots 1 and 2 D.P. 566976, Title: Volume 2674 Folio 187 Notified for the purpose of Community Purposes this day. File No.: MN89R49

**NECROPOLIS ACT 1901**

## Schedule of Fees and Charges

## Rookwood Memorial Gardens and Crematorium

IN pursuance of section 18 (1) of the Necropolis Act 1901, the following Schedule of Fees and Charges fixed by the Trustees of the Rookwood Memorial Gardens and Crematorium is hereby notified in substitution for the Schedule of Fees and Charges notified in the government Gazette of 16 February 2001.

File No.: MN87R109

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation.

## SCHEDULE OF FEES AND CHARGES

<b>Cremation Fees</b>		\$
<b>Adult</b>		
	Weekday	673
	Saturday	846
<b>Child</b>		
4 to 12 years		
	Weekday	374
	Saturday	736
1 to 4 years		
	Weekday	374
	Saturday	736
<b>Infant</b>		
Stillborn – 1 year		
	Weekday	311
	Saturday	736
Exhumed Remains		891
<b>Memorial Gardens</b>		
	Landscaped Area	966
	Rose Garden Border	1075
	Rosebush/Shrub	2098
	Special "Family"	9026
	Estate Memorialisation	By quotation
<b>Wall Memorials</b>		
	Outer Parkland Area	507
	Inner Parkland Area	702
	Landscaped Area	1066

Note: Memorials sold do not include cost of engraved plaques

Engraved Plaque	100
Engraved Plaque with Emblem or Badge	123
Second Interment at Previously Reserved Rose or Tree	404
Interment in Sunken Garden (No Plaque Permitted)	123
Entry in Book of Remembrance	274
Preparation and Packaging for Collection	28
Preparation for Postage (Certified Mail within Australia)	81
Requested Safe Custody Fee per Month (Commencing 60 days after Date of Cremation)	25

Note: The above fees and charges are exclusive of GST.

**TAREE OFFICE**  
**Department of Land and Water Conservation**  
**102-112 Victoria Street (PO Box 440), Taree, NSW 2430**  
**Phone: (02) 6552 2788      Fax: (02) 6552 2816**

**NOTIFICATION OF CLOSING OF A 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 is extinguished.

JOHN AQUILINA, M.P.,  
Minister for Land and Water Conservation

Description

*Land District — Port Macquarie;*  
*Local Government Area — Hastings.*

Lot 1, DP 1045069, Parishes Burrawan and Queens Lake,  
County Macquarie.

File No.: TE96 H 99.

Note: The land remains vested in the Crown as Crown  
Land.

## Water Conservation

### WATER ACT 1912

Order Under Section 20Z  
Water Allocations for 2002/2003 Water Year  
*Murray River Valley*

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Murray River (being subject to a Volumetric Allocation Scheme as Gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2002/2003 water year of those persons authorised by law to take water from the water source. By this Order, the Ministerial Corporation being satisfied of the above hereby reduces the water allocations under the said scheme for the 2002/2003 water year to the proportions as specified in Schedule 1. This Order shall have effect from 1 July 2002 to 30 June 2003. This Order applies to all entitlements subject to the Volumetric Allocation Scheme other than high security users.

Signed for the Water Administration Ministerial Corporation.

Dated this 15th Day of November 2002.

DAVID HARRISS,  
Regional Director,  
Murray Region.

Department of Land and Water Conservation,  
PO Box 205, Deniliquin, NSW 2710.

### SCHEDULE 1

Water allocation for the full 2002/2003 water year is reduced to 10% of entitlement.

### 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*

Brian Kenneth VIAL, Leigh Kenneth VIAL and Robin Marie CRAWFORD for a pump on the Edward River on Lot 71, DP 756553, Parish of Mallan, County of Wakool, for water supply for irrigation (replacement licence due to permanent transfer) (Reference: 50SL75540) (GA2:477252).

Any enquiries regarding the above should be directed to the undersigned (telephone: [03] 5881 9200).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within twenty-eight (28) days of the date of this publication.

L. J. HOLDEN,  
A/Senior Natural Resource Officer,  
Murray Region.

Department of Land and Water Conservation,  
PO Box 205, Deniliquin, NSW 2710.

### WATER ACT 1912

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

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

*Lachlan River Valley*

Victor Stanley BREWER and Frances Elizabeth BREWER, a dam and a pump on an unnamed watercourse on Lot 7, DP 10642, Parish of Murrungal, County of Monteagle, for water supply for irrigation of 3 hectares (lucerne) (new licence — entitlement obtained by way of permanent transfer) (in lieu of advertisement in *Government Gazette* No. 142, dated 6 September 2002 and *Boorowa News* dated 5 September 2002) (Reference: 70SL090818) (GA2:512465).

Andrew David BATES for a pump on Grahams Creek, on Reserve R.12435, Lot 7004, DP 1028055, Parish of Numby, County of King, for water supply for domestic purposes (new licence) (Reference: 70SL090868) (GA2:512466).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected and must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

V. RUSSELL,  
Resource Access Manager,  
Central West Region.

Department of Land and Water Conservation,  
PO Box 136, Forbes, NSW 2871.  
Telephone: (02) 6852 1222.

### WATER ACT 1912

Notice Under Section 22B — Pumping Restrictions

Marom Creek, Skinners Creek, Byron Creek,  
Tinderbox Creek, O'Possum Creek, Houghlahans Creek,  
Emigrant Creek, Maguires Creek, Pearces Creek,  
Gum Creek, Duck Creek, Tucki Tucki Creek,  
Youngman Creek and their Tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Marom Creek, Skinners Creek, Byron Creek, Tinderbox Creek, O'Possum Creek, Houghlahans Creek, Emigrant Creek, Maguires Creek, Pearces Creek, Gum Creek, Duck Creek, Tucki Tucki Creek, Youngman Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Saturday, 16 November 2002 and until further notice, the right to pump water is RESTRICTED to a maximum of four hours in any twenty four hour period between the hours of 6.00 a.m. — 8.00 a.m. and 6.00 p.m. — 8.00 p.m.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.



Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation — 200 penalty units.
- b) where the offence was committed by any other person — 100 penalty units.

One penalty unit = \$110.00.

Dated this 16th day of November 2002.

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

GA2:464873.

### WATER ACT 1912

Notice Under Section 22B — Pumping Suspensions  
Burringbar Creek, Cudgera Creek and their Tributaries

The Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Burringbar Creek, Cudgera Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Saturday, 16 November 2002 and until further notice, the right to pump water is **SUSPENDED**.

This suspension excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation — 200 penalty units.
- b) where the offence was committed by any other person — 100 penalty units.

One penalty unit = \$110.00.

Dated this 16th day of November 2002.

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

GA2:464872.

### WATER ACT 1912

Notice Under Section 22B — Pumping Suspensions  
Swan Creek, Deep Creek, Harringtons Lagoon,  
Glenugie Creek and their Tributaries

The Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Swan Creek, Deep Creek, Harringtons Lagoon, Glenugie Creek and their tributaries is

insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Saturday, 16 November 2002 and until further notice, the right to pump water is **SUSPENDED**.

This suspension excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation — 200 penalty units.
- b) where the offence was committed by any other person — 100 penalty units.

One penalty unit = \$110.00.

Dated this 16th day of November 2002.

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

GA2:343380.

### WATER ACT 1912

Notice Under Section 22B — Pumping Restrictions  
Dingo/Caparra Creek System and Tributaries

The Water Administration Ministerial Corporation, pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the Dingo and Caparra Creek System and Tributaries is insufficient to meet all requirements with respect to the taking of water from the rivers, hereby gives notice to:

Holders of licences and permits issued under Part 2 of the Water Act 1912, other than for stock water supply purposes.

That from midnight on Wednesday, 20 November 2002 until further notice, the taking of water is restricted as follows:

- No pumping for irrigation purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation — \$22,000, or in the case of a continuing offence to a further penalty not exceeding \$2200 per day.
- (b) where the offence was committed by any other person — \$11,000, or in the case of a continuing offence to a further penalty not exceeding \$1,100 per day.

Dated this 20th Day of November 2002.

CRAIG ABBS,  
Acting Regional Director,  
Hunter.

**WATER ACT 1912**

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

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

*Murrumbidgee Valley*

Francis William CRIGHTON and Rhonda Betty CRIGHTON for a pump on the Murrumbidgee River on Lot 1, DP 772314, Parish of Hay, County of Waradgery, for a water supply for stock and domestic purposes and irrigation of 25.43 hectares (pasture) (new licence — due to permanent transfer of 50 megalitres of water allocation and amalgamation of existing entitlements (Reference: 40SL70850).

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6953 0700).

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

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

Department of Land and Water Conservation,  
PO Box 156, Leeton, NSW 2705.

**WATER ACT 1912**

Notice Under Section 22B — Pumping Restrictions

Wollondilly River and Tributaries downstream to  
Rossi Weir

The Water Administration Corporation, pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available or likely to be available in the Wollondilly River and its tributaries downstream to Rossi Weir is insufficient to meet all requirements with respect to the taking of water from that section of the river, hereby gives notice to all holders of permits, authorities and licences for irrigation purposes under Part 2 of the Water Act 1912, that from Friday, 22 November 2002 and until further notice, the right to pump from the Wollondilly River and its tributaries downstream to Rossi Weir is RESTRICTED as follows:

- a maximum of four hours on Tuesdays and Fridays between 6.00 p.m. and 10.00 p.m.

This restriction excludes water supply for stock and domestic purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation — \$22,000: or in the case of a continuing offence to a further penalty not exceeding \$2,200 per day.
- (b) where the offence was committed by any other person \$11,000: or in the case of a continuing offence to a further penalty not exceeding \$1,100 per day.

This restriction will be reviewed at the end of November 2002 and it is likely that, without significant rain, a further Notice requiring all irrigation to cease will be issued in early December 2002.

Dated this 19th day of November 2002.

B. GRAHAM,  
A/Resource Access Manager,  
Sydney/South Coast Region.

## Department of Mineral Resources

NOTICE is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATIONS

(T02-0058)

No. 1898, now Exploration Licence No. 6021, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), Counties of Clyde and Cowper, Map Sheet (8236, 8336), area of 244 units, for Group 1, dated 8 November, 2002, for a term until 7 November, 2004.

(T02-0094)

No. 1932, now Exploration Licence No. 6020, DENIS MICHAEL WALSH, County of Gipps, Map Sheet (8230), area of 1 unit, for Group 1, dated 6 November, 2002, for a term until 5 November, 2004.

### MINING LEASE APPLICATION

(T01-0213)

Orange No. 196, now Mining Lease No. 1522 (Act 1992), METROMIX PTY LIMITED (ACN 002 886 839), Parish of Lidsdale, County of Cook, Map Sheet (8931-3-S), area of 14 hectares, to mine for quartzite, dated 10 October, 2002, for a term until 9 October, 2023.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

NOTICE is given that the following applications have been withdrawn:

### EXPLORATION LICENCE APPLICATIONS

(T02-0072)

No. 1913, BRAESIDE AUSTRALIA LIMITED (ACN 097 650 194), County of Flinders, Map Sheet (8234). Withdrawal took effect on 14 November, 2002.

(T02-0440)

No. 2011, COMPASS RESOURCES N.L. (ACN 010 536 820), County of Robinson and County of Yanda, Map Sheet (8035). Withdrawal took effect on 11 November, 2002.

(T02-0451)

No. 2022, COMPASS RESOURCES N.L. (ACN 010 536 820), County of Bligh, County of Dampier and County of Phillip, Map Sheet (8825, 8833). Withdrawal took effect on 11 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

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

(T94-0003)

Exploration Licence No. 4752, METALLIC RESOURCES PTY LIMITED (ACN 001 867 296), area of 8 units. Application for renewal received 12 November, 2002.

(T98-1179)

Exploration Licence No. 5547, AUSTRALIAN SILICON LIMITED (ACN 094 265 746), area of 7 units. Application for renewal received 15 November, 2002.

(T95-0526)

Mining Purposes Lease No. 300 (Act 1973), ROSS SLACK-SMITH and GENISE JANET SLACK-SMITH, area of 4 hectares. Application for renewal received 13 November, 2002.

(T95-0527)

Mining Purposes Lease No. 301 (Act 1973), ROSS SLACK-SMITH and GENISE JANET SLACK-SMITH, area of 4 hectares. Application for renewal received 13 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T00-0058)

Exploration Licence No. 5763, TELMINEX NL (ACN 003 309 911), County of Bourke, Map Sheet (8229), area of 17 units, for a further term until 16 August, 2004. Renewal effective on and from 1 November, 2002.

(T99-0792)

Gold Lease No. 5801 (Act 1906), SILVER ORCHID PTY LIMITED (ACN 001 429 769), Parish of Carroll, County of Wellington; and Parish of Tambaroora, County of Wellington, Map Sheet (8731-1-N), area of 4.626 hectares, for a further term until 21 December, 2022. Renewal effective on and from 30 October, 2002.

(T00-0458)

Gold Lease No. 5812 (Act 1906), SILVER ORCHID PTY LIMITED (ACN 001 429 769), Parish of Carroll, County of Wellington, Map Sheet (8731-1-N), area of 2.023 hectares, for a further term until 7 March, 2023. Renewal effective on and from 30 October, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

### CANCELLATION OF LICENCES AT REQUEST OF HOLDERS

NOTICE is given that the following licences have been cancelled:

(C99-0167)

Petroleum Exploration Licence No. 429 (Act 1991), SUNOCO INC. (ACN 077 738 704), area of 51 blocks. Cancellation took effect on 13 November, 2002.

(C99-0171)

Petroleum Exploration Licence No. 430 (Act 1991),  
SUNOCO INC. (ACN 077 738 704), area of 2 blocks.  
Cancellation took effect on 13 November, 2002.

(C99-0172)

Petroleum Exploration Licence No. 431 (Act 1991),  
SUNOCO INC. (ACN 077 738 704), area of 1 block.  
Cancellation took effect on 13 November, 2002.

EDWARD OBEID, M.L.C.,  
Minister for Mineral Resources

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## Department of Planning

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New South Wales

# State Environmental Planning Policy No 72—Linear Telecommunications Development—Broadband (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S01/00300/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 State Environmental Planning Policy No 72—Linear Telecommunications  
Development—Broadband (Amendment No 1)

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## State Environmental Planning Policy No 72—Linear Telecommunications Development—Broadband (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Policy

This Policy is *State Environmental Planning Policy No 72—Linear Telecommunications Development—Broadband (Amendment No 1)*.

### 2 Aims of Policy

This Policy aims to provide for exempt and complying development within the local government areas of the City of Lake Macquarie and the City of Newcastle for the purposes of the Principal Policy.

### 3 Definition

In this Policy, *the Principal Policy* means *State Environmental Planning Policy No 72—Linear Telecommunications Development—Broadband*.

### 4 Land to which Policy applies

This Policy applies to the part of the State to which the Principal Policy applies (being land within the local government areas of the City of Lake Macquarie and the City of Newcastle).

### 5 Amendment of Principal Policy

The Principal Policy is amended by inserting in Schedule 2 (Approved master plans) the following:

Master plan titled *STI Communications Hunter Broadband Project—City of Lake Macquarie/City of Newcastle*, as adopted by Lake Macquarie City Council on 23 September 2002 and Newcastle City Council on 24 September 2002.

## **Bankstown Local Environmental Plan 2001 (Amendment No 8)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (P02/00159/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

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Clause 1 Bankstown Local Environmental Plan 2001 (Amendment No 8)

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## **Bankstown Local Environmental Plan 2001 (Amendment No 8)**

### **1 Name of plan**

This plan is *Bankstown Local Environmental Plan 2001 (Amendment No 8)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies to Zone 2 (a)—Residential A under *Bankstown Local Environmental Plan 2001*, and
- (b) to ensure consent will not be granted to residential development until Bankstown City Council (as consent authority) is satisfied that an acceptable level of amenity is maintained to the land by noise mitigation measures that minimise the impact of noise and vibration on any current or future residents in the locality, and
- (c) to ensure consent will not be granted to residential development until the consent authority:
  - (i) considers whether the land is contaminated, and
  - (ii) if contaminated, considers whether the land is suitable in its contaminated state for residential development, and
  - (iii) if it considers that the land is to be remediated to a level suitable for residential development, is satisfied that the land has been remediated to that level.

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

This plan applies to land situated in the City of Bankstown, being Lot 101, DP 771594, and known as 64 Johnston Road, Bass Hill, as shown edged heavy black on the map marked “Bankstown Local Environmental Plan 2001 (Amendment No 8)” deposited in the office of Bankstown City Council.



Bankstown Local Environmental Plan 2001 (Amendment No 8)

Clause 4

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**4 Amendment of Bankstown Local Environmental Plan 2001**

*Bankstown Local Environmental Plan 2001* is amended as set out in Schedule 1.

Bankstown Local Environmental Plan 2001 (Amendment No 8)

Schedule 1 Amendments

## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 1 Dictionary

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

Bankstown Local Environmental Plan 2001 (Amendment No 8)

### [2] Schedule 9 Special requirements for particular sites

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

#### **Bass Hill**

64 Johnston Road

The consent authority must be satisfied that noise mitigation measures to control aircraft noise have been incorporated into the development so that the development complies with AS 2021—2000 *Aircraft noise intrusion—Building siting and construction*.

The consent authority:

- (a) must consider whether the land is contaminated, and
- (b) if the land is contaminated—must be satisfied that the land is suitable in its contaminated state for residential development, and
- (c) if it considers that the land is to be remediated to a level suitable for residential development—must be satisfied that the land has been remediated to that level.

Nothing in this item affects the application of *State Environmental Planning Policy No 55—Remediation of Land* or the *Contaminated Land Management Act 1997* to the land.

## **Bankstown Local Environmental Plan 2001 (Amendment No 13)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00356/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

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Clause 1 Bankstown Local Environmental Plan 2001 (Amendment No 13)

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## **Bankstown Local Environmental Plan 2001 (Amendment No 13)**

### **1 Name of plan**

This plan is *Bankstown Local Environmental Plan 2001 (Amendment No 13)*.

### **2 Aims of plan**

This plan aims:

- (a) to manage and facilitate development for the benefit of the community and the City of Bankstown, and
- (b) to ensure a level of assessment which is appropriate for the type of development being proposed, and
- (c) to protect environmentally sensitive land from inappropriate development.

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

This plan applies to all land within the City of Bankstown local government area.

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

*Bankstown Local Environmental Plan 2001* is amended by omitting the definition of **DCP 35** from Schedule 1 and by inserting instead:

**DCP 35** means Development Control Plan (DCP) No 35, as adopted by the Council on 9 October 2002.



# Canterbury Local Environmental Plan No 198

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01224/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Canterbury Local Environmental Plan No 198

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## **Canterbury Local Environmental Plan No 198**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Canterbury Local Environmental Plan No 198*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to Residential "A" under the *Canterbury Planning Scheme Ordinance*.

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

This plan applies to land known as 23 Fuller Avenue, Earlwood, being Lot 632, DP 867785, as shown coloured light scarlet on the map marked "Canterbury Local Environmental Plan No 198" deposited in the office of Canterbury City Council.

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

The *Canterbury Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of *Scheme map* in clause 4 (1) the following words:

Canterbury Local Environmental Plan No 198



## **Cowra Local Environmental Plan 1990 (Amendment No 11)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00684/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Cowra Local Environmental Plan 1990 (Amendment No 11)

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## **Cowra Local Environmental Plan 1990 (Amendment No 11)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Cowra Local Environmental Plan 1990 (Amendment No 11)*.

### **2 Aims of plan**

This plan aims:

- (a) to permit development to be carried out on the land to which this plan applies with the consent of the council for the purpose of stables and dwelling houses associated with such stables and uses ancillary to equine related activities, and
- (b) to prohibit the carrying out of development on the land to which this clause applies for any other purpose.

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

This plan applies to Lots 2–4, DP 583734, and Lots 5–14, DP 253127, Cowra Road and Ribands Way, Cowra, as shown edged heavy black and cross hatched on the map marked “Cowra Local Environmental Plan 1990 (Amendment No 11)” deposited in the office of the Council of the Shire of Cowra.

### **4 Amendment of Cowra Local Environmental Plan 1990**

*Cowra Local Environmental Plan 1990* is amended as set out in Schedule 1.



Cowra Local Environmental Plan 1990 (Amendment No 11)

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 4)

### Clause 43

Insert after clause 42:

#### **43 Development on certain land at Cowra Road and Ribands Way, Cowra**

- (1) This clause applies to Lots 2–4, DP 583734, and Lots 5–14, DP 253127, Cowra Road and Ribands Way, Cowra, as shown edged heavy black and cross hatched on the map marked “Cowra Local Environmental Plan 1990 (Amendment No 11)” deposited in the office of the Council of the Shire of Cowra.
- (2) Despite clause 9, the carrying out of development on the land to which this clause applies is prohibited except as otherwise provided by this clause.
- (3) Development may, with the consent of the Council, be carried out on the land to which this clause applies for the purpose of stables and dwelling-houses associated with such stables and uses ancillary to equine related activities.



## **Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 36)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W02/00037/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 36)

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## **Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 36)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Eurobodalla Rural Local Environmental Plan 1987 (Amendment No 36)*.

### **2 Aims of plan**

This plan aims to permit, with the consent of Eurobodalla Shire Council, the carrying out of development on the land to which this plan applies for the purpose of aquaculture.

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

This plan applies to land situated in the local government area of Eurobodalla within Zones Nos 1 (a), 7 (f1) and 7 (f2) under *Eurobodalla Rural Local Environmental Plan 1987*.

### **4 Amendment of Eurobodalla Rural Local Environmental Plan 1987**

*Eurobodalla Rural Local Environmental Plan 1987* is amended by inserting in alphabetical order in Item 3 of the matter relating to Zones Nos 1 (a), 7 (f1) and 7 (f2) in the Table to clause 10 the word “aquaculture;”.



## **Hume Local Environmental Plan 2001 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00141/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Hume Local Environmental Plan 2001 (Amendment No 1)

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## **Hume Local Environmental Plan 2001 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Hume Local Environmental Plan 2001 (Amendment No 1)*.

### **2 Aims of plan**

This plan aims:

- (a) to place a limit of 30 additional lots that will be permitted to be created through subdivision in any calendar year in the Rural (Living) Zone, and
- (b) to permit the Director-General of the Department of Planning to increase the number of additional lots above 30 on application by the Council if it can be demonstrated that the increase does not conflict with the purpose of the Rural (Living) Zone.

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

This plan applies to all land within the Rural (Living) Zone under *Hume Local Environmental Plan 2001*.

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

*Hume Local Environmental Plan 2001* is amended as set out in Schedule 1.

Hume Local Environmental Plan 2001 (Amendment No 1)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 17 Rural (Living) Zone

Insert after clause 17 (1) (i):

, and

- (j) to ensure any release of land for rural living purposes occurs in an orderly and efficient manner and does not create an over supply of rural living lots.

### [2] Clause 17 (2)

Omit subclause (5) of the matter opposite “Subdivision” in the Column headed “Condition” of the Table.

Insert instead:

- (5) The total number of additional lots (being those lots created in addition to the lot or lots being subdivided) created in this zone in any calendar year must not exceed 30 and cannot be varied as a development standard under *State Environmental Planning Policy No 1—Development Standards*.
- (5A) The Council may, with the consent of the Director-General of the Department of Planning, permit more than 30 additional lots to be created in any calendar year if the Council is of the opinion that this does not conflict with the purpose of the Rural (Living) Zone.



## **Lismore Local Environmental Plan 2000 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G01/00122/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 9)

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## **Lismore Local Environmental Plan 2000 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 9)*.

### **2 Aims of plan**

This plan aims to facilitate development on the land to which this plan applies for the purpose of the Lismore “Art in the Heart” project by:

- (a) identifying a range of uses for the land, and
- (b) requiring a master plan to be prepared and adopted by the Council in order to co-ordinate and guide development on the land.

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

This plan applies to Lot 14, DP 867281, (150 Keen Street) and Lot 11, DP 859167, (126 Magellan Street), Lismore, as shown edged heavy black on the map marked “Lismore Local Environmental Plan 2000 (Amendment No 9)”, deposited in the office of Lismore City Council.

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

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



Lismore Local Environmental Plan 2000 (Amendment No 9)

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 4)

### Clause 69A

Insert after clause 69:

#### 69A Lismore “Art in the Heart” Project

- (1) This clause applies to Lot 14, DP 867281, (150 Keen Street) and Lot 11, DP 859167, (126 Magellan Street), Lismore, as shown edged heavy black on the map marked “Lismore Local Environmental Plan 2000 (Amendment No 9)”, deposited in the office of the Lismore City Council.
- (2) The objectives of this clause are to identify a range of uses proposed for the “Art in the Heart” project and to facilitate their development on the land to which this clause applies.
- (3) The “Art in the Heart” project may comprise arts and cultural activities, development for the purposes of education, tourism, retail and information technology, commercial and economic development, and residential development, as well as the continued use of part of the land for public car parking.
- (4) The Council must not grant consent to development on land to which this clause applies unless it has first taken into consideration the master plan adopted by the Council and applying to the land.
- (5) The master plan is to co-ordinate and guide development on the land and is to include the following matters:
  - (a) distribution of land uses, including identification of areas for community, arts, commercial, residential and car parking uses,
  - (b) the conservation of the heritage significance of heritage items located on the land and in its vicinity,
  - (c) the location of new buildings,
  - (d) urban and building design guidelines to include measures to complement existing heritage buildings, public safety, solar access and energy efficiency, height, form, setbacks and scale of new buildings, colour and appearance,
  - (e) pedestrian access to and through the site,

## Lismore Local Environmental Plan 2000 (Amendment No 9)

## Schedule 1      Amendment

- 
- (f) internal road systems, parking and the retention (and possible expansion) of the public car park with a minimum of 313 spaces,
  - (g) provision of public open space, including retention of trees,
  - (h) potential view corridors to and through the site,
  - (i) acknowledgement of flood effects and identification of appropriate flood compatible uses in accordance with Council's Flood Plain Risk Management Plan,
  - (j) implementation or staging (or both),
  - (k) any other matter required by the Council.
- (6) A draft master plan must be publicly exhibited by the Council for not less than 28 days. At the end of that period, the Council must consider any submissions made about the draft master plan.
- (7) A draft master plan becomes a master plan if it is adopted by the Council with or without alterations made in response to submissions.
- (8) A master plan may be amended or revoked by a master plan prepared exhibited and adopted in accordance with this clause.
- (9) Despite any other provision of this plan, the Council may grant consent to development for additional commercial uses on the land if it has taken into consideration whether the uses are consistent with the master plan applying to the land and are complementary to development for the purposes of the arts, cultural activities, education and tourism and economic development carried out on the land.



## **Orange Local Environmental Plan 2000 (Amendment No 2)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00668/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 Orange Local Environmental Plan 2000 (Amendment No 2)

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## **Orange Local Environmental Plan 2000 (Amendment No 2)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Orange Local Environmental Plan 2000 (Amendment No 2)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone certain land from Zone 2 (d) (the Urban Transition Zone) to Zone 2 (a) (the Urban Residential Zone) under *Orange Local Environmental Plan 2000*, and
- (b) to rezone certain other land from Zone 7 (the Water Supply Catchments Zone) to Zone 2 (a) (the Urban Residential Zone).

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

This plan applies to certain land within the local government area of Orange, being land shown coloured pink on the map marked "Orange Local Environmental Plan (Amendment No 2)" deposited in the office of Orange City Council.

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

*Orange Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of ***The Map*** in clause 87 the following words:

Orange Local Environmental Plan 2000 (Amendment No 2)

## **Queanbeyan Local Environmental Plan 1998 (Amendment No 30)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (Q01/00055/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

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Clause 1                      Queanbeyan Local Environmental Plan 1998 (Amendment No 30)

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## **Queanbeyan Local Environmental Plan 1998 (Amendment No 30)**

### **1 Name of plan**

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 30)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone part of the land to which this plan applies from the Residential C zone to Special Uses A (Parking) under *Queanbeyan Local Environmental Plan 1998 (the 1998 plan)*, and
- (b) to rezone part of the land from Special Uses A (Sewerage) to Special Uses A (Parking) under the 1998 plan, and
- (c) to allow, with the consent of Queanbeyan City Council, the carrying out of development on part of the land for the purpose of an office, shop or restaurant, and
- (d) to confirm the classification of the land referred to in paragraphs (a) and (b) as operational land within the meaning of the *Local Government Act 1993*.

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

- (1) To the extent that this plan rezones land and confirms its classification as operational land, it applies to certain land bounded by Morisset, Collett, Antill and Carinya Streets, Queanbeyan, as shown edged heavy black and lettered "5 (a) Carpark" on the map marked "Queanbeyan Local Environmental Plan 1998 (Amendment No 30)" deposited in the office of Queanbeyan City Council.
- (2) To the extent that this plan allows for the carrying out of development for the purpose of an office, shop or restaurant, it applies to land known as 64 Morisset Street, Queanbeyan, being Lot D, DP 154554.

### **4 Amendment of Queanbeyan Local Environmental Plan 1998**

*Queanbeyan Local Environmental Plan 1998* is amended as set out in Schedule 1.

Queanbeyan Local Environmental Plan 1998 (Amendment No 30)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 11 Exceptions to the general development control clauses

Insert after paragraph (r):

- (s) Lot D, DP 154554 or 64 Morisset Street
- office, shop or restaurant,

### [2] Schedule 1 Dictionary

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

Queanbeyan Local Environmental Plan 1998 (Amendment No 30)

### [3] Schedule 6 Classification and reclassification of public land as operational land

Insert at the end of Part 2:

Land bounded by Morisset, Collett, Antill and Carinya Streets, Queanbeyan, as shown edged heavy black and lettered “5 (a) Carpark” on the map marked “Queanbeyan Local Environmental Plan 1998 (Amendment No 30)”.



## **Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/01286/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning



Clause 1 Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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## **Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to make provision for exempt and complying development, and
- (b) to expand the provisions in *Rylstone Local Environmental Plan 1996* that deal with the protection of the environmental heritage of the local government area of Rylstone, and
- (c) to make other minor amendments to that Plan, and
- (d) to amend *State Environmental Planning Policy No 60—Exempt and Complying Development* consequentially.

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

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

### **4 Amendment of other environmental planning instruments**

- (1) This plan amends *Rylstone Local Environmental Plan 1996* as set out in Schedule 1.
- (2) This plan amends *State Environmental Planning Policy No 60—Exempt and Complying Development* by omitting “Rylstone” from Part 2 of Schedule 1.

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4 (1))

### [1] Clause 5 Interpretation

Omit the definitions of *demolition*, *heritage item* and *maintenance* from clause 5 (1).

### [2] Clause 5 (1)

Insert in alphabetical order:

*archaeological site* means the site of one or more relics.

*bed and breakfast* means a dwelling that:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not accommodate more than 8 guests, and
- (d) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation and who normally reside in the dwelling.

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

*demolish* a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

*door sales outlet* means a building or place, not exceeding 100 square metres in floor space, on a property, where produce harvested from, or manufactured on, the property is exposed or offered for sale or sold by retail, but does not include a road-side stall.

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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***heritage impact statement*** means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals to minimise that impact.

***heritage item*** means:

- (a) a building, work, archaeological site or place specified in Schedule 1, or
- (b) a building, work, archaeological site or place listed on the State Heritage Register (under the *Heritage Act 1977*) or the Register of the National Estate (compiled by the Australian Heritage Commission), or
- (c) an item or place of aboriginal or archaeological significance included on the register held by the National Parks and Wildlife Service.

***home child care*** means an existing dwelling providing care for up to seven children (including the care giver's own children), in the premises where the care giver resides.

***maintenance*** means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

***on-site sewage management facility*** means a facility designed and operated for the treatment and disposal of sewage waste and includes a septic tank, an aerated waste water treatment plant and the like.

***place of Aboriginal heritage significance*** means:

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

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

***potential archaeological site*** means a site that, in the opinion of the Council, has potential to have Aboriginal heritage significance.

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

***recreation vehicle area*** means land which is designated as a recreation vehicle area pursuant to an order in force under section 11 (1) of the *Recreation Vehicles Act 1983*.

***timber plantation*** means an area of land on which the predominant number of trees forming, or expected to form, the canopy are trees that have been planted (whether by sowing seed or otherwise) for the purpose of timber production, but does not include a natural forest.

**[3] Clause 5 (1), definition of “prime crop and pasture land”**

Omit “prime crop and pasture land” wherever occurring.

Insert instead “prime crop or pasture land”.

**[4] Clause 5 (1), definition of “private waste disposal facility”**

Omit “private waste disposal facility”.

Insert instead, in alphabetical order, “solid waste disposal facility”.

**[5] Clause 7A**

Insert before clause 8 (within Part 2):

**7A Exempt and complying development**

- (1) Development of minimal environmental impact listed in *Development Control Plan No 3—Exempt and Complying Development* adopted by the Council on 15 May 2002 is exempt development, despite any provision of this plan.
- (2) Development listed in *Development Control Plan No 3—Exempt and Complying Development* adopted by the Council on 15 May 2002 is complying development if:

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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- (a) it is local development of a kind that can be carried out with consent on land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 3—Exempt and Complying Development* adopted by Council on 15 May 2002.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions specified in *Development Control Plan No 3—Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

**[6] Clause 9 Zone objectives and development control table**

Omit “and commercial pine plantations” from item 2 of the matter relating to Zone No 1 (a) (General Rural) in the Table to the clause.

Insert instead “, timber plantation (involving the planting of endemic native species only)”.

**[7] Clause 9, Table**

Insert “door sales outlets or” after “other than” in item 4 of the matter relating to Zone No 1 (a) (General Rural).

**[8] Clause 9, Table**

Omit “dual occupancy;” wherever occurring in item 4 of the matter relating to Zone No 1 (c) (Rural small holdings—rural residential) and Zone No 1 (c1) (Rural small holdings—rural retreat).

**[9] Clause 9, Table**

Omit “private waste disposal facilities” wherever occurring from item 4 of the matter relating to Zone No 1 (a) (General Rural), Zone No 2 (v) (Village or urban), Zone No 7 (a) (Environmental Protection (Recreation)) and Zone No 7 (c) (Water Catchment).

Insert instead “solid waste disposal facilities”.

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**[10] Clause 9, Table**

Omit “private waste disposal facilities; sawmills” wherever occurring from item 4 of the matter relating to Zone No 1 (c) (Rural small holdings—rural residential) and Zone No 1 (c1) (Rural small holdings—rural retreat).

Insert instead “sawmills; solid waste disposal facilities”.

**[11] Clause 9, Table**

Omit “Dwelling house and additions thereto” from item 2 of the matter relating to Zone No 2 (v) (Village or urban).

Insert instead “Nil”.

**[12] Clause 9, Table**

Omit “2 or 4” from item 3 of the matter relating to Zone No 2 (v) (Village or urban).

Insert instead “4”.

**[13] Clause 9, Table**

Insert “; timber plantations (involving the planting of endemic native species only)” after “dam” in item 2 of the matter relating to Zone No 7 (c) (Water Catchment).

**[14] Clause 10A**

Insert before clause 11:

**10A Door sales outlets**

- (1) Despite any other provision of this Plan, a person may, with the consent of the Council, carry out development of land within Zones Nos 1 (a), 1 (c), 1 (c1), 7 (a) or 7 (c) for the purpose of a door sales outlet primarily for the display and sale of rural produce including wine, fruit, harvested products and the like, substantially grown or produced on the land.
- (2) The Council may only consent to such development if the Council is satisfied that:
  - (a) the building or place used for the sale of produce is situated wholly within the land, and

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- (b) the produce is substantially produced within the land, and
  - (c) there are adequate parking and manoeuvring areas associated with the building or place used for the sale of produce, and adequate access to a public road, and
  - (d) the building or place used for the sale of produce complements the rural character of the locality.

**[15] Clause 13 Subdivision for the purposes of dwellings within Zone No 1 (a)**

Omit “dwelling house” and “dwelling-house” wherever occurring.

Insert instead “dwelling.”

**[16] Clauses 15 (2) (d) and 19 (2) (d)**

Omit “for the for on-site disposal of private wastes” wherever occurring.

Insert instead “for on-site sewage management”.

**[17] Clauses 17 (2) (d) and 18 (2) (d)**

Omit “the on-site disposal of private wastes” wherever occurring.

Insert instead “on-site sewage management”.

**[18] Clause 20 Subdivision for the purposes of dwellings within Zone No 7 (c)**

Insert after clause 20 (1) (d):

- , and
- (e) is suitable for on-site sewage management.

**[19] Clause 23 Erection of additional dwellings within Zones Nos 1 (a), 1 (c), 1 (c1) and 7 (c)**

Insert after clause 23 (1) (e):

- , and
- (f) the Council has received a site analysis and satisfactory soil test results confirming the suitability of the site for on-site sewage management.

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**[20] Clauses 30–34D**

Omit clauses 30–34. Insert instead:

**30 Objectives in relation to heritage**

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the Rylstone local government area, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
- (e) to ensure that the heritage conservation areas throughout the Rylstone local government area retain their heritage significance.

**31 Protection of heritage items and heritage conservation areas**

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

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

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



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- (e) moving the whole or a part of a heritage item,
  - (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

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

Development consent is not required by this clause if:

- (a) in the opinion of the consent authority:
  - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
  - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.

(3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument, or
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

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

Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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(5) **What extra documentation is needed?**

The assessment must include consideration of a *heritage impact statement* that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a *conservation management plan*, if it considers the development proposed should be assessed with regard to such a plan.

(6) The minimum issues that must be addressed by the heritage impact statement are:

- (a) for development that would affect a *heritage item*:
  - (i) the heritage significance of the item as part of the environmental heritage of Rylstone local government area, and
  - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
  - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
  - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
  - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
- (b) for development that would be carried out in a *heritage conservation area*:
  - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
  - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
  - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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- account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
  - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
  - (v) whether any landscape or horticultural features would be affected by the proposed development, and
  - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
  - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
  - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

**32 Advertised development**

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and
- (b) the carrying out of any development allowed by clause 34C.

**33 Notice of demolition to the Heritage Council**

Before granting consent for the demolition of a heritage item identified in Schedule 1 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

**34 Development affecting places or sites of known or potential Aboriginal heritage significance**

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

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potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

**34A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
  - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
  - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
  - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
  - (b) is integrated development.

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

Schedule 1 Amendments

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**34B Development in the vicinity of a heritage item**

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

**34C Conservation incentives**

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and

Rylstone Local Environmental Plan 1996 (Amendment No 6)—General Amendments

Amendments

Schedule 1

- 
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
  - (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

**34D Development in heritage conservation areas**

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
  - (a) the pitch and form of the roof (if any), and
  - (b) the style, size, proportion and position of the openings for windows or doors (if any), and
  - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

**[21] Clause 35 Advertising structures or advertisements**

Insert “(except an advertisement the erection of which is exempt development)” after “an advertisement” in clause 35 (1).

## Singleton Local Environmental Plan 1996 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (N02/00097/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

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Clause 1 Singleton Local Environmental Plan 1996 (Amendment No 32)

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## Singleton Local Environmental Plan 1996 (Amendment No 32)

### 1 Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No 32)*.

### 2 Aims of plan

This plan aims to allow, with the consent of Singleton Council, the carrying out of development on the land to which this plan applies for the purpose of a motor showroom and ancillary service and repair facilities.

### 3 Land to which plan applies

This plan applies to part of Lot 1, DP 744891, No 4403 New England Highway, Singleton, being land approximately 1.6 hectares in area immediately adjacent to the corner of Waddells Lane and the New England Highway, as delineated in “Plan of Subdivision of Proposed Motor Dealership Development, Part Lot 1 DP 744891” (Reference No W:\005305\3CA.dwg; application number SA 22/2002), being a registered surveyor’s plan deposited in the office of Singleton Council.

### 4 Amendment of Singleton Local Environmental Plan 1996

*Singleton Local Environmental Plan 1996* is amended by inserting at the end of Schedule 4 the following words:

Land being part of Lot 1, DP 744891, No 4403 New England Highway, Singleton, being land approximately 1.6 hectares in area immediately adjacent to the corner of Waddells Lane and the New England Highway, as delineated in “Plan of Subdivision of Proposed Motor Dealership Development, Part Lot 1 DP 744891” (Reference No W:\005305\3CA.dwg; application number SA 22/2002), being a registered surveyor’s plan deposited in the office of the Council—motor showroom and ancillary service and repair facilities.





## **Wollondilly Local Environmental Plan 1991 (Amendment No 43)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00258/S69)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1            Wollondilly Local Environmental Plan 1991 (Amendment No 43)

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## **Wollondilly Local Environmental Plan 1991 (Amendment No 43)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Wollondilly Local Environmental Plan 1991 (Amendment No 43)*.

### **2 Aims of plan**

This plan aims to amend *Wollondilly Local Environmental Plan 1991 (the 1991 plan)*:

- (a) to introduce new definitions into the 1991 plan relating to residential development (namely, *granny flat*, *multiple dwelling* and *reticulated sewerage scheme*) and to disapply the definition of *residential flat building* as adopted in the 1991 plan, and
- (b) to permit multiple dwellings within the residential zones under the 1991 plan only where a reticulated sewerage scheme is available, and
- (c) to provide for minimum allotment sizes for subdivision of residential land in areas which are not serviced by a reticulated sewerage scheme.

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

This plan applies to all land within the local government area of Wollondilly under *Wollondilly Local Environmental Plan 1991*.

### **4 Amendment of Wollondilly Local Environmental Plan 1991**

*Wollondilly Local Environmental Plan 1991* is amended as set out in Schedule 1.

Wollondilly Local Environmental Plan 1991 (Amendment No 43)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 2 Aims, objectives etc

Insert after clause 2 (o):

, and

- (p) to provide for a diversity of well-located housing types within the local government area of Wollondilly.

### [2] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

*granny flat* means the smaller of two dwellings in the curtilage of a dwelling-house, being a dwelling the gross floor area of which is no greater than 60 square metres and where at least one of the dwellings is occupied by the owner of the allotment on which the dwellings stand.

*multiple dwelling* means two or more dwellings on an allotment of land, but does not include a dwelling-house that contains a granny flat.

*reticulated sewerage scheme* means a system of trunks, mains and sewerage pumping systems used to transport sewerage from premises to treatment plants.

### [3] Clause 6 (1), definition of “home activity”

Omit “residential flat building”. Insert instead “multiple dwelling”.

### [4] Clause 6 (1), definition of “home occupation”

Omit “multi unit housing”. Insert instead “a multiple dwelling”.

### [5] Clause 7 Adoption of Model Provisions 1980

Insert “, *residential flat building*” after “*map*”.

### [6] Clause 10 Zone objectives and development control table

Insert “granny flats;” in alphabetical order in item 4 of the matter relating to Zones Nos 1 (a), 1 (a1), 1 (a2), 1 (a3), 1 (b), 1 (c1) (i), 1 (c1) (ii), 1 (c1) (iii), 1 (c2), 4 (a), 4 (c), 7 (c) and 7 (d) in the Table to the clause.

## Wollondilly Local Environmental Plan 1991 (Amendment No 43)

## Schedule 1 Amendments

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**[7] Clause 10, Table**

Omit “residential flat buildings;” wherever occurring in item 4 of the matter relating to Zones Nos 1 (a), 1 (a1), 1 (a2), 1 (a3), 1 (b), 1 (c1) (i), 1 (c1) (ii), 1 (c1) (iii), 1 (c2), 4 (a), 4 (c), 7 (c) and 7 (d).

Insert instead “multiple dwellings;”.

**[8] Clause 10, Table**

Omit “dwellings (other than those” from item 4 of the matter relating to Zone No 3 (a).

Insert instead “dwellings or multiple dwellings (other than dwellings or multiple dwellings”.

**[9] Clause 12AAA**

Insert after clause 12:

**12AAA Subdivision of land in Zones Nos 2 (a) and 2 (d)**

Land within Zone No 2 (a) or 2 (d) which is not serviced by a reticulated sewerage scheme must not be subdivided, unless each separate allotment so created will have an area of not less than 975 square metres.

**[10] Clause 14B**

Insert after clause 14A:

**14B Multiple dwellings**

The council must not consent to the carrying out of development for the purpose of multiple dwellings unless each separate allotment is serviced by a reticulated sewerage scheme.

**[11] Clause 16 Advertising of certain applications**

Omit “residential flat building” from clause 16 (1) (a).

Insert instead “multiple dwelling comprising 3 or more dwellings”.

Wollondilly Local Environmental Plan 1991 (Amendment No 43)

Amendments

Schedule 1

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**[12] Clause 45**

Insert in appropriate order:

**45 Development of unsewered land**

The council must not consent to the carrying out of development on unsewered land unless the applicant demonstrates that the land is capable of supporting the development having regard to the capability of the soil for effluent disposal and buffer distances to watercourses and drainage depressions.

## Roads and Traffic Authority

### ROADS ACT 1993

#### Section 10

Notice of Dedication of Land as Public Road at Gordon and Killara in the Ku-Ring-Gai Council area

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

D J Lorsch  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

#### SCHEDULE

All those pieces or parcels of land situated in the Ku-Ring-Gai Council area, Parish of Gordon and County of Cumberland, shown as:

Lot 1 Deposited Plan 159525;  
Lot C Deposited Plan 346671;  
Lots 1 and 2 Deposited Plan 508498;  
Lot 1 Deposited Plan 335855;  
Lot 1 Deposited Plan 181610;  
Lot 1 Deposited Plan 181611;  
Lot 1 Deposited Plan 377795;  
Lot 1 Deposited Plan 97305;  
Lot 1 Deposited Plan 97306;  
Lots 1 and 2 Deposited Plan 337116;  
Lot 1 Deposited Plan 445640;  
Lot 1 Deposited Plan 417156; and  
Lot 1 Deposited Plan 395286.

(RTA Papers: 10/238.11040).

### ROADS ACT 1993

#### Section 10

Notice of Dedication of Land as Public Road at Tomerong and Mollymook in the Shoalhaven City Council area

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

D J Lorsch  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

#### SCHEDULE

All that piece or parcel of land situated in the Shoalhaven City Council area, Parish of Wandrawandian and County of St Vincent, shown as Lot 3 Deposited Plan 869728.

ALSO All those pieces or parcels of land situated in the Shoalhaven City Council area, Parish of Ulladulla and County of St Vincent, shown as:

Lot 58 Deposited Plan 258112; and  
Lot 37 Deposited Plan 825428.

(RTA Papers: 1/404.1718)

## Roads Act 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Newcastle City Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**P Sylvester for  
Janet Dore  
General Manager  
Newcastle City Council  
(by delegation from the Minister for Roads)**

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### Schedule

#### 1. Citation

This Notice may be cited as the Newcastle City Council B-Doubles Notice No 2/ 2002.

#### 2. Commencement

This Notice takes effect on the date of gazettal.

#### 3. Effect

This Notice remains in force until 01/01/2008 unless it is amended or repealed earlier.

#### 4. Application

4.1 This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

#### 1. Routes

##### B-Double routes within the Newcastle City Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25	000	Warabrook Boulevard, Warabrook	Maitland Road Mayfield	Casuarina Circuit, Warabrook	
25	000	Casuarina Circuit, Warabrook	Warabrook Boulevard, Warabrook	Callistemon Close, Warabrook	
25	000	Callistemon Close, Warabrook	Casuarina Circui, Warabrook	End	

**ROADS ACT 1993****Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996**

Berrigan Shire Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

.....  
Rowan Perkins, General Manager

Berrigan Shire Council

(by delegation from the Minister for Roads)

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**SCHEDULE****1. Citation**

This Notice may be cited as the Berrigan Shire Council B-Doubles Notice No. 16/2002.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 1<sup>st</sup> October 2007 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.



## 5. Routes

### B-Doubles routes within the Berrigan Shire Council.

#### (For Single Road Listings)

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	00	Cobram St., Berrigan	G. & T. Dunn's residence at Lot 3, DP 261030, Cobram St., Berrigan	Property entrance of @.M. & W.K. Dempster at 107-109 Cobram St., Berrigan	
25	00	Racecourse Rd., Berrigan	Cobram St., Berrigan	Riverina Highway (SH20), Berrigan	

## Other Notices

### AIR TRANSPORT ACT 1964

Notice under Section 10 (1)

NOTICE is hereby given, pursuant to section 10 (1) of the Air Transport Act 1964 that licence fees on intrastate air services in New South Wales with an annual volume of less than 50,000 passengers are abolished as of Sunday 1 December 2002.

Signed on 18 November 2002.

MICHAEL DEEGAN,  
Director General,  
Department of Transport

### AMBULANCE SERVICES ACT 1990

SCALE OF FEES IN RESPECT OF  
AMBULANCE SERVICES

PURSUANT to section 22 (1) of the Ambulance Services Act 1990, I, ROBYN KRUK, Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, hereby:

- (a) revoke the currently applying scale of fees in respect of ambulance services provided by the Ambulance Service of New South Wales, as previously fixed by ministerial notice published in *Government Gazette* No 148 of 28 September 2001; and
- (b) fix a scale of fees in respect of ambulance services provided by the Ambulance Service of New South Wales to the extent and in the manner set forth in the following Schedule, with effect on and from 1 December 2002.

ROBYN KRUK,  
Director-General

#### SCHEDULE

- 1 In this notice, "primary response transport" means an ambulance transport by road ambulance, fixed wing aircraft or helicopter or a combination of these, from the scene of an accident, illness or injury to a public hospital or other destination nominated by the Ambulance Service.

#### Fees

- 2 The fee for a primary response transport by road ambulance and/or fixed wing ambulance and/or helicopter shall be charged on a kilometre basis calculated pursuant to clause 5, on the scale of \$158 for the first 16 kilometres or part thereof, plus an additional charge of \$4.04 for each kilometre or part thereof in excess of 16 kilometres, provided that such total fee shall not exceed \$3,784.
- 3 The fee for a transport by road ambulance and/or fixed wing ambulance (other than a primary response transport) shall be charged on a kilometre basis calculated pursuant to clause 5, on the scale of \$155 for the first 16 kilometres or part thereof, plus an additional charge of \$3.96 for each kilometre or part thereof in excess of 16 kilometres, provided that such total fee shall not exceed \$3,715.

- 4 The fee for a transport by helicopter (other than a primary response transport) shall be calculated on a time basis pursuant to clause 6 and shall be \$1,703 for the first thirty (30) minutes or part thereof, with any further period charged at a rate of \$114 per six (6) minutes or part thereof. This fee shall be apportioned equally between the hospital or health service sending the person being transported and the hospital or health service receiving that person.

#### Calculation of Transport Kilometres

- 5 The total number of kilometres for a transport by ambulance (or ambulances) shall be calculated by determining the total number of kilometres that are travelled by road or, in the case of transportation by fixed wing aircraft or helicopter, that would have been travelled by road had no fixed wing aircraft or helicopter been available, in accordance with the distance:
  - (a) from the base ambulance station nearest to the location where the person was picked up by ambulance, to that pick up location; and
  - (b) from that pick up location, to the place where that person disembarked from the ambulance (or, where more than one ambulance was used in the transport, disembarked from the last ambulance used in that transport); and
  - (c) from that place of disembarkation, to the base ambulance station referred to in subclause (a).

#### Calculation of Transport Time for Helicopters (other than primary response)

- 6 The number of minutes for a transport by helicopter (other than a primary response transport) shall be calculated from the time the helicopter engine or engines are turned on, or, if the engines are already on, the time at which the helicopter is dispatched by an air ambulance controller, to the time the helicopter engine or engines are turned off at the helicopter's operational base, or the time at which the helicopter is otherwise dispatched by an air ambulance controller or other authority.

#### Charging Criteria

- 7 Where two or more persons are transported concurrently by the same ambulance or ambulances, each person shall be charged a fee calculated in accordance with Clauses 2, 3 or 4 as appropriate to that transport.
- 8 Clause 7 shall not apply when two or more persons are transferred concurrently by ambulance (or ambulances) between any public hospital in New South Wales.

### CHARITABLE TRUSTS ACT 1993

ORDER UNDER SECTION 12

PROPOSED CY-PRES SCHEME RELATING TO THE  
ESTATE OF THE LATE ALICE MAUD DANIEL

THE deceased, Alice Maud Daniel, died on 23 May 1965. In her Will dated 19 December 1941, the testatrix provided for the proceeds of sale of some shares and other property to be given to:

‘the Royal Shipwrecked and Humane Society for the benefit of the widows and orphans’.

At the time of the testatrix’s death, there existed a body called the Royal Shipwreck Relief and Humane Society of New South Wales, originally established in 1877 and then known as the National Shipwreck Relief Society of New South Wales. The original objects of the Society, which existed in 1941 when Mrs Daniel made her Will, were in summary to provide relief to widows, orphans and aged parents, or others dependent on seamen belonging in New South Wales or to vessels owned in New South Wales, who lost their lives or were seriously injured in the course of duty; to make provision for the maintenance of orphans of such deceased seamen, or the neglected children of seamen resident in New South Wales; and the bestowal of medals or awards on persons performing acts of bravery in saving or attempting to save human life.

In 1966 the Society, with the approval of the Queen, changed its name to the Royal Humane Society of New South Wales and adopted a new set of Rules, the leading object of which was the bestowal of awards on persons performing acts of bravery in saving or attempting to save human life. The first two objects were deleted.

I have formed the view that the gift to the Royal Shipwrecked and Humane Society in the testatrix’s Will is a gift for charitable purposes and have approved a recommendation that the Attorney General establish a *cy-pres* scheme pursuant to section 12(1)(a) of the Charitable Trusts Act 1993. The scheme is to apply the money to Sydney Legacy for the relief of the dependants of deceased service people, for the purposes of caring for those dependants who need special care and practical assistance in accommodation, education, legal and general welfare advice.

Therefore, pursuant to section 12 of the Charitable Trusts Act 1993, I hereby order that the gift to the Royal Shipwrecked and Humane Society be amended *cy-pres* to give it effect for the benefit of Sydney Legacy in accordance with the terms of the testatrix’s Will, such order to take effect 21 days after its publication in the *Government Gazette*, in accordance with section 16(2) of the Charitable Trusts Act 1993.

Date of Order 14th November, 2002.

M G SEXTON, S.C.  
Solicitor General  
Under delegation from  
the Attorney General

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### CHARITABLE TRUSTS ACT 1993

#### Notice Under Section 15

#### Proposed *Cy-Pres* Scheme relating to The Asthma Foundation of Nsw

BY Trust Deed dated 20 November 1968, land situated at 31 Langson Avenue Figtree was held in trust by the Asthma Foundation ‘for the benefit and rehabilitation of sufferers from asthma and related conditions’. In 1969 funds were used to build the Mont Sheppard Pool swimming pool. The Asthma Foundation has used this pool and facilities for the benefit and rehabilitation of asthma sufferers.

The Asthma Foundation has now formed the view that it is impracticable to carry out the terms of the trust because the cost of running the swimming pool complex is greater than the income generated by the complex through entry fees. The Wollongong Branch of the Asthma Foundation (which manages the land and swimming pool complex under the trust) no longer considers the pool complex to be a viable concern.

While the Trust Deed makes provision for a situation where the land in question ceases to be used for its designated purposes, the Asthma Foundation does not believe that this provision would be of any benefit as the new entity would likely encounter the same difficulties in managing the property. The Foundation has proposed a *cy-pres* scheme whereby the land and pool complex at 31 Langson Avenue, Figtree is sold and, after deducting expenses, a trust fund established, to be known as the Pearl Sheppard Fund, whose objects will be:

- The provision of expert opinion and advice to school children with asthma and their carers in the City of Greater Wollongong;
- The provision of practical asthma information, training and community support to school children with asthmas and their carers in the City of Greater Wollongong; and
- The funding of research into asthma in school children in the City of Greater Wollongong.

Section 9(1) of the *Charitable Trusts Act* 1993 permits the application of property *cy-pres* where the spirit of the trust can no longer be implemented. The original purpose of the trust, to benefit and rehabilitate sufferers from asthma, has ceased to be effective as pool complex lacks funds and the support of volunteers necessary for the continued existence and operation of the swimming complex.

The Solicitor General, under delegation from the Attorney General in and for the State of New South Wales, has formed the view that it is appropriate for a *cy-pres* scheme to be ordered pursuant to section 12(1)(a) of the *Charitable Trusts Act* 1993 to enable the Asthma Foundation to sell the land at 31 Langson Ave, Figtree and apply the proceeds of sale as outlined above.

Take note that within one month after the publication of this notice any person may make representations or suggestions, in writing, to the Attorney General in respect of the proposed scheme. Initial inquiries as to the proposed scheme may be directed to (02) 9228 8102.

LAURIE GLANFIELD,  
Director General,  
Attorney General’s Department

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### CONTAMINATED LAND MANAGEMENT ACT 1997

#### Section 21

#### Declaration of Remediation Site

#### Declaration Number 21015

THE Environment Protection Authority (“EPA”) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 (“the Act”):

#### 1. Land to which this declaration applies (“the site”)

That section of Lots 4 and 5 in Deposited Plan 219589 identified as 46 to 58 Montague Street, Fairy Meadow, NSW, in the local government area of Wollongong, and that section of Montague Street which adjoins Lots 4 and 5, as shown on the map titled Land and Property Information NSW, Copy Request J888641, Enquiry Parcel: Lot 2 in DP38222, that is available for inspection at the offices of the Contaminated Sites Section of the EPA at 59-61 Goulburn Street, Sydney, NSW.

## 2. Nature of the substances causing the contamination (“the contaminants”):

- Total petroleum hydrocarbons, in particular benzene, toluene, ethyl benzene and xylene (BTEX), and
- Polycyclic aromatic hydrocarbons, in particular naphthalene.

## 3. Nature of harm that the substance may cause:

The EPA has considered the matters in section 9 of the Act and found that:

- The contaminants have been identified at the site in the soil and the groundwater;
- Contaminated groundwater has migrated beyond the boundary of the former fuel depot, and is present under the public footpath and Montague Street;
- The groundwater plume has migrated towards Cabbage Tree Creek;
- Benzene is a human carcinogen;
- Toluene and ethyl benzene are acutely toxic in the aquatic environment and benzene and xylenes are toxic to aquatic organisms;
- Benzene and xylenes have the potential to bioaccumulate;
- The concentration of the contaminants in the groundwater exceeds the ANZECC (2000) Water Quality Guidelines criteria for the protection of aquatic ecosystems.

The site is contaminated with the contaminants in such a way as to present a significant risk of harm to human health and the environment. In particular:

- Volatile vapours may accumulate in underground service lines and excavations at potentially explosive concentrations. There is also a potential risk to workers of inhalation of volatile vapours which may contain benzene;
- The contaminated groundwater may continue to migrate towards Cabbage Tree Creek, located 100 metres from the site, and may impact aquatic ecosystems.

## 4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of section 26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

## 5. Submissions invited

The EPA advises that the public may make written submissions to the EPA on:

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

Submissions should be made in writing to:

Director Contaminated Sites  
Environment Protection Authority  
PO Box A290  
SYDNEY SOUTH NSW 1232

or faxed to: 02 9995 5930

by not later than 20 December 2002.

CAROLYN STRANGE,  
Acting Director Contaminated Sites  
Environment Protection Authority  
(by Delegation)

Date:

NOTE:

## Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

## Variation/Revocation

This declaration remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

## Information recorded by the EPA

S.58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

## Information recorded by councils

S.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 currently an area covered by a declaration issued under the Act. 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 removed.

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## CONTAMINATED LAND MANAGEMENT ACT 1997

### Section 15

Environment Protection Authority  
Declaration of investigation area

Declaration No: 15013

File No: HO 5123

THE Environment Protection Authority (the “EPA”) declares the following land to be an investigation area under the Contaminated Land Management Act 1997 (“the Act”):

### 1. Land to which this declaration applies (“the site”)

The bed of Homebush Bay adjacent to the former Orica Rhodes premises, Oulton Avenue, Rhodes. The site comprises the south-east part of Homebush Bay adjacent to the land parcel of Part DP67372 being part of a former paint factory.

A map has been prepared which shows the site delineated by the area designated "Investigation Area" encompassed by a dotted line. This map is available for inspection at the offices of the EPA at 59-61 Goulburn Street, Sydney. On the map, Part DP67372 is referred to as "the Alfred Street site".

## 2. Nature of the substances causing the contamination

Lead.

## 3. Reasons for the declaration

The EPA has reasonable grounds to believe that the site is contaminated with lead in such a way as to present a significant risk of harm for the following reasons:

- Substantially elevated concentrations of lead have been found in the sediments present in the bay ('the bay sediments'). Lead is harmful to human health, and is persistent in sediments.
- There are human and biota exposure pathways to the contamination in the bay sediments. There is a potential for further disturbance of bay sediments arising from the redevelopment of the Rhodes Peninsula, and a significant increase in human activities around the site, and therefore the risk of exposure to humans will increase.

## 4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary investigation of the area and any person may submit a voluntary investigation proposal for the area to the EPA. If the proposal satisfies the requirements of section 19 of the Act, the EPA may agree to the proposal and not issue an investigation order.

## 5. Submissions invited

The EPA advises that the public may make written submissions to the EPA on:

- Whether it should issue an investigation order in relation to the site; and/or
- Any other matter concerning the area.

Submissions should be sent in writing to:

Acting Director Contaminated Sites  
Environment Protection Authority  
PO Box A290  
SYDNEY SOUTH NSW 1232

or faxed to: 02 9995 5930

by not later than 5pm on 9 December 2002

CAROLYN STRANGE,  
Acting Director Contaminated Sites  
(by delegation)

Date: 19 November 2002

NOTE:

### Investigation order may follow

If investigation of the area or part of the area is required, the EPA may issue an investigation order under section 17 of the Act.

### Variation/Revocation

This declaration remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm. (section 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 investigation declaration will be included in the public record.

### Information recorded by councils

Section 59 of the Act requires the EPA to inform the relevant local council as soon as practicable that this declaration has been made. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within an investigation area. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the council is then required to remove the notation on the section 149 (2) certificate is removed.

### Voluntary investigation

The making of this declaration does not prevent the carrying out of a voluntary investigation of the site by any person.

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## DISTRICT COURT ACT 1973

### DISTRICT COURT RULES 197 – DIRECTION

BY this direction made under Part 51A rule 1(2) of the District Court Rules 1973, I specify Maitland to be a prescribed place for the purpose of section 63A of the District Court Act 1973, for the week commencing 24 February 2003.

Dated this 14th day of November 2002.

R.O. BLANCH,  
Chief Judge

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## DISTRICT COURT OF NEW SOUTH WALES

### DIRECTION

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Dubbo 10.00 a.m. Monday 24 March 2003 (2 weeks)

Moree 10.00 a.m. Monday 24 February 2003 (2 weeks)

Dated this 18th day of November 2002.

R. O. BLANCH,  
Chief Judge

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## EDUCATION ACT 1990

Land acquisition (Just Terms Compensation) Act 1991

Notice of compulsory acquisition of land and easement for educational purposes

THE Minister for Education and Training with the approval of Her Excellency the Governor, declares by delegate that the land and easement described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Education Act, 1990.

DATED at Sydney, this 14th day of October 2002.

J. WATKINS

## SCHEDULE

Collingullie Public School Forest Area

All that piece or parcel of land in the Local Government Area of the City of Wagga Wagga, Parish of Mundowry and County of Mitchell, being Lot 173 Deposited Plan 820570 and Lot 175 DP 821012.

Coolah Central School Forest Area

All that piece or parcel of land in the Local Government Area of the Shire of Coolah, Parish of Coolah and County of Napier, being Lot 1 Deposited Plan 1042784 including "Proposed right of carriageway 10 wide shown in DP 1042784.

Milbrulong Public School Forest Area

All that piece or parcel of land in the Local Government Area of the Shire of Lockhart, Parish of Ashcroft and County of Mitchell, being Lot 105 Deposited Plan 754536.

Oberon High School Forest Area

All that piece or parcel of land in the Local Government Area of Oberon, Parish of Mozart and County of Westmoreland, being Lot 1 Deposited Plan 1042935.

All that piece or parcel of land in the Local Government Area of Oberon, Parish of Oberon and County of Westmoreland, being Lot 276 Deposited Plan 705307.

Rosewood Public School Forest Area

All that piece or parcel of land in the Local Government Area of the Shire of Tumbarumba, Parish of Craven and County of Selwyn, being Lots 15,16,17,18,19, 20 & 21 Section 20 DP 758887 and Lot 154 DP 821074.

Wombat Public School Forest Area

All that piece or parcel of land in the Local Government Area of the Shire of Harden, Parish of Wilkie and County of Harden, being Lot 311 Deposited Plan 753632.

**FIRE BRIGADES ACT 1989**

Land acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land at Tingira Heights in the Lake Macquarie City Council Area

THE Minister for Emergency Services, being the Minister administering the Fire Brigades Act 1989, 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 Fire Brigades Act 1989.

The Minister administering the Fire Brigades Act 1989, by virtue of section 79 of that Act, is the constructing authority in relation to the acquired land under section 40 of the Public Works Act 1912.

BOB DEBUS, M.P.,  
Minister for Emergency Services

## SCHEDULE

All that piece or parcel of land situate at Tingira Heights in the Lake Macquarie City Council Area, Parish of Kahiba County of Northumberland being proposed Lot 1 in subdivision of the land in Certificate of Title 2066/865554 said to be in the possession of Lake Macquarie City Council (registered proprietor) excluding the strata below a depth of 20 metres below the surface.

**FIRE BRIGADES ACT 1989**

Land acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land at Arcadia Vale in the Lake Macquarie City Council Area

THE Minister for Emergency Services, being the Minister administering the Fire Brigades Act 1989, declares, with the approval of Her Excellency the Governor, that the land and 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 Fire Brigades Act 1989.

The Minister administering the Fire Brigades Act 1989, by virtue of section 79 of that Act, is the constructing authority in relation to the acquired land under section 40 of the Public Works Act 1912.

BOB DEBUS, M.P.,  
Minister for Emergency Services

## SCHEDULE

## LAND

All that piece or parcel of land situate at Arcadia Vale in the Lake Macquarie City Council Area, Parish of Awaba County of Northumberland being proposed Lot 20 being the whole of Lot 170 in Deposited Plan 13129 and part of the land in Lot 2 in Deposited Plan 230704 contained in Certificate of Title Volume 10313 Folio 51, said to be in the possession of Lake Macquarie City Council (registered proprietor).

## INTEREST IN LAND

Easement being a Right of Access over the site shown in the attached yet to be registered Deposited Plan as:

'(A) PROPOSED RIGHT OF ACCESS VARIABLE WIDTH'

Lot 2 Deposited Plan 230704 (proposed Lot 21) is the land which is subject to the burden of the Right of Access.

Proposed Lot 20 in the yet to be registered Deposited Plan is the land to which the benefit of the Right of Access is appurtenant.

**HERITAGE ACT 1977**

DIRECTION PURSUANT TO SECTION 34(1)(a) TO LIST AN ITEM ON THE STATE HERITAGE REGISTER

Evans Head Memorial Aerodrome

SHR No 1649

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 the 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".

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Sydney, 20 November 2002

## SCHEDULE "A"

The property known Evans Head Memorial Aerodrome, situated on the land described in Schedule "B".

## SCHEDULE "B"

All those pieces or parcels of land known as Part Lot 108 DP 1031888 and streets identified as Sir Valston Hancock Drive, Winjeel Road, Canberra Road and Airport Memorial Drive and shown edged heavy black on the plan catalogued HC 1905 in the office of the Heritage Council of New South Wales.

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**NSW NATIONAL PARKS AND WILDLIFE SERVICE**
**Notice of Exhibition of the Draft Plains-wanderer Recovery Plan**

THE National Parks and Wildlife Service hereby gives notice of the exhibition of the Draft Plains-wanderer Recovery Plan. Public submissions are invited up to 20 December 2002. Exhibition details will be published on 20 November 2002 in the Sydney Morning Herald, Griffith Area News, The Riverine Grazier (Hay), and Finley Southern Riverina News and on 19 November 2002 in the Deniliquin Pastoral Times and on the NPWS Homepage.

Please note that this Plan has been previously exhibited and is being re-exhibited due to a change in the contact details for submissions. All submissions addressed to the previous contact details will be forwarded to the Director-General for his consideration.

JOSHUA GILROY,  
Manager, Conservation Programs and Planning  
Western Directorate

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**NATIONAL PARKS AND WILDLIFE ACT 1974**
**Budderoo National Park and  
Macquarie Pass National Park**
**Plan of Management**

IN pursuance of Section 75 of the *National Parks and Wildlife Act 1974* it is hereby notified that proposed amendments to the Plan of Management for Budderoo National Park, Macquarie Pass National Park, Barren Grounds Nature Reserve and Robertson Nature Reserve have been prepared.

The amendments will be on public display from 8 November 2002 to 20 January 2003.

Copies of the amendments may be viewed during office hours at:

NPWS South Coast Region Office 55 Graham Street NOWRA	Fitzroy Falls Visitor Centre Nowra Road FITZROY FALLS
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NPWS Head Office Library Level 7, 43 Bridge Street HURSTVILLE	The National Parks Centre 102 George Street THE ROCKS
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Copies of the amendments may be obtained, free of charge, from the above locations. The amendments will also be available on the NPWS website at [www.npws.nsw.gov.au](http://www.npws.nsw.gov.au).

Written representations in connection with the amendments should be forwarded by close of business on 20 January 2003 to:

Highlands Area Manager  
NSW National Parks and Wildlife Service  
Nowra Road  
FITZROY FALLS NSW 2577

Following the exhibition period the amendments, together with all representations received, will be submitted to the National Parks and Wildlife Advisory Council for its comments and advice to the Minister for the Environment. Your comments on the amendments may contain information that is defined as "personal information" under the *NSW Privacy and Personal Information Protection Act 1998* and identifies you. Following adoption of the amendments by the Minister, all submissions will be available by arrangement for inspection at the NPWS Head Office library. If you do not want your personal details to become public, please mark on your submission that you want your details to remain confidential.

BRIAN GILLIGAN,  
Director General

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Department of Health, New South Wales,  
Sydney, Monday 18 November 2002

**POISONS AND THERAPEUTIC GOODS ACT 1966**
**ORDER UNDER CLAUSE 171(1)**
**POISONS AND THERAPEUTIC GOODS REGULATION  
2002**
**WITHDRAWAL OF DRUG AUTHORITY**

IN accordance with the provisions of clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Dr John McKenzie of 34 Walsh Ave. Maroubra 2035 prohibiting him until further notice, as a medical 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 76 of the Regulation.

This order is to take effect on and from Wednesday 20 November 2002.

ROBYN KRUK,  
Director-General

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**POISONS & THERAPEUTIC GOODS ACT 1966**
**ORDER UNDER CLAUSE 171(1)**
**POISONS & THERAPEUTIC GOODS REGULATION 2002**
**WITHDRAWAL OF DRUG AUTHORITY**

IN accordance with the provisions of clause 171(1) of the Poisons and Therapeutic Goods Regulation 2002 an order has been made on Dr Max Willow of 61 Goodhope Street, Paddington, 2021 prohibiting him until further notice, as a medical 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 76 of the Regulation.

This order is to take effect on and from Friday 25 October 2002.

ROBYN KRUK,  
Director-General

Department of Health, New South Wales,  
Sydney, 21 October 2002

### PROFESSIONAL STANDARDS ACT 1994

#### NOTIFICATION PURSUANT TO SECTION 13

#### THE ACCOUNTANTS SCHEME

PURSUANT to section 13 of the Professional Standards Act 1994, I authorise the following amendment to the Accountants Scheme.

Insert clause 3.4.4

“3.4.4 Where the amount of damages in relation to a single cause of action relating to occupational liability exceeds \$500,000 but the damages which may be awarded as determined by the limitation amount referred to in clause 3.4 are equal to or less than \$500,000, the liability for damages shall be \$500,000.”

This amendment commences on the day after the date of its publication in the *Government Gazette*.

BOB DEBUS, M.P.,  
Attorney General

### REPORT CONCERNING THE APPROVAL OF AMENDMENT TO THE ACCOUNTANTS SCHEME

#### AMENDMENT APPROVAL

A SCHEME in respect of the CPA Australia and the Institute of Chartered Accountants in Australia commenced on 8 October 2001. The Council, on its own initiative, prepared an amendment to the scheme to make clear that a lower cap of \$500,000 applies where the “limitation amount” calculated by multiplying the engagement fee by 10 generates an amount less than \$500,000.

The amendment inserts the following clause 3.4.4.

“3.4.4. Where the amount of damages in relation to a single clause of action relating to occupational liability exceeds \$500,000 but the damages which may be awarded as determined by the limitation amount referred to in clause 3.4 are equal to or less than \$500,000, the liability for damages shall be \$500,000.”

On 25 October 2002, the Council decided to:

1. approve<sup>1</sup> amendment of the scheme in respect of the CPA Australia and the Institute of Chartered Accountants in Australia, and
2. submit<sup>2</sup> the amendment to the Minister to authorise its publication in the *Government Gazette*<sup>3, 4</sup>.

Before approving the amendment of the scheme, the Council:

1. published<sup>5</sup> a notice in a daily newspaper circulating throughout NSW:
  - a) explaining the nature and significance of the amendment, and

b) advising where a copy of the amendment may be obtained or inspected, and

c) inviting comments and submissions within 21 days after publication of the notice; and

2. considered matters under section 10, as necessary.

### THE AMENDMENT

#### Commencement of Amendment

The scheme commenced on 8 October 2001 and is current for 5 years. The amendment to the scheme is to commence on the day after the date of its publication in the *Government Gazette*.

### RECOMMENDATION

The Council recommends that the Attorney General authorise the publication of the amendment in the *Government Gazette*.

The amendment is herewith

### SUBMITTED

Professional Standards Council

WARWICK WILKINSON AM,  
Chairman

<sup>1</sup> Pursuant to section 7(3)

<sup>2</sup> Pursuant to section 12

<sup>3</sup> Pursuant to section 13

<sup>4</sup> Section 16A provides that the provisions of section 7 - 15 apply, with any necessary modification, to the amendment of a scheme as well as to the making of a scheme

<sup>5</sup> Pursuant to section 8

### PUBLIC LOTTERIES ACT 1996

#### NOTICE OF AMENDMENT OF RULES FOR LOTTO

I, THE HONOURABLE JACK RICHARD FACE MP, Minister for Gaming and Racing, being the Minister for the time being administering the Public Lotteries Act 1996, and pursuant to section 23 of the Act, DO HEREBY APPROVE the amendments to the rules for the conduct by the New South Wales Lotteries Corporation, a corporation constituted under section 5 of the New South Wales Lotteries Corporation Act 1996, of Games of Lotto, as attached to this notice. The amended rules take effect from 1 December 2002 and replace Schedules 2 and 5 of the rules for Games of Lotto as approved on 5 July 2002.

DATED this 14th day of November 2002

SIGNED by  
The Honourable Jack Richard Face MP  
Minister for Gaming and Racing

#### SCHEDULE TO NOTICE OF AMENDMENT TO THE RULES FOR LOTTO

It is hereby notified that the Minister administering the Public Lotteries Act 1996 has approved of the amendments to the rules for Games of Lotto, as set out in this addendum.



In accordance with section 23(3)(b) of the Act, the amendments take effect from 1 December 2002.

**Schedule 2 – Lotto commission on Saturday competition**

Delete existing schedule and replace with the following new schedule:

SCHEDULE 2

**Lotto Commission on Saturday Competition**

Bet Type	Entry Type	\$	
<b>Standard</b>	4 games	0.25	
	6 games	0.30	
	8 games	0.35	
	10 games	0.40	
	12 games	0.45	
	14 games	0.50	
	16 games	0.60	
	18 games	0.70	
	24 games	1.00	
<b>System - Per Panel</b>	7	0.35	
	8	0.80	
	9	1.70	
	10	3.00	
	11	6.10	
	12	10.20	
	13	17.80	
	14	30.90	
	15	47.75	
<b>Multi- Week</b>	<b>5 weeks</b>		
		4 games	1.00
		6 games	1.40
		8 games	1.60
		10 games	1.80
		12 games	2.00
		14 games	2.50
		16 games	2.80
		18 games	3.40
24 games	4.80		
<b>Multi- Week</b>	<b>10 weeks</b>		
		4 games	2.00
		6 games	2.50
		8 games	3.20
		10 games	3.50
		12 games	4.20
		14 games	5.30
		16 games	5.80
		18 games	6.80
24 games	9.20		
<b>Multi- Week</b>	<b>25 weeks</b>		
		4 games	3.00
		6 games	5.00
		8 games	6.50
		10 games	7.00
		12 games	9.00
		14 games	11.00
		16 games	13.00
		18 games	15.00
24 games	20.00		

Multi- Week	50 weeks		
<b>Standard</b>	4 games	6.00	
	6 games	10.00	
	8 games	13.00	
	10 games	14.00	
	12 games	18.00	
	14 games	22.00	
	16 games	26.00	
	18 games	30.00	
	24 games	40.00	
	<b>System 7 - Per Panel</b>	5 weeks	0.70
		10 weeks	1.40
25 weeks		2.80	
50 weeks		5.60	
<b>System 8 - Per Panel</b>	5 weeks	1.70	
	10 weeks	3.40	
	25 weeks	6.80	
	50 weeks	13.00	
<b>System 9 - Per Panel</b>	5 weeks	2.25	
	10 weeks	4.50	
	25 weeks	9.00	
	50 weeks	16.00	
<b>System 10 - Per Panel</b>	5 weeks	3.80	
	10 weeks	7.20	
	25 weeks	14.40	
	50 weeks	25.00	
<b>System 11 - Per Panel</b>	5 weeks	7.80	
	10 weeks	15.60	
	25 weeks	30.00	
	50 weeks	57.00	
<b>System 12 - Per Panel</b>	5 weeks	15.00	
	10 weeks	30.00	
	25 weeks	58.00	
	50 weeks	110.00	
<b>System 13 - Per Panel</b>	5 weeks	27.40	
	10 weeks	45.00	
	25 weeks	90.00	
	50 weeks	150.00	
<b>System 14 - Per Panel</b>	5 weeks	45.00	
	10 weeks	85.00	
	25 weeks	100.00	
	50 weeks	180.00	
<b>System 15 - Per Panel</b>	5 weeks	68.00	
	10 weeks	130.00	
	25 weeks	150.00	
	50 weeks	280.00	
<b>System 16 - Per Panel</b>	5 weeks	87.00	
	10 weeks	170.00	
	25 weeks	190.00	
	50 weeks	370.00	
<b>System 17 - Per Panel</b>	5 weeks	130.00	
	10 weeks	250.00	
	25 weeks	270.00	
	50 weeks	500.00	
<b>System 18 - Per Panel</b>	5 weeks	290.00	
	10 weeks	480.00	
	25 weeks	510.00	
	50 weeks	1020.00	

**Schedule 5 – Cost of Saturday Lotto syndicate shares**

Delete existing schedule and replace with the following new schedule:

—————  
SCHEDULE 5

<b>SATURDAY LOTTO</b>				
ENTRY	FEE	SYNDICATE ENTRY	NO. OF SHARES	SYNDICATE FEE PER PANEL (Cost per Share)
System 10	\$97.50	System 10	5	\$19.50
System 10	\$97.50	System 10	10	\$9.75
System 11	\$214.00	System 11	5	\$42.80
System 11	\$214.00	System 11	10	\$21.40
System 12	\$426.00	System 12	5	\$85.20
System 12	\$426.00	System 12	10	\$42.60
System 12	\$426.00	System 12	20	\$21.30
System 13	\$790.00	System 13	5	\$158.00
System 13	\$790.00	System 13	10	\$79.00
System 13	\$790.00	System 13	20	\$39.50
System 14	\$1,382.25	System 14	5	\$276.45
System 15	\$2,300.00	System 15	5	\$460.00
System 15	\$2,300.00	System 15	25	\$92.00
System 16	\$3,684.00	System 16	5	\$736.80
System 16	\$3,684.00	System 16	10	\$368.40
System 16	\$3,684.00	System 16	20	\$184.20
System 16	\$3,684.00	System 16	40	\$92.10
System 17	\$5,692.00	System 17	5	\$1,138.40
System 17	\$5,692.00	System 17	10	\$569.20
System 17	\$5,692.00	System 17	20	\$284.60
System 17	\$5,692.00	System 17	40	\$142.30
System 18	\$8,568.00	System 18	5	\$1,713.60
System 18	\$8,568.00	System 18	10	\$856.80
System 18	\$8,568.00	System 18	20	\$428.40

**TRANSPORT ADMINISTRATION ACT 1988****LANDACQUISITION (JUST TERMS COMPENSATION) ACT 1991****NOTICE OF COMPULSORY ACQUISITION OF LAND FOR THE PURPOSES OF THE STATE RAIL AUTHORITY OF NEW SOUTH WALES**

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the subsurface stratum land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority, as authorised by the Transport Administration Act, 1988 being for underground rail facilities in connection with the Parramatta Rail Link.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 18th day of November 2002

—————  
HOWARD LACY,  
Chief Executive

—————  
SCHEDULE

All that subsurface stratum of land situate at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046092 having an area of 3.408 hectares or thereabouts, EXCLUDING THEREOUT in favour of the Ryde City Council as the benefiting authority an easement to drain water over that part of Lot 1 abovedescribed being shown in Deposited Plan 1046092 as “(AA) PROPOSED EASEMENT TO DRAIN WATER 9.13 WIDE”, and said to be in the possession of The Owners Strata Plan No.20191, Ryde City Council, The Owners Strata Plan No.7984, The Owners Strata Plan No.5906, Tranway Pty Limited, Trust Company of Australia Limited, MTAA Superannuation Fund (85 Waterloo Road) Property Pty Limited, ING Industrial Custodian Pty Limited, Marich Investments Pty Limited, Energy Australia, Sunsuper Pty Limited, Abbey Capital Real Estate Pty Limited, Community Association DP270258, Century Investment Management Services Pty Limited, The State of New South Wales and William Kent.

All that sub-surface stratum of land situate at Macquarie Park in the Local Government Area of Ryde, Parish of Hunters Hill, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046090 having an area of 3.070 hectares or thereabouts, EXCLUDING THEREOUT those parts of the easements shown on Deposited Plan 1046090 as “(B) EASEMENT FOR DRAINAGE 3.66 WIDE VIDE DP639013”, “(C) EASEMENT TO DRAIN WATER 3.66 WIDE VIDE DP563415” and “(E) EASEMENT FOR DRAINAGE 4 WIDE VIDE DP642480” above a height of 33 metres on Australian Height Datum, and said to be in the possession of Minister for Education and Training, Borbig Industries Pty Limited, A E Bishop & Associates Pty Limited, Lochrie Pty Limited, Unisys Australia Limited, Allianz Australia Insurance Limited (formerly MMI General Insurance Limited), Wix Pty Limited, Calardu North Ryde Pty Limited, Investa Properties Limited, Ryde City Council and The State of New South Wales.

SRA Reference: 012969

PRL Reference: 35338

**TRANSPORT ADMINISTRATION ACT 1988****LANDACQUISITION (JUST TERMS COMPENSATION) ACT 1991****NOTICE OF COMPULSORY ACQUISITION OF AN INTEREST IN LAND FOR THE PURPOSES OF THE STATE RAIL AUTHORITY OF NEW SOUTH WALES**

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the interest defined in Schedule 1 of this notice in the land described in Schedule 2 of this notice is acquired by compulsory process under the provisions of the Land

Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority, as authorised by the Transport Administration Act 1988, being for the Parramatta Rail Link and for underground rail facilities in connection therewith.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 18th day of November, 2002

HOWARD LACY,  
Chief Executive

—————  
SCHEDULE 1

(Interest)

A lease on the terms set out in Memorandum 8708752 for a term specified in Memorandum 8708752 and commencing on the date on which the notice of acquisition is published in the New South Wales *Government Gazette*. The Lease shall, in respect of the parcels of land described in Schedule 2, be between the registered proprietors of the parcels of land described in Schedule 2 (as lessors) and the State Rail Authority of New South Wales (as lessee).

—————  
SCHEDULE 2

(Land)

All that piece or parcel of land situate at NORTH RYDE in the Local Government Area of Ryde Parish of Hunters Hill County of Cumberland and State of New South Wales being that part of the land comprised within Computer Folio Identifier 1/863893 shown as Lot 101 in Deposited Plan 1044885 having an area of 1.022 hectares or thereabouts and said to be in the possession of Titania Services Pty Ltd RESERVING THEREOUT the Easement for Domestic & Fire Water Supply 1 metre wide created in favour of Lot 2 in Deposited Plan 863893.

All that stratum of land situate as aforesaid being that part of Delhi Road shown as Lot 103 in Deposited Plan 1044885 having an area of 1406 square metres or thereabouts and said to be in the possession of Ryde City Council.

SRA Reference: 012457

PRL Reference: 33527

**TRANSPORT ADMINISTRATION ACT 1988**

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

**NOTICE OF COMPULSORY ACQUISITION OF AN  
INTEREST IN LAND FOR THE PURPOSES OF THE  
STATE RAIL AUTHORITY OF NEW SOUTH WALES**

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the interest defined in Schedule 1 of this notice in the land described in Schedule 2 of this notice is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the

purposes of the State Rail Authority, as authorised by the Transport Administration Act 1988, being for the Parramatta Rail Link and for underground rail facilities in connection therewith.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 18th day of November, 2002

HOWARD LACY,  
Chief Executive

—————  
SCHEDULE 1

(Interest)

A lease on the terms set out in Memorandum 8708752 for a term specified in Memorandum 8708752 and commencing on the date on which the notice of acquisition is published in the New South Wales *Government Gazette*. The Lease shall, in respect of the parcels of land described in Schedule 2, be between the registered proprietors of the parcels of land described in Schedule 2 (as lessors) and the State Rail Authority of New South Wales (as lessee).

—————  
SCHEDULE 2

(Land)

All that piece or parcel of land and sub-surface stratum of land situate at MACQUARIE PARK in the Local Government Area of Ryde Parish of Hunters Hill County of Cumberland and State of New South Wales being that part of the land comprised within Folio Identifier 100/875114 shown at Lot 1 in Deposited Plan 1044956 having an area of 2,281 square metres or thereabouts said to be in the possession of Mirvac Funds Limited RESERVING THEREOUT those parts of Lease S738771 in favour of Sydney County Council of Sub Station Premises 5423, Right of Way and Easement for Electricity Purposes above a horizontal plane at 51.5 metres above Australian Height Datum.

Also, all that piece or parcel of land and sub-surface stratum of land situate as aforesaid being that part of the land comprised within Folio Identifier 2/1020108 shown as Lot 2 in Deposited Plan 1044956 having an area of 1,712 square metres or thereabouts and said to be in the possession of Whitfords Beach Pty Limited.

Also, all that stratum of land situate as aforesaid being that part of Lane Cove Road shown as Lot 4 in Deposited Plan 1044956 having an area of 29 square metres or thereabouts and said to be in the possession of Ryde City Council.

And Also, all that stratum of land situate as aforesaid being that part of Waterloo Road shown as Lot 5 in Deposited Plan 1044956 having an area of 101 square metres or thereabouts and said to be in the possession of Ryde City Council.

SRA Reference: 012726

PRL Reference: 33581

**TRANSGRID**  
**ELECTRICITY SUPPLY ACT 1995**

Land Acquisition (Just Terms Compensation) Act 1991

Notice of compulsory acquisition of stratum land  
and interest in land for electricity purposes

TransGrid, by its delegate Lionel Smyth, declares, with the approval of Her Excellency the Governor, that the lands described in Schedule 1 of this notice are 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, this 19th day of November 2002.

L. G. SMYTH,  
General Manager/Business Resources

SCHEDULE 1

(Stratum Land)

All that stratum of land situate in the Local Government Area of South Sydney City, Parish of Alexandria, County of Cumberland and State of New South Wales being that part of Cleveland Street, Dangar Street and Dangar Place and that part of folio identifiers CP/SP 56174, 1/606610, 2/606610, 3/606610, 1/955351, 1/724272, 1/108427, 2/108427, 3/108427, 4/108427, 5/108427, 6/108427, 7/108427, 8/108427, 9/108427, CP/SP50903, 1/999921, 2/999921, 1/135230, 3/561873, 4/561873 and CP/SP58556 shown as Lot 207, on plan registered number P.50319 in the office of TransGrid.

(P.50319)

And also, all that stratum of land situate in the Local Government Area of South Sydney City, Parish of Alexandria, County of Cumberland and State of New South Wales being that part of Abercrombie Street shown as Lot 208, on plan registered number P.50320 in the office of TransGrid.

(P.50320)

**PESTICIDES ACT 1999**

Pesticide Control Order under section 38

## ERRATUM

THE Pesticides Act 1999 - Pesticide Control Order under section 38 notices which appeared in the *Government Gazette* of the 15 November 2002 folios 9712 to 9766, No. 220 were to no effect. The orders failed to include a commencement date and therefore should be disregarded. These Orders are now republished in full following this erratum. The erratum corrects the previous week's error.

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**PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38****Name**

This Order is to be known as the Pesticide Control (1080 Rabbit Bait) Order 2002.

**Commencement**

This Order commences on 22 November 2002.

**Authority for Order**

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

**Revocation of Previous Order**

The previous Order known as the Pesticide Control (1080 Rabbit Bait) Order 2000, gazetted on 21 January 2000 is hereby revoked.

**Definitions**

In this Order -

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**Authorised control officer** means a person who: –

- (a) holds a current:
  - (i) certificate of completion issued by NSW Agriculture for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW Agriculture); or
  - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is employed by a Rural Lands Protection Board, NSW Agriculture, Wild Dog Destruction Board, NSW National Parks and Wildlife Service, or other NSW Government Agency or Authority.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

**1080 rabbit bait** means –

- (a) 1080 Poisoned Bait being a bait product prepared by an Authorised Control Officer from bait material consisting of carrots, oats or manufactured rabbit pellets only, to which is added 0.18 to 0.46 grams of 1080 from the product RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER (NRA registration number 33890) per kilogram of bait material; and
- (b) Rabbait 1080 Oat Bait (NRA Product Registration Number 50304) containing 0.4g/kg sodium fluoroacetate as its only active constituent.

**Registered training provider** means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

**Sodium monofluoroacetate** is also a reference to sodium fluoroacetate (also known as 1080).

**Use** includes possess.

### **Background**

Restricted chemical products/restricted pesticides

A chemical product containing sodium monofluoroacetate (also known as 1080) has been declared to be a “restricted chemical product” under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that “A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction.”

In NSW section 4 of the Pesticides Act provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

### **Objects**

The objects of this Order are to –

- (a) Authorise those persons described in condition 9(1) to use 1080 rabbit bait.
- (b) Authorise those persons described in condition 9(2) to use RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER.
- (c) Specify the manner in which 1080 rabbit bait and RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER may be used in NSW.
- (d) Revoke the Pesticide Control (1080 Rabbit Bait) Order 2000 gazetted on 21 January 2000.

### **Application**

This Order authorises the use of 1080 rabbit bait and RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER subject to conditions as specified in this Order.

**Persons authorised**

- (1) The following persons are authorised to use, subject to condition 10(1), 1080 rabbit bait only –
- (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
  - (b) Any person who has obtained the 1080 rabbit bait from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the 1080 rabbit bait is to be used.
- (2) The following persons are authorised to use, subject to condition 10(2), the product RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER (NRA registration number 33890): -
- (a) Authorised Control Officers

**Conditions on the use of 1080 rabbit bait and RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**

- (1) The person must only use 1080 rabbit bait in accordance with the permit described as "Permit to allow use of 1080 baits for control of Rabbits" PERMIT NUMBER PER2743 issued by the NRA and as set out in Schedule 1 to this Order.
- (2) The person must only use RENTOKIL A.F. SODIUM MONO-FLOUROACETATE TENATE (1080) BRAND VERMIN DESTROYER for the purpose of producing 1080 Poisoned Bait in accordance with section 3 of the 4<sup>th</sup> edition of the Vertebrate Pest Control Manual (published by NSW Agriculture 1996) and in accordance with the permit described as "Permit to allow use of 1080 baits for control of Rabbits" PERMIT NUMBER PER2743 issued by the NRA and as set out in Schedule 1 to this Order.

**Notes**

*Words used in an Order have the same meaning as in the Pesticides Act.*

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

*A pesticide control order remains in force until it is revoked by another pesticide control order.*

*Note: Any permit issued by the NRA which is set out in this Order has effect in NSW until such time as this Order is revoked.*

LISA CORBYN  
Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment

**Schedule 1***(condition 10)***PERMIT TO ALLOW  
USE OF 1080 BAIT  
FOR CONTROL OF RABBITS****PERMIT NUMBER – PER2743**

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- ≠ supply any requested information to the NRA;
- ≠ inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- ≠ comply with a lawful direction or requirement of an inspector; and
- ≠ provide a copy of the permit to persons who wish to possess and/or use specified 1080 products for the purpose specified in this permit.

This permit, which is issued for the reason given below, allows any person listed in **1. Persons** to possess and use the products listed in **2. Products** for the use specified in **3. Directions for use** in the jurisdictions listed in **4. States** according to **CONDITIONS OF PERMIT**.

A person who wishes to possess and use 1080 Poisoned Bait and Rabbait 1080 Oat Bait for the purposes specified in this permit must read, or have read to them the permit, particularly the information included in **CONDITIONS OF PERMIT**.

If this permit were not issued possession and use of the products specified in **2. Products** would constitute an offence under the Agvet Codes.

The persons listed in **1. Persons** must comply with all conditions listed in **CONDITIONS OF PERMIT** to be covered by this permit.

**THIS PERMIT IS IN FORCE FROM 1 OCTOBER 1999 TO 1 NOVEMBER 2002.**<sup>↓</sup>  
**It is in force until it expires or it is cancelled, suspended or surrendered.**

**Reason for issue of permit:**

In NSW supply and use of sodium fluoroacetate (1080) bait is subject to special conditions on use which may from time to time change due to regulatory requirements. NSW Agriculture has published the Vertebrate Pest Control Manual (4<sup>th</sup> edition July 1996) which stipulates the manner in which pesticides, among other methods, can be used to control vertebrate pests. This permit is consistent with the manual and places constraints on use of 1080 baits for rabbit control.

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<sup>↓</sup> Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.



**DETAILS OF PERMIT****1. Persons**

**Persons** are owners, occupiers, managers, authorised agents of the land (property or holding), Authorised Control Officers and persons directly supervised by Authorised Control Officers in respect to possession and use of 1080 products listed in 2. **Products**.

**2. Products****1. 1080 POISONED BAIT**

Containing: 0.18 to 0.46g/kg SODIUM FLUOROACETATE as its only active constituent.  
For the purposes of this permit "1080 Poisoned Bait" is a bait product prepared from bait material to which is added 0.18 to 0.46 grams of 1080 from the product **RENTOKIL AF SODIUM MONOFLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER** per kilogram of bait material, to be used for the control of rabbits. Bait material is carrots, oats and manufactured rabbit pellets. No other bait material can be used. Carrots must be diced into pieces roughly 2 centimetres by 2 centimetres in size or 5 grams in weight. Oats must only be used in trails. Only carrot bait material can be used in aerial applications.

**2. Rabbait 1080 Oat Bait**

Containing 0.4 g/kg SODIUM FLUOROACETATE as its only active constituent.

**3. DIRECTIONS FOR USE**

<b>Situation</b>	<b>Pest</b>	<b>Rate</b>
RURAL AND BUSHLAND AREAS <b>PERMIT</b>	RABBITS	Refer to the <b>CONDITIONS OF</b>

**Critical Use Comments:**

Refer to instructions in **CONDITIONS OF PERMIT**.

**4. States**

NSW and ACT.

**CONDITIONS OF PERMIT****POSSESSION OF 1080 POISONED BAIT AND RABBAIT 1080 OAT BAIT**

- 1.1 The products 1080 Poisoned Bait and Rabbait 1080 Oat Bait for the purpose of this permit will henceforth be referred to as "1080 baits" except where indicated otherwise.
- 1.2 This permit allows **Persons**, if they fully comply with **CONDITIONS OF PERMIT**, to possess 1080 baits and to claim that 1080 baits can be used for the purposes as outlined in 3. **DIRECTIONS FOR USE**.
- 1.3 Each person who takes possession of any 1080 baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding or their authorised agent or manager must complete and provide to the Authorised Control Officer who supplies the 1080 baits, a separate indemnity form in respect of each property or holding before any 1080 baits may be used on a specific property or holding.
- 1.5 An Authorised Control Officer must only issue 1080 baits to a person who is the owner or occupier of the land on which the 1080 baits are to be used ("landholder"), unless the person to whom the 1080 baits are issued is known by the Authorised Control Officer, to be the manager or authorised agent of the owner or occupier, and in control of the land upon which the 1080

baits are to be used or the person is under the direct supervision of the Authorised Control Officer.

- 1.6 Persons as stated under *1. Persons* may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 Poisoned Bait should be used immediately but where this is not possible 1080 Poisoned Bait must be used within 7 days. Rabbait 1080 Oat Bait must be used within 1 month of purchase from the issuing Rural Lands Protection Board or be returned to the issuing Rural Lands Protection Board within 1 month of purchase.

## 2. ***DIRECTIONS FOR USE - GENERAL RESTRICTIONS***

- 2.1 A person must not place 1080 baits in a position accessible to children, livestock, domestic animals or pets.
- 2.2 A person must not feed 1080 baits to wild or domestic birds.
- 2.3 A person must not apply 1080 baits to, or in, crops.
- 2.4 A person must not allow 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 baits are not to be used for any other purpose and must be disposed of by burning or deep burial. .

### 2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1 metre deep disposal pit on the property where the 1080 baits were used.

### 2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Clean Air (Control of Burning) Regulation 1995*. Persons using 1080 baits and wishing to dispose of bait packaging are subject to the following conditions:

The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Environment Protection Authority (EPA).

The burning of the Bait Packaging must be conducted in accordance with the public notification requirements in condition 4.1 of this permit.

The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.

The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.

The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Clean Air Act 1961*.

The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 baits or used containers.
- 2.7 1080 Poisoned Bait must be kept and stored in the labelled (as shown in **attachment 1**) plastic bag in which the 1080 Poisoned Bait is supplied to the landholder. Rabbait 1080 Oat Bait must be kept and stored in the container supplied by the manufacturer and bearing the NRA approved label.
- 2.8 At the end of a baiting program a person who has received 1080 baits must ensure that, to the extent which is practical, all untaken baits at baiting locations are collected and removed. This does not apply in the case of 1080 baits being applied by aircraft or broad scale broadcasting. All collected and unused 1080 baits must be disposed of, as soon as possible on the property where the 1080 baits were used by burial in a 1 metre deep disposal pit (except for Rabbait 1080 Oat Bait which must be returned to the Rural Lands Protection Board in accordance with condition 1.6). Buried 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).

### 3. ***DIRECTIONS FOR USE - DISTANCE RESTRICTIONS***

- 3.1. The minimum distances in this permit for the laying of 1080 baits have been set to minimise the risk to people and to non-target animals. 1080 Baits must not be laid where they can be washed into or contaminate surface or groundwaters. 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.

#### 3.2 ***Property Boundary:***

- 3.2.1 **Ground Baiting:** No 1080 baits shall be laid within 5 metres from any property boundary.

- 3.2.2 **Aerial Baiting:** No 1080 baits shall be laid within 100 metres from any property boundary by helicopter or fixed winged aircraft, except where a group of adjoining landholders all agree in writing to use 1080 baits as part of a coordinated rabbit control program under the conditions set out in 3.3.1.

#### 3.3 ***Habitation (means the dwelling or other place where any person, other than the owner/occupier carrying out the baiting, lives):***

- 3.3.1 **Ground Baiting:** No 1080 baits shall be laid within 500 metres of a habitation. An exemption is permitted in certain cases where a group of adjoining landholders all agree in writing to use 1080 baits as part of a coordinated rabbit control program. This coordinated rabbit control program cannot be implemented **UNLESS:**

- (i) **ALL** the landholders in the group are made fully aware of the problems associated with 1080 baits in closely settled areas; AND
- (ii) **EVERY** landholder in a group signs an agreement that they:
  - (a) have had explained to them the problems associated with 1080 baits in closely settled areas; and
  - (b) understands these problems; and
  - (c) waives the 500 metres distance restriction from their dwelling; and
  - (d) agrees to allow the implementation of the poisoning program; and
  - (e) accepts all responsibility for any problems arising from the program; AND
- (iii) **ALL** the landholders of the outermost holdings of the group abide by all the requirements of this permit in relation to adjoining properties not covered by the group activity.

- 3.3.2 **Aerial Baiting:** No 1080 baits shall be laid within 500 metres of a habitation by helicopter or by a fixed wing aircraft.

An exception is permitted where a group of adjoining landholders all agree in writing to allow 1080 baits to be laid by aircraft on their properties as part of a coordinated rabbit control program, under the conditions set out in 3.3.1.

3.4 ***Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point such as wells, bores):***

3.4.1 **Ground Baiting:** No 1080 baits shall be laid within 100 metres of a domestic water supply. Large water storage facilities such as Eucumbene, Wyangala and Chaffey dams can be ground baited to within 10 metres of the waterline.

3.4.2 **Aerial Baiting:** No 1080 baits shall be laid within 200 metres of a domestic water supply by helicopter or a fixed winged aircraft.

4. ***PUBLIC NOTIFICATION***

4.1 A person shall not lay any 1080 baits or burn plastic bags or containers in which 1080 baits were stored unless the person has first given a minimum of 3 days notice of the date the 1080 baits are to be laid and that plastic bags or containers which contained 1080 baits may be burnt on the property where the 1080 baits were used, to the occupier of every property which has a boundary within one kilometre of a baiting location or in the case of 1080 bait containers, the site where they will be burnt ("notification").

4.2. The notification can be given by telephone or in person, or, where this is not possible, by mail. If neighbours cannot be contacted by telephone, personal contact and mail then notification by advertisement in a local newspaper is permissible but only after all other methods of contacting neighbours have been unsuccessful.

4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification, otherwise further notification of intended baiting is required.

5. ***1080 POISONING NOTICES***

5.1 In every situation where 1080 baits are laid the person must erect notices immediately before 1080 poisoning operations commence on a property.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the property; and
- (ii) At the entrance to the actual baiting location; and
- (iii) At the extremities of and at 1 kilometre intervals along the property boundaries where the property fronts a public thoroughfare.

5.2 The notices may be obtained from the Rural Lands Protection Board, and must specify which animal species is being poisoned, and the date the 1080 baits are first laid or the dates between which 1080 baits will be laid.

6. ***RABBIT CONTROL WITH 1080 BAITS***

6.1 A person who lays 1080 baits must:

- (i) Not use disproportionate amounts of 1080 baits. The amount of bait must be consistent with the final consumption of free feed as described in Section 4.4 Poisoning of the Vertebrate Pest Control Manual; and
- (ii) Lay the baits in such a way that any uneaten 1080 baits can be readily found and destroyed.-This does not apply in the case of 1080 baits being applied by aircraft or broad scale broadcasting.

6.2 ***When to poison:***

Rabbit poisoning programs are inefficient if carried out during the breeding season, when rabbit movements are much more limited and consequently, they are less likely to find the bait. Also, kittens over 17 days old can survive even if the mother is poisoned and subsequent breeding by these survivors can cause rapid regrowth of the population.

**6.3 Free feeding:**

**Free feeding is compulsory:** For maximum control and to avoid using an excessive amount of 1080 bait, all rabbits must be encouraged to feed on the 1080 baits. It is therefore essential to first attract rabbits with a number of free feeds of unpoisoned bait. Three free feeds must be used to provide the greatest chance of success. Two free feeds may only be used when specifically recommended by an Authorised Control Officer. Each free feed must be laid at intervals of not less than two days. The amount of free feed must be adjusted each time until only a small amount of bait is left. Depending on the level of infestation, the first free feed may range from 4 to 20 kg/km but is usually 4 to 8kg/km for trailing or 4 to 15kg/ha for broadcasting.

**6.4 Bait selection and placement:**

Poisoned oats (1080 bait) must only be used in trails. Poisoned carrot (1080 bait) can be broadcast or used in trails. Only poisoned carrot (1080 baits) can be used in aerial applications.

1080 baits must be laid at the following intervals after the last free feed:

- (i) Trailing - minimum of 2 days; or
- (ii) Broadcasting - 3 to 5 days.

**6.5 Aerial baiting of rabbits in Water Catchment Areas:**

No aerial baiting for rabbit control can be carried out in the immediate catchment of water storage areas without approval from the Director General of NSW Agriculture and the Director General or Chief Executive Officer (CEO) of any government Department or Authority responsible for managing the respective catchment. Consult your Rural Lands Protection Board for further details.

**7 RISK TO DOMESTIC ANIMALS**

7.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, it is advisable to tie up or muzzle dogs during poisoning operations. Carcasses of poisoned rabbits can constitute a serious risk to dogs and where practicable, remove carcasses from the control area and dispose of by burial as specified in condition 2.8.

**7.2 CAUTION: Remove all livestock from baited areas.**

7.3 1080 baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

**8. RISK TO ENVIRONMENT AND WILDLIFE**

Routine agricultural activities are effectively exempt from provisions of the *Threatened Species Conservation Act 1995 (TSC Act)* and the *Environment Planning and Assessment Act 1979 (EP&A Act)* but persons using 1080 baits should be aware that large scale cooperative baiting programs may trigger provisions of the *EP&A Act* and may require an environmental impact statement. NSW Agriculture also holds a general Section 120 licence that requires it to provide notification if it becomes aware of the presence of threatened species. Persons using 1080 baits should pass on this information where it exists,

and should carefully choose bait types and placement techniques along with avoidance of baiting in threatened species habitat, to minimise the impact on threatened species.

Further information on the *EP&A Act* can be obtained from the Senior Environmental Planner, Department of Urban Affairs and Planning on 02 9391 2343 and in relation to the *TSC Act* from the Manager Threatened Species Unit, National Parks and Wildlife Service on 02 9585 6542.

**9. RISK TO HUMANS**

**9.1 SAFETY DIRECTIONS:**

**VERY DANGEROUS. Poisonous if swallowed. When opening the container and handling the bait, wear cotton overalls buttoned to the neck and wrist, washable hat and elbow-length PVC nitrile gloves. If product gets on skin, immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.**

**9.2 FIRST AID:**

**If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.**

Issued by

Delegated Officer

## ATTACHMENT 1

**DANGEROUS POISON S7****KEEP OUT OF REACH OF CHILDREN  
READ SAFETY DIRECTIONS BEFORE OPENING OR USING****1080 POISONED BAIT****ACTIVE CONSTITUENT: 0.2 TO 0.5g of SODIUM MONOFLUOROACETATE  
(1080) per kg of bait****FOR THE CONTROL OF RABBITS OR FERAL PIGS****DIRECTIONS FOR USE: TO BE USED ONLY IN ACCORDANCE  
WITH REGULATIONS FOR RABBIT OR FERAL PIG CONTROL IN NSW.****NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS  
AUTHORISED UNDER APPROPRIATE LEGISLATION.****SAFETY DIRECTIONS:**

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear cotton overalls, washable hat elbow-length PVC gloves. If products gets on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

**FIRST AID:**

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.

**PROTECTION OF LIVESTOCK, WILDLIFE AND OTHERS:**

Remove all livestock from baited area.  
Do not leave baits accessible to domestic animals, children and non-target wildlife.  
Do not contaminate streams, rivers or waterways with the product or this plastic bag.

**TRANSPORT, STORAGE AND DISPOSAL:**

This bait must be kept inside a secure location, away from food after procuring bait from the Rural Lands Protection Board. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from the Rural Lands Protection Board. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait should not be used for any other purpose. Dispose of this plastic bag and all unused or untaken bait by burying in an approved dump or by burning.

**MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:**

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

RURAL LANDS PROTECTION BOARDS

**KG NET**

**PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38****Name**

1. This Order is to be known as the Pesticide Control (1080 Feral Pig Bait) Order 2002.

**Commencement**

2. This Order commences on 22 November 2002.

**Authority for Order**

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

**Revocation of Previous Order**

4. The previous Order known as the Pesticide Control (1080 Feral Pig Bait) Order 2000, gazetted on 21 January 2000 is hereby revoked.

**Definitions**

5. In this Order -

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**Authorised control officer** means a person who: –

- (a) holds a current:
  - (i) certificate of completion issued by NSW Agriculture for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW Agriculture); or
  - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is employed by a Rural Lands Protection Board, NSW Agriculture, Wild Dog Destruction Board, NSW National Parks and Wildlife Service, or other NSW Government Agency or Authority.

**1080 feral pig bait** means 1080 Poisoned Bait which consists of bait material to which is added 0.31 to 0.46 grams of 1080 from the product RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER (NRA registration number 33890) per kilogram of bait material as prepared by an Authorised Control Officer.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

**Registered training provider** means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

**Sodium monofluoroacetate** is also a reference to sodium fluoroacetate (also known as 1080).

**Use** includes possess.



## Background

### *Restricted chemical products/restricted pesticides*

6. A chemical product containing sodium monofluoroacetate (also known as 1080) has been declared to be a "restricted chemical product" under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that "A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction".

In NSW section 4 of the Pesticides Act provides that a "restricted pesticide" means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

## Objects

7. The objects of this Order are to: –
  - (a) Authorise those persons described in condition 9(1) to use 1080 feral pig bait.
  - (b) Authorise those persons described in condition 9(2) to use RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER.
  - (c) Specify the manner in which 1080 feral pig bait and RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER may be used in NSW.
  - (d) Revoke the Pesticide Control (1080 Feral Pig Bait) Order 2000 gazetted on 21 January 2000.

## Application

8. This Order authorises the use of 1080 feral pig bait and RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER, subject to conditions as specified in this Order.

## Persons authorised

9. (1) The following persons are authorised to use, subject to condition 10(1), 1080 feral pig bait only: –
  - (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
  - (b) Any person who has obtained the 1080 feral pig bait from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the 1080 feral pig bait is to be used.
- (2) The following persons are authorised to use, subject to condition 10(2), the product RENTOKIL A.F. SODIUM MONO-FLOUROACETATE TENATE (1080) BRAND VERMIN DESTROYER (NRA registration number 33890): -
  - (a) Authorised Control Officers.

## **Conditions on the use of 1080 feral pig bait and RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**

10. (1) The person must only use 1080 feral pig bait in accordance with the permit described as "Permit to allow use of 1080 baits for control of Feral Pigs" PERMIT NUMBER PER2745 issued by the NRA, as set out in Schedule 1 to this Order.

(2) The person must only use RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER for the purpose of producing 1080 feral pig bait in accordance with section 3 of the 4<sup>th</sup> edition of the Vertebrate Pest Control Manual (published by NSW Agriculture 1996) and in accordance with the permit described as "Permit to allow use of 1080 baits for control of Feral Pigs" PERMIT NUMBER PER2745 issued by the NRA, as set out in Schedule 1 to this Order.

### Notes

*Words used in this Order have the same meaning as in the Pesticides Act 1999.*

*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.*

*A pesticide control order remains in force until it is revoked by another pesticide control order.*

*Note: Any permit issued by the NRA which is set out in this Order has effect in NSW until such time as this Order is revoked.*

LISA CORBYN  
Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment

**Schedule 1***(condition 10)***PERMIT TO ALLOW  
USE OF 1080 BAIT  
FOR CONTROL OF FERAL PIGS****PERMIT NUMBER – PER2745**

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- ## supply any requested information to the NRA;
- ## inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- ## comply with a lawful direction or requirement of an inspector; and
- ## provide a copy of the permit to persons who wish to possess and/or use specified 1080 products for the purpose specified in this permit.

This permit, which is issued for the reason given below, allows any person listed in **1. Persons** to possess and use the products listed in **2. Products** for the use specified in **3. Directions for use** in the jurisdictions listed in **4. States** according to **CONDITIONS OF PERMIT**.

A person who wishes to possess and use 1080 Poisoned Bait for the purposes specified in this permit must read, or have read to them the permit, particularly the information included in **CONDITIONS OF PERMIT**.

If this permit were not issued possession and use of the products specified in **2. Products** would constitute an offence under the Agvet Codes.

The persons listed in **1. Persons** must comply with all conditions listed in **CONDITIONS OF PERMIT** to be covered by this permit.

**THIS PERMIT IS IN FORCE FROM 1 OCTOBER 1999 TO 1 NOVEMBER 2002.**<sup>↓</sup>  
**It is in force until it expires or it is cancelled, suspended or surrendered.**

**Reason for issue of permit:**

In NSW supply and use of sodium fluoroacetate (1080) bait is subject to special conditions of use which may from time to time change due to regulatory requirements. NSW Agriculture has published the Vertebrate Pest Control Manual (4<sup>th</sup> edition July 1996) which stipulates the manner in which pesticides, among other methods, should be used to control vertebrate pests. This permit is consistent with the manual and places constraints on use of 1080 baits for feral pig control.

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<sup>↓</sup> Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.

**DETAILS OF PERMIT****1. Persons**

**Persons** are owners, occupiers, managers, authorised agents of the land (property or holding), Authorised Control Officers and persons directly supervised by Authorised Control Officers in respect to possession and use of 1080 products listed in 2. **Products**.

**2. Products****1. 1080 POISONED BAIT**

Containing: 0.31 to 0.46g/kg SODIUM FLUOROACETATE as its only active constituent. For the purposes of this permit "1080 Poisoned Bait" is a bait product prepared from bait material to which is added 0.31 to 0.46 grams of 1080 from the product **RENTOKIL AF SODIUM MONOFLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER** per kilogram of bait material, to be used for the control of feral pigs. Bait material is manufactured pellets, grain, apples, quinces, cucurbits or root vegetables. Except for manufactured pellets and grain, bait material must be diced into pieces roughly 2 centimetres by 2 centimetres in size or 5 grams in weight. Manufactured pellets and grain must not be used in trails. Meat baits must not be used.

**3. DIRECTIONS FOR USE**

<b>Situation</b>	<b>Pest</b>	<b>Rate</b>
RURAL AND BUSHLAND AREAS	FERAL PIGS	Refer to the <b>CONDITIONS OF PERMIT</b>

**Critical Use Comments:**

Refer to instructions in **CONDITIONS OF PERMIT**.

**4. States**

NSW

**CONDITIONS OF PERMIT****POSSESSION OF 1080 POISONED BAIT**

- 1.1 This permit allows **Persons**, if they fully comply with **CONDITIONS OF PERMIT**, to possess 1080 POISONED BAIT ("1080 baits") that contain 0.31 to 0.46g/kg SODIUM FLUOROACETATE as their only active constituent and to claim that 1080 baits can be used for the purposes as outlined in 3. **DIRECTIONS FOR USE**.
- 1.2 Each person who takes possession of any 1080 baits must first sign an indemnity form.
- 1.3 A person who owns or occupies more than one property or holding or their authorised agent or manager must complete and provide to the Authorised Control Officer who supplies the 1080 baits, a separate indemnity form in respect of each property or holding before any 1080 baits may be used on a specific property or holding.
- 1.4 An Authorised Control Officer must only issue 1080 baits to a person who is the owner or occupier of the land on which the 1080 baits are to be used ("landholder"), unless the person to whom the 1080 baits are issued is known by the Authorised Control Officer, to be the manager or authorised agent of the owner or occupier, and in control of the land upon which the 1080 baits are to be used or the person is under the direct supervision of the Authorised Control Officer.
- 1.5 Persons as stated under **1. Persons** may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All

1080 Poisoned Bait should be used immediately but where this is not possible 1080 Poisoned Bait must be used within 7 days.

## 2. ***DIRECTIONS FOR USE - GENERAL RESTRICTIONS***

- 2.1 A person must not place 1080 baits in a position accessible to children, livestock, domestic animals or pets.
- 2.2 A person must not feed 1080 baits to wild or domestic birds.
- 2.3 A person must not apply 1080 baits to, or in, crops.
- 2.4 A person must not allow 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 baits are not to be used for any other purpose and must be disposed of by burning or deep burial. .

### 2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1 metre deep disposal pit on the property where the 1080 baits were used.

### 2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Clean Air (Control of Burning) Regulation 1995*. Persons using 1080 baits and wishing to dispose of bait packaging are subject to the following conditions:

1. The amount of bait packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Environment Protection Authority (EPA).
2. The burning of the bait packaging must be conducted in accordance with the public notification requirements in condition 4.1 of this permit.
3. The burning of the bait packaging must be carried out at least 500 metres from any human habitation.
4. The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
5. The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Clean Air Act 1961*.
6. The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 baits or used containers.
- 2.7 1080 Poisoned Bait must be kept and stored in the labelled (as shown in **attachment 1**) plastic bag in which the 1080 Poisoned Bait is supplied to the landholder.
- 2.8 At the end of a baiting program a person who has received 1080 baits must ensure that, to the extent which is practical, all untaken baits at baiting locations are collected and removed. All collected and unused 1080 baits must be disposed of, as soon as possible on the property

where the 1080 baits were used by burial in a 1 metre deep disposal pit. Buried 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).

- 2.9 Continuous and ongoing baiting may be necessary in some instances to reduce the impact of feral pigs in environmentally sensitive areas. Such programs may be undertaken only if the risk to non-target species is low (see also Risk to Domestic Animals and Risk to Environment and Wildlife).

### 3. ***DIRECTIONS FOR USE - DISTANCE RESTRICTIONS***

- 3.1. The minimum distances in this permit for the laying of 1080 baits have been set to minimise the risk to people and to non-target animals. 1080 baits must not be laid where they can be washed into or contaminate surface or groundwaters. 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.

- 3.2 ***Property Boundary:*** No 1080 baits shall be laid within 5 metres from any property boundary

- 3.3 ***Habitation (means the dwelling or other place where any person, other than the owner/occupier carrying out the baiting, lives):***. No 1080 baits shall be laid within 500 metres of a habitation

- 3.4 ***Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point such as wells, bores):*** No 1080 baits shall be laid within 100 metres of a domestic water supply. Large water storage facilities such as Eucumbene, Wyangala and Chaffey dams can be ground baited to within 10 metres of the waterline.

- 3.5 ***Public Roads:*** No 1080 baits shall be laid within 200 metres of a public road.

### 4. ***PUBLIC NOTIFICATION***

- 4.1 A person shall not lay any 1080 baits or burn plastic bags or containers in which 1080 baits were stored unless the person has first given a minimum of 3 days notice of the date the 1080 baits are to be laid and that plastic bags or containers which contained 1080 baits may be burnt on the property where the 1080 baits were used, to the occupier of every property which has a boundary within one kilometre of a baiting location or in the case of 1080 bait containers, the site where they will be burnt ("notification").

- 4.2. The notification can be given by telephone or in person, or, where this is not possible, by mail. If neighbours cannot be contacted by telephone, personal contact and mail then notification by advertisement in a local newspaper is permissible but only after all other methods of contacting neighbours have been unsuccessful.

- 4.3 Baiting must begin within 7 days of notification and must be completed within 14 days of notification. Further notification is required for use of 1080 baits beyond this 14 day period.

1080 baits must not be laid on more than 3 consecutive days. Adequate free feeding should minimise the number of pigs that remain after this 3 day baiting period. Further free feeding in accordance with condition 6.2. can be undertaken to determine the amount of bait material required to control any remaining pigs. This amount of 1080 baits may then be laid for no more than 3 consecutive days. The total number of days on which 1080 baits are laid must not exceed 6 days during any 14 day notification period

### 5. ***1080 POISONING NOTICES***

- 5.1 In every situation where a person lays 1080 baits they must erect notices immediately before 1080 poisoning operations commence on a property.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the property; and
- (ii) At the entrance to the actual baiting location; and
- (iii) At the extremities of and at 1 kilometre intervals along the property boundaries where the property fronts a public thoroughfare.

5.2 The notices may be obtained from the Rural Lands Protection Board, and must specify which animal species is being poisoned, and the date the 1080 baits are first laid or the dates between which 1080 baits will be laid.

## 6. ***FERAL PIG CONTROL WITH 1080 BAITS***

6.1 A person who lays 1080 baits must:

- (i) Only apply an amount of 1080 bait consistent with the final consumption of free feed (see Vertebrate Pest Control Manual); and
- (ii) Lay the baits in such a way that any uneaten 1080 baits can be readily found and destroyed.

### 6.2 ***Free feeding:***

#### **Free feeding is compulsory.**

For maximum control and to avoid using an excessive amount of 1080 bait, all pigs must be encouraged to feed on the 1080 baits. It is therefore essential to first attract pigs with a number of free feeds of unpoisoned bait. Unpoisoned bait must be laid for at least 3 nights before laying any 1080 baits. This period may need to be extended for up to 2 weeks to ensure all feral pigs in the area are feeding on the bait. The amount of free feed must be adjusted each time until only a small amount of the bait is left.

### 6.3 ***Bait selection and placement:***

Poisoned grain and manufactured pellets (1080 bait) may only be used in bait stations but must not be used in trails. A bait station is a fenced enclosure/exclosure (usually 20x50 metres) to exclude livestock but to allow pigs to push underneath and contains a shallow hole to hold bait. Poisoned apples, quinces, cucurbits and root vegetables may only be used in trails and bait stations.

1080 baits must not be used for more than three consecutive days. Any bait still left on the ground must then be collected and buried in a disposal pit in accordance with condition 2.8. If necessary, free feeding may be started again to determine if any pigs remain.

## 7 ***RISK TO DOMESTIC ANIMALS***

7.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, it is advisable to tie up or muzzle dogs during poisoning operations. Where practicable, remove carcasses from the control area and dispose of by burial as specified in condition 2.8.

7.2 1080 baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

## 8. ***RISK TO ENVIRONMENT AND WILDLIFE***

Routine agricultural activities are effectively exempt from provisions of the Threatened Species Conservation Act 1995 (TSC Act) and the Environment Planning and Assessment Act 1979 (EP&A Act) but persons using 1080 baits should be aware that large scale cooperative baiting programs may trigger provisions of the EP&A Act and may require an environmental impact statement. NSW Agriculture also holds a general Section 120 licence that requires it to provide notification if it becomes aware of the presence of threatened species. Persons using 1080 baits should pass on this information

where it exists, and should carefully choose bait types and placement techniques along with avoidance of baiting in threatened species habitat, to minimise the impact on threatened species.

Further information on the EP&A Act can be obtained from the Senior Environmental Planner, Department of Urban Affairs and Planning on 02 9391 2343 and in relation to the TSC Act from the Manager Threatened Species Unit, National Parks and Wildlife Service on 02 9585 6542.

**9. RISK TO HUMANS**

**9.1 SAFETY DIRECTIONS:**

**VERY DANGEROUS. Poisonous if swallowed. When opening the container and handling the bait, wear cotton overalls buttoned to the neck and wrist, washable hat and elbow-length PVC gloves. If product gets on skin, immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.**

**9.2 FIRST AID:**

**If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.**

Issued by

Delegated Officer



## ATTACHMENT 1

**DANGEROUS POISON S7****KEEP OUT OF REACH OF CHILDREN  
READ SAFETY DIRECTIONS BEFORE OPENING OR USING****1080 Poisoned Bait****ACTIVE CONSTITUENT: 0.2 TO 0.5g of SODIUM MONOFLUOROACETATE  
(1080) per kg of bait****FOR THE CONTROL OF RABBITS OR FERAL PIGS****DIRECTIONS FOR USE: TO BE USED ONLY IN ACCORDANCE  
WITH REGULATIONS FOR RABBIT OR FERAL PIG CONTROL IN NSW.****NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS  
AUTHORISED UNDER APPROPRIATE LEGISLATION.****SAFETY DIRECTIONS:**

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear cotton overalls, washable hat elbow-length PVC gloves. If products gets on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

**FIRST AID:**

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.

**PROTECTION OF LIVESTOCK, WILDLIFE AND OTHERS:**

Remove all livestock from baited area.

Do not leave baits accessible to domestic animals, children and non-target wildlife.

Do not contaminate streams, rivers or waterways with the product or this plastic bag.

**TRANSPORT, STORAGE AND DISPOSAL:**

This bait must be kept inside a secure location, away from food after procuring bait from the Rural Lands Protection Board. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from the Rural Lands Protection Board. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait should not be used for any other purpose. Dispose of this plastic bag and all unused or untaken bait by burying in an approved dump or by burning.

**MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:**

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

**RURAL LANDS PROTECTION BOARDS****KG NET**

**PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38****Name**

1. This Order is to be known as the Pesticide Control (1080 Wild Dog Bait) Order 2002.

**Commencement**

2. This Order commences on 22 November 2002.

**Authority for Order**

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

**Revocation of Previous Order**

4. The previous Order known as the Pesticide Control (1080 Wild Dog Bait) Order 2000, gazetted on 21 January 2000 is hereby revoked.

**Definitions**

5. In this Order -

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**Authorised control officer** means a person who: –

- (a) holds a current:
  - (i) certificate of completion issued by NSW Agriculture for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW Agriculture); or
  - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is employed by a Rural Lands Protection Board, NSW Agriculture, Wild Dog Destruction Board, NSW National Parks and Wildlife Service, or other NSW Government Agency or Authority.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

**Registered training provider** means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

**Sodium monofluoroacetate** is also a reference to sodium fluoroacetate (also known as 1080).

**Use** includes possess.

**1080 wild dog bait** means –

- (a) 1080 Poisoned Bait being a bait product prepared by an Authorised Control Officer from boneless red meat, or for ground baiting only, pieces of offal such as tongue, kidney, liver

or manufactured baits such as “Den-Sing Sausages to which is added 6 milligrams of 1080 from the product RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER (NRA registration number 33890) per bait; and

- (b) Doggone Wild Dog Bait (NRA product Registration number 49384) containing 6.0mg Sodium Fluoroacetate per bait as its only active constituent.

### Background

Restricted chemical products/restricted pesticides

6. A chemical product containing sodium monofluoroacetate (also known as 1080) has been declared to be a “restricted chemical product” under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that “A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction.”

In NSW section 4 of the Pesticides Act provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

### Objects

7. The objects of this Order are to –
- (a) Authorise those persons described in condition 9(1) to use 1080 wild dog bait.
  - (b) Authorise those persons described in condition 9(2) to use RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER.
  - (c) Specify the manner in which 1080 wild dog bait and RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER may be used in NSW.
  - (d) Revoke the Pesticide Control (1080 Wild Dog Bait) Order 2000 gazetted on 21 January 2000.

### Application

8. This Order authorises the use of 1080 wild dog bait and RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER subject to conditions as specified in this Order.

### Persons authorised

9. (1) The following persons are authorised to use, subject to condition 10(1), 1080 wild dog bait only –
- (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
  - (b) Any person who has obtained the 1080 wild dog bait from an Authorised Control Officer and who is the owner, occupier, manager, or authorised agent of the land, property or holding where the 1080 wild dog bait is to be used
- (2) The following persons are authorised to use, subject to condition 10(2), the product RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER (NRA registration number 33890): -

(a) Authorised Control Officers

**Conditions on the use of 1080 wild dog bait and RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**

10. (1) The person must only use 1080 wild dog bait in accordance with the permit described as "Permit to allow use of 1080 baits for control of Wild Dogs" PERMIT NUMBER PER2744 issued by the NRA, as set out in Schedule 1 to this Order.

(2) The person must only use RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER for the purpose of producing 1080 Poisoned Bait in accordance with section 3 of the 4<sup>th</sup> edition of the Vertebrate Pest Control Manual (published by NSW Agriculture 1996) and in accordance with the permit described as "Permit to allow use of 1080 baits for control of Wild Dogs" PERMIT NUMBER PER2744 issued by the NRA, as set out in Schedule 1 to this Order.

**Notes**

*Words used in an Order have the same meaning as in the Pesticides Act 1999.*

*A person must not contravene a pesticide control order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.*

*A pesticide control order remains in force until it is revoked by another pesticide control order.*

*Note: Any permit issued by the NRA which is set out in this Order has effect in NSW until such time as this Order is revoked.*

*\*Note for users of the Doggone Wild Dog Bait product – Schedule 1 is different in three respects from the approved label for the product. The differences relate to the intervals at which the baits should be placed, the positioning of 1080 poisoning notices and the distance in NSW from habitations other than the user's dwelling. Users of the Doggone product must comply with the provisions of this Order ( section 39(3) of the Pesticides Act 1999).*

LISA CORBYN  
Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment

**Schedule 1***(condition 10)***PERMIT TO ALLOW  
USE OF 1080 BAITS  
FOR CONTROL OF WILD DOGS****PERMIT NUMBER – PER2744**

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- ⊘ supply any requested information to the NRA;
- ⊘ inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- ⊘ comply with a lawful direction or requirement of an inspector; and
- ⊘ provide a copy of the permit to persons who wish to possess and/or use the product for the purpose specified in this permit.

This permit for the reason given below allows any person listed in **1. Persons** to possess and use the products listed in **2. Products** for the use specified in **3. DIRECTIONS FOR USE** in the jurisdictions listed in **4. States** according to **CONDITIONS OF PERMIT**.

Any Person who wishes to prepare for use and/or use 1080 Poisoned Bait and Doggone Wild Dog Bait for the purposes specified in this permit must read, or have read to them the permit, particularly the information included in **CONDITIONS OF PERMIT**.

If this permit were not issued possession and use of the product, specified, in **2. Products** would constitute an offence under the Agvet Codes.

The persons listed in **1. Persons** must comply with all conditions listed in **CONDITIONS OF PERMIT** to be covered by this permit.

**THIS PERMIT IS IN FORCE FROM 1 OCTOBER 1999 TO 1 NOVEMBER 2002.**<sup>↓</sup>  
**It is in force until it expires or it is cancelled, suspended or surrendered.**

**Reason for issue of permit:**

In NSW supply and use of sodium fluoroacetate (1080) bait is subject to special conditions on use which may from time to time change due to regulatory requirements. NSW Agriculture has published the Vertebrate Pest Control Manual (4<sup>th</sup> edition July 1996) which stipulates the manner in which pesticides, among other methods, can be used to control vertebrate pests. This permit is consistent with the manual and places constraints on use of 1080 baits for wild dog control.

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<sup>↓</sup> Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.

**DETAILS OF PERMIT****1. Persons**

**Persons** are owners, occupiers, managers, authorised agents of the land (property or holding), Authorised Control Officers and persons directly supervised by Authorised Control Officers in respect to possession and use of 1080 products listed in 2. **Products**.

**2. Products****1. 1080 POISONED BAIT**

Containing 6mg SODIUM FLUOROACETATE per bait, as its only active constituent. For the purposes of this permit "1080 Poisoned Bait" is a bait product prepared from bait material to which is added 6 milligrams of 1080 from the product RENTOKIL AF SODIUM MONOFLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER per bait, to be used for the control of wild dogs. Bait material is pieces of boneless red meat, or for ground baiting only, pieces of offal such as tongue, kidney, liver or manufactured baits such as 'Den-Sing Sausages' can be used as bait for wild dog control. Each piece of bait must weigh approximately 250 grams.

**2. DOGGONE WILD DOG BAIT**

Containing 6.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

**3. DIRECTIONS FOR USE**

Situation	Pest	Rate
RURAL AND BUSHLAND AREAS <b>CONDITIONS OF</b>	WILD DOGS	Refer to <b>PERMIT</b>

**Critical Use Comments:**

Refer to instructions in **CONDITIONS OF PERMIT**.

**4. States**

NSW

**CONDITIONS OF PERMIT****POSSESSION OF 1080 POISONED BAIT, DOGGONE WILD DOG BAIT**

- 1.1 The products 1080 Poisoned Bait and Doggone Wild Dog Bait for the purpose of this permit will henceforth be referred to as "1080 baits" except where indicated otherwise.
- 1.2 This permit allows **Persons**, if they fully comply with **CONDITIONS OF PERMIT**, to possess 1080 baits and to claim that 1080 baits can be used for the purposes as outlined in 3. **DIRECTIONS FOR USE**.
- 1.3 Each person who takes possession of any 1080 baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding or their authorised agent or manager must complete and provide to the Authorised Control Officer who supplies the 1080 baits, a separate indemnity form in respect of each property or holding before any 1080 baits may be used on the specified property or holding.
- 1.5 An Authorised Control Officer must only issue 1080 baits to a person who is the owner or occupier of the land on which the 1080 baits are to be used ("landholder"), unless the person to whom the 1080 baits are issued is known by the Authorised Control Officer to be the manager

or authorised agent of the owner or occupier, and in control of the land upon which the 1080 baits are to be used or the person is under the direct supervision of the Authorised Control Officer.

- 1.6 Persons as stated under *1. Persons* may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 Poisoned Bait should be used immediately but where this is not possible 1080 Poisoned Bait must be used within 7 days. **DOGGONE WILD DOG BAIT** must be used within 1 month of purchase from the issuing Rural Lands Protection Board or be returned to the issuing Rural Lands Protection Board within 1 month of purchase.

## 2. ***DIRECTIONS FOR USE - GENERAL RESTRICTIONS***

- 2.1 A person must not place the 1080 baits in a position accessible to children, livestock, domestic animals or pets.
- 2.2 A person must not feed 1080 baits to wild or domestic birds.
- 2.3 A person must not apply 1080 baits to, or in, crops.
- 2.4 A person must not allow 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 baits are not to be used for any other purpose and must be disposed of by burning or deep burial.

### 2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1 metre deep disposal pit on the property where the 1080 baits were used.

### 2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Clean Air (Control of Burning) Regulation 1995*. Persons using 1080 baits and wishing to dispose of bait packaging are subject to the following conditions:

1. The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Environment Protection Authority (EPA).
2. The burning of the Bait Packaging must be conducted in accordance with the public notification requirements in condition 4.1 of this permit.
3. The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.
4. The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
5. The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Clean Air Act 1961*.
6. The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 baits or used containers.
- 2.7 1080 Poisoned baits must be kept and stored in the labelled (as shown in **attachment 1**) plastic bag in which the 1080 Poisoned Bait is supplied to the landholder. DOGGONE WILD DOG BAIT must be kept and stored in the container supplied by the manufacturer and bearing the NRA approved label.
- 2.8 At the end of a baiting program a person who has received 1080 baits must ensure that all untaken baits at baiting locations are collected and removed. All collected and unused 1080 baits must be disposed of, as soon as possible on the property where the 1080 baits were used by burial in a 1 metre deep disposal pit (except for unused DOGGONE WILD DOG BAIT which must be returned to the Rural Lands Protection Board in accordance with condition 1.7). Buried 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).

### 3. ***DIRECTIONS FOR USE - DISTANCE RESTRICTIONS***

- 3.1 The minimum distances in this permit for the laying of 1080 baits have been set to minimise the risk to people and to non-target animals. 1080 Baits must not be laid where they can be washed into or contaminate surface or groundwaters. 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.
- 3.2 ***Property Boundary:***
- 3.2.1 **Ground Baiting:** No 1080 baits shall be laid within 5 metres from any property boundary.
- 3.2.2 **Aerial Baiting:** No 1080 baits shall be laid within 10 metres from any property boundary by helicopter or 100 metres by fixed winged aircraft (Western Division only).
- 3.3 ***Habitation (means the dwelling or other place where any person, other than the owner/occupier carrying out the baiting, lives):***
- 3.3.1 **Ground Baiting:** No 1080 baits shall be laid within 500 metres of a habitation.
- 3.3.2 **Aerial Baiting:** No 1080 baits shall be laid within 500 metres of a habitation by helicopter or 1000 metres by a fixed wing aircraft.
- 3.4 ***Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point such as wells, bores):***
- 3.4.1 **Ground Baiting:** No 1080 baits shall be laid within 10 metres of a domestic water supply.
- 3.4.2 **Aerial Baiting:** No 1080 baits shall be laid within 20 metres of a domestic water supply by helicopter or (in Western Division only) 100 metres by a fixed winged aircraft.

### 4. ***PUBLIC NOTIFICATION***

- 4.1 A person shall not lay any 1080 baits or burn plastic bags or containers in which 1080 baits were stored unless the person has first given a minimum of 3 days notice of the date the 1080 baits are to be laid and that plastic bags or containers which contained 1080 baits may be burnt on the property where the 1080 baits were used, to the occupier of every property which has a boundary within one kilometre of a baiting location or in the case of 1080 bait containers, the site where they will be burnt ("notification").



- 4.2. The notification can be given by telephone or in person or, where this is not possible, by mail. If neighbours cannot be contacted by telephone, personal contact and mail then notification by advertisement in a local newspaper is permissible but only after all other methods of contacting neighbours have been unsuccessful.
- 4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification otherwise further notification of intended baiting is required.

#### 5. ***EMERGENCY BAITING***

- 5.1 A person whose stock or poultry are being mauled, killed or harassed may lay up to fifty (50) 1080 baits. This is the only occasion where the normal 3 day public notice period is not required. The landholder must however, notify anyone, whose property boundary lies within one kilometre of a baiting location, immediately before laying the 1080 baits.
- 5.2 Where soil conditions allow, 1080 baits must be placed in a 10cm deep hole, covered with earth, and tied to a support such as a fence. This reduces the risk to non-target animals.

#### 6. ***1080 POISONING NOTICES***

- 6.1 In every situation where a person lays 1080 baits they must erect notices before 1080 poisoning operations commence on a property. This also applies before emergency baiting can begin.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the property; and
  - (ii) At the entrance to the actual baiting location; and
  - (iii) At the extremities of and at 1 kilometre intervals along the property boundaries where the property fronts a public thoroughfare.
- 6.2 The notices may be obtained from the Rural Lands Protection Board, and must specify which animal species is being poisoned, and the date the 1080 baits are first laid or the dates between which baits will be laid.

#### 7. ***1080 GROUND BAITING ON SMALL HOLDINGS***

- 7.1 Where a person lays 1080 baits on a property of less than 100ha, the person must check the 1080 baits not later than the 3rd night after the 1080 baits have been laid, and must collect and destroy all untaken 1080 baits before the 7th night after the 1080 baits were laid. All untaken 1080 baits are to be disposed of in accordance with condition 2.8. This does not preclude replacement baiting for longer than 7 nights where 1080 baits continue to be taken.

#### 8. ***1080 LARGE SCALE GROUND BAITING***

- 8.1 A person who lays 1080 baits must:
- (i) Not lay more than four 1080 baits per kilometre of trial (i.e. 250 metres between baits). For mound and other ground baiting applications, a person must not lay more than 16 baits per 100 hectares; and
  - (ii) Not lay more than fifty (50) 1080 baits on any one property or holding unless the baiting program is planned in conjunction with an Authorised Control Officer; and
  - (iii) Lay the 1080 baits in such a way that any untaken 1080 baits can be readily found and destroyed in accordance with condition 2.8. **This does not apply in the case of baits being applied by aircraft.**

## 9. ***AERIAL BAITING***

- 9.1 Aerial baiting for wild dog control can only be used for large scale predation problems where ground control is impractical. Specific approval for such use must be obtained from the Director-General for Agriculture. Aerial baiting must be organised through wild dog control associations or the Wild Dog Destruction Board. All programs involving aerial application of 1080 baits must comply with the guidelines contained in the Vertebrate Pest Control Manual and require careful planning and consultation. Your local Rural Lands Protection Board has full details.

**NOTE:** Offal or "Den-Sing Sausages" are not to be used for aerial baiting.

## 10. ***BAIT PLACEMENT PROCEDURES***

- 10.1 Wild dogs generally follow established trails which are usually associated with fence lines or geographical features. Lay 1080 baits at regular intervals along these trails and at sites of recent attacks on stock.
- 10.2 There is no need to free feed. For small scale ground baiting, 1080 baits must only be laid where they can be readily found again.

## 11. ***RISK TO DOMESTIC ANIMALS***

- 11.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, it is advisable to tie up or muzzle dogs during poisoning operations and if paddocks have to be mustered after poisoning.
- 11.2 1080 baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

## 12. ***RISK TO ENVIRONMENT AND WILDLIFE***

Routine agricultural activities are effectively exempt from provisions of the *Threatened Species Conservation Act 1995 (TSC Act)* and the *Environment Planning and Assessment Act 1979 (EP&A Act)* but persons using 1080 baits should be aware that large scale cooperative baiting programs may trigger provisions of the *EP&A Act* and may require an environmental impact statement. NSW Agriculture also holds a general Section 120 licence that requires it to provide notification if it becomes aware of the presence of threatened species. Persons using 1080 baits should pass on this information where it exists, and should carefully choose bait types and placement techniques to minimise the impact on threatened species.

Further information on the *EP&A Act* can be obtained from the Senior Environmental Planner, Department of Urban Affairs and Planning on 02 9391 2343 and in relation to the *TSC Act* from the Manager Threatened Species Unit, National Parks and Wildlife Service on 02 9585 6542.

## 13. ***RISK TO HUMANS***

### 13.1 ***SAFETY DIRECTIONS:***

**VERY DANGEROUS. Poisonous if swallowed. When opening the container and handling the bait, wear cotton overalls buttoned to the neck and wrist, washable hat and elbow-length PVC or nitrile gloves. If product gets on skin, immediately wash area with**

soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.

**13.2 FIRST AID:**

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. **DO NOT** induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.

Issued by

Delegated Officer

## ATTACHMENT 1

**DANGEROUS POISON S7****KEEP OUT OF REACH OF CHILDREN  
READ SAFETY DIRECTIONS BEFORE OPENING OR USING****1080 POISONED BAIT****ACTIVE CONSTITUENT: 0.0025 TO 0.006g of SODIUM MONOFLUOROACETATE (1080) per kg  
of bait****FOR THE CONTROL OF WILD DOGS OR FOXES****DIRECTIONS FOR USE: TO BE USED ONLY IN ACCORDANCE  
WITH REGULATIONS FOR WILD DOGS OR FOX CONTROL IN NSW.****NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS  
AUTHORISED UNDER APPROPRIATE LEGISLATION.****SAFETY DIRECTIONS:**

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear cotton overalls, washable hat elbow-length PVC gloves. If products gets on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

**FIRST AID:**

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.

**PROTECTION OF LIVESTOCK, WILDLIFE AND OTHERS:**

Remove all livestock from baited area.  
Do not leave baits accessible to domestic animals, children and non-target wildlife.  
Do not contaminate streams, rivers or waterways with the product or this plastic bag.

**TRANSPORT, STORAGE AND DISPOSAL:**

This bait must be kept inside a secure location, away from food after procuring bait from the Rural Lands Protection Board. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from the Rural Lands Protection Board. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait should not be used for any other purpose. Dispose of this plastic bag and all unused or untaken bait by burying in an approved dump or by burning.

**MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:**

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

RURAL LANDS PROTECTION BOARDS

**KG NET**

**PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38****Name**

1. This Order is to be known as the Pesticide Control (1080 Fox Bait) Order 2002 .

**Commencement**

2. This Order commences on 22 November 2002.

**Authority for Order**

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

**Revocation of Previous Order**

4. The previous Order known as the Pesticide Control (1080 Fox Bait) Order 2000, gazetted on 21 January 2000 is hereby revoked.

**Definitions**

5. In this Part -

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**Authorised control officer** means a person who: –

- (a) holds a current:
  - (i) certificate of completion issued by NSW Agriculture for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW Agriculture); or
  - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is employed by a Rural Lands Protection Board, NSW Agriculture, Wild Dog Destruction Board, NSW National Parks and Wildlife Service, or other NSW Government Agency or Authority.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

**1080 fox bait means –**

- a) **1080 Poisoned Bait** being bait product prepared by an Authorised Control Officer from fowl heads, fowl eggs, chicken wingettes, boneless red meat, manufactured baits which are dyed blue or green, or pieces of offal such as tongue, kidney or liver and injected with 3 milligrams of 1080 derived from the product RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER (NRA Product Registration Number 33890) per bait; and
- b) **Foxoff Fox Bait** (NRA Product Registration Number 40573) containing 3.0mg Sodium Fluoroacetate per bait as its only active constituent; and
- c) **Foxoff Econobait** (NRA Product Registration Number 46434) containing 3.0mg Sodium Fluoroacetate per bait as its only active constituent.

**Registered training provider** means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

**Sodium monofluoroacetate** is also a reference to sodium fluoroacetate (also known as 1080).

**Use** includes possess.

**Yathong Fox Bait** means the registered product Yathong Fox Bait (NRA Product Registration Number 50911) containing 3.0mg sodium fluoroacetate per bait as its only active constituent

## Background

### *Restricted chemical products/restricted pesticides*

6. A chemical product containing sodium monofluoroacetate (also known as 1080) has been declared to be a "restricted chemical product" under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that "A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction."

In NSW section 4 of the Pesticides Act provides that a "restricted pesticide" means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

## Objects

7. The objects of this Order are to –
  - (a) Authorise those persons described in condition 9(1) to use 1080 fox bait.
  - (b) Authorise those persons described in condition 9(2) to use **RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER**.
  - (c) Authorise those persons described in condition 9(3) to use **FOXOFF FOX BAIT** and **FOXOFF ECONOBAIT**.
  - (d) Authorise those persons described in condition 9(4) to use **YATHONG FOX BAIT**.
  - (e) Specify the manner in which **1080 POISONED BAIT, RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER, FOXOFF FOX BAIT, FOXOFF ECONOBAIT** and **YATHONG FOX BAIT** may be used in NSW.
  - (f) Revoke the Pesticide Control (1080 Fox Bait) Order 2000 gazetted on 21 January 2000.

## Application

8. This Order authorises the use of **1080 POISONED BAIT, RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER, FOXOFF FOX BAIT, FOXOFF ECONOBAIT** and **YATHONG FOX BAIT** subject to conditions as specified in this Order.

## Persons authorised

9. (1) The following persons are authorised to use, subject to condition 10(1), 1080 fox bait only:-
- (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
  - (b) Any person who has obtained the 1080 fox bait from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the 1080 fox bait is to be used.
- (2) The following persons are authorised to use, subject to condition 10(2), the product **RENTOKIL A.F. SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER** (NRA registration number 33890):
- (a) Authorised Control Officers.
- (3) The following persons are authorised to use, subject to condition 10(3), **FOXOFF FOX BAIT** (NRA registration number 40573) and **FOXOFF ECONOBAIT** (NRA registration number 46434):
- (a) persons who have been appropriately trained or are experienced in the handling or use of 1080 fox baits and are under the control of NSW National Parks and Wildlife Service, Hornsby Shire Council, Ku-ring-gai Municipal Council, Pittwater Council, Ryde City Council, Warringah Council and Willoughby City Council, Taronga Zoo, Parramatta Council, Hunters Hill Council, North Sydney Council, Lane Cove Council, Mosman Council, Macquarie University, Baulkham Hills Council, or State Forests of New South Wales.
- (4) The following persons are authorised to use, subject to condition 10(4), **YATHONG FOX BAITS** (NRA registration number 50911):
- (a) Authorised Control Officers employed by the National Parks and Wildlife Service and persons directly supervised by the Authorised Control Officers.

**Conditions on the use of 1080 fox bait, RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER, FOXOFF FOX BAIT, FOXOFF ECONOBAIT and YATHONG FOX BAIT**

10. (1) The person must only use 1080 fox bait in accordance with the permit described as "Permit to allow use of 1080 baits for control of Foxes" PERMIT NUMBER PER2746 issued by the NRA, as set out in Schedule 1 to this Order.
- (2) The person must only use **RENTOKIL AF SODIUM MONO-FLUOROACETATE TENATE (1080) BRAND VERMIN DESTROYER** for the purpose of producing 1080 Poisoned Bait in accordance with section 3 of the 4<sup>th</sup> edition of the Vertebrate Pest Control Manual (published by NSW Agriculture 1996) and in accordance with the permit described as "Permit to allow use of 1080 baits for control of Foxes" PERMIT NUMBER PER2746 issued by the NRA, as set out in Schedule 1 to this Order.
  - (3) The person must only use **FOXOFF FOX BAIT** or **FOXOFF ECONOBAIT** in accordance with the permit described as "Permit to allow use of 1080 baits for control of Foxes" PERMIT NUMBER PER5448 issued by the NRA, as set out in Schedule 2 to this Order.
  - (4) The person must only use **YATHONG FOX BAITS** in accordance with the instructions on the NRA approved label for this product and the conditions set out in schedule 3 to this Order.

**Notes**

*Words used in this Order have the same meaning as in the Pesticides Act 1999.*

*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.*

*A pesticide control order remains in force until it is revoked by another pesticide control order.*

*Note: Any permit issued by the NRA which is set out in this Order has effect in NSW until such time as this Order is revoked.*

LISA CORBYN  
Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment



## Schedule 1

(Condition 10)

### PERMIT TO ALLOW USE OF 1080 BAITS FOR CONTROL OF FOXES

PERMIT NUMBER – PER2746

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- ☞ supply any requested information to the NRA;
- ☞ inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- ☞ comply with a lawful direction or requirement of an inspector; and
- ☞ provide a copy of the permit to persons who wish to possess and/or use the product for the purpose specified in this permit.

This permit for the reason given below allows any person listed in **1. Persons** to possess and use the products listed in **2. Products** for the use specified in **3. DIRECTIONS FOR USE** in the jurisdictions listed in **4. States** according to **CONDITIONS OF PERMIT**.

Persons who wish to possess and use 1080 baits for the purposes specified in this permit must read, or have explained to them the permit, particularly the information included in **CONDITIONS OF PERMIT**.

If this permit were not issued possession and use of these products, specified in **2. Products** would constitute an offence under the Agvet Codes.

The persons listed in **1. Persons** must comply with all conditions listed in **CONDITIONS OF PERMIT** to be covered by this permit.

**THIS PERMIT IS IN FORCE FROM 1 OCTOBER 1999 TO 1 NOVEMBER 2002<sup>↓</sup>.**  
**It is in force until it expires or it is cancelled, suspended or surrendered.**

#### Reason for issue of permit:

In NSW supply and use of sodium fluoroacetate (1080) bait is subject to special conditions on use which may from time to time change due to regulatory requirements. NSW Agriculture has published the a Vertebrate Pest Control Manual (currently 4<sup>th</sup> edition July 1996) which stipulates the manner in which pesticides, among other methods, should be used to control vertebrate pests. This permit is consistent with the manual and places constraints on use of 1080 baits for fox control.

#### DETAILS OF PERMIT

##### 1. Persons

**Persons** are owners, occupiers, managers, authorised agents of the land (property or holding), Authorised Control Officers and persons directly supervised by Authorised Control Officers in respect to possession and use of 1080 products listed in **2. Products**.

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<sup>↓</sup> Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.

## 2. *Products*

### (i) **1080 POISONED BAIT**

Containing 3mg SODIUM FLUOROACETATE per bait, as its only active constituent. For the purposes of this permit "1080 Poisoned Bait" is a bait product prepared from bait material to which is added 3 milligrams of 1080 from the product **RENTOKIL AF SODIUM MONOFLUOROACETATE TENATE 1080 BRAND VERMIN DESTROYER** per bait, to be used for the control of foxes. Only fowl heads, fowl eggs, chicken wingettes, boneless red meat, manufactured baits that are dyed blue or green, or pieces of offal such as tongue, kidney or liver can be used as bait for fox control. With the exception of fowl heads, fowl eggs and chicken wingettes, the baits requiring 1080 injection must weigh about 100g.

### (ii) **FOXOFF FOX BAIT**

Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

### (iii) **FOXOFF ECONOBAIT**

Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

## 3. *DIRECTIONS FOR USE*

<b>Situation</b>	<b>Pest</b>	<b>Rate</b>
RURAL AND BUSHLAND AREAS	FOXES	Refer to the <i>CONDITIONS OF PERMIT</i>

### **Critical Use Comments:**

Refer to instructions in *CONDITIONS OF PERMIT*.

## 4. *States*

NSW

## **CONDITIONS OF PERMIT**

### 1. ***POSSESSION OF 1080 POISONED BAIT, FOXOFF FOX BAIT AND FOXOFF ECONOBAIT***

- 1.1 The products 1080 Poisoned Bait, Foxoff Fox Bait and Foxoff Econobait for the purpose of this permit will henceforth be referred to as "1080 baits" except where indicated otherwise.
- 1.2 This permit allows **Persons**, if they fully comply with *CONDITIONS OF PERMIT*, to possess 1080 baits and to claim that 1080 baits can be used for the purposes as outlined in 3. *DIRECTIONS FOR USE*.
- 1.3 Each person who takes possession of any 1080 baits must first sign an indemnity form.
- 1.4 A person who owns or occupies more than one property or holding or their authorised agent or manager must complete and provide to the Authorised Control Officer who supplies the 1080 baits, a separate indemnity form in respect of each property or holding before any 1080 baits may be used on a specific property or holding.
- 1.5 An Authorised Control Officer must only issue 1080 baits to a person who is the owner or occupier of the land on which the 1080 baits are to be used ("landholder"), unless the person to whom the 1080 baits are issued is known by the Authorised Control Officer, to be the manager or authorised agent of the owner or occupier, and in control of the land upon which the 1080 baits are to be used or the person is under the direct supervision of the Authorised Control Officer.

- 1.6 Persons as stated under *1. Persons* may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 Poisoned Bait should be used immediately but where this is not possible 1080 Poisoned Bait must be used within 7 days. Foxoff products must be used within 1 month of purchase from the issuing Rural Lands Protection Board. All unused Foxoff or be returned to the issuing Rural Lands Protection Board within 1 month of purchase.

**2. DIRECTIONS FOR USE - GENERAL RESTRICTIONS**

- 2.1 A person must not place the 1080 baits in a position accessible to children, livestock, or domestic animals or pets.
- 2.2 A person must not feed 1080 baits to wild or domestic birds.
- 2.3 A person must not apply 1080 baits to, or in, crops.
- 2.4 A person must not allow 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.5 Containers (including plastic bags) which have held 1080 baits are not to be used for any other purpose and must be disposed of by burning or deep burial.

2.5.1 Burial

Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, bury the containers below 500mm in a 1metre deep disposal pit on the property where the 1080 baits were used.

2.5.2 Burning

Empty containers may be burnt by open fire as prescribed by a notice of approval under the *Clean Air (Control of Burning) Regulation 1995*. Persons using 1080 baits and wishing to dispose of bait packaging are subject to the following conditions:

1. The amount of Bait Packaging to be burnt at any premises on any single day must not exceed 100 bags or 10 kg without the prior written approval of the Environment Protection Authority (EPA).
  2. The burning of the Bait Packaging must be conducted in accordance with the public notification requirements in condition 4.1 of this permit.
  3. The burning of the Bait Packaging must be carried out at least 500 metres from any human habitation.
  4. The burning must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the NSW Fire Brigades.
  5. The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Clean Air Act 1961*.
  6. The open fire burning must be carried out only in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.
- 2.6 A person must not contaminate dams, rivers, streams, waterways or drains with 1080 baits or used containers.
- 2.7 1080 Poisoned Bait must be kept and stored in the labelled (as shown in **attachment 1**) plastic bag in which the 1080 Poisoned Bait is supplied to the landholder. Foxoff Fox Bait and Foxoff Econobait

must be kept and stored in the container supplied by the manufacturer and bearing the NRA approved label.

- 2.8 At the end of a baiting program a person who has received 1080 baits must ensure that all untaken baits at baiting locations are collected and removed. All collected and uneaten 1080 baits must be disposed of, as soon as possible on the property where the 1080 baits were used by burial in a 1 metre deep disposal pit (except for Foxoff products which must be returned to the Rural Lands Protection Board in accordance with condition 1.6), Buried 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral).
- 2.9 Continuous and ongoing baiting may be necessary in some instances to reduce the impacts of fox predation on native fauna. Such programs may be undertaken only if the risk to non-target species is low (see also 10. Risk to Domestic Animals).

### 3. ***DIRECTIONS FOR USE - DISTANCE RESTRICTIONS***

- 3.1. The minimum distances in this permit for the laying of 1080 baits have been set to minimise the risk to people and to non-target animals. 1080 baits must not be laid where they can be washed into or contaminate surface or groundwaters. 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods must be used in those areas.
- 3.2 ***Property Boundary:*** No 1080 baits shall be laid within 5 metres from any property boundary.
- 3.3 ***Habitation (means the dwelling or other place where any person, other than of the owner/occupier carrying out the baiting, lives):*** No 1080 baits shall be laid within 500 metres of a habitation.

An exemption is permitted in certain cases where a group of adjoining landholders all agree in writing to use 1080 baits as part of a coordinated fox control program. This coordinated fox control program cannot be implemented **UNLESS:**

- (i) **ALL** the landholders in the group are made fully aware of the problems associated with 1080 baits in closely settled areas; AND
- (ii) **EVERY** landholder in the group signs an agreement that they:
- (a) have had explained to them the problems associated with 1080 baits in closely settled areas; and
- (b) understands these problems; and
- (c) waives the 500 metres distance restriction from their dwelling; and
- (d) agrees with to allow implementation of the poisoning program; and
- (e) accepts all responsibility for any problems arising from the program; AND
- (iii) **ALL** the landholders of the outermost holdings of the group abide by all the requirements of this permit in relation to adjoining properties not covered by the group activity.
- 3.4 ***Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point from such as wells, bores, etc.):*** No 1080 baits shall be laid within 10 metres of a domestic water supply.

### 4. ***PUBLIC NOTIFICATION***

- 4.1 A person shall not lay any 1080 baits or burn plastic bags or containers in which 1080 baits were stored unless the person has first given a minimum of 3 days notice of the date the 1080 baits are to be laid and that plastic bags or containers which contained 1080 baits may be burnt on the property where the 1080 baits were used, to the occupier of every property which has a boundary within one kilometre of a baiting location or in the case of 1080 bait containers, the site where they will be burnt (“notification”).
- 4.2. The notification can be given by telephone or in person, or, where this is not possible, by mail. If neighbours cannot be contacted by telephone, personal contact and mail then notification by advertisement in a local newspaper is permissible but only after all other methods of contacting neighbours have been unsuccessful.

4.3 Baiting may be conducted for longer than 7 days but must commence within 7 days of this notification otherwise further notification of intended baiting is required.

4.4 Where baiting programs are continuous and ongoing (in accordance with condition 2.9) notification must be undertaken at intervals no greater than 6 months.

#### **5. *EMERGENCY BAITING***

5.1 A person whose stock or poultry are being mauled, killed or harassed may lay up to fifty (50) 1080 baits with approval from an ACO. This is the only occasion where the normal 3 day public notice period is not required. The landholder must however, notify anyone, whose property boundary lies within one kilometre of a baiting location immediately **before** laying the 1080 baits.

#### **6. *1080 POISONING NOTICES***

6.1 In every situation where a person lays 1080 baits, they must erect notices immediately before 1080 poisoning operations commence on a property. This also applies before emergency baiting can begin.

These notices must remain up for a minimum of 4 weeks from the last day of baiting. Notices must be placed:

- (i) At every entry to the property; and
- (ii) At the entrance to the actual baiting location; and
- (iii) At the extremities of and at 1 kilometre intervals along the property boundaries where the property fronts a public thoroughfare.

6.2 The Notices may be obtained from the Rural Lands Protection Board, and must specify which animal species is being poisoned, and the date the 1080 baits are first laid or the dates between which 1080 baits will be laid.

#### **7. *1080 GROUND BAITING ON SMALL HOLDINGS***

7.1 Where a person lays 1080 baits on a property of less than 100ha, the person must check the 1080 baits not later than the 3rd night after the 1080 baits have been laid, and must collect and destroy all untaken 1080 baits before the 7th night after the 1080 baits were laid. All untaken 1080 baits are to be disposed of in accordance with condition 2.8. This does not preclude replacement baiting for longer than 7 nights where 1080 baits continue to be taken.

7.2 Baiting locations or stations must be a minimum distance of 100 metres apart and only a maximum of ten 1080 baits can be used per kilometre of trail provided the total number of baits used does not exceed one (1) bait per hectare.

#### **8. *FOX CONTROL - BAIT NUMBERS AND DISTRIBUTION***

8.1 A person who lays 1080 baits must:

- (i) Not lay more than ten 1080 baits per kilometre of trail (ie baiting locations or stations must be a minimum distance of 100 metres apart). The only variation permitted is mound baiting provided the total number of baits does not exceed one (1) bait per hectare; and
- (ii) Not lay more than fifty (50) 1080 baits on any one property or holding unless the baiting program is planned in conjunction with an Authorised Control Officer; and
- (iii) Lay the 1080 baits in such a way that any untaken 1080 baits can be readily found and destroyed in accordance with condition 2.8.

#### **9. *BAIT PLACEMENT PROCEDURES***

9.1 Bury 1080 baits in a shallow hole dug with a mattock or similar instrument and cover with earth. If practicable, tie 1080 baits to a fence with a cord and mark the burial spot so that 1080 baits can be easily found and replaced and, at the end of the program, picked up and destroyed.

- 9.2 There is no need to free feed. For small scale ground baiting, 1080 baits must only be laid where untaken 1080 baits can be readily found.

#### **10. RISK TO DOMESTIC ANIMALS**

- 10.1 Precautions must be taken in closely settled areas to avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, it is advisable to tie up or muzzle dogs during poisoning operations.
- 10.2 1080 baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been agreed to by an Authorised Control Officer. Such programs must include strategies for minimising risk to non-target animals. Proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street with a speed restriction of 70 kilometres per hour or less, fall within this requirement.

#### **11. RISK TO ENVIRONMENT AND WILDLIFE**

Routine agricultural activities are effectively exempt from provisions of the *Threatened Species Conservation Act 1995 (TSC Act)* and the *Environment Planning and Assessment Act 1979 (EP&A Act)* but persons using 1080 baits should be aware that large scale cooperative baiting programs may trigger provisions of the *EP&A Act* and may require an environmental impact statement. NSW Agriculture also holds a general Section 120 licence that requires it to provide notification if it becomes aware of the presence of threatened species. Persons using 1080 baits should pass on this information where it exists, and should carefully choose bait types and placement techniques to minimise the impact on threatened species.

Further information on the *EP&A Act* can be obtained from the Senior Environmental Planner, Department of Urban Affairs and Planning on 02 9391 2343 and in relation to the *TSC Act* from the Manager Threatened Species Unit, National Parks and Wildlife Service on 02 9585 6542.

#### **12. RISK TO HUMANS**

##### **12.1 SAFETY DIRECTIONS:**

**VERY DANGEROUS. Poisonous if swallowed. When opening the container and handling the bait, wear cotton overalls buttoned to the neck and wrist, washable hat and elbow-length PVC or nitrile gloves. If product gets on skin, immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.**

##### **12.2 FIRST AID:**

**If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the PIC or a doctor.**

Issued by

Delegated Officer

## ATTACHMENT 1

**DANGEROUS POISON S7****KEEP OUT OF REACH OF CHILDREN  
READ SAFETY DIRECTIONS BEFORE OPENING OR USING****1080 POISONED BAIT****ACTIVE CONSTITUENT: 0.0025 TO 0.006g of SODIUM MONOFLUOROACETATE (1080) per kg  
of bait****FOR THE CONTROL OF WILD DOGS OR FOXES****DIRECTIONS FOR USE: TO BE USED ONLY IN ACCORDANCE  
WITH REGULATIONS FOR WILD DOGS OR FOX CONTROL IN NSW.****NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS  
AUTHORISED UNDER APPROPRIATE LEGISLATION.****SAFETY DIRECTIONS:**

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear cotton overalls, washable hat elbow-length PVC gloves. If products gets on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

**FIRST AID:**

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126 at once. Urgent hospital treatment is likely to be needed. DO NOT induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyelids apart and flush the eyes continuously with running water. Continue flushing until advised to stop by the Poisons Information Centre or a doctor.

**PROTECTION OF LIVESTOCK, WILDLIFE AND OTHERS:**

Remove all livestock from baited area.

Do not leave baits accessible to domestic animals, children and non-target wildlife.

Do not contaminate streams, rivers or waterways with the product or this plastic bag.

**TRANSPORT, STORAGE AND DISPOSAL:**

This bait must be kept inside a secure location, away from food after procuring bait from the Rural Lands Protection Board. Store bait only in this approved plastic bag. Bait can only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from the Rural Lands Protection Board. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags which have held bait should not be used for any other purpose. Dispose of this plastic bag and all unused or untaken bait by burying in an approved dump or by burning.

**MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:**

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

**RURAL LANDS PROTECTION BOARDS****KG NET****Notes**

⌘ Words used in an Order have the same meaning as in the Pesticides Act 1999.

⌘ A person must not contravene a pesticide control order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

⌘ A reference to sodium monofluoroacetate is also a reference to sodium fluoroacetate (also known as 1080).

## Schedule 2

(Condition 10)

**PERMIT TO ALLOW  
USE OF 1080 BAITS  
FOR CONTROL OF FOXES**

**PERMIT NUMBER – PER5448**

This permit is issued by the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) under the Agvet Code scheduled to the *Agricultural and Veterinary Chemicals Code Act 1994* to the permit holder stated above. The holder of the permit must comply with all requirements as specified in the Agvet Code. A summary of the key requirements are that the holder must:

- ⊘ supply any requested information to the NRA;
- ⊘ inform the NRA if they become aware of any relevant information concerning the uses dealt with by this permit;
- ⊘ comply with a lawful direction or requirement of an inspector; and
- ⊘ provide a copy of the permit to persons who wish to possess and/or use the product for the purpose specified in this permit.

This permit for the reason given below allows any person listed in **1. Persons** to possess and use the products listed in **2. Products** for the use specified in **3. DIRECTIONS FOR USE** in the jurisdictions listed in **4. States** according to **CONDITIONS OF PERMIT**.

Persons who wish to possess and use 1080 baits for the purposes specified in this permit must read, or have read to them the permit, particularly the information included in **CONDITIONS OF PERMIT**.

If this permit were not issued possession and use of these products, specified in **2. Products** would constitute an offence under the Agvet Codes.

The persons listed in **1. Persons** must comply with all conditions listed in **CONDITIONS OF PERMIT** to be covered by this permit.

**THIS PERMIT IS IN FORCE FROM 15 MAY 2002 TO 1 NOVEMBER 2002<sup>↓</sup>.**

**It is in force until it expires or it is cancelled, suspended or surrendered.**

**Reason for issue of permit:**

The northern Sydney region contains a green web of interconnecting bushland reserves. This area hosts a diverse range of native fauna including threatened species and requires special management to ensure its long-term integrity. Foxes are a major threat to the on-going survival of many native species within the region. Without this permit there are no effective control techniques for foxes within these urban bushland areas.

This permit allows Foxoff 1080 baits to be used in sensitive bushland areas and lessens the distance restrictions from 500m baiting from habitation to 150m baiting from habitation in the areas specified in this permit. This reduction in the distance restriction will give public Land Managers of urban bushland the opportunity to help protect native wildlife from predation. This reduced distance restriction also creates an extra responsibility for public Land Managers of urban bushland to adequately publicise baiting activities, to liaise with the community, and to address any resulting community concerns. This reduced distance restriction also creates an extra responsibility for public Land Managers of urban bushland to monitor and report the impact of baiting activities.

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<sup>↓</sup> Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.



*DETAILS OF PERMIT**1. Persons*

Persons who have been appropriately trained or are experienced in handling of 1080 baits and who are under the control of NSW National Parks & Wildlife; Hornsby Shire Council; Ku-ring-gai Municipal Council; Pittwater Council; Ryde City Council; Warringah Council; Taronga Zoo, Parramatta Council, Hunters Hill Council, North Sydney Council, Lane Cove Council, Mosman Council, Macquarie University; State Forests; Baulkham Hills Council; OR Willoughby City Council.

*2. Products***(i) FOXOFF FOX BAIT**

Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

**(ii) FOXOFF ECONOBAIT**

Containing 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

*3. DIRECTIONS FOR USE*

To control FOXES, as specified in the CONDITIONS OF PERMIT, in specified BUSHLAND RESERVES located in the following areas:

**NSW NATIONAL PARKS & WILDLIFE SERVICE:**

- ¥ · Garigal National Park
- ¥ · Sydney Harbour National Park (North Head, Dobroyd Head, Bradley's Head, Nielsen Park & Middle Head)
- ¥ · Lane Cove National Park
- ¥ · Ku-ring-gai Chase National Park (including Barrenjoey Headland)
- ¥ · Muogamarra National Park
- ¥ · Marramarra National Park
- ¥ · Cattai National Park
- ¥ · Scheyville National Park
- ¥ · Pitttown Nature Reserve
- ¥ · Windsor Downs Nature Reserve
- ¥ · Castlereagh Nature Reserve
- ¥ · Agnes Banks Nature Reserve
- ¥ · Mulgoa Nature Reserve
- ¥ · Rouse Hill Regional Park
- ¥ · Western Sydney Regional Park
- ¥ · Botany Bay National Park (La Perouse)

**WARRINGAH COUNCIL:**

- ¥ · Manly Warringah War Memorial Park (Reserve No. 478, 430)
- ¥ · Dee Why Lagoon Wildlife Refuge and the adjacent Long Reef Headland area (Reserve No. 340, 341);
- ¥ · Council managed bushland corridors adjacent to Narrabeen Lakes and Middle Creek (including Jamieson Park and the bushland corridor recreation reserve from Narrabeen Lakes extending along Wakehurst Parkway, Middle Creek and Oxford Creek to Oxford Falls Road West, Meatworks Road and the unnamed and unmade road at the intersection of Morgan Road and Oxford Falls Road West) (Reserve No. 306,180, 1000, 926);
- ¥ · Council managed bushland adjacent to Mona Vale Road and Garigal National Park (including JJ Melbourne Hills Memorial Park, Tumbledown Dick Hill and Kimbriki Waste Recycling centre) (Reserve No. 9054, 618)
- ¥ · Anembo Reserve
- ¥ · Forestville Park (Reserve No. 289, 293).

**HORNSBY SHIRE COUNCIL:**

- ¥ · Berowra Valley Regional Park
- ¥ · Beecroft Reserve

**PITTWATER COUNCIL:**

- ¥ · Warriewood Wetlands
- ¥ · Barrenjoey Sandspit
- ¥ · Deep Creek Reserve
- ¥ · Angophora Reserve
- ¥ · Reserve 28 Ingleside Road

**KU-RING-GAI MUNICIPAL COUNCIL:**

- ¥ · Lovers Jump Creek Reserve (Wahroonga)
- ¥ · Bobbin Head Road Bushland (Turrumurra)
- ¥ · Curagul Road Bushland (North Turrumurra)
- ¥ · Ku-ring-gai Creek Reserve (St Ives)
- ¥ · Upper Ku-ring-gai Creek Reserve (St Ives)
- ¥ · Cowan Creek Reserve (St Ives)
- ¥ · Clive Evatt (Wahroonga)
- ¥ · Turiban Reserve South (Wahroonga)
- ¥ · Upper Cowan Creek Reserve (Wahroonga)
- ¥ · Governor Phillip Reserve (Gordon)
- ¥ · Bushranger Reserve (Killara)
- ¥ · Illeroy Forest (Killara)
- ¥ · Old She Oak Reserve (Killara)
- ¥ · Seven Little Australians (Killara)
- ¥ · Roseville Bridge Bush (Roseville)
- ¥ · Echo Point Foreshore (Roseville)
- ¥ · Brown's Bush (Wahroonga)
- ¥ · Twin Creek Reserve (Turrumurra)
- ¥ · Bradley Reserve (Turrumurra)
- ¥ · Sheldon Forest (Turrumurra)
- ¥ · Comenarra Bush (Turrumurra)
- ¥ · Comenarra Creek Reserve (Turrumurra)
- ¥ · Lower Dam Forest (Pymble)
- ¥ · Blackbutt Reserve (Killara)
- ¥ · Lower Blue Gum Creek Bush (Roseville)
- ¥ · Upper Blue Gum Creek Bush (Roseville)

**RYDE CITY COUNCIL:**

- ¥ · Field of Mars Wildlife Refuge.
- ¥ · Brush Farm Park

**WILLOUGHBY CITY COUNCIL:**

- ↓# Explosives Reserve
- ↓# Harold Reid Reserve
- ↓# North Escarpment
- ↓# Rob Reserve
- ↓# North Arm Reserve
- ↓# Willis Park
- ↓# Northbridge Park, Flat Rock Gully
- ↓# Mowbray Park
- ↓# Ferndale Park
- ↓# Blue Gum Park
- ↓# O.H. Reid Reserve
- ↓# Clive Park

**TARONGA ZOO**

- ↓# Reserve land managed by Taronga Zoo

**PARRAMATTA COUNCIL**

- ↓# Vineyard Creek Reserve, Telopea
- ↓# McCoy Park, Toongabbie
- ↓# John Curtin Reserve, Northmead
- ↓# Moxham Park, Northmead
- ↓# Campbell Hill Pioneer Reserve, Campbell Hill
- ↓# Lake Parramatta Reserve, North Parramatta
- ↓# Edna Hunt Sanctuary, Epping
- ↓# Galaringi Reserve, Carlingford
- ↓# Coxs park, Carlingford
- ↓# Duck River Bushland, Granville

**HUNTERS HILL COUNCIL**

- ↓# Boronia Park Reserve
- ↓# Great North Walk from Buffalo Creek Reserve to Boronia Park Reserve

**NORTH SYDNEY COUNCIL**

- ↓# Ball Head Reserve
- ↓# Berry Island Reserve

**LANE COVE COUNCIL**

- ↓# Blackman Park north to Stringybark Creek

**MOSMAN COUNCIL**

- ↓# Reid Park
- ↓# Little Ashton Park
- ↓# Balmoral Park
- ↓# Larry Plunkett Reserve
- ↓# Parriwi Park and Parriwi Point

**MACQUARIE UNIVERSITY**

- ↓# Macquarie University fauna park

**BAULKHAM HILLS COUNCIL**

- ↓# Hunts Creek Reserve
- ↓# Excelsior Reserve

**STATE FORESTS OF NEW SOUTH WALES**

- ↓# Cumberland State Forest
- ↓# Darling Mills State Forest

**4. States**

New South Wales ONLY.

**CONDITIONS OF PERMIT****1. POSSESSION OF FOXOFF FOX BAIT**

- 1.1 For the purpose of this permit, the products Foxoff Fox Bait and Foxoff Econobait, will henceforth be referred to as "Foxoff 1080 baits" except where otherwise indicated.
- 1.2 This permit allows **Persons**, if they fully comply with **CONDITIONS OF PERMIT**, to undertake the following actions with Foxoff 1080 baits which contains 3 milligrams SODIUM FLUOROACETATE per bait as their only active constituent:
  - (i) have Foxoff 1080 baits in their possession for the purposes of use;

(ii) claim that Foxoff 1080 baits can be used for the purposes as outlined in 3. ***DIRECTIONS FOR USE.***

- 1.3 FOXOFF 1080 baits must only be purchased from a Rural Lands Protection Board and must be used within 1 month of purchase or be returned to the issuing Rural Lands Protection Board within 1 month of purchase.
- 1.4 Persons as stated under 1. ***Persons*** may only temporarily possess and store 1080 baits. 1080 baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Foxoff products can only be possessed and stored in accordance with condition 1.3.

2. ***DIRECTIONS FOR USE - GENERAL RESTRICTIONS***

- 2.1 A person must not place Foxoff 1080 baits in a position accessible to children, livestock, or domestic animals or pets.
- 2.2 A person must not feed Foxoff 1080 baits to wild or domestic birds.
- 2.3 A person must not allow Foxoff 1080 baits to contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 2.4 Containers which have held Foxoff 1080 baits must not to be used for any other purpose and must be disposed of by deep burial.  
Triple rinse or pressure rinse containers before disposal. Dispose of rinsate in a 1 metre deep disposal pit and cover with at least 500mm of soil. The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break crush or puncture and dispose of empty rinsed containers in a local authority landfill. If no landfill is available, dispose of containers in a 1 metre deep disposal pit and cover with at least 500mm of soil on the property where the Foxoff 1080 baits were used.
- 2.5 A person must not contaminate dams, rivers, streams, waterways or drains with Foxoff 1080 baits or used containers.
- 2.6 Foxoff Fox Bait and Foxoff Econobait must be kept and stored in the container supplied by the manufacturer and bearing the NRA approved label.
- 2.7 All unused Foxoff 1080 baits must be returned to the Rural Lands Protection Board in accordance with condition 1.3. At the end of a baiting program a person who has received Foxoff 1080 baits must ensure that all untaken baits at baiting locations are collected and removed. All untaken Foxoff 1080 baits must be disposed of, as soon as possible by burial in a 1 metre deep disposal pit. Buried Foxoff 1080 baits must be covered with at least 500mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral). It is the responsibility of the person who has received Foxoff 1080 baits to ensure that unused Foxoff 1080 baits are returned and untaken Foxoff 1080 baits are properly disposed of.

3. ***DIRECTIONS FOR USE - DISTANCE RESTRICTIONS***

- 3.1 Foxoff 1080 baits must not be laid where they can be washed into or contaminate surface or groundwaters. Foxoff 1080 baits must not be laid in areas where distance restrictions cannot be met. Other control methods may be used in those areas.
- 3.2 ***Boundaries and public thoroughfares (public roads and associated footpaths but not internal roads tracks or trails):***

The minimum distance that Foxoff 1080 baits shall be laid from the boundary of a bushland reserve is 5 metres except for boundaries adjoining public thoroughfares.

The minimum distance that Foxoff 1080 baits shall be laid from the boundary of a bushland reserve which adjoins a public thoroughfare is 50 metres for untethered Foxoff 1080 baits, or 20 metres for tethered Foxoff 1080 baits.

The minimum distance that Foxoff 1080 baits shall be laid from any public thoroughfare traversing the bushland reserve is 50 metres for untethered Foxoff 1080 baits, or 20 metres for tethered Foxoff 1080 baits.

3.3 ***Internal roads, tracks and trails other than public thoroughfares traversing bushland reserves:***

The minimum distance that Foxoff 1080 baits shall be laid from internal roads, tracks, trails is 2 metres except for the section of internal road, track or trail between the boundary of the bushland reserve and a position 150 metres into the bushland reserve.

The minimum distance that Foxoff 1080 baits shall be laid from the section of internal road, track or trail between the boundary of the bushland reserve and a position 150 metres into the bushland reserve is 50 metres for untethered Foxoff 1080 baits, or 20 metres for tethered Foxoff 1080 baits.

3.4 ***Habitation (means the dwelling or other place where any person, other than of the owner/occupier carrying out the baiting, lives):***

No Foxoff 1080 baits shall be laid within 150 metres of a habitation.

3.5 ***Domestic Water Supply (means the water line or small dams from which water is pumped or the draw-off point from such as wells, bores, etc.):***

No Foxoff 1080 baits shall be laid within 10 metres of a domestic water supply.

4. ***PUBLIC NOTIFICATION***

- 4.1. Public notification must include an advertisement in a prominent local area newspaper at least 5 days prior to the commencement of Foxoff 1080 baiting. Public notification may also include notification by telephone or personal contact, or, where this is not possible, by mail. Public notification must include appropriate details of the baiting program and the closure of bushland reserves to dogs.

5. ***1080 POISONING NOTICES AND COMMUNITY NOTIFICATION***

- 5.1 In every situation where Foxoff 1080 baits are laid in a bushland reserve specified under this permit, the person responsible for coordinating the use of Foxoff 1080 baits must ensure that 1080 poisoning notices are erected in that bushland reserve at least 5 days prior to the commencement of Foxoff 1080 baiting.

In every situation where Foxoff 1080 baits are laid in a bushland reserve specified under this permit, the person responsible for coordinating the use of Foxoff 1080 baits must ensure that notices banning dogs are erected in that bushland reserve at least 5 days prior to the commencement of Foxoff 1080 baiting.

These notices must remain up for at least a minimum of 4 weeks from the last day of baiting and, Notices must be placed:

- (i) At every made entrance to the Bushland Reserve; and
  - (ii) At the entrance to the baiting location; and
  - (iii) At the extremities of and at 1 kilometre intervals along the boundaries where the bushland reserve adjoins a public thoroughfare; and
  - (iv) At the extremities of and at 1 kilometre intervals along any public thoroughfare traversing the bushland reserve but not along internal roads, tracks or trails.
- 5.2 The Notices, indicating the presence of Foxoff 1080 baits, must specify which animal species is being poisoned, and the date the Foxoff 1080 baits are first laid or the dates between which Foxoff 1080 baits will be laid.

Any Notices banning dogs must clearly indicate that dogs must not be allowed to enter reserves closed to dogs during a baiting program.

- 5.3 All neighbours immediately adjoining the bushland reserve boundary, within 300 metres of the site where Foxoff 1080 baits will be laid, must be given a minimum of 5 days written notice prior to the commencement of the baiting program.

**6. *FOX CONTROL -DIRECTION FOR USE - BAIT NUMBERS AND DISTRIBUTION***

- 6.1 A person who lays Foxoff 1080 baits must:
- (i) Not use an excessive amount of 1080 baits. Baiting locations must be a minimum distance of 100 metres apart and no more than ten Foxoff 1080 baits can be placed per kilometre per day. The only variation permitted is mound baiting using multiple baits (maximum three (3) Foxoff 1080 baits per mound) provided the total number of Foxoff 1080 baits used does not exceed one (1) bait per hectare; and
  - (ii) Lay the Foxoff1080 baits in such a way that any untaken Foxoff 1080 baits can be readily found and destroyed in accordance with condition 2.7
  - (iii) Each bait site will be made up of a sand pad about one metre in diameter. Foxoff 1080 baits must be buried to a depth of 10 centimetres to reduce the access by non-target species.
  - (iv) Free feeding must be undertaken at all sites for a minimum of 3 days prior to the commencement of 1080 baiting to establish the presence or absence of foxes and to determine if other non-target animals are visiting the site. The decision to lay 1080 Foxoff baits is determined by the results of free feeding and condition 7.1(ii) if required for dogs.
  - (v) 1080 baiting must be discontinued during periods of heavy rainfall.

**7. *RISK TO DOMESTIC ANIMALS***

- 7.1 The following preventative measures must be undertaken to reduce the risks of domestic dogs taking poisoned bait:
- (i) Close Bushland Reserves to dogs during the baiting program.
  - (ii) If regular dog prints are recorded at bait stations during the free feeding period, further community notification and education should take place.

- 7.2 All untaken baits which are recovered must be destroyed by deep burial as per condition 2.7.

**8. *MONITORING OF NON-TARGET EFFECTS***

- 8.1 Adverse effects including deaths of wildlife and animals, other than foxes, must be reported to the Pest Management Officer, North Sydney Region, National Parks and Wildlife Service by telephone (02 9472 8953 or fax (02) 9457 8265

**9. *RISK TO HUMANS***

- 9.1 In addition to taking appropriate steps to inform the community of the baiting program, the following steps must be undertaken:
- (i) All Foxoff 1080 baits will be buried in sand pads as per condition 6.1(ii).
  - (ii) Where possible, inaccessible places will be chosen as baiting locations to reduce the chances of children or adults finding the bait stations.

**9.2 *SAFETY DIRECTIONS:***

**VERY DANGEROUS. Poisonous if swallowed. When opening the container and using the baits, wear elbow-length PVC gloves or Nitrile gloves. If product gets on skin, immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use, wash contaminated clothing and gloves.**

**9.3 FIRST AID:**

**If poisoning occurs, contact a doctor or Poisons Information Centre (phone: 13 11 26). Give large quantities of water and induce vomiting. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.**

Issued by

Delegated Officer

**Schedule 3**

(CONDITION 10)

**USE OF YATHONG FOX BAIT****1. Directions for use**

<b>Situation</b>	<b>Pest</b>	<b>Rate</b>	<b>Critical Comments</b>
NSW NPWS MANAGED LAND	Fox	Apply up to 5 Yathong Fox Baits per km <sup>2</sup>	Apply only by helicopter or fixed wing aircraft

**2. State**

NSW only

**3. Conditions on use of Yathong Fox Bait**

- 3.1 NSW National Parks and Wildlife Service must only employ pilots for aerial application of Yathong Fox Bait if they meet the requirements for aerial licences under section 45 of the Pesticides Act 1999.
- 3.2 An Authorised Control Officer must:
- a. Give approval to any proposed aerial baiting programme; and
  - b. Directly supervise the application of Yathong Fox Baits or be available to give instruction during the aerial application of Yathong Fox Baits



**PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38****Name**

1. This Order is to be known as the Pesticide Control (Pindone Concentrate) Order 2002.

**Commencement**

2. This Order commences on 22 November 2002.

**Authority for Order**

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

**Definitions**

4. In this Order -

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**Authorised control officer** means a person who: –

- (a) holds a current:
  - (i) certificate of completion issued by NSW Agriculture for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW Agriculture); or
  - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is employed by a Rural Lands Protection Board, NSW Agriculture, Wild Dog Destruction Board, NSW National Parks and Wildlife Service, or other NSW Government Agency or Authority.

**Bait material** means carrots diced into pieces roughly 2 centimetres cubed or 5 grams in weight, or oats or manufactured rabbit pellets.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

**Pindone concentrate** means any registered agricultural chemical product that has an active constituent comprising 25 grams per litre of pindone sodium or 25 grams per kilogram of pindone and includes the following products:

Rabbait Aqueous Pindone Concentrate (NRA Product Registration Number 48158)  
Aldi Pindone 25 Liquid Concentrate (NRA Product Registration Number 52505)  
Rentokil Pin-25 Rabbit Bait Rodenticide (NRA Product Registration Number 33883)  
Pindone – 25 Rabbit Bait Rodenticide (NRA Product Registration Number 48263)

**Registered training provider** means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.  
**Use** includes possess.

## Background

### *Restricted chemical products/restricted pesticides*

5. A chemical product that is a pindone concentrate has been declared to be a "restricted chemical product" under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the Agvet Code provides that "A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction".

In NSW section 4 of the Pesticides Act provides that a "restricted pesticide" means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act 1999 provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

## Objects

6. The objects of this Order are to: –
  - (a) Authorise those persons described in condition 8 to use pindone concentrate.
  - (b) Specify the manner in which pindone concentrate may be used in NSW.

## Application

7. This Order authorises the use of pindone concentrate, subject to conditions as specified in this Order.

## Persons authorised

8. The following persons are authorised to use, subject to condition 9, pindone concentrate only: –
  - (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
  - (b) Any person who has obtained pindone concentrate, mixed with bait material, from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the pindone concentrate mixed with bait material is to be used.

## Conditions on the use of pindone concentrate

9. The person must only use pindone concentrate and pindone concentrate mixed with bait material in accordance with:
  - (a) the notice "Outcomes of the Review of Pindone" published by the NRA under section 55 of the Agvet Code in the Commonwealth of Australia Gazette, No. NRA 6, 4 June 2002 pp 26-29; and

(b) any pindone concentrate label approved by the NRA after 4 June 2002.

**Notes**

*Words used in this Order have the same meaning as in the Pesticides Act 1999.*

*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  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment

# TENDERS

## Department of Public Works and Services SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, N.S.W. 2000, up til 9.30 am on the dates shown below:

### 20 November 2002

- 025/7252** ELECTRICAL INSPECTION. DOCUMENTS: \$110.00 PER SET
- S02/00240(6041)** CC6041 CLEANING FOR NSW FIRE BRIGADE, ALEXANDRIA 0205. CATEGORY A. INSPECTION DATE & TIME: 12/11/2002 @ 10:00 AM SHARP. AREA: 4347 SQ. METERS. DOCUMENTS: \$55.00 PER SET
- : S02/00240 (6041)** CLEANING FOR NSW FIRE BRIGADE, ALEXANDRIA 0205. CATEGORY A. INSPECTION DATE & TIME: 12/11/2002 @ 10:00 AM SHARP. AREA: 4350 SQ. METERS. DOCUMENTS: \$55.00 PER SET
- S02/00237 (949)** CLEANING OF ENTERPRISE HOUSE, 1 FITZWILLIAM STREET, PARRAMATTA. DOCUMENTS: \$27.50 PER SET

### 27 November 2002

- 025/7282** NSW FIRE BRIGADE - TOTAL APPAREL MANAGEMENT. DOCUMENTS: \$110.00 PER SET
- 025/7295** PROCESS HOME WARRANTY INSURANCE CLAIMS FOR BIGCORP.. DOCUMENTS: \$110.00 PER SET
- 025/7269** MAINTENANCE OF AIRCRAFT. DOCUMENTS: \$110.00 PER SET
- S02/00236 (665)** CLEANING FOR: LONG BAY CORRECTIONAL CENTRE. DOCUMENTS: \$27.50 PER SET
- S02/00236 (665)** CLEANING FOR: LONG BAY CORRECTIONAL CENTRE. DOCUMENTS: \$27.50 PER SET

### 28 November 2002

- 027/7319** LAND VALUATION SERVICES. DOCUMENTS: \$110.00 PER SET

### 3 December 2002

- IT 02/2939** IMAGE CAPTURE SYSTEM. DOCUMENTS: \$220.00 PER SET

### 4 December 2002

- 0202512** SUPPLY OF UNIFORMS. DOCUMENTS: \$110.00 PER SET
- 0202699** ACQUISITION, PROCESSING & IMAGING OF AIRBORNE GEOPHYSICAL DATA.. DOCUMENTS: \$110.00 PER SET
- S0251901** S0251901 - MOBILE PATROL SERVICES DURING SCHOOL VACATION PERIODS.. DOCUMENTS: \$110.00 PER SET

### 9 December 2002

- ITS993/2306a** PABX & KT SYSTEMS, ASSOC PRODUCTS AND SERVICES - ADDITIONAL INTAKE. DOCUMENTS: \$220.00 PER SET

### 10 December 2002

- 037/305** OUTDOOR FURNITURE, SHADE STRUCTURES AND RECREATIONAL EQUIPMENT. DOCUMENTS: \$110.00 PER SET

### 11 December 2002

- 0202395** INDEPENDENT STRATEGIC REVIEW OF COURT SECURITY IN NSW. DOCUMENTS: \$110.00 PER SET
- 0202812** COLLECTION AND DISPOSAL OF DANGEROUS GOODS FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET

### 12 December 2002

- 0202343** DEVELOPMENT AND DELIVERY OF SAFETY AND SECURITY TRAINING PROGRAMS. DOCUMENTS: \$110.00 PER SET
- IT 02/2944** ACQUISITION OF SEISMIC DATA UNDER EXPLORATION NSW. DOCUMENTS: \$110.00 PER SET

**17 December 2002**

- 025/7297** PROVISION OF PORTABLE BREATH TEST DEVICE . DOCUMENTS: \$110.00 PER SET
- 0202838** TYPESETTING SERVICES FOR DISPLAY ADVERTISEMENTS FOR NSW GAA. DOCUMENTS: \$110.00 PER SET
- 027/7283** AIRCRAFT CHARTER FOR NSW POLICE FORCE. DOCUMENTS: \$110.00 PER SET

**TENDER DOCUMENT FEE**

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>).

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**Government Printing Service****TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

**Tender closing Monday 2<sup>nd</sup> December 2002**  
**Advertised for 2 weeks starting Friday 15<sup>th</sup> November 2002**

Job No. 33831. Tenders are invited for the printing of 65,400 copies of the "Education Gazette". Printed in 1 colour black throughout on 80gsm white bond, the Gazette will vary from 4 to 64 pages per issue with 12 issues to be produced in 2003 – approx 1 issue per month. The successful tenderer must provide the proper facilities and resources to undertake the task and supply the high standard of production and quality demanded. The strict production schedule in place must be met. Enquiries to Peter Sparks on 9721 9834

**Tender No.24528**

Tenders are invited on behalf of TAFE NSW for the film, printing and binding of The TAFE Gazette.

This contract will run for 1 year with productions weekly and to a strict timeframe.

Tender documents will be available the 15th of November 2002 from Sam or Barry at the Government Printing Service Building. Job can range from 4pp to 48pp self cover for 4,200 copies per week (43 publications in total).

For further information contact Gavin Potter 9743 8777.

**Tender No: 33838****Issue Date: 15th November 2002**  
**Computer Skills Assessment 2003**

Tenders are invited on the behalf of the NSW Department of Education and Training, for the development, production and implementation of the Computer Skills Assessment (CSA) practical component. The Tenderer must provide proper security facilities and resources to undertake all tasks as specified in the tender document. The Computer Skills Assessment (CSA) practical component is a test administered to Year 6 students via computers in schools throughout NSW.

The Tenderer is required to design and develop software in consultation with the Department of Education and Training, make available to schools throughout NSW via internet or CD, collect the student responses and supply data to be used for reporting on the student results.

Enquiries: Kim Cooper 9721 9833

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BALLINA SHIRE COUNCIL

Roads Act 1993, Division 1, Part 10

Naming of Public Road – Kell Mather Drive

NOTICE is hereby given that Ballina Shire Council, pursuant to section 162 of the abovementioned Act, and in the absence of any objections, has formally adopted the following road naming proposal.

Description	Name
Formally the most northern portion of Meadows Drive, Lennox Head.	Kell Mather Drive.

Authorised by resolution of the Council on 22nd August, 2002. S. McPHERSON, Ballina Shire Council, PO Box 450, Ballina, NSW 2478. [0925]

### BEGA VALLEY SHIRE COUNCIL

Roads Act 1993, Section 10 (1)

Dedication of Land as Public Road

NOTICE is hereby given by Bega Valley Shire Council that pursuant to section 10 (1) of the Roads Act 1993 that the land described in the Schedule is dedicated as public road. D. G. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega, NSW 2550.

#### SCHEDULE

Lot 2, Deposited Plan 1037443. [0951]

### CESSNOCK CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that Cessnock City Council, in pursuance of section 162 of the Roads Act 1993, hereby names the roads described below as shown.

Description	Name
The roads at Weston shown on DP 1039150 in the Parish of Heddon, County of Northumberland and Local Government Area of Cessnock.	Grey Gum Drive; Bluebell Close; Silverstem Lane.
The roads at Rothbury shown on DP 1038043 in the Parish of Rothbury, County of Northumberland and Local Government Area of Cessnock.	Vintage Drive; Mission Drive; Ironbark Drive; Hakea Circuit.

COLIN COWAN, General Manager, Cessnock City Council, Administration Centre, 62-78 Vincent Street, Cessnock, NSW 2325. (Reference: 134/904). [0926]

### GOSFORD CITY COUNCIL

Roads Act 1993, Section 10

Declaration of Public Road

NOTICE is given that the land described in the attached Schedule is land owned by the Council of the City of Gosford. On publication of this notice the land is declared to be a public road pursuant to section 10, Roads Act 1993. P. WILSON, General Manager, Gosford City Council, PO Box 21, Gosford, NSW 2250.

#### SCHEDULE

Lot 18, DP 1045851. [0927]

### HORNSBY SHIRE COUNCIL

Roads Act 1993

Roads General Regulation 1994

Renaming of Public Road – Mary Ann Place

NOTICE is hereby given that the Hornsby Shire Council, in pursuance of section 162 of the abovementioned Act, has renamed the road as shown hereunder:

Present Name	Proposed New Name
McCusker Crescent.	Mary Ann Place.

Authorised by resolution of the Council on 6th November, 2002. A period of twenty-one (21) days from the date of publication of this notice is allowed during which any person may lodge with the Council, written objection to the proposed renaming. Any such objection should set out fully, the reasons for the objection. HORNSBY SHIRE COUNCIL, PO Box 37, Hornsby, NSW 1630. [0928]

### LISMORE CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land at North Lismore in the Lismore City Council Area

THE Lismore City Council, by resolution of the Council dated 9th April, 2002 with the approval of Her Excellency the Governor, declares 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. P. G. O'SULLIVAN, General Manager, Lismore City Council, 43 Oliver Avenue, Goonellabah, NSW 2480.

#### SCHEDULE

All that piece or parcel of Crown public road situated in the Lismore City Council area, Parish of North Lismore, County of Rous, shown as Lots 159 and 160 in Deposited Plan 755729. [0946]

**LITHGOW CITY COUNCIL**

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Lithgow City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below excluding mines and deposits of minerals within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a solid waste landfill depot. Dated at Lithgow this 14th day of November 2002. IAIN STEWART, General Manager, Lithgow City Council, c.o. LeFevre & Co., Solicitors, PO Box 67, Lithgow, NSW 2790.

**SCHEDULE**

Lot 42 as shown in DP 751636. [0953]

**MANLY COUNCIL**

Roads Act 1993, Section 16

Notice of Dedication of Land as Public Road

NOTICE is hereby given pursuant to section 16 (2) of the Roads Act 1993 that Manly Council hereby dedicates the land referred to in the Schedule as public road. MANLY COUNCIL, PO Box 1655, Manly, NSW 2095. (Council File Reference: 65 and 256).

**SCHEDULE**

All of that land being part of Deposited Plan 620 at Seaforth in the Parish of Manly Cove in the County of Cumberland set aside for the purpose of a road left in a subdivision of the land in Portion 71 Middle Harbour and presently included in Certificate of Title Volume 520 Folio 137 excluding any land already acquired pursuant to a claim under the ad medium filum rule or any land already dedicated as a public road. [0929]

**OBERON COUNCIL**

Roads Act 1993, Section 162

Naming of Public Road – Millers Lane and Mount Norway Road

NOTICE is hereby given that Council, in pursuance of section 162 of the Roads Act 1993, proposes to name the roads as shown in the Schedule hereunder:

Description	New Road Name
Road that runs off Springmount Millers Lane. Road approximately 1.45 kilometres west of Gingkin Road.	
Road that runs off Abercrombie Mount Norway Road. Road and leads to the property known as Mount Norway, Oberon.	

Authorised by resolution of Council on 10th September, 2002.

Authorised by resolution of Council on 12th March, 2002.

BRUCE FITZPATRICK, General Manager, Oberon Council, Council Chambers, Oberon, NSW 2787. [0930]

**SHELLHARBOUR CITY COUNCIL**

Roads Act 1993, Section 162

Naming of Public Roads – Daintree Drive and Chaplin Place

UNDER section 162 of the Roads Act 1993, Shellharbour City Council has named the following roads:

Location	Name
New roads in a rural residential subdivision off Terry Street, Albion Park.	Daintree Drive; Chaplin Place.

Authorised by resolution of the Council on 2nd July, 2002. BRIAN A. WEIR, General Manager, Shellharbour City Council, PO Box 155, Shellharbour Square, Shellharbour City Centre, NSW 2529. [0931]

**SHELLHARBOUR CITY COUNCIL**

Roads Act 1993, Section 162

Naming of Public Roads – Killalea Drive, Gabo Crescent, Stradbroke Avenue, Bruny Place, Bribie Avenue, Hayman Crescent, Brampton Way, Bedarra Court, Dunk Avenue and Magnetic Ridge

UNDER section 162 of the Roads Act 1993, Shellharbour City Council has named the following roads:

Location	Name
New roads in subdivision east of Shellharbour Road, Shell Cove.	Killalea Drive; Gabo Crescent; Stradbroke Avenue; Bruny Place; Bribie Avenue; Hayman Crescent; Brampton Way; Bedarra Court; Dunk Avenue; Magnetic Ridge.

Authorised by resolution of the Council on 23rd July, 2002. BRIAN A. WEIR, General Manager, Shellharbour City Council, PO Box 155, Shellharbour Square, Shellharbour City Centre, NSW 2529. [0932]

**SOUTH SYDNEY CITY COUNCIL**

Roads Act 1993, Part 4, Division 1

Proposed Closure and Sale – Part of Queen Street and Collins Street, Beaconsfield

PUBLIC NOTICE is hereby given that South Sydney City Council has received a request for the closure and subsequent sale to an adjoining land owner of part of Queen Street and Collins Street adjacent to No. 161-219 Queen Street, Beaconsfield. Full particulars of the proposal are shown on Plan No. S6-280/269 which is available at Council's Administrative Offices at 280 Elizabeth Street, Surry Hills. Any objections to the abovementioned proposal may be lodged with Council in writing within thirty (30) days of the date hereof.

MICHAEL WHITTAKER, General Manager, South Sydney City Council, Locked Bag 5000, Strawberry Hills, NSW 2012. (Council Papers 2027910). [0933]

### TWEED SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Tweed Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of extending transpiration beds for the Hastings Point Sewerage Scheme. Dated at Murwillumbah, 21st August, 2002. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

#### SCHEDULE

Lot 200 in DP 1030080. [0934]

### WAGGA WAGGA CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Wagga Wagga City Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below excluding mines and deposits of minerals within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a bushfire shed. Dated at Wagga Wagga this 6th day of November 2002. WAGGA WAGGA CITY COUNCIL, PO Box 20, Wagga Wagga, NSW 2650.

#### SCHEDULE

Lot 11 as shown in DP 1022766. [0954]

## ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARY AGNES RIDLEY, late of GRIFFITH, in the State of New South Wales, widow, who died on 8th December, 2001 must send particulars of his claim to the executrix, Maureen Cecily Edwards (in the Will referred to as Maureen Cecily Edwards), c.o. Olliffe & McRae, Solicitors, PO Box 874, Griffith, NSW 2680, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 6th November, 2002. OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680, tel.: (02) 6962 1744. [0935]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of WILLIAM JAMES MURRAY, late of Unit 8, Monastery Building, Ben Street, Goulburn, in the State of New South Wales, company director, who died on 11th August, 1997 must send particulars of his claim to the executor, Stephen John Murray, c.o. Manion McCosker, Solicitors, Level 7, 1 Chifley Square, Sydney, 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 on 6th March, 1998. MANION McCOSKER, Solicitors, Level 7, 1 Chifley Square, Sydney, NSW 2000 (DX 331, Sydney), tel.: (02) 9232 3477. [0936]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MYFANWY WILSON, late of North Balgowlah, in the State of New South Wales, widow, who died on 29th August, 2002 must send particulars of his claim to the executor, Richard Clive Wilson, c.o. Mervyn Finlay, Thorburn & Marshall, Level 2, 225 Macquarie Street, Sydney, 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 on 11th November, 2002. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, Level 2, 225 Macquarie Street, Sydney, NSW 2000 (DX 796, Sydney), tel.: (02) 9223 6544. (Ref: DLT). [0937]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DORIS PICKLES, late of Mayflower Nursing Homes, Westmead, in the State of New South Wales, widow, who died on 31st August, 2002 must send particulars of his claim to the executrix, Brenda Poletti, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 14th November, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [0945]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DELIA BEATRICE NEIL, late of Normanhurst, in the State of New South Wales, who died on 2nd September, 2002 must send particulars of his claim to the executrix, Barbara Mary Imrie, c.o. Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 6th November, 2002. BARTON & CO., Solicitors, Polaris, 128/121-133 Pacific Highway, Hornsby, NSW 2077 (DX 9696, Hornsby), tel.: (02) 9476 1744. [0947]



**COMPANY NOTICES**

NOTICE of voluntary winding up.—WARREGO HOLDINGS PTY LIMITED, ACN 000 693 783.—Notice is given in accordance with section 491 (1) of the Corporations Law that at a special meeting of Warrego Holdings Pty Limited convened and held on 12th November, 2002 the following resolution was duly passed: “That the company be wound up voluntarily and that W. J. O’Donnell be appointed as liquidator”. O’DONNELL MIRABITO, Accountants, Suite 10, 8-12 Pacific Parade, Dee Why, NSW 2099, tel.: (02) 9971 1828.

[0938]

NOTICE of meeting of members.—WEONGA INVESTMENTS PTY LIMITED (In liquidation), ACN 000 868 002.—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the abovenamed company will be held at the office of K. H. Perry & Co., Suite 12 Westlakes Arcade, 108-112 The Boulevard, Toronto on 23rd December, 2002 at 10.00 a.m. for the purpose of laying before the meeting the liquidator’s final account and report and giving any explanation thereof. Dated this 15th day of November 2002. IAN PERRY, Liquidator, c.o. K. H. Perry & Co., Chartered Accountants, Suite 12 Westlakes Arcade, 108-112 The Boulevard, Toronto, NSW 2283, tel.: (02) 4959 5322.

[0939]

NOTICE of final meeting.—ULTIMATE PROSPERITY GROUP PTY LIMITED (In liquidation), ACN 092 965 136.—Notice is hereby given that a final meeting of members and creditors of the abovenamed company will be held at the office of Morton O’Leary, Chartered Accountants, Level 14, 227 Elizabeth Street, Sydney on 10th day of January 2003 at 11.00 a.m. for the purpose of receiving the liquidator’s account showing how the winding up has been conducted and of hearing any explanation which may be given by the liquidator. Dated this 18th day of November 2002. WAYNE S. MORTON, Liquidator, c.o. Morton O’Leary, Chartered Accountants, Level 14, 227 Elizabeth Street, Sydney, NSW 2000, tel.: (02) 9267 6266.

[0940]

NOTICE of general meeting.—ADEPT PRINTING HOLDINGS PTY LIMITED (In voluntary liquidation), ACN 001 393 933.—Notice is hereby given in accordance with section 509 (2) of the Corporations Law that a general meeting of the abovenamed company will be held at Suite 4, Level 1, 49-51 Eton Street, Sutherland, NSW 2232 on Monday, 23rd December, 2002 at 9.00 a.m. for the purpose of having laid before it by the liquidators an account showing how the winding up has been conducted and the property of the company disposed of and hearing an explanation of the account by the liquidators. Dated this 18th day of November 2002. CLIFFORD J. HOLLINGS, Liquidator, c.o. Hollings Associates, Certified Practising Accountants, Suite 4, Level 1, 49-51 Eton Street, Sutherland, NSW 2232, tel.: (02) 9521 5100.

[0941]

NOTICE of voluntary liquidation BERAN (HOLDINGS) PTY LIMITED (In liquidation), ACN 000 144 409.—NOTICE is hereby given in accordance with section 491 (2) of the Corporations Law that at an extraordinary general meeting

of the members of the abovenamed company, held on Tuesday, 19th November, 2002 the following special resolution was duly passed: “That the company be wound up as a members’ voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire” and Roger Duncan Ellinson, Chartered Accountant, c.o. Selingers, Level 11, 155 Castlereagh Street, Sydney, NSW 2000 be appointed liquidator for the purpose of such winding up. Dated at Sydney this 19th day of November 2002. R. D. ELLINSON, Liquidator, c.o. Selingers, Level 11, 155 Castlereagh Street, Sydney, NSW 2000, tel.: (02) 9283 2444.

[0942]

NOTICE of meeting of members.—J. T. MILLIGAN & CO. PTY LIMITED (In liquidation), ACN 000 241 690.—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the abovenamed company will be held at the offices of Booth Partners, 52 Osborne Street, Nowra on 23rd December, 2002 at 10.00 a.m. for the purpose of laying before the meeting the liquidator’s final account and report and giving any explanation thereof. Dated this 18th day of November 2002. DAVID MURPHY, Liquidator, c.o. Booth Partners, Certified Practising Accountants, 52 Osborne Street, Nowra, NSW 2540, tel.: (02) 4421 4344.

[0943]

NOTICE convening final meeting of members.—DYSART PASTORAL COMPANY PTY LIMITED (In liquidation), ACN 000 589 113.—Notice is hereby given pursuant to section 509 of the Corporations Law that a final general meeting of members of the abovenamed company will be held at the offices of David B. Dickson & Co., Level 8, 10 Spring Street, Sydney on 20th December, 2002 at 10.00 a.m., 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 of hearing any explanation that may be given by the liquidator. Dated this 15th day of November 2002. DAVID B. DICKSON, F.C.A. Liquidator, c.o. David B. Dickson & Co., Chartered Accountants, Level 8, 10 Spring Street, Sydney, NSW 2000, tel.: (02) 9221 7566.

[0948]

NOTICE convening final meeting of members.—EADO PTY LIMITED (In liquidation), ACN 001 320 314.—Notice is hereby given pursuant to section 509 of the Corporations Law that a final general meeting of members of the abovenamed company will be held at the offices of David B. Dickson & Co., Level 8, 10 Spring Street, Sydney on 20th December, 2002 at 10.30 a.m., 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 of hearing any explanation that may be given by the liquidator. Dated this 15th day of November 2002. DAVID B. DICKSON, F.C.A. Liquidator, c.o. David B. Dickson & Co., Chartered Accountants, Level 8, 10 Spring Street, Sydney, NSW 2000, tel.: (02) 9221 7566.

[0949]

NOTICE of winding up Order.—SECURECOM PTY LIMITED (In liquidation), ACN 081 545 495.—On 15th November, 2002 the Supreme Court of New South Wales, Equity Division, Sydney Registry made an Order that the

company be wound up by the Court and appointed me to be official liquidator. Dated this 19th day of November 2002. BRIAN RAYMOND SILVIA, Official Liquidator, c.o. Ferrier Hodgson, Chartered Accountants, Level 17, 2 Market Street, Sydney, NSW 2000. [0950]

### OTHER NOTICES

Trustee Companies Act 1964 (New South Wales) as amended.—PERMANENT TRUSTEE COMPANY LIMITED, ACN 000 000 993, ABN 21 000 000 993.

Trustee Companies Act 1947 (Australian Capital Territory) as amended.—PERMANENT TRUSTEE (CANBERRA) LIMITED, ACN 000 000 933, ABN 21 000 000 993.

#### Charges and Fees

The following charges and fees for services will be effective from 1st November, 2002 and are subject to review from time to time. All fees quoted are inclusive of GST unless otherwise stated.

#### Acting as Executor and Trustee

Pursuant to section 18 of the Trustee Companies Act 1964 (NSW) (as amended) and section 18 of the Trustee Companies Act 1947 (ACT) (as amended) the charges will be:

Capital Commission	Income Commission
4.675 per cent on total asset value	5.775 per cent on all income collected

#### Notes

1. In certain circumstance, and subject to authorisation by the Board, commission and administration fees can be negotiated.

2. In New South Wales, an additional annual trust fee will apply where the Estate or Trust has been under our administration for at least 2 years:

Capital Value of Trust	Quarterly Fee
\$0 - \$250,000	13.75c for every \$100
\$250,001 – \$500,000	\$343.75 plus 20.62c for every \$100 over \$250,000
\$500,001 +	\$859.37 plus 27.5c for every \$100 over \$500,000

3. Separate fees for estate and trust taxation returns together with other professional services will be charged.
4. Permanent Trustee Company Limited and Permanent Trustee Canberra Limited will be entitled to a reimbursement for out-of-pocket expenses.
5. For prescribed services (as prescribed by the Regulation) provided in the administration or management of an estate, a management fee will be charged on a time spend basis with the advertised hourly rate applicable as \$220 per hour for Capital Gains Tax reconstruction and \$198 per hour for other matters.

By Order of the Board of Permanent Trustee Company Limited and the Board of Permanent Trustee (Canberra) Limited.

PERMANENT TRUSTEE COMPANY LIMITED, 35 Clarence Street, Sydney, NSW 2000. [0944]