Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Assents to Acts

Legislative Assembly Office, Sydney 24 May 2004

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

Act No.31 2004 - An Act to amend the Transport Administration Act 1988 with respect to the leasing and licensing to, and management by, Australian Rail Track Corporation Ltd of country rail infrastructure and freight rail infrastructure; and for other purposes. **[Transport Administration Amendment (New South Wales and Commonwealth Rail Agreement) Bill]**

Act No.32 2004 - An Act to appropriate additional amounts out of the Consolidated Fund for the years 2003–2004 and 2002–2003 for the purpose of giving effect to certain Budget variations required by the exigencies of Government. **[Appropriation (Budget Variations) Bill]**

Act No.33 2004 - An Act to make miscellaneous amendments to certain State revenue legislation; and for other purposes. **[State Revenue Legislation Amendment Bill]**

Russell D. Grove PSM
Clerk of the Legislative Assembly

Proclamations

New South Wales

Proclamation

under the

Stock Diseases Amendment (False Information) Act 2004 No 20

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 *Stock Diseases Amendment (False Information) Act 2004*, do, by this my Proclamation, appoint 1 July 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 9th day of June 2004.

By Her Excellency's Command,

L.S.

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

GOD SAVE THE QUEEN!

New South Wales

Proclamation

under the

Totalizator Legislation Amendment Act 2003 No 101

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Totalizator Legislation Amendment Act 2003*, do, by this my Proclamation, appoint 11 June 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 9th day of June 2004.

By Her Excellency's Command,

L.S.

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

GOD SAVE THE QUEEN!

Regulations

New South Wales

Entertainment Industry Amendment (Delegation) Regulation 2004

under the

Entertainment Industry Act 1989

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

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The *Entertainment Industry Regulation 1995* prescribes, among other things, a class of persons to whom the Minister administering the *Entertainment Industry Act 1989* may delegate the functions of the dissolved Entertainment Industry Interim Council (the functions of which are now exercised by the Minister).

The object of this Regulation is to prescribe additional persons as members of that class.

This Regulation is made under the *Entertainment Industry Act 1989*, including section 53 (Delegation) and 64 (the general regulation-making power).

Entertainment Industry Amendment (Delegation) Regulation 2004

under the

Entertainment Industry Act 1989

1 Name of Regulation

This Regulation is the *Entertainment Industry Amendment (Delegation) Regulation 2004*.

2 Amendment of Entertainment Industry Regulation 1995

The *Entertainment Industry Regulation 1995* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 6

Omit the clause. Insert instead:

6 Delegation: section 53

The class of persons that consists of the following persons is prescribed for the purposes of section 53 (3) (b) of the Act (that is, the class of persons to whom the Minister may delegate functions):

(a) the Director-General, Department of Commerce,

(b) the Deputy Director-General, Office of Industrial Relations,

(c) the Assistant Director-General, Industrial Relations Service Delivery, Office of Industrial Relations.

New South Wales

Jury Amendment (Fees and Allowances) Regulation 2004

under the

Jury Act 1977

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Jury Act 1977*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Section 72 of the *Jury Act 1977* provides that a person who attends for jury service at a court or coronial inquest is entitled to be paid at the prescribed rate for that attendance.

The object of this Regulation is to increase the attendance fees, travelling allowances and refreshment allowance paid to jurors.

The increases for attendance fees and the refreshment allowance are in line with movements in the Consumer Price Index. The increases for travelling allowances are in line with the casual rate payable in the public sector for private vehicles with engine capacity over 2700 cc.

This Regulation is made under the *Jury Act 1977*, including sections 72 and 76 (the general regulation-making power).

Jury Amendment (Fees and Allowances) Regulation 2004

under the

Jury Act 1977

1 Name of Regulation

This Regulation is the *Jury Amendment (Fees and Allowances) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Jury Regulation 1999

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

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Scales of daily fees and allowances payable in respect of jurors

(Clause 7)

Scale A	Attendance fee	Fee per day
	Day of attendance	**$**
	1st:	
	(a) if a person attends for less than 4 hours on that day but is not selected for jury service	Nil
	(b) if a person attends for less than 4 hours on that day and is selected for jury service	39.50
	(c) if a person attends for more than 4 hours on that day (whether or not the person is selected for jury service)	79.20
	2nd–5th	79.20
	6th–10th	92.00
	11th and subsequent days	107.40
	If a person attending for jury service is paid his or her full wage or salary on a day of attendance by his or her employer (not being an amount that is the difference between the person's full wage or salary and the attendance fee)	Nil
	Note. See clause 7 (2) regarding the requirement of submitting a completed statutory declaration if a juror claims an attendance fee.	

Scale B Travelling allowance

On each day of attendance, for one journey each way between the place of residence of a person attending for jury service, as shown on the jury roll, and the court or inquest attended, the person is entitled to be paid at the rate of 27 cents per kilometre with:

(a) a minimum payment of $3.80 each way (being a minimum payment for 14 kilometres each way), and

(b) a maximum payment of $27.00 each way (being a maximum payment for 100 kilometres each way),

whether or not public transport is used.

Scale C Refreshment allowance

If a juror in either a civil or criminal matter is released by the trial judge during a luncheon adjournment, the juror is entitled to be paid a refreshment allowance of $5.70.

Orders

New South Wales

Order

under the

State Authorities Non-contributory Superannuation Act 1987

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 4 (6) of the *State Authorities Non-contributory Superannuation Act 1987*, do, by this my Order, declare that section 4 (7) of that Act:

(a) applies to Margaret Hornibrook, who is an employee on secondment to Curriculum Corporation (a company that is not an employer within the meaning of that Act), and

(b) applies during the period commencing on 14 June 2000 and ending on the day on which that secondment is terminated.

Dated, this 12th day of May 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

Section 4 (7) of the *State Authorities Non-contributory Superannuation Act 1987* provides, in respect of a seconded employee to which the subsection is declared to apply, that the employee's salary is, for the purposes of the Act, to be that payable in respect of the employment to which the employee is seconded.

The object of this Order is to declare that section 4 (7) applies to Margaret Hornibrook, who is on secondment from the Department of Education and Training to Curriculum Corporation, during that secondment.

This Order is made under section 4 of the *State Authorities Non-contributory Superannuation Act 1987*.

Other Legislation

New South Wales

Declaration

under the

Superannuation Act 1916

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 19 (6) of the *Superannuation Act 1916*, declare that section 19 (7) of that Act:

(a) applies to and in respect of Margaret Hornibrook, who is on leave of absence from the service of the Department of Education and Training and is on secondment to the service of Curriculum Corporation (a company that is not an employer within the meaning of that Act), and

(b) applies during the period commencing on 14 June 2000 and ending on the day on which that secondment is terminated.

Dated, this 12th day of May 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

Section 19 (7) of the *Superannuation Act 1916* provides, in respect of a seconded contributor to which the subsection is declared to apply, that the contributor's salary is, for the purposes of the Act, to be that payable in respect of the service to which the contributor is seconded.

The object of this Declaration is to declare that section 19 (7) applies to Margaret Hornibrook, who is on secondment from the Department of Education and Training to Curriculum Corporation, during that secondment.

This Declaration is made under section 19 of the *Superannuation Act 1916*.

New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as a vulnerable species under that Act and, accordingly, Schedule 2 to that Act is amended by inserting in alphabetical order under the heading "Orchidaceae" (under the heading "Plants"):

Peristeranthus hillii (F. Muell.) T.E. Hunt.

Dated, this 19th day of May 2004.

Associate Professor Paul Adam

Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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

(b) by contacting the Scientific Committee Support Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,

(c) in person at the National Parks Centre, 102 George St, The Rocks, Sydney.

OFFICIAL NOTICES

Appointments

COAL ACQUISITION (COMPENSATION) ARRANGEMENTS 1985

Appointment of Member of the
New South Wales Coal Compensation Board

I, Professor MARIE BASHIR, A.C., Governor of New South Wales, with the advice of the Executive Council and in pursuance to the provisions of the Coal Acquisition (Compensation) Arrangements 1985, do make the following appointment expiring on 30 June 2006.

Susan Caroline MYERS as a member who is a person not holding an office of profit under the Crown.

Dated at Sydney this 26th day of May 2004.

MARIE BASHIR, A.C.,
Governor.

By Her Excellency's Command,

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NSW Fisheries

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Notification Under Section 163(7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2002

AN application has been received for an aquaculture (oyster) lease for the purpose of cultivating Sydney rock oysters and Pacific oysters, in Tilligerry Creek (Port Stephens), for an area to be known as AL04/009 (if granted) of approximately 2.069 hectares over former oyster lease OL65/150. Application by Johannes and Pauline DE KOEYER of Lemon Tree Passage, NSW. If granted the lease will be subject to standard covenants and conditions of an aquaculture lease as provided under the above Act and any other conditions of consent from Port Stephens Council. NSW Fisheries is:

- calling for written submissions from any person supporting or objecting to the lease proposal, citing reasons for the support/objection.
- calling for expressions of interest from persons or corporations interested in leasing the area. An expression of interest must be in the form of a written response referring to lease number AL04/009, signed and dated with a return address.

Specific details can be obtained, or enquiries made with NSW Fisheries, Aquaculture Administration Section on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 40 days from the date of publication of this notification.

Executive Director,
Aquaculture and Sustainable Fisheries,
NSW Fisheries, Aquaculture Administration Section,
Port Stephens Fisheries Centre,
Private Bag 1, Nelson Bay, NSW 2315.

STEVE DUNN,
Director-General,
NSW Fisheries.

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Notification Under Section 163(7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2002

NSW Fisheries advises that an application has been received for an aquaculture (oyster) lease over public water land for the purposes of cultivating Sydney rock oysters:

Location is at Brisbane Waters, for an area to be known as AL03/022 (if granted) of approximately 2.091 hectares over former oyster lease OL93/034. Application by Brett KNIGHT of Umina, NSW. If granted the lease will be subject to standard covenants and conditions of an aquaculture lease as imposed by NSW Fisheries, and any other conditions by Council or other approval body.

NSW Fisheries is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection.

NSW Fisheries is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purposes of aquaculture. An expression of interest must be in the form of a written response referring to lease number AL03/022, signed and dated with a return address.

Specific details of the proposed lease can be obtained, or enquiries made with NSW Fisheries, Aquaculture Administration Section, Port Stephens on (02) 4982 1232.

Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Executive Director,
Aquaculture and Sustainable Fisheries,
NSW Fisheries, Aquaculture Administration Section,
Port Stephens Fisheries Centre,
Private Bag 1, Nelson Bay, NSW 2315.

If additional expressions of interest are received, NSW Fisheries may offer the area for leasing through a competitive public tender process.

STEVE DUNN,
Director-General,
NSW Fisheries.

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Notification Under Section 163(7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2002

AN application has been received for an aquaculture (oyster) lease for the purposes of cultivating Sydney rock oysters, in the Crookhaven River, for an area to be known as AL03/036 (if granted) of approximately 2.2 hectares over part of former oyster lease OL57/289. Application by B. E. ALLEN, B. W. ALLEN, E. W. ALLEN, S. ALLEN and H. A. WOOD of Greenwell Point, NSW. If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and any other conditions of consent as imposed by Shoalhaven City Council or other approval bodies. NSW Fisheries is:

- calling for written submissions from any person supporting or objecting to the lease proposal, citing reasons for the support/objection.
- calling for expressions of interest from persons or corporations interested in leasing the area. An expression of interest must be in the form of a written response referring to lease number AL03/036, signed and dated with a return address.

Specific details can be obtained, or enquiries made with NSW Fisheries, Aquaculture Administration Section on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 40 days from the date of publication of this notification.

Executive Director,
Aquaculture and Sustainable Fisheries,
NSW Fisheries, Aquaculture Administration Section,
Port Stephens Fisheries Centre,
Private Bag 1, Nelson Bay, NSW 2315.

If additional expressions of interest are received, NSW Fisheries may offer the area for leasing through a competitive public tender process.

STEVE DUNN,
Director-General,
NSW Fisheries.

FISHERIES MANAGEMENT ACT 1994

Total Allowable Commercial Catch for Eastern Rock Lobster

THE Total Allowable Catch Setting and Review Committee, pursuant to Division 4 of Part 2 of the Fisheries Management Act 1994, by this notice specifies that the total allowable commercial catch for eastern rock lobster for the fishing period beginning 1 July 2004 to 30 June 2005 (both dates inclusive) is 102 tonnes.

Dated: 8 June 2004.

DF04/262.

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

FISHERIES MANAGEMENT ACT 1994

PUBLIC NOTICE

Amendment

THIS Notice amends the Notice "Invitation to apply for shares in share management fisheries" published on 23 April 2004, *Government Gazette* No. 75, pages 2155-2162.

Part 1

The closing date for share applications is 5:00 p.m., Friday, 2 July 2004.

Part 2

Estuary General Fishery. Delete "and d" from 3. ii.

Dated: 9 June 2004.

PAUL O'CONNOR,
Acting Director-General,
NSW Fisheries

F04/1337

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Shelley Beach Lagoon, Port Macquarie

I, Steve DUNN, prohibit the taking of fish by means of spears, spearguns or similar devices, from the whole of the waters of Shelley Beach lagoon bounded by the reef that surrounds the lagoon at the southern end of Shelley Beach in Port Macquarie.

This prohibition is effective for a period of up to five years from the date of publication, unless sooner varied or revoked by notification of the Director-General, NSW Fisheries.

STEVE DUNN,
Director-General,
NSW Fisheries

F99/187

FISHERIES MANAGEMENT ACT 1994

Section 11 and Section 8 Notification – Fishing Closure

Tuggerah Lakes (including Munmorah and Budgewoi Lakes)

I, IAN MacDONALD, revoke the notification, and all amendments thereto, titled "Section 11 and Section 8 Notification – Fishing Closure Tuggerah Lakes (including Munmorah and Budgewoi Lakes)", published in *New South Wales Government Gazette* number 68 of 9 June 2000.

I do now, by this notification, prohibit the taking of fish by the methods of fishing specified in Column 1 of Schedules 1 to 9 of this notification, from the waters shown opposite in Column 2 of those Schedules.

This prohibition is effective for a period of five (5) years from the date of publication, unless sooner varied or revoked by notification of the Director-General, NSW Fisheries.

Fishing will also be subject to any 'conditions' as specified in this notification.

Note: The word 'Regulation', where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

The Hon. IAN MacDONALD, M.L.C.,
Minister for Primary Industries

SCHEDULE 1

Budgewoi Lake and Lake Munmorah – Hauling Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of the hauling net (general purpose) as prescribed by Regulation.	The whole of the waters of Budgewoi Lake and Lake Munmorah and their creeks and tributaries north of the Wallarah Point Bridge between Gorokan and Toukley.

SCHEDULE 2

Tuggerah Lake – Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of nets of every description except the dip or scoop net, hand hauled prawn net, push or scissors net and the landing net as prescribed by the Regulation.	The whole of the waters of that part of Tuggerah Lake north-east of a line drawn from the south-western corner of lot 63 Main Road, Toukley to the north-western corner of portion 155, Parish of Wallarah (the north-western corner of Camp Toukley).
Conditions: This closure applies in the period 1 December to 28 February (inclusive) each year.	

SCHEDULE 3

Tuggerah Lake – Mesh Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of meshing nets, except when such nets are used by the method of 'splashing', and flathead nets, as prescribed by Regulation.	Tuggerah Lake eastward of a line drawn north-north-easterly from the prolongation of Aubrey Street to the south-western point of the closed area at The Entrance described in Schedule 2 (Tuggerah Lake and Ocean Waters Adjoining) of the Regulation.

SCHEDULE 4

Tuggerah Lake – Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of nets of every description, except for the setting of staked prawn running nets, the dip or scoop net, hand hauled prawn net, push or scissors net and the landing net as prescribed by Regulation.	That part of Tuggerah Lake lying between Long Jetty and Watkins Jetty and between Watkins Jetty and Parry's Jetty and bounded on the Lake side by a line joining the outer extremities of those jetties.
Conditions: This closure applies in the period 1 November to 30 April (inclusive) each year.	

SCHEDULE 5

Tuggerah Lake – Seine Net (prawns)

Column 1 **Methods**	*Column 2* **Waters**
By means of a seine net (prawns) and try net as prescribed by clause 37 of the Regulation.	The whole of the tidal waters of Tuggerah Lakes (including Tuggerah, Budgewoi and Munmorah Lakes), together with their creeks and tributaries, downstream to the South Pacific Ocean.
Conditions: This closure applies from official sunset to official sunrise each day.	

SCHEDULE 6

Lake Munmorah – Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of nets of every description except the dip or scoop net and the landing net as prescribed by Regulation.	The whole of the waters of Budgewoi Creek, together with all its tributaries, extending upwards from the Traffic Road Bridge to the Pedestrian Bridge at the entrance to Lake Munmorah.

SCHEDULE 7

Budgewoi Lake – Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of nets of every description except the dip or scoop net, hand hauled prawn net, push or scissors net and the landing net as prescribed by Regulation.	The whole of the waters of that part of the outlet canal of the Munmorah Power House, Budgewoi Lake, northeast of a line bearing 140 degrees across the canal from the southwestern most extremity of the breakwall on the south-western side of the canal to Ourringo point.
Conditions: This closure applies in the period 1 May to 31 August (inclusive) each year.	

SCHEDULE 8

Budgewoi Lake – Munmorah Power House

Column 1 **Methods**	*Column 2* **Waters**
By all methods.	The whole of the waters of that part of the outlet canal of the Munmorah Power House, Budgewoi Lake, northeast of a line bearing 140 degrees across the canal from the southwestern most extremity of the breakwall on the south-western side of the canal to Ourringo point.
Note: This schedule only applies to recreational fishers. **Conditions:** This closure applies in the period 1 May to 31 August (inclusive) each year, between 6pm and 6am.	

SCHEDULE 9

Wyong Creek and Ourimbah River – Mesh Nets

Column 1 **Methods**	*Column 2* **Waters**
By means of meshing nets, except when such nets are used by the method of 'splashing', as prescribed by Regulation.	**Wyong Creek** – and tributaries upstream of its confluence with Tuggerah Lake. **Ourimbah River** – and tributaries upstream of its confluence with Tuggerah Lake.
Conditions: This closure applies in the period 15 May to 31 August (inclusive) each year.	

Note: This closure applies to both recreational and commercial fishers. The purpose of the closure is to protect fish and prawn stocks, reduce conflict between user groups and to provide access over the summer months for other recreational users of the area.

F97/320

FISHERIES MANAGEMENT ACT 1994

Notification Under Section 11 and 8 – Fishing Closure

Lake Macquarie – County of Northumberland

I, IAN MacDONALD, revoke the notification, and all amendments titled – "Section 11 and Section 8 Notification – Fishing Closure Lake Macquarie", published in *New South Wales Government Gazette* number 128 of 12 November 1999.

I do now, by this notification, prohibit the taking of fish by the methods of fishing specified in Column 1 of Schedules 1 to 5 of this notification, from the waters shown opposite in Column 2 of those Schedules.

This prohibition is effective for a period of five (5) years from the date of publication, unless sooner varied or revoked by notification of the Director-General, NSW Fisheries.

Fishing will also be subject to any 'conditions' as specified in this notification.

Note: The word 'Regulation', where appearing in this notification, refers to the Fisheries Management (General) Regulation 2002.

The Hon. IAN MacDONALD, M.L.C.,
Minister for Primary Industries

SCHEDULE 1

Trapping

Column 1 **Methods**	*Column 2* **Waters**
By means of traps of every description, except bait traps as prescribed by Regulation.	The whole of the waters of Lake Macquarie, together with its creeks, inlets, bays, lakes and lagoons.

SCHEDULE 2

Digging

Column 1 **Methods**	*Column 2* **Waters**
Digging with a spade, fork or similar instrument.	The whole of the waters of Lake Macquarie, together with its creeks, inlets, bays, lakes and lagoons.
Conditions: This prohibition extends to all water and foreshore below the high tide mark. Invertebrates may be taken by yabby pump or other methods as prescribed by clause 74 of the Regulation.	

SCHEDULE 3

Hand hauled prawn nets and push or scissors nets

Column 1 **Methods**	*Column 2* **Waters**
By means of hand hauled prawn nets and push or scissors nets as prescribed by Regulation.	The waters of Lake Macquarie entrance (downstream to the ocean), enclosed within the following boundaries: waters east of a line from Galgabba to Cardiff Point, which are also north of a line drawn west from a base peg marked FD set on high water mark adjacent to the western end of Kahibah Street, Swansea, and which are also south of a line drawn west from Marks Point.

SCHEDULE 4

Small tributaries

Column 1 **Methods**	*Column 2* **Waters**
By means of the hoop or lift net as prescribed by Regulation.	1. All waters of **Mannering Bay** and its tributaries including Wyee Creek, upstream of the causeway across the entrance to the bay. 2. Waters of **Lake Petite** upstream of its confluence with Bardens Bay. 3. The waters of **Whiteheads Lagoon** upstream of the road bridge near its confluence with Lake Macquarie. 4. Waters of **Muddy Lake** and **Lake Eraring**, upstream of a line drawn from the southern extremity of Pipers Point to the most north-eastern point of the north bank of Dora Creek. 5. Waters of **Duck Hole Lagoon**.

SCHEDULE 5

Eraring and Vales Point power stations

Column 1 **Methods**	*Column 2* **Waters**
By all methods.	The whole of the waters of the Eraring power station outlet canal, and the waters within 100m of the canal extremity.
By all methods.	The whole of the waters of the Vales Point power station outlet canal, and the waters within 100m of the canal extremity.
Conditions: This closure applies in the period 1 May to 31 August (inclusive) each year, between 6pm and 6am.	

Note: This closure applies to recreational fishers. The purpose of the closure is to protect fish and prawn stocks, allow for the free passage of fish, and protect nursery grounds and seagrasses.

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning

New South Wales

Byron Local Environmental Plan 1988 (Amendment No 113)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G94/00319/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Byron Local Environmental Plan 1988 (Amendment No 113)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 113)*.

2 Aims of plan

This plan aims:

(a) to amend clause 15 of *Byron Local Environmental Plan 1988* (***the 1988 plan***) to further provide for land on which dwelling-houses may be erected with consent, and

(b) to amend Schedule 7 to the 1988 plan to correct errors and omissions in that Schedule (which sets out, among other things, a list of deposited plan numbers in respect of land that is subject to clause 15).

3 Land to which plan applies

This plan applies to land within Zone Nos 1 (a), 1 (b1), 1 (b2), 1 (c1), 1 (c2), 1 (d), 7 (c) and 7 (d) under *Byron Local Environmental Plan 1988*.

4 Amendment of Byron Local Environmental Plan 1988

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 15 Dwelling-houses

Insert at the end of clause 15 (2A) (d):

, or

(e) a portion or a lot (not included by paragraph (c) or (d)) that was created between 8 November 1968 and 21 April 1988 under the provisions of *Interim Development Order No 1—Shire of Byron* or *Interim Development Order No 1—Municipality of Mullumbimby* and is subject to a certificate of subdivision signed during that period by the Council's Clerk.

[2] Schedule 7 Land referred to in clause 15

Insert "595097" after "594975" in the matter under the heading "1978".

[3] Schedule 7

Omit "5950947" from the matter under the heading "1978".

[4] Schedule 7

Omit "612191" from the matter under the heading "1980".

Insert instead "612192".

[5] Schedule 7

Insert "261332" after "615048" in the matter under the heading "1980".

[6] Schedule 7

Insert "712250" after "637345" in the matter under the heading "1985".

[7] Schedule 7

Omit "71250" from the matter under the heading "1985".

New South Wales

Narromine Local Environmental Plan 1997 (Amendment No 2)—Intensive Agriculture

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/00737/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Narromine Local Environmental Plan 1997 (Amendment No 2)—Intensive Agriculture

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Narromine Local Environmental Plan 1997 (Amendment No 2)—Intensive Agriculture*.

2 Aims of plan

This plan aims to provide for intensive agriculture on land that is within Zone No 1 (a) (General Rural) under *Narromine Local Environmental Plan 1997*.

3 Land to which plan applies

This plan applies to all land to which *Narromine Local Environmental Plan 1997* applies.

4 Amendment of Narromine Local Environmental Plan 1997

Narromine Local Environmental Plan 1997 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Omit the definition of ***agriculture*** from clause 5 (1). Insert instead:

agriculture means:

(a) the cultivation of crops, including cereals, fibres, fruits, vegetables or flower crops, or

(b) the keeping or breeding of livestock, bees or poultry or other birds for commercial purposes,

but does not include intensive agriculture, intensive livestock keeping establishments or anything elsewhere specifically defined in this clause.

[2] Clause 5 (1)

Insert ", horse stud" after "riding school" in the definition of ***animal boarding or training establishment***.

[3] Clause 5 (1)

Insert in alphabetical order:

aquaculture means the cultivation of the resources of inland waters for the propagation or rearing of fish or plants or other organisms.

artificial waterbody means an artificial waterbody to which clause 4 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000* applies.

cotton farming means the use of a site for the commercial production of cotton.

dairy means a building or place used for the milking (other than for personal consumption) of livestock.

forestry includes arboriculture, silviculture, forest production, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

holding means one or more adjoining allotments under the same ownership.

intensive agriculture means the commercial production of fibre, flowers, fruits, mushrooms, pastures or fodder, timber or vegetables (and includes viticulture or the like) where production is usually beyond the natural capability of the land on which it is carried out, but does not include aquaculture, cotton farming or turf farming.

large scale earthworks means ground disturbance involving more than 2,500 square metres of surface area, and vegetation removal, cut and fill operations or land forming, necessary to permit building work or other development to proceed.

property development plan or ***PDP*** means a plan prepared for a holding of land that:

(a) outlines how the land is to be developed and used for an economically, environmentally and socially sustainable agricultural undertaking, and

(b) has been prepared in accordance with *Narromine Development Control Plan No 5—Intensive Agriculture* as adopted by the Council on 18 June 2002.

rural worker's dwelling means a dwelling:

(a) located on a parcel of land on which a dwelling-house is or is intended to be located, and

(b) used as the principal place of residence by persons employed in a rural occupation conducted on that land.

turf farming means the commercial cultivation, and removal from land, of turf.

vacant land means land devoid of dwellings.

wetland means land that is inundated with shallow water that may be slow moving or stationary, fresh, brackish or saline, for a long enough period (either temporarily or permanently) so that the plants and animals living on or within the land are adapted to, and often dependent on, living in a wet condition for at least part of their life cycle, but does not include wetlands which have been constructed for an artificial purpose such as sewage treatment works.

[4] Clause 6 Adoption of model provisions

Insert "***agriculture***," after "***advertisement***,".

[5] Clause 6

Insert "***forestry***," after "***arterial road***,".

[6] Clause 9 Zone objectives and development control table

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

Insert instead:

1 Objectives of zone

The objectives of this zone are as follows:

(a) to provide for an area of open rural character comprising agriculture, other primary industries and development consistent with a rural location,

(b) to prevent the development of prime agricultural land for purposes other than agriculture,

(c) to facilitate farm adjustments and encourage amalgamations of land to increase holding size,

(d) to provide for development of land for non-agricultural purposes in accordance with the need for that development if the development is not detrimental to productive and sustainable agriculture,

(e) to encourage the development of intensive agriculture enterprises which meet sustainable natural resource management principles,

(f) to protect agricultural enterprises from operational restraints caused by land use conflicts, especially those arising from pressure to maintain a level of amenity more appropriate for residential and hobby farming,

(g) to provide for dwelling-houses on holdings where such a use is justified considering the economic, environmental and socially sustainable nature of agriculture on the holdings,

(h) to permit supporting and compatible value-adding industries within the zone where not detrimental to existing or potential agricultural activities.

[7] Clause 9, Table

Omit item 1 of the matter relating to Zone No 2 (v) (Village or Urban).

Insert instead:

1 Objectives of zone

The objectives of this zone are as follows:

(a) to promote development in existing villages and urban areas in a manner which is compatible with their existing urban function,

(b) to protect and enhance the character and amenity of the individual towns and villages,

(c) to provide appropriate areas for residential expansion,

(d) to allow a variety of appropriately designed housing types within existing and new residential areas,

(e) to allow development within the zone for purposes other than housing, being development that is appropriate to a village or urban area and that does not detrimentally affect the character or amenity of the locality.

[8] Clause 9, Table

Omit item 4 of the matter relating to Zone No 2 (v) (Village or Urban).

Insert instead:

4 Prohibited

Development for the purpose of:

aquaculture; artificial waterbodies; cotton farming; dairies; extractive industries; intensive agriculture; intensive livestock keeping establishments; large scale earthworks; mines; offensive and hazardous industries; turf farming.

[9] Clauses 12A and 12B

Insert after clause 12:

12A Subdivision for purpose of intensive agriculture in Zone No 1 (a)

(1) The Council may consent to the creation of a vacant allotment of any area within Zone No 1 (a) if the Council is satisfied by a property development plan that the allotment will be used, and is suitable, for intensive agriculture.

(2) The Council may consent to the creation of an allotment within Zone No 1 (a) that the Council considers will be used for the purpose of intensive agriculture, that has an area of less than 400 hectares and on which a dwelling-house is or will be located if the Council is satisfied by a property development plan that:

(a) the primary land use of the allotment will be for economically, environmentally and socially sustainable intensive agriculture, and

(b) the allotment will be capable of being used for, and will be suitable for, the intensive agriculture purpose proposed, and

(c) the creation of the allotment will not diminish the potential of the land or any other land to be used for agriculture or intensive agriculture.

12B Referral of certain applications involving intensive agriculture to relevant public authorities

(1) Every development application for the following must be referred by the Council to the Directors-General of the Department of Agriculture and the Department of Infrastructure, Planning and Natural Resources for comment:

(a) consent to the creation of a vacant allotment of any area within Zone No 1 (a) for the purpose of intensive agriculture,

(b) consent to the erection of a dwelling-house on vacant land within Zone No 1 (a) where the dwelling-house is ancillary to the land being used for intensive agriculture.

(2) The Council must take into consideration any comments made by the Director-General of the Department of Agriculture or the Director-General of the Department of Infrastructure, Planning and Natural Resources that are received by the Council within 30 days from the date of referral.

[10] Clause 13, heading

Omit the heading to the clause. Insert instead:

Subdivision of an existing holding for purpose of a dwelling-house in Zone No 1 (a)

[11] Clause 13 (3)

Insert after clause 13 (2):

(3) This clause ceases to have effect on the first anniversary of the commencement of *Narromine Local Environmental Plan 1997 (Amendment No 2)—Intensive Agriculture* and on and from that date the Council may not grant consent under this clause.

[12] Clause 14 Subdivision for other purposes in Zone No 1 (a)

Insert "intensive agriculture," after "other than" in clause 14 (1).

[13] Clauses 16 and 16A

Omit clause 16. Insert instead:

16 Dwelling-houses on vacant land in Zone No 1 (a)

(1) Subject to subclauses (2), (3) and (4), the Council may consent to the erection of a dwelling-house on vacant land within Zone No 1 (a) but only if the Council is satisfied that the land:

(a) is part of, or will be consolidated into, a single parcel of land with an area of 400 hectares or more, or

(b) comprises an allotment that was created for the purpose of a dwelling-house by a subdivision to which the Council granted consent before the commencement of *Narromine Local Environmental Plan 1997 (Amendment No 2)—Intensive Agriculture*.

(2) Despite subclause (1), the Council may consent to the erection of a dwelling-house on vacant land within Zone No 1 (a) if the Council:

(a) is satisfied by a property development plan that the dwelling-house will be ancillary to the use of that land for the purpose of intensive agriculture, and

(b) imposes a condition on that consent that prohibits the use of the dwelling-house before the commencement of the use of the land for the purpose of intensive agriculture.

(3) Despite subclause (1), the Council may consent to the erection of a dwelling-house on vacant land within Zone No 1 (a) if:

(a) the dwelling-house will be ancillary to an established use of the land other than agriculture or intensive agriculture, and

(b) the Council is satisfied that:

(i) the land could not reasonably be used for that other purpose without the erection of the dwelling-house, and

(ii) the dwelling-house is to be located so as to prevent any adverse effect on the productive or potential use of the land and adjoining lands.

(4) The Council must not consent to the erection of a dwelling house on vacant land within Zone No 1 (a) unless it is satisfied that the land contains a suitable area for a building envelope that:

(a) does not comprise prime crop and pasture land (except where no reasonable alternative exists), and

(b) will not diminish the potential of the land or any other land to be used for agriculture, and

(c) is capable of being used for, and has an area suitable for, the on-site disposal of effluent, and

(d) has access to adequate water supply for domestic and firefighting purposes, and

(e) has access to a public road, and

(f) has a slope of less than 18 degrees and is not subject to slope instability, and

(g) is located above the flood planning level (within the meaning of the NSW Government's *Floodplain Management Manual 2001*) or, if not, the completion of a flood impact study by the Council reveals that the intended location of the dwelling-house is appropriate considering:

(i) peak floodwater velocities and directions, and

(ii) floodwater dispersions following construction, and

(iii) the proposed floor levels for the dwelling-house, considering the surrounding landform.

16A Dwelling-houses on vacant land in Zone No 1 (a) where the land is an existing holding

(1) Despite clause 16, the Council may consent to the erection of a dwelling-house on vacant land within Zone No 1 (a) if the land is an existing holding.

(2) This clause ceases to have effect on the first anniversary of the commencement of *Narromine Local Environmental Plan 1997 (Amendment No 2)—Intensive Agriculture* and on and from that date the Council may not grant consent under this clause.

[14] Clause 17

Omit the clause. Insert instead:

17 Rural worker's dwellings and additional dwelling-houses

(1) Subclause (2) applies to land within Zone No 1 (a):

(a) on which one or more dwelling-houses exist, or

(b) in relation to which the Council has granted consent to the erection of a dwelling-house under clause 16 or 16A.

(2) The Council must not consent to the erection of a rural worker's dwelling on land to which this subclause applies unless:

(a) if the land has an area of 400 hectares or more, the rural worker's dwelling is erected on the same allotment as that on which the existing dwelling-house or dwelling-houses are located or the same allotment to which the consent referred to in subclause (1) (b) applies, or

(b) if the land is less than 400 hectares, the Council is satisfied that the allotment is used for the purpose of intensive agriculture and the need and location of the rural worker's dwelling is justified in a property development plan for the land.

(3) The Council may consent to the erection of one and only one additional dwelling-house (that is, in addition to a single existing dwelling-house) on land within Zone No 1 (a) (whether or not a rural worker's dwelling is on the land), but only if the Council is satisfied that:

(a) the new dwelling-house is located not more than 100 metres from the existing dwelling-house, and

(b) the dwelling-houses share a common access to a public road, and

(c) the additional dwelling-house is located on the same allotment or parcel of land as the existing dwelling-house, and

(d) the site and surrounds proposed for the construction of the dwelling-house are compatible with residential standards as assessed and determined in accordance with the planning guidelines relating to contaminated land (as referred to in section 145C of the *Environmental Planning and Assessment Act 1979*).

(4) The Council must not grant consent under this clause unless it is satisfied that the allotment on which the rural worker's dwelling or additional dwelling-house concerned is to be erected contains a suitable area for a building envelope that:

(a) does not comprise prime crop and pasture land (except where no reasonable alternative exists), and

(b) will enable the location of the rural worker's dwelling or additional dwelling-house in a position that is unlikely to adversely affect the existing and potential capability of the land and adjacent land to produce food, fibre or energy, and

(c) is capable of being used for, and has an area suitable for, the on-site disposal of effluent, and

(d) has access to adequate water supply for domestic and firefighting purposes, and

(e) has access to a public road, and

(f) has a slope of less than 18 degrees and is not subject to slope instability, and

(g) is located above the flood planning level (within the meaning of the NSW Government's *Floodplain Management Manual 2001*) or, if not, the completion of

a flood impact study by the Council reveals that the intended location of the rural worker's dwelling or dwelling-house is appropriate considering:

(i) peak floodwater velocities and directions, and

(ii) floodwater dispersions following construction, and

(iii) the proposed floor levels for the rural worker's dwelling or additional dwelling-house, considering the surrounding landform.

[15] Clause 32 Environmentally sensitive land

Insert at the end of clause 32 (1):

(g) intensive agriculture.

New South Wales

Pittwater Local Environmental Plan 1993 (Amendment No 74)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/01787/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Pittwater Local Environmental Plan 1993 (Amendment No 74)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 74)*.

2 Aim of plan

The aim of this plan is to zone the land to which this plan applies (which is unzoned) to Zone No 2 (b) (Residential "B") under *Pittwater Local Environmental Plan 1993* and to show that land as within Area 3 on the Dual Occupancy Map for the purposes of that plan.

3 Land to which plan applies

This plan applies to land within the local government area of Pittwater, being Lot 1, DP 1049182, known as 44 Seabeach Avenue, Mona Vale, as shown edged heavy black on sheet 1 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 74)" deposited in the office of Pittwater Council.

4 Amendment of Pittwater Local Environmental Plan 1993

Pittwater Local Environmental Plan 1993 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of ***the Dual Occupancy Map*** in clause 5 (1):

Pittwater Local Environmental Plan 1993 (Amendment No 74)—Sheet 3

[2] Clause 5 (1), definition of "the Zoning Map"

Insert in appropriate order:

Pittwater Local Environmental Plan 1993 (Amendment No 74)—Sheet 2

New South Wales

Greater Taree Local Environmental Plan 1995 (Amendment No 49)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00174/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Greater Taree Local Environmental Plan 1995 (Amendment No 49)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Greater Taree Local Environmental Plan 1995 (Amendment No 49)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone No 1 (a) Rural General to partly Zone No 1 (c1) Rural Residential, partly Zone No 6 (a) Open Space Recreation and partly Zone No 7 (a) Environmental Protection Habitat under *Greater Taree Local Environmental Plan 1995*.

3 Land to which plan applies

(1) This plan applies to part of Lots 1 and 2, DP 621005 and part of Lot 31, DP 847223, Manor Road, Harrington, as shown edged heavy black and lettered "1 (c1)", "6 (a)" or "7 (a)" on the map marked "Greater Taree Local Environmental Plan 1995 (Amendment No 49)" deposited in the office of Greater Taree City Council.

(2) This plan does not apply to part of Lots 1 and 2, DP 621005 and part of Lot 31, DP 847223, Manor Road, Harrington, as shown edged heavy black, diagonally hatched and lettered "Deferred" on that map, being land that is deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

4 Amendment of Greater Taree Local Environmental Plan 1995

Greater Taree Local Environmental Plan 1995 is amended by inserting in appropriate order in the definition of ***the map*** in clause 4 (1) the following words:

Greater Taree Local Environmental Plan 1995 (Amendment No 49)

New South Wales

Tweed Local Environmental Plan 2000 (Amendment No 53)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00153/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Tweed Local Environmental Plan 2000 (Amendment No 53)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 53)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 3 (b) General Business to Zone 2 (a) Low Density Residential under *Tweed Local Environmental Plan 2000*.

3 Land to which plan applies

This plan applies to Lot 31, DP 260298, being land fronting Joshua Street, Murwillumbah, as shown coloured scarlet, edged heavy black and lettered "2 (a)" on the map marked "Tweed Local Environmental Plan 2000 (Amendment No 53)" deposited in the office of Tweed Shire Council.

4 Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Tweed Local Environmental Plan 2000 (Amendment No 53)

Natural Resources

WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a Proclaimed (declared) local area under section 5(4) of the Act.

APPLICATION for an Authority under section 20 of Part 2 of the Water Act 1912 has been received as follows:

Murrumbidgee Valley

EAST BOOABULA PTY LIMITED for pumps on Lot 97 and 6, DP 756247, Parish of Belmore, County of Townsend for water supply for stock and domestic purposes and irrigation (replacement authority due to permanent transfer). (GA2: 484708) (Ref: 57SA7512).

Any enquiries regarding the above should be directed to the undersigned (PH: [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 28 days of the date of this publication.

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

Department of Infrastructure,
Planning and Natural Resources
PO Box 205, DENILIQUIN NSW 2710

WATER ACT 1912

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

Susan Mary VADER for a pump on Wilsons River Lot 10, DP 589299, Parish Mullumbimby, County Rous for water supply for domestic purposes and irrigation of 4.5 hectares (9 megalitres) and water supply for domestic purposes to the occupiers of Lot 8, DP 589299 (replacement application – additional purposes – no increase in authorised area) (Our Ref:- GRA6058193 – GA2:- 476085).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager

North Coast Region
Grafton

WATER ACT 1912

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

WENTWORTH SHIRE COUNCIL for pumping plant on the Murray River, Lot 18/865438, Parish of Gol Gol, County of Wentworth, for Town Water Supply (replacement licence - due to permanent transfer of water allocation - no increase in commitment to Murray River storages) (Ref: 60SL085446) (In lieu of notice appearing in the Government Gazette 24/10/03). (GA2:512611).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged with the Department's Natural Resource Project Officer at Buronga within twenty eight (28) days as provided by the Act.

P. WINTON,
Natural Resource Project Officer,
Murray - Murrumbidgee Region

Department of Infrastructure,
Planning and Natural Resources
PO Box 363
32 Enterprise Way
BURONGA NSW 2739
Ph: (03)50219400

WATER ACT 1912

APPLICATIONS 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, have been received as follows:

Barwon/Darling River Valley

Jeffery David BRAYSHAW and Lynette Denise BRAYSHAW for 1 pump on the Darling River, being Lot1/803601, Parish of Avoca, County of Wentworth, for industrial purposes (pisiculture) and irrigation of 2 hectares (replacement licence due to change of purpose – no increase in commitment to Murray River storages) (Reference: 60SL085489).

Murray River Valley

Glenek Mills UNDERHILL for 1 pump on the Murray River, being Lot 2/576696, Parish of Cliffs, County of Wentworth, for domestic purposes (new licence – domestic purpose only) (Reference: 60SL085488).

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

Barwon/Darling River Valley

Richard ARNOLD, Janice Kaye ARNOLD and Dean Raymond ARNOLD for 1 pump on the Darling River, being Crown Land fronting Lot 1501/763383, Parish of Perry, County of Menindee, water supply for domestic purposes and irrigation of 2 hectares (replacing a licence with an authority for a Joint Water Supply Scheme – no increase in commitment to Darling River storages) (Reference: 60SA008580) (GA2: 512612).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged with the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P. WINTON,
Natural Resource Project Officer,
Murray Region.

Department of Infrastructure, Planning and
Natural Resources,
32 Enterprise Way (PO Box 363), Buronga, NSW 2739,
telephone: (03) 5021 9400.

Department of Lands

DUBBO OFFICE
142 Brisbane Street (PO Box 865), Dubbo, NSW 2830
Phone: (02) 6841 5200 Fax: (02) 6841 5231

FORFEITURE OF A SPECIAL LEASE

IT is hereby notified for public information that in pursuance of section 129 of the Crown Lands Act 1989, that the Crown Land Lease described in Schedule 1 hereunder is forfeited.

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

SCHEDULE 1

Crown Lands Lease No.: 82068 (formerly known as Special Lease 1970/7 Mudgee).

Name of Lessee: Darrel Charles LESSLIE.

Area Forfeited: Lots 128, 155 and 160 in DP 750748 of 750.5 hectares, in the Parish of Curryall, County of Bligh.

Date of Forfeiture: 2 June 2004.

Reason for Forfeiture: Non Payment of Rental.

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 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.

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

SCHEDULE

Description

Land District – Wellington; Council – Wellington; Parish – Wellington; County – Wellington.

1.884 hectares being Lot 65 in Deposited Plan 756920 being the land in Folio Identifier 65/756920 held in the name of Her Most Majesty Queen Elizabeth the Second.

File No.: DB04 H 167.

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

FORFEITURE OF A WESTERN LANDS LEASE

IT is hereby notified for public information that in pursuance of section 28BA of the Western Lands Act 1901, the Western Lands Lease particularised hereunder has been forfeited.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

Western Lands Lease No.: 12831.

Name of Lessee: Gladys Margaret ISAAC (Deceased).

Area Forfeited: Allotment 7, section 25, DP 759092 of 1012 square metres.

Administrative District: Broken Hill.

Shire: Broken Hill City Council.

Date of Forfeiture: 31 October 2003.

Reason for Forfeiture: Non payment of rental.

ALTERATION OF CONDITIONS OF A WESTERN LANDS LEASE

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

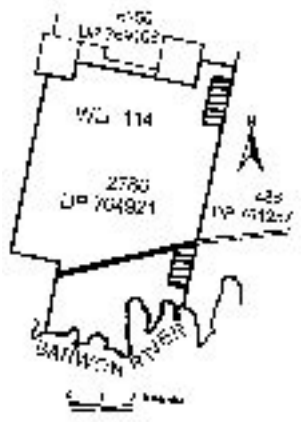
CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

Administrative District and Shire – Walgett;
Parish – Milrea; County – Finch.

The conditions of Western Lands Lease 114 being the land contained within Folio Identifier 2786/764921 has been altered effective from 17 May 2004, by the inclusion of the special condition following.

SPECIAL CONDITION ATTACHED TO WESTERN LANDS LEASE 114

The areas totalling 160 hectares, being strips 600 metres wide adjoining the Eastern boundary of Lot 2786 as shown hatched on the diagram hereunder, shall not be cleared or cultivated and the lessee acknowledges that the Commissioner or the Minister will not grant any consent for clearing or cultivation over that area.



ALTERATION OF PURPOSE OF A WESTERN LANDS LEASE

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

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning
and Minister for Natural Resources

Administrative District – Cobar;
Shire – Cobar; Parishes – Kallerakay;
County – Booroondarra.

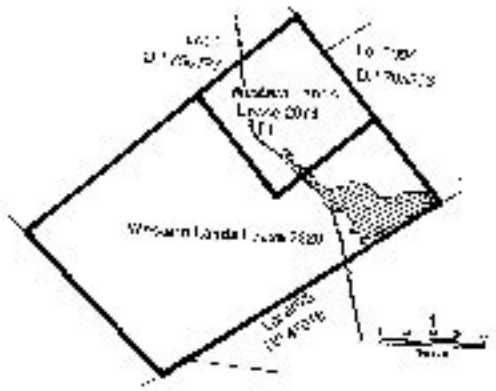
The purpose of Western Lands Leases 2076 and 2220, being the lands contained within Folio Identifiers 5942/768827 and 3/750797 respectively has been altered from "Pastoral Purposes" to "Pastoral Purposes and Cultivation" effective from 25 May 2004.

Annual rental and lease conditions remain unaltered as a consequence of the change of purpose except for the addition of those special conditions following.

SPECIAL CONDITIONS ATTACHED TO WESTERN LANDS LEASES 2076 and 2220

1. The lessee shall only cultivate the area of 500 hectares indicated by hatching on the diagram hereunder.

2. The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the Commissioner.



3. The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.

4. Incised drainage lines, other than man made structures, which carry water after storms shall be left uncultivated in the channels and for a distance of 20 metres on either side of the banks of the channels except when the Western Lands Commissioner specifies otherwise.

5. The lessee must ensure that areas with a slope greater than 2% shall not be cultivated until any soil conservation measures considered necessary by the Catchment Management Officer of the Department of Infrastructure, Planning and Natural Resources have been implemented at the lessee's expense.

6. The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Western Lands Commissioner to rehabilitate any degraded cultivated areas.

7. Aboriginal Sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.

   Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. The lessee must consider the requirements of the National Parks and Wildlife Act 1974 with regard to Aboriginal relics. Under section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the National Parks and Wildlife Service (NPWS). If a site is discovered the lessee should contact the Manager, Cultural Heritage Unit, National Parks and Wildlife Services on Phone (02) 6883 5324 OR AT 58-62 Wingewarra Street, Dubbo.

8. The lessee shall establish windbreaks at his/her own expense, as may be ordered by the Western Lands Commissioner to provide adequate protection of the soil.

9. The lessee shall ensure that stubble and other crop residue is retained on the soil surface and shall not be burnt, except with the approval of the Western Lands Commissioner or his delegate. Where such approval is granted and stubble burning is carried out with the approval as per requirements of the NSW Rural Fire Services.

10. If the Western Lands Commissioner forms a view that land uses or land use practices are leading to a natural resource decline or social nuisance then the Commissioner may direct the lessee to rectify that decline at the lessee's expense.

11. In the event of altered circumstances or natural resource decline the Western Lands Commissioner may direct the cessation or alteration of any land uses or land use practices in use at any time and may also direct the rehabilitation of the land to native or other rainfed vegetative cover.

12. Irrigation water is not to be permanently transferred from the lease without the prior permission of the Western Lands Commissioner.

13. The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.

GRAFTON OFFICE
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 Schedule hereunder are appointed, for the terms of office specified thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Colette Joye BYRNES (new member), Kevin Charles COONAN (new member), Richard Hugh WILLIAMS (new member), Lynette Joy GAMBLEY (new member), Wayne Clarence GLEESON (new member), Merrill Ina CARR (new member), Elizabeth Lynette AMOS (new member).	OLD Bonalbo (R86567) Reserve Trust.	Reserve No.: 86567. Public Purpose: Public recreation. Notified: 22 December 1967. File No.: GF03 R 33.

Term of Office

For a term commencing the date of this notice and expiring 10 June 2009.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra, NSW 2541
Phone: (02) 4428 6900 Fax: (02) 4428 6988

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Joan Marion GOOD (new member), Theresa HEIGHES (new member), Patricia Mary COULTER (new member), Sheila Suttie YOUNG (new member).	Kangaroo Valley Pioneer Settlement Reserve Trust.	Reserve No.: 88460. Public Purpose: Public recreation and museum. Notified: 7 January 1972. File No.: NA79 R 115/1.

Term of Office

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

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

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE 1

COLUMN 1	COLUMN 2
Land District: Cowra. Local Government Area: Cowra Shire Council. Locality: Barryrenie. Reserve No.: 72875. Public Purpose: Public utility. Notified: 15 October 1948. Lot 47, DP No. 752934, Parish Conimbla, County Forbes; Lot 7001, DP No. 752934#, Parish Conimbla, County Forbes; Lot 7002, DP No. 1024246, Parish Conimbla, County Forbes; Lot 7003, DP No. 1024246, Parish Conimbla, County Forbes; Lot 105, DP No. 752934, Parish Conimbla, County Forbes; Lot 96, DP No. 752934, Parish Conimbla, County Forbes; Lot 1, DP No. 1067500, Parish Conimbla, County Forbes; Lot 2, DP No. 1067500, Parish Conimbla, County Forbes; Lot 30, DP No. 752934, Parish Conimbla, County Forbes; Lot 98, DP No. 752934, Parish Conimbla, County Forbes; Lot 69, DP No. 752934, Parish Conimbla, County Forbes; Lot 81, DP No. 752934, Parish Conimbla, County Forbes; Lot 61, DP No. 752934, Parish Conimbla, County Forbes; Lot 89, DP No. 752934, Parish Conimbla, County Forbes; Lot 90, DP No. 752934, Parish Conimbla, County Forbes; Lot 94, DP No. 752934, Parish Conimbla, County Forbes; Lot 59, DP No. 752934, Parish Conimbla, County Forbes; File No.: OE00 H 58.	The part being Lot 1, DP No. 1067500, Parish Conimbla, County Forbes, of an area of 14.65 hectares.

Note: Conversion to Freehold

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

SCHEDULE 2

COLUMN 1	COLUMN 2
Land District: Cowra. Local Government Area: Cowra Shire Council. Locality: Barryrenie. Reserve No.: 95311. Public Purpose: Future public requirements. Notified: 19 June 1981. Lot 1, DP No. 1067500, Parish Conimbla, County Forbes; Lot 2, DP No. 1067500, Parish Conimbla, County Forbes. File No.: OE00 H 58/1.	The part being Lot 1, DP No. 1067500, Parish Conimbla, County Forbes, of an area of 14.65 hectares.

Note: Conversion to Freehold.

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.

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE 1

The section of Crown public road south-east of Allotment 2, section 99 in Deposited Plan 758065 (section of Lyall Street between Upfold Street and the Macquarie River), in Parish Bathurst, County Bathurst and Land District of Bathurst.

File No.: OE04H180

SCHEDULE 2

Road Authority: Bathurst City Council.

CROWN LANDS ACT 1989

Declaration of Land to be Crown Land

PURSUANT to section 138 of the Crown Lands Act 1989, the lands described in the Schedule hereunder, are hereby declared to be Crown Land within the meaning of that Act.

TONY KELLY, M.L.C.,
Minister Assisting the Minister for
Natural Resources (Lands)

SCHEDULE

Land District and Local Government Area – Lithgow;
Village – Glen Davis; Parish – Gindantherie;
County – Cook.

All those parcels described hereunder with a total area of about 1.9 hectares.

- That part of Portion 1 (being part 1/751639) bounded by Canombla Avenue, Coorain and Airly Streets and the Capertee River (about 1.88 hectares).
- Well Site (208.6 square metres) proclaimed a National Work and the associated easement for access (196 square metres) notified in *Government Gazette* of 27 June 1941.

File No.: OE93 H 20.

DRAFT ASSESSMENT OF LAND AT PARKES 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 Parkes, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr Kite and Anson Streets, Orange 2800 (PO Box 2146), and Parkes 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 4 June 2004, and should be addressed to Louise Harcombe, Orange, at the above address.

TONY KELLY, M.L.C.,
Minister assisting the Minister for
Natural Resources (Lands)

Description

Parish – Currajong; County – Ashburnham;
Land District and Shire – Parkes.

Approximately 2.7 hectare of Crown Land, being closed road fronting the Condobolin Road, 6 kilometers west of Parkes.

File No.: OE00 H 18.

DRAFT ASSESSMENT OF LAND AT FORBES 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 Forbes, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr Kite and Anson Streets, Orange 2800 (PO Box 2146), and Forbes 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 11 June 2004, and should be addressed to Louise Harcombe, Orange, at the above address.

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

Description

Parish – Mumbidgle; County – Ashburnham;
Land District and Shire – Forbes.

Approximately 14.86 hectares of Crown Land, being Reserve 1094 for Quarry, 16 kilometers north-north-west of Forbes, on the Miles Road.

File No.: OE04 H 177.

ERRATUM

IN the notification in the *Government Gazette* of 21 May 2004 (folio 3110), under the heading "NOTIFICATION OF CLOSING OF A ROAD" the road to be closed should have read Lots 1 and 2 DP 1066351, Parish Peel, County Roxburgh with title to both lots vesting in the Crown on closing. File Reference: OE02 H 331.

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(04-547)

No. 2370, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 8 units, for Group 1, dated 31 May, 2004. (Orange Mining Division).

(04-548)

No. 2371, ANTHONY CLAUDE BERGER, area of 2 units, for Group 1 and Group 6, dated 1 June, 2004. (Inverell Mining Division).

(04-549)

No. 2372, PETER JOHN FORNER, EDITH VAN DER CHIJS and KARL STEWART WIELAND, area of 1 unit, for Group 1 and Group 6, dated 1 June, 2004. (Orange Mining Division).

KERRY HICKEY, M.P.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T03-0070)

No. 2114, now Exploration Licence No. 6212, LONGREACH OIL LIMITED (ACN 000 131 797) and HOT ROCK ENERGY PTY LTD (ACN 069 284 733), Counties of Camden, Cook and Cumberland, Map Sheet (8928, 8929, 9028, 9029, 9030, 9129), area of 1920 units, for Group 8, dated 4 March, 2004, for a term until 3 March, 2007.

(T03-0869)

No. 2188, now Exploration Licence No. 6248, LYNETTE DENISE PAOLA, County of Buckland, Map Sheet (9035), area of 5 units, for Group 2, dated 26 May, 2004, for a term until 25 May, 2005.

(T03-0991)

No. 2249, now Exploration Licence No. 6251, COMPASS RESOURCES N.L. (ACN 010 536 820), Counties of Canbelego and Cowper, Map Sheet (8235, 8236), area of 63 units, for Group 1, dated 31 May, 2004, for a term until 30 May, 2006.

(T03-0993)

No. 2251, now Exploration Licence No. 6247, PARADIGM NSW PTY LTD (ACN 099 477 979), Counties of Hardinge and Sandon, Map Sheet (9137), area of 41 units, for Group 1, dated 25 May, 2004, for a term until 24 May, 2006.

(T04-0018)

No. 2281, now Exploration Licence No. 6246, GIRALIA RESOURCES NL (ACN 009 218 204), County of Narromine, Map Sheet (8532), area of 25 units, for Group 1, dated 25 May, 2004, for a term until 24 May, 2006.

(C04-0075)

No. 2282, now Exploration Licence No. 6243, NARRABRI COAL PTY LTD (ACN 107 813 963), Counties of Pottinger and White, Map Sheet (8836, 8837), area of 113.4 square kilometres, for Group 9, dated 21 May, 2004, for a term until 20 May, 2009. As a result of the grant of this title, Authorisation No. 216 has partly ceased to have effect.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

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

(T00-0049)

Exploration Licence No. 5756, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 5 units. Application for renewal received 1 June, 2004.

(T01-0208)

Exploration Licence No. 5961, PEEJAY NOMINEES PTY LTD (ACN 000 032 628), area of 3 units. Application for renewal received 3 June, 2004.

(T02-0027)

Exploration Licence No. 5963, PARADIGM NSW PTY LTD (ACN 099 477 979), area of 15 units. Application for renewal received 27 May, 2004.

(T03-0733)

Mining Lease No. 1371 (Act 1992), CHADCOLE PTY LIMITED (ACN 059 068 709), area of 98.9 hectares. Application for renewal received 1 June, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T99-0203)

Exploration Licence No. 5709, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Wentworth, Map Sheet (7330, 7430), area of 52 units, for a further term until 27 March, 2006. Renewal effective on and from 31 May, 2004.

(T00-0059)

Exploration Licence No. 5793, GOLDEN REEF ENTERPRISES PTY LTD (ACN 008 138 136), County of Mouramba, Map Sheet (8133), area of 8 units, for a further term until 13 November, 2005. Renewal effective on and from 3 June, 2004.

(T01-0154)

Exploration Licence No. 5920, SILVER STANDARD AUSTRALIA PTY LIMITED (ACN 009 250 051), Counties of Phillip and Roxburgh, Map Sheet (8832), area of 65 units, for a further term until 29 June, 2006. Renewal effective on and from 2 June, 2004.

(T01-0491)

Mining Lease No. 1127 (Act 1973), AUBREY STANLEY TEAGUE and RAYMOND SCHOLES, Parish of Moonan, County of Durham, Map Sheet (9134-2-S), area of 3.169 hectares, for a further term until 30 July, 2024. Renewal effective on and from 23 April, 2004.

(T81-1247)

Private Lands Lease No. 133 (Act 1906), CENTENNIAL SPRINGVALE PTY LIMITED (ACN 052 096 812) and SPRINGVALE SK KORES PTY LIMITED (ACN 051 015 402), Parish of Lidsdale, County of Cook, Map Sheet (8931-3-N), area of 16.51 hectares, for a further term until 10 August, 2024. Renewal effective on and from 10 August, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T02-0023)

Exploration Licence No. 5962, LIMESTONE MINING LIMITED (ACN 089 190 198), County of Gordon and County of Lincoln, Map Sheet (8633), area of 9 units. Cancellation took effect on 2 June, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

TRANSFERS

(T94-0638)

Mining Lease No. 103 (Act 1973), formerly held by OMINCO MINING PTY LIMITED (ACN 008 628 171) has been transferred to HIBERNIA GOLD LIMITED (ACN 103 295 521). The transfer was registered on 1 June, 2004.

(T03-1116)

Private Lands Lease No. 3720 (Act 1906), formerly held by BOWRAL BRICKWORKS PROPRIETARY LIMITED (ACN 000 165 679) has been transferred to THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED (ACN 000 005 550). The transfer was registered on 4 June, 2004.

KERRY HICKEY, M.P.,
Minister for Mineral Resources

ERRATUM

THE Department of Mineral Resources section in the *Government Gazette* of the 28 May 2004, No 91 folios 3306 to 3307 was published with an incorrect date in the header

"26 May 2004"

this should have read

"28 May 2004"

This erratum now amends that error.

Roads and Traffic Authority

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Wallerawang and Marrangaroo Creek in the Lithgow City Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of land situated in the Lithgow City Council area, Parishes of Lidsdale and Marangaroo and County of Cook, shown as:

Lots 17 Deposited Plan 789971;

Lot 64 Deposited Plan 719005;

Lots 4 to 15 inclusive Deposited Plan 242965;

Lots 3 and 4 Deposited Plan 603786; and

Lots 11 to 14 inclusive, 16 to 20 inclusive and 22 to 28 inclusive Deposited Plan 242966.

(RTA Papers: 5/258.1246)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Rothbury in the Cessnock City Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of land situated in the Cessnock City Council area, Parish of Rothbury and County of Northumberland, shown as Lots 26 to 31 inclusive Deposited Plan 1044459.

(RTA Papers: FPP 2M3680; RO 85.1502)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Johns River and Kew in the Hastings Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of land situated in the Hastings Council area, Parishes of Johns River and Camden Haven and County of Macquarie, shown as:

Lots 1 to 6 inclusive Deposited Plan 261324;

Lot 21 Deposited Plan 809818;

Lot 39 Deposited Plan 232357;

Lot 2 Deposited Plan 712854; and

Lot 5 Deposited Plan 705598.

(RTA Papers: 10/196.1407)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Bungalong Creek in the Weddin Shire Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of land situated in the Weddin Shire Council area, Parish of Yambira and County of Monteagle, shown as Lots 4, 5 and 6 Deposited Plan 840664.

(RTA Papers: 6/483.1117)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Dundee and Deepwater in the Severn Shire Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Severn Shire Council area, Parishes of Severn, Boyd and Deepwater and County of Gough, shown as:

Lots 7 and 8 Deposited Plan 716281;

Lot 3 Deposited Plan 579319;

Lot 1 Deposited Plan 579320; and

Lots 13 and 14 Deposited Plan 847610.

(RTA Papers: 9/400.184)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Glen Innes in the Severn Shire Council area

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

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

SCHEDULE

ALL that piece or parcel of land situated in the Severn Shire Council area, Parish of Ditmas and County of Gough, shown as Lot 2 Deposited Plan 621371.

(RTA Papers: 12/400.1130)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Gannons Creek in the Hastings Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Hastings Council area, Parish of Walibree and County of Macquarie, shown as:

Lot 13 Deposited Plan 240004; and

Lot 50 Deposited Plan 1065792.

(RTA Papers: FPP 1M2192; RO 11/196.1378)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Springwood in the Blue Mountains City Council area

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

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

SCHEDULE

ALL that piece or parcel of land situated in the Blue Mountains City Council area, Parish of Coomassie and County of Cook, shown as Lot 1 Deposited Plan 226643.

(RTA Papers: 5/44.1358)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition and Dedication as Public Road of Land at Figtree in the Wollongong City Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parish of Wollongong and County of Camden, shown as:

Lot 3 Deposited Plan 1060219, being part of the land in Certificate of Title 1/525589; and

Lot 4 Deposited Plan 1060219, being part of the land in Deed of Conveyance No 839 Book 2806.

The land is said to be in the possession of Wollongong City Council.

(RTA Papers FPP 3M5182; RO 1/497.11556)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Yatte Yattah in the Shoalhaven City Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of public road situated in the Shoalhaven City Council area, Parish of Conjola and County of St Vincent, shown as Lots 46, 47 and 48 Deposited Plan 792994.

The land is said to be in the possession of Shoalhaven City Council.

(RTA Papers 4M1925; RO 1/404.11068)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Bathurst in the Bathurst City Council area

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

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

_____

SCHEDULE

ALL those pieces or parcels of land situated in the Bathurst City Council area, Parish of Mount Pleasant and County of Bathurst, shown as Lots 20 to 23 inclusive, Deposited Plan 260382.

(RTA Papers: 7/1.1128)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of land at Blacktown, Kellyville, Seven Hills and Old Toongabbie in the Blacktown and Parramatta City and Baulkham Hills Shire Council areas

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Blacktown and Parramatta City and Baulkham Hills Shire Council areas, Parishes of Prospect, Castle Hill and St John and County of Cumberland, shown as:

Lot 1 Deposited Plan 1000929 being the whole of the land in Certificate of Title 1/1000929, and said to be in the possession of Terrence John Fitzgerald and Wendy Patricia Fitzgerald (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lot 4 Deposited Plan 233847 being the whole of the land in Certificate of Title 4/233847, and said to be in the possession of Sam Spiteri and Mary Spiteri;

Lot 5 Deposited Plan 836203 being the whole of the land in Certificate of Tile 5/836203, and said to be in the possession of B P (Freemantle) Limited (formerly B P Australia Limited);

Lot 5 Deposited Plan 659600 being the whole of the land in Certificate of Title 5/659600, and said to be in the possession of DTK Pty Limited (registered proprietor) and Permanent Trustee Australia Limited (mortgagee);

Lot 1 Deposited Plan 30676 being the whole of the land in Certificate of Title 1/30676, and said to be in the possession of Luigi Sanna and Maurizio Sechi (registered proprietors) and Custom Credit Corporation Limited (mortgagee);

Lot 1 Deposited Plan 1004065, Lot 1 Deposited Plan 119701, Lot 9 Deposited Plan 658120, Lot 10 Deposited Plan 658121, and Lots 2 and 3 Deposited Plan 1001040, being the whole of the land in the correspondingly numbered Certificates of Title, and said to be in the possession of Raemon Alan McEwen (registered proprietor), Westpac Banking Corporation (mortgagee), Raes Graphic Signs Pty Limited (occupant) and other occupants;

Lot 8 Deposited Plan 658119 being the whole of the land in Certificate of Title 8/658119, and said to be in the possession of McEwen Holdings Pty Limited (registered proprietor), Westpac Banking Corporation (mortgagee) and occupants;

Lot 6 Deposited Plan 651346 being the whole of the land in Certificate of Title 6/651346, and said to be in the possession of Raes Graphic Signs Pty Limited (registered proprietor), Westpac Banking Corporation (mortgagee) and an occupant;

Lot 10 Deposited Plan 844963 being the whole of the land in Certificate of Title 10/844963 and said to be in the possession of Boguslaw Niezabitowski and Halina Niezabitowski (registered proprietors) and National Australia Bank Limited (mortgagee);

Lot 11 Deposited Plan 844963 being the whole of the land in Certificate of Title 11/844963 and said to be in the possession of Kelvin David Maidment (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lot 182 Deposited Plan 1063447 being part of the land in Certificate of Title 18/852817 and said to be in the possession of Louise Developments Pty Limited (registered proprietor) and ING Bank N V (mortgagee);

Lot 4 Deposited Plan 242385 being the whole of the land in Certificate of Title 4/242385 and said to be in the possession of Emmanuel Frilingos;

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

(RTA Papers: FPP 4M263)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Singleton in the Singleton Shire Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Singleton Shire Council area, Parishes of Whittingham and Darlington, Counties of Northumberland and Durham, shown as Lots 13 to 16 inclusive Deposited Plan 1046246.

(RTA Papers: FPP 2M4316; RO 402.1266)

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

BALRANALD 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.

Mr LAURIE CARTER,
General Manager
Balranald Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Balranald Shire Council B-Doubles Notice No 6, 2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 May 2009 unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Balranald Shire Council.

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25m	000	River Street	Market Street (Sturt Highway SH14)	Court Street	Nil

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

BALRANALD 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 roads and road related areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

Mr LAURIE CARTER,
General Manager
Balranald Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Balranald Shire Council Road Train Notice No 7, 2004.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 May 2009 unless it is amended or repealed earlier.

4. Application

This Notice applies to Road Trains 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

Road Train routes within the Balranald Shire Council.

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
RT	000	Mc Cabe Street	Sturt Highway	Church Street	
RT	000	Mc Cabe Street bypass	Church Street	Ivanhoe Road	
RT	000	Duryea Street	Sturt Highway SH 14	To end of Menon St (closed)	
RT	000	Windomal Road	Sturt Highway SH 14	Distance of 0.5kms	

ROADS ACT 1993

Notice under the Road Transport (Mass, Loading and Access) Regulation, 1996

BYRON SHIRE COUNCIL, in pursuance of Divisions 1, 2 and 3 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 those vehicles described in clause 4 may be used subject to any requirements or conditions set out in the Schedule.

PAMELA WESTING,
General Manager
Byron Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

PART 1 — GENERAL

1. Citation

This Notice may be cited as the Byron Shire Council 4.6 Metre High Vehicle Route Notice No 1, 2004.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2009 unless it is amended or repealed earlier.

4. Application

This Notice applies to the vehicle classes specified in Part 2 of this Schedule.

5. Limitations

The conditions or requirements set out in clauses 3.3 and 3.4 of Part 3 ('Vehicle Access'), Part 4 ('General Requirements') and Part 5 ('Special Requirements') of the Schedule to the '***4.6 Metre High Vehicle Route Notice 1999***' published in NSW Government Gazette No. 22 of 19 February, 1999, as amended by the Notice published in NSW *Government Gazette* No. 32 of 3 March, 2000, must be duly complied with.

PART 2 — VEHICLE CLASSES

2.1 Class 1 vehicles

a) a special purpose vehicle that exceeds 4.3 metres, but does not exceed 4.6 metres, in height;

b) a vehicle or combination (including a low loader or load platform combination) that is specially designed for the carriage of a large indivisible item, or is carrying a large indivisible item, that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;

2.2 Class 2 vehicles

a) a combination carrying vehicles on more than one deck that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;

b) a single motor vehicle, or a combination, that exceeds 4.3 metres but does not exceed 4.6 metres in height and is built to carry cattle, sheep, pigs or horses.

2.3 Class 3 vehicles

a) a single motor vehicle, or a combination, that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height and is carrying wool, hay bales or other primary produce;

b) a single motor vehicle carrying vehicles on more than one deck that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height.

c) a single motor vehicle, or a combination, that is constructed to exceed 4.3 metres in height, but does not exceed 4.6 metres in height and is carrying freight, other than cattle, sheep, pigs, horses, wool, hay bales, or other primary produce.

d) a single motor vehicle or combination carrying a freight container that together with its load exceeds 4.3 metres in height, but does not exceed 4.6 metres in height

PART 3 - ROUTES

5. Routes

4.6 metre high vehicle routes within the Byron Shire Council LGA

Road No	Route	Starting point	Finishing point	Conditions
000	Pearce's Road, Booyung	Lismore City Council boundary	Waterloo Street	
000	Waterloo Street, Booyung	Pearce's Road	End Waterloo Street	

ROADS ACT 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation 1996

Wollongong 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.

ROD OXLEY,
General Manager
Wollongong City Council
(by delegation from the Minister for Roads)

SCHEDULE

1 Citation

This Notice may be cited as the Wollongong City Council 19 Metre B-Doubles Notice No 1/ 2004.

2 Commencement

This Notice takes effect on the date of gazettal.

3 Effect

This Notice remains in force until 31 December 2009 unless it is amended or repealed earlier.

4 Application

This Notice applies to those 19 metre B-Doubles whose gross weight exceeds 50 tonne and that 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

19 metre B-Double routes exceeding 50 tonne GCM within the City of Wollongong

Type	Rd No	Road Name	Starting Point	Finishing Point	Conditions
19m	000	Ajax Ave, North Wollongong	Flinders St (SH1 Princes Hwy)	Montague St	
19m	000	Montague St, North Wollongong	Ajax Ave	Nos. 60-90 & 101-105 Council Depot & Batching Plant	

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Blue Mountains Community Hydrotherapy Pool Committee Incorporated
Elsmore Soldiers Memorial Hall Incorporated
Gay & Lesbian Financial Institution Research Project Incorporated
Lithgow Community Day Centre Incorporated
Orara Valley Christian Community Radio Incorporated
Burns Bay Ladies Probus Club Inc
Hills Accomodation for Youth Inc
Hornsby Kuring-gai Family History Society Incorporated
Jerilderie Show Society Inc
The Sapphire Coast Probus Club Inc
The Woollahra Municipal Kindergarten Association Incorporated

COLIN CROSSLAND,
General Manager
Registry of Co-operatives & Associations

Office of Fair Trading
Department of Commerce
3 June, 2004

FAIR TRADING ACT 1987

Amendment of Recall Order – Section 36(5)

I, REBA MEAGHER, Minister for Fair Trading, having received a report, pursuant to s. 36(2) of the Fair Trading Act 1987, by the Products Safety Committee concerning its review of the Recall Order regarding the "Saxophone Xylophone", Item No. FD-025, published in Government Gazette No. 87 on 21 May 2004, pp. 3121-3122, order that the Recall Order is amended in accordance with the terms of the Products Safety Committee's report by:

(a) deleting from paragraph (2) of the Recall Order the words "within two days of the date of publication of this Order in the *Government Gazette*"; and

(b) inserting in place of those deleted words, the words "within seven days of the date of publication in the *Government Gazette* of an Order by the Minister for Fair Trading pursuant to s. 36(5) of the Fair Trading Act 1987 amending this Order".

Dated this 10th day of June 2004.

REBA MEAGHER, M.P.,
Minister for Fair Trading

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Amend Locality Boundaries Within Eastern Capital City Regional Council Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the boundaries between address localities Bungendore, Wamboin and Bywong, as shown on map GNB3822/A.

The map may be viewed at Eastern Capital City Regional Council Office at Queanbeyan, Bungendore Library, the Community Centre at Bungendore and the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Assign Geographical Names and Determine the Extent of Localities Within Murray Shire

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign geographical names listed below to the areas indicated on map GNB3787. The map may be viewed at Murray Shire Office at Mathoura, Murray Shire Branch Office at Moama and at the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

The eight bounded locality names proposed to be assigned, to be used as the address are:

Bunnaloo, Bullatale, Caldwell, Calimo, Deniliquin, Mathoura, Moama and Womboota.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

ERRATUM

IN the notice referring to the assignment of the name Berowra Waters, designation Reach, Folio 7038, 6 May 1977, the name was assigned in error as this name had been previously assigned in Folio 3567, 19 May 1976, the notice appearing in Folio 7038, 6 May 1977 is now revoked.

W. WATKINS,
Chairman

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

GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the Purposes of the Growth Centres (Development Corporations) Act 1974

PURSUANT to section 9 of the Growth Centres (Development Corporations) Act 1974 and section 19(1) of the Land Acquisition (Just Terms Compensation) Act 1991, the Festival Development Corporation, by its delegate, declares, with the approval of the Governor, that the land described in the Schedule is acquired by compulsory process for the purposes of the Growth Centres (Development Corporations) Act.

KEITH DEDDEN
Delegate of the Festival Development Corporation

SCHEDULE

ALL that piece or parcel of land situate at Kariong in the Local Government Area of Gosford, Parish of Gosford, County of Northumberland being Lot 1 in Deposited Plan 1056297.

LOCAL GOVERNMENT ACT 1993

Clarence Valley and Coffs Harbour Regional Water Supply

Vesting of easements in Clarence Valley Council

THE Minister for Energy and Utilities of the State of New South Wales, declares that the easements described in the Schedule hereto, which were acquired for the purpose of the Clarence Valley and Coffs Harbour Regional Water Supply – W686 Scheme, are vested in Clarence Valley Council.

FRANK ERNEST SARTOR, M.P.,
Minister For Energy And Utilities

SCHEDULE

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1050981 (SB55399) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 93 in Deposited Plan 846205, Lot 22 in Deposited Plan 712561, Lot 52 in Deposited Plan 880605, Lot 51 in Deposited Plan 880605, Lot 53 in Deposited Plan 880605 and Lot 54 in Deposited Plan 880605

Deposited Plan 1051027 (SB55424) as: '(A) PROPOSED EASEMENT FOR WATER PIPELINE 7 WIDE AND VARIABLE WIDTH' within Lot 3 in Deposited Plan 258347, Lot 8 in Deposited Plan 870959, Lot 5 in Deposited Plan 870959, Lot 6 in Deposited Plan 870959 and Lot 7 in Deposited Plan 870959

DoC Reference 197

NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of National Parks and Wildlife, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as "Woodpark Wildlife Refuge".

Signed and sealed at Sydney this 19th day of May 2004.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS,
Minister for the Environment

GOD SAVE THE QUEEN!

Description

Land District – Deniliquin
Council – Jerilderie

Counties of Townsend and Urana, Parishes of Nardoo, Wood and Wilson, about 6035 hectares, being Lots 1 to 4 inclusive DP 134583, Lots 1 to 5 inclusive DP 252520, Lot 1 DP 578656, Lot 3 DP 581776, Lot 2 DP 585343, Lots 1 and 2 DP 585725, Lot 1 DP 653113, Lot 116 DP 756304, Lots 17, 18, 19, 23, 24, 25, 26, 48 to 55 inclusive, 58 to 62 inclusive and 64 DP 756454, Lots 6, 8, 9, 14, 15, 38, 40, 41, 44, 45, 75 to 81 inclusive, 83, 85, 86, 87, 111 to 114 inclusive, 119, 123 and 185 DP 756455, and that part of Lot 63 DP 756454 comprised within Certificate of Title Volume 14258 Folio 105, excluding reserved roads. NPWS 03/08660.

PESTICIDE ACT 1999

Pesticide Control Order Under Section 38

Name

1. This Order is to be known as Pesticide Control (1080 Fox Bait within Gosford City Council) Order 2004.

Commencement

2. This Order commences on 11 June 2004*.

Authority

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

Relationship to other Orders

4. This Order is to be read in conjunction with the Order known as the Pesticide Control (1080 Fox Bait) Order 2002, gazetted on 22 November 2002.

Objects

5. The objects of this Order are to:

   (a) authorise the use of Foxoff Fox Bait and Foxoff Econobait by persons who have been appropriately trained or are experienced in the handling or use of 1080 fox baits and are under the control of Gosford City Council or an Authorised Control Officer; and

   (b) impose conditions on the use of Foxoff Fox Bait and Foxoff Econobait.

Background

6. A chemical product containing sodium mono-fluoroacetate (also known as 1080) has been prescribed by the AgVet Code regulation of the commonwealth 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 of permit a restricted chemical product to be supplied to a person who is not authorised to sue 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.

Application

7. This Order applies to Foxoff Fox Bait and Foxoff Econbait being used to control foxes in the following bushland reserves located in the Gosford City Council shire area: Katandra Reserve, Kincumber Mountain Reserve, Rumbulara Reserve and Kincumber Sewerage Treatment Works.

Definitions

8. 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, Department of Environment and Conservation or other NSW Government Agency or Authority.

   Foxoff Fox Bait means the registered pesticide (Product Registration Number 40573) that contains 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

   Foxoff Econbait means the registered pesticide (Product Registration Number 46434) that contains 3.0mg SODIUM FLUOROACETATE per bait as its only active constituent.

   "the Act" means the Pesticides Act 1999.

Persons authorised

9. The following persons are authorised to use Foxoff Fox Bait and Foxoff Econobait:

   (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 Gosford City Council; and

   (b) Authorised Control Officers and persons directly supervised by Authorised Control Officers.

Conditions of use

10. A person must comply with Permit number 6179 when using a pesticide to which this order applies. Permit number 6179 is set out in the Schedule to this Order.

Notes

Words used in an 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.

Any permit issued by the APVMA which is set out in this Order has effect in NSW until such time as this Order is revoked.

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

LISA CORBYN,
Director-General,
Environment Protection Authority

Gosford City Council,
49 Mann Street, Gosford, NSW 2250.

SCHEDULE

Off-Label Permit (OLP) for Use of a Registered Agvet Chemical Product

Permit Number – Per6179

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 19 JUNE 2003 TO 31 DECEMBER 2004*. It is in force until it expires or it is cancelled, suspended or surrendered.

Reason for issue of permit:

Particular bushland areas and reserves within Gosford City Council host a diverse range of native fauna that require special management to ensure long-term integrity. Foxes are a major threat to the on-going survival of many native species within those areas and the establishment of an effective fox control program has been identified as a high priority in the councils Draft Biodiversity Management Strategy. Certain areas identified for fox baiting in the strategy adjoin residential areas, and with current distance restrictions imposed on the placement of 1080 Foxoff baits in NSW several bushland areas and reserves cannot be baited.

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.

DETAILS OF PERMIT

1. Persons

1080 IS A RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN AUTHORISED PERSON.

This permit only allows those persons who are an AUTHORISED PERSON for the use of 1080 baits in NSW.

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:

Gosford City Council

- Katandra Reserve
- Kincumber Mountain Reserve
- Rumbulara Reserve
- Kincumber Sewerage Treatment Works

States

New South Wales ONLY.

CONDITIONS OF PERMIT

1. Possession of Foxoff Fox Baits

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, Gosford, National Parks and Wildlife Service, Albany Street Gosford by telephone (02) 4320 4241.

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:

Footnotes

* This order was first published under official notices of the *NSW Government Gazette* on 12 March 2004, but had an incorrect commencement date. The commencement date is now as stated above.

* Note – the requirements set out in this permit continue until this Pesticide Control Order is revoked. Please disregard the expiration date stated above.

POISONS & THERAPEUTIC GOODS ACT 1966

Restoration of Drug Authority

IN accordance with the provisions of clause 171 (1) of the Poisons & Therapeutic Goods Regulation 2002, a direction has been issued that the order prohibiting Dr Juan SABAG of 115 Mitchell Street, Fairfield, 2165, from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 76 of the Regulation, for the purpose of his profession as a medical practitioner, shall cease to operate from Wednesday 9 June 2004.

ROBYN KRUK,
Director-General

Department of Health, New South Wales, Sydney,
Friday 4 June May 2004

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 Jason MARTIN of 4/286 New Line Road Round Corner Dural 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, 9 June 2004,

ROBYN KRUK,
Director-General

Department of Health, New South Wales,
Sydney, 4 June 2004

THREATENED SPECIES CONSERVATION ACT

Notice of Preliminary Determinations

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

Endangered Species (Part 1 of Schedule 1)
Prasophyllum bagoensis D.L. Jones, an orchid

Endangered Ecological Community (Part 3 of Schedule 1)
Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion

Key Threatening Process (Schedule 3)
Competition and habitat degradation by Feral Goats, *Capra hircus* Linnaeus 1758

Any person may make a written submission regarding these Preliminary Determinations, which should be forwarded to:

Scientific Committee
PO Box 1967
Hurstville NSW 2220
Attention: Suzanne Chate
Executive Officer

Submissions must be received by 23rd July, 2004.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge:

On the Internet www.nationalparks.nsw.gov.au
By contacting the Scientific Committee Support Unit,
C/- Department of Environment and Conservation
PO Box 1967 Hurstville 2220.
Tel: (02) 9585 6940 or Fax (02) 9585 6606,

In person at The National Parks Centre 102 George St, The Rocks, Sydney

Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

The National Parks and Wildlife Service is part of the Department of Environment and Conservation.

Associate Professor PAUL ADAM,
Chairperson
Scientific Committee

SCALE OF ALLOWANCES PAID TO WITNESSES

I, BOB DEBUS, Attorney General, have approved of the scale published in the *Government Gazette* of allowances to witnesses attending (1) criminal trials at the Supreme Court, Central Criminal Court and the District Court in its Criminal and Special Jurisdiction, and (2) Local Courts and Coroner's Courts, being repealed, and of fresh scales of allowances as shown in the attached Schedule being substituted therefore - the new rates to take effect from 1 July, 2004.

Bob Debus, M.P.,
Attorney General

SCHEDULE

Scale of Allowances to:

(a) All Crown witnesses and witnesses for the defence (i) where such witnesses have been bound by recognisance or subpoenaed by the Crown to give evidence, or (ii) where legal aid has been granted, attending criminal trials at the Supreme Court and District Court of New South Wales:

(b) Witnesses requested or subpoenaed by the Police to attend at Local Courts, Licensing or Coroner's Courts in New South Wales; and

in respect of: (1) fees, loss of income, salary or wages: (2) sustenance: and (3) of conveyance.

Fees, Loss of Income, Salary or Wales

(a) Ordinary witnesses (being witnesses not specified hereunder):	
Upon furnishing a certificate of loss of income, salary or wages, ordinary witnesses shall be entitled as follows:	$
(i) up to 4 hours loss of working time on that day, not exceeding	39.50 per day
(ii) more than 4 hours loss of working time on that day, not exceeding	79.20 per day
(b) Experts summoned to give expert evidence:	
(i) In respect of the period of absence from home, hospital, place of employment or other place in travelling to and from Court, and attendance thereat:	
1. Fee for the first two hours or part thereof	85.00 per day
2. Fee thereafter for each additional half-hour or part thereof up to a maximum of $170.70 per day	16.20 per half hour
(ii) IN ADDITION, where evidence is expert evidence, a fee of	11.10 per case

Sustenance Allowance

All Witnesses:

(a) For every meal partaken whilst in attendance at or travelling to and from Court where no allowance is payable under (b) below: -	*
(b) Where the witness resides at such a distance from the Court that he/she cannot travel to and from the Court on the same day	
(i) for each day of 24 hours: -	**
(ii) for any additional part of a day (based on the hourly rate applicable under (b)(i): -	**
(iii) where the witness is absent from his/her residence overnight but for a period less than 24 hours he/she may be paid as for a full day.	

Children aged 5 years and over to be paid meal allowance or sustenance allowance as in the case of adult witnesses. No meal allowance or sustenance to be paid to children under the age of 5 years.

Cost of Conveyance

All Witnesses:

To be paid actual cost of fares paid by them in travelling by rail, omnibus, ship or other available means of public conveyance to and from the Court at which they are required to attend.

Witnesses are not to be reimbursed the cost of travel by plane unless prior approval has been given to travel by this method.

	$
If unable to travel by any of the abovementioned means of public conveyance, to receive for every kilometre travelled by own vehicle, the rate of: -	***

Kilometreage to be paid in respect of one journey to and from the Court. Where a witness travels otherwise when transit by public conveyance is available such witness is to be paid only an amount equal to the cost of travelling by means of the available transport. Notwithstanding the foregoing, medical practitioners required to attend Court on successive days to give evidence shall be paid appropriate kilometreage in respect of each day of travel.

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* This rate to vary as prescribed for Lunch in accordance with Clause 28(3), Table 1 (Item No.1), Part B-Monetary Rates to the Crown Employees (Public Service Conditions of Employment) Award 2002. Variations to apply are from date specified in the Public Service Notices pending amendment of the relevant Award.

** These rates to vary in accordance with the rate prescribed in Clause 29(2)(A), Table 1 (Item No.2), Part B-Monetary Rates to the Crown Employees (Public Service Conditions of Employment) Award 2002. Variations to apply are from date specified in the Public Service Notices pending amendment of the relevant Award.

*** This rate to vary in accordance with the Casual rate for private motor vehicles with engine capacity over 2700 cc as shown in Clause 37(d), Table 1 (Item no.6) Part B-Monetary Rates to Crown Employees (Public Service Conditions of Employment) Award 2002. Variations to apply are from date specified in the Public Service Notices pending amendment of the relevant Award.

ELECTRICITY SUPPLY ACT 1995

Notice of Approval of Amendment of Greenhouse Gas Benchmark Rule

Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003

Notice of Amendment of Greenhouse Gas Benchmark Rule by the Minister for Energy and Utilities under section 97K(4) of the Electricity Supply Act 1995

I, Frank Ernest Sartor, Minister for Energy and Utilities, pursuant to section 97K(4) and (5) of the Electricity Supply Act 1995, hereby give notice of approval of amendment to Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003, the amendments of which are described in Schedule 1 of the notice hereto, and the amended Rule is set out in Schedule 2 of the notice hereto.

The amendment of the Rule takes effect from the date of gazettal.

A copy of the amended Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003 may also be obtained through the Department of Energy, Utilities and Sustainability's website at www.deus.nsw.gov.au.

Dated at Sydney, this 3rd day of June 2004.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE 1

[1] Clause 1 Name and Commencement

Omit clause 1 and insert:

"1.1 This Rule is the *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003* and commences on [insert date].

1.2 At its commencement, this Rule amends the *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003* that commenced on 3 October 2003 (Previous Rule), to the extent that this Rule differs from the Previous Rule.

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

(a) the accreditation of Abatement Certificate Providers (in respect of electricity generation activities) after the commencement of this Rule (regardless of the date of application for accreditation);

(b) the calculation and creation of New South Wales Greenhouse Abatement Certificates (NGACs) (in respect of electricity generation activities) registered after the commencement of this Rule (regardless of the date of accreditation of the Abatement Certificate Provider) subject to clauses 1.4 and 1.5; and

(c) the ongoing eligibility of a person to remain accredited as an Abatement Certificate Provider for the purpose of the Scheme Administrator exercising its powers under the Act and Regulations, after the commencement of this Rule, to vary, suspend or cancel a person's accreditation as an Abatement Certificate Provider (in respect of electricity generation activities).

1.4 A person who, on or before 31 December 2004:

(a) is accredited as an Abatement Certificate Provider (in respect of electricity generation activities); or

(b) has made an application, acceptable to the Scheme Administrator, to become an Abatement Certificate Provider (in respect of electricity generation activities), and is subsequently accredited as an Abatement Certificate Provider under this Rule pursuant to that application,

may elect (such election to be made only once) to calculate its entitlement to create NGACs in respect of electricity generation activities occurring on or before 31 December 2004 under either the Previous Rule or this Rule.

1.5 A person who, on or before 31 December 2004, is accredited as an Abatement Certificate Provider (in respect of electricity generation activities) may calculate its entitlement to create NGACs in respect of electricity generation activities occurring on or before 31 December 2007 using the 30% default factor under Equations 13 and 16 of the Previous Rule, rather than the 36% default factor under those Equations of this Rule, if the person would otherwise have been entitled to use that 30% default factor under the Previous Rule.

1.6 If a person to whom clause 1.4 or 1.5 applies is accredited as an Abatement Certificate Provider after the commencement of this Rule, the Scheme Administrator must assess the application for accreditation using the eligibility criteria under this Rule."

[2] Clause 2 Objects of the Rule

2.1 Omit "objects" before "of this Rule" and insert "object"

2.2 Omit "are" after "of this Rule" and insert "is"

2.3 Omit "New South Wales Greenhouse Abatement Certificates (NGACs)" before "through electricity" and insert "NGACs"

2.4 Omit "Greenhouse Gas" after "with electricity generation and" and insert "greenhouse gas"

[3] Clause 5 Eligibility to be an Accredited Abatement Certificate Provider in respect of electricity generation

Omit clause 5 and insert

"5.1 A person is eligible to be an Accredited Abatement Certificate Provider under this Rule if:

(a) the person is a *Generator* or *Deemed Retailer*, as those terms are defined in clauses 6.2.1 and 6.3.1 respectively; and

(b) the accreditation is in respect of an *electricity generation activity*, as that term is defined in clause 5.2.

Note: Under the Regulations, a person must also have record keeping arrangements with respect to the activity, and the Generating System must be equipped with metering equipment, approved by the Scheme Administrator. Further matters must also be satisfied under the Regulations if the accreditation is in respect of a proposed (rather than existing) electricity generation activity.

5.2 An *electricity generation activity* is the generation of electricity:

(a) after 1 January 2003;

(b) by a Generating System that exports or will export any electricity into the NSW Electricity Network or a Transmission or Distribution System interconnected with the NSW Electricity Network; and

(c) in a manner that results or will result in reduced emissions of greenhouse gases.

Note: In effect, eligible Generating Systems must export electricity into the main Transmission Systems of the National Electricity Market, or to Distribution Systems currently connected to those systems in NSW, the Australian Capital Territory, Queensland, Victoria and South Australia.

The Generating System may export electricity either directly (at a connection point between the Generating System and the NSW Electricity Network or interconnected Transmission or Distribution System), or indirectly (via other network assets).

Where part of the electricity generated from the Generating System is exported, and part is consumed by End-User Equipment within the same End-User Complex as the Generating System, only that part that is exported is eligible to create NGACs under this Rule. The remainder may be separately eligible to create NGACs under the DSA Rule.

5.3 An electricity generation activity as defined in clause 5.2 is:

(a) an "existing electricity generation activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that electricity generation activity after the Generating System commences Commercial Operation; and

(b) a "proposed electricity generation activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that electricity generation activity before the Generating System commences Commercial Operation."

[4] Clause 6 Persons eligible to create NGACs under this Rule

4.1 Renumber clause 6.1 as clause 6.1.1

4.2 Insert as clause 6.1.2

"6.1.2 A person may not create NGACs in respect of greenhouse gas abatement if that person or another person has previously validly created NGACs or LUACs in respect of the same abatement, whether under this Rule, the Previous Rule or any other Benchmark Rule."

[5] Clause 6.2 The Generator

Omit clause 6.2 and insert

"**Clause 6.2 The Generator**

6.2.1 The *Generator* is:

(a) the person who is registered with NEMMCO as the Generator or the Intermediary, as defined under the National Electricity Code, with respect to a Generating System at the time that the relevant electricity generation activity takes place; or

(b) if no person is registered with NEMMCO as the Generator or the Intermediary, as defined under the National Electricity Code, with respect to a Generating System at the time that the relevant electricity generation activity takes place, the owner of the Generating System at that time; or

(c) a person nominated, to the satisfaction of the Scheme Administrator, to be the Generator for the purpose of creating NGACs under this Rule (nominee) by one of the following persons (nominator):

(i) the person in (a) or (b); or

(ii) a person previously nominated to be the Generator under this Rule,

provided that:

(iii) the nominator has not previously nominated another person to be the Generator, or if the nominator has done so, that previous nomination is not still effective;

(iv) the nomination is in writing and signed by the nominator;

(v) the nominee consents to the nomination; and

(vi) the nominator (and any previous nominator) continues to meet the criteria to be the nominator for the period of the nomination; or

(d) a person whom the Scheme Administrator is satisfied will be a person in (a), (b) or (c), provided that the person will not be entitled to create NGACs unless that person satisfies that criteria at the time that the relevant electricity generation activity takes place.

6.2.2 The Scheme Administrator may assume, in the absence of evidence to the contrary and without any obligation to make further enquiries, that the person listed in Schedule B as the owner of the Generating System so listed is the owner of that Generating System at all relevant times."

[6] Clause 6.3 The Deemed Retailer

Omit clause 6.3 and insert

"6.3.1 The *Deemed Retailer* is:

(a) the retail supplier who is entitled to some or all of the electrical output of a Category A Generating System pursuant to the Power Purchase Agreement to which that retail supplier is a party; or

(b) a person nominated, to the satisfaction of the Scheme Administrator, to be the Deemed Retailer for the purpose of creating NGACs under this Rule (nominee) by one of the following persons (nominator):

(i) the person in (a); or

(ii) a person previously nominated to be the Deemed Retailer under this Rule,

provided that:

(iii) the nominator has not previously nominated another person to be the Deemed Retailer, or if the nominator has done so, that previous nomination is not still effective;

(iv) the nomination is in writing;

(v) the nominee consents to the nomination; and

(vi) the nominator (and any previous nominator) continues to meet the criteria to be the nominator for the period of the nomination.

6.3.2 A retail supplier listed in Schedule C is deemed to be the person described in clause 6.3.1(a) with respect to the Generating System so listed, if the Scheme Administrator is satisfied that:

(a) the Generating System retains its Category A classification; and

(b) there has been no assignment or novation of the purchaser's rights under the Power Purchase Agreement since 1 January 2003.

6.3.3 A person to whom the rights of the retail supplier listed in Schedule C under the Power Purchase Agreement are assigned or novated after 1 January 2003 (whether directly or via a series of assignments or novations) is deemed to be the Deemed Retailer with respect to the Generating System listed in Schedule C, provided that the Scheme Administrator is satisfied that the Generating System retains its Category A classification.

Note: The listing of certain persons and Generating Systems in Schedule C is intended to facilitate the process of accreditation of Deemed Retailers, without requiring an investigation of the matters in clause 6.3.1(a) in every case."

[7] Clause 7 Classification of Generating Systems

Insert above clause 7.1

"The Scheme Administrator may determine whether individual generating units or other components constitute one or more Generating Systems, having regard to factors including:

(a) whether individual generating units:

(i) are separately metered;

(ii) share common connection infrastructure up to the point where they connect to a Transmission or Distribution System;

(iii) are registered as one or more generating systems under the National Electricity Code; and

(iv) are accredited as one or more power stations under the RE(E) Act; and

(b) whether the classification as one or more Generating Systems produces outcomes consistent with the objects of the Scheme."

[8] Clause 7.1 Category A

8.1 In clause 7.1.1(a) omit ", and" after "in the Emissions Workbook;"

8.2 In clause 7.1.1(b) omit "were" before "claimed as either" and insert "was"

8.3 In clause 7.1.1(b) omit "," after "(and referred to in the Emissions Workbook)" and insert "; and"

8.4 Insert new clause 7.1.1(c)

"(c) is the subject of a Power Purchase Agreement that has not terminated at the time of classification under this Rule,"

8.5 At the end of clause 7.1.1 omit ", and include those Generating Systems listed in Schedule C.." after "are classified as Category A" and insert "."

8.6 Omit clause 7.1.2 and insert

"7.1.2 The Generating Systems listed in Schedule C are deemed to satisfy clause 7.1.1 if the Scheme Administrator is satisfied that:

(a) there is a direct electricity supply agreement with respect to the Generating System that was entered into before 1 January 2003; and

(b) that direct electricity supply agreement has not terminated.

7.1.3 Once classified as such, a Category A Generating System retains a Category A classification for the life of the Power Purchase Agreement.

7.1.4 For the purposes of this clause 7, a Power Purchase Agreement will not be considered to have terminated merely because rights or obligations under it have been assigned, or it has been novated by substituting one party for another (including by contract or by operation of statute)."

[9] Clause 7.2 Category B

Omit clause 7.2.2 and insert

"7.2.2 For those Generating Systems against which "(a)" appears in Schedule B, the Net Sent Out Generation is deemed, for the purposes of this Rule, to be 71% of the lesser of:

(a) what the Net Sent Out Generation would be in the absence of this clause 7.2.2; and

(b) the REC Baseline.

7.2.3 For those Generating Systems against which "(b)" appears in Schedule B, the Net Sent Out Generation is deemed, for the purposes of this Rule, to be the lesser of:

(a) what the Net Sent Out Generation would be in the absence of this clause 7.2.3; and

(b) the REC Baseline.

Note: The remainder of the generation from these Generating Systems is not eligible under this Rule."

[10] Clause 7.3 Category C

Omit clause 7.3 and insert:

"Those Generating Systems that are not classified as Category A or B that:

(a) generate electricity using Fossil Fuels (whether or not co-fired with a Renewable Energy Source):

(i) that had nameplate ratings of 30 MW or less as at 30 June 1997 and for which their first generating unit commenced Commercial Operation before 1 July 1997; or

(ii) that had nameplate ratings of greater than 30 MW as at 1 January 2002 and for which their first generating unit commenced Commercial Operation before 1 January 2002; or

(b) generate electricity using Renewable Energy Sources (only) and for which their first generating unit commenced Commercial Operation before 1 January 1997,

are classified as Category C."

[11] Clause 8 NSW Production Baseline

Insert a new clause below the title "**NSW Production Baseline**" and above existing clause 8.1

"In this clause 8, ORER will be taken to have assigned a REC Baseline even if it has assigned a REC Baseline of nil."

[12] Clause 8.1 Category A

12.1 In clause 8.1(a) insert "(whether or not co-fired with a Renewable Energy Source)" after "using Fossil Fuels"

12.2 In clause 8.1(a)(i) omit "expressed in MWh" after "maximum amount of electricity"

12.3 In clause 8.1(a)(ii) omit "referred to in (i)" after "Power Purchase Agreement" and insert "that is less than the entire output of the Generating System"

12.4 In clause 8.1(b) after "using Renewable Energy Sources" insert "(only)"

12.5 In clause 8.1(b)(i) omit "expressed in MWh" after "maximum amount of electricity"

12.6 In clause 8.1(b)(i) insert "that is less than the entire output of the Generating System" after "in a calendar year"

12.7 In clause 8.1(b)(ii) omit "expressed in MWh" in both occurrences after "maximum amount of electricity"

12.8 In clause 8.1(b)(ii) insert "that is less than the entire output of the Generating System" after "in a calendar year" and before ", the lower of the REC Baseline"

12.9 In clause 8.1(b)(iii) omit "expressed in MWh" in both occurrences after "maximum amount of electricity"

12.10 In clause 8.1(b)(iii) insert "that is less than the entire output of the Generating System" after "in a calendar year" and before ", the maximum amount of electricity"

12.11 In clause 8.1(b)(iv) omit "expressed in MWh" after "maximum amount of electricity"

12.12 In clause 8.1(b)(iv) insert "that is less than the entire output of the Generating System" after "in a calendar year"

[13] Clause 8.2 Category B

13.1 In clause 8.2.1 omit "Fossil Fuel" after "for electricity generated using" and insert "Fossil Fuels (whether or not co-fired with a Renewable Energy Source)"

13.2 In clause 8.2.2 insert "(only)" after "Renewable Energy Sources"

13.3 In clause 8.2.2, after "(in MWh)" and before "the REC Baseline" insert

"(a) for those Generating Systems against which "(a)" appears in Schedule B, 71% of the REC Baseline; and

(b) in any other case,"

[14] Clause 8.3 Category C

14.1 In clause 8.3(a) omit "Fossil Fuel" after "for electricity generated using" and insert "Fossil Fuels (whether or not co-fired with a Renewable Energy Source)"

14.2 In clause 8.3(a)(i) omit "or" after "off-line periods;"

14.3 In clause 8.3(a)(ii) omit "," after "were commissioned" and insert "; or"

14.4 After clause 8.3(a)(ii) insert new clause 8.3(a)(iii)

"(iii) there was atypically high output due to testing,"

14.5 In clause 8.3(b) after "Renewable Energy Sources" insert "(only)"

14.6 Omit clause 8.3(b)(ii) and insert

"(ii) if ORER has not assigned a REC Baseline, the average annual Net Sent Out Generation during operations over the five calendar years from 1997 to 2001, making an adjustment for periods during which, in the view of the Scheme Administrator:

(A) there was atypically low output due to rebuilds or other extended off-line periods;

(B) not all units were commissioned; or

(C) there was atypically high output due to testing,

in which case production data should be taken from those periods when the whole Generating System was operating typically and fully. The Scheme Administrator may extrapolate from available data or model typical output patterns based on the characteristics and location of the Generating System and its fuel type in order to set a NSW Production Baseline that, in the view of the Scheme Administrator, represents the typical annual output of that Generating System. "

[15] Clause 8.5 Allocation of group REC Baselines

15.1 In clause 8.5.1 omit "either;" after "the Scheme Administrator must" and insert ", for the purposes of determining the NSW Production Baseline, either:"

15.2 Omit clauses 8.5.1(i) and 8.5.1(ii) and insert:

"(a) allocate a portion of that REC Baseline to each of the Generating Systems in the group of Generating Systems (provided that a zero portion must be allocated to any of the Generating Systems in the group that are classified as Category D); or

(b) treat the entire group as if it were a single Generating System (which may only be done if the entire group would have the same classification under clause 7)."

15.3 In clause 8.5.2 omit "assigns a" after "If the Scheme Administrator" and insert "allocates a portion of the REC"

15.4 In clause 8.5.2 omit "that Baseline" after "group of Generating Systems," and insert "the portion so allocated"

15.5 After clause 8.5.2 insert

"Note: Where a portion of the REC Baseline is allocated to each of the Generating Systems in the group, the number of RECs created by each Generating System, for the purposes of this Rule, would be deemed to be a proportion of the total number of RECs created by the group, where the relevant proportion of RECs is calculated by reference to the amount of Net Sent Out Generation in excess of that portion of the assigned REC Baseline for each Generating System."

[16] Clause 9 Creation of NGACs

Insert a new clause above clause 9.1

"A person may only create NGACs under this Rule where the Scheme Administrator has approved the Equation and Method under this Rule to be used (which approval may be conditional upon applying the method in a particular manner that is permitted under this Rule)."

[17] Clause 9.1 Creation of NGACs from electricity generated by Category A Generating Systems

17.1 In clause 9.1(a) insert "that is accredited in respect of the Generating System" after "the Deemed Retailer"

17.2 In clause 9.1(a) omit "and" after "**Equation 3**;"

17.3 In clause 9.1(b) omit "Category A" before "Generating System"

17.4 In clause 9.1(b) omit ", but may surrender this entitlement to the Deemed Retailer by providing to the Deemed Retailer a statement in the form approved by the Scheme Administrator" after "**Equation 2**" and insert "; and"

17.5 After clause 9.1(b) insert new clause 9.1(c)

"(c) if a Category A Generating System was modified on or after 1 January 2002 to become a Cogeneration Plant, the Generator that is accredited in respect of that Generating System may, in addition to any entitlement to create NGACs under clause 9.1(b), create the number of NGACs equal to the number of tonnes of notional greenhouse gas emissions avoided, calculated using **Method 4**."

[18] Clause 9.1 Equation 1

18.1 In the first dot point insert "and is in respect of the time period over which the Eligible Generation occurs" after "is in t CO_2-e"

18.2 In the fifth dot point omit "at a user site, to the distribution system, or to the transmission system" after "Generating System is

connected" and insert "to a Distribution System or to a Transmission System"

18.3 After **Equation 1** insert

"Note: The Emissions Intensity Adjustment Factor is intended to adjust the NSW Pool Coefficient."

[19] Clause 9.1 Equation 2

19.1 In the equations omit "Net Electricity Sent Out" and insert "Net Sent Out Generation"

19.2 In the equations insert "/MLF" after "RECs Created" at each of three occurences

19.3 At the end of the first dot point after "is in MWh" insert "and is in respect of a calendar year or part thereof"

19.4 Omit the second dot point and insert as the second dot point

"• *Net Sent Out Generation* is in MWh and is in respect of a calendar year or part thereof"

19.5 In the fourth dot point after "the number of RECs created" insert "and registered with ORER"

19.6 In the fourth dot point omit "*Net Electricity Sent Out*" and insert "*Net Sent Out Generation*"

19.7 Insert a fifth dot point

"• *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation"

[20] Clause 9.1 Equation 3

20.1 In the equations omit "Net Electricity Sent Out" and insert "Net Sent Out Generation"

20.1 In first dot point after "is in MWh" insert "and is in respect of a calendar year or part thereof"

20.3 Omit the second dot point and insert

"• *Net Sent Out Generation* is in MWh and is in respect of a calendar year or part thereof"

[21] Clause 9.1 Equation 4

21.1 In the equation omit "Net Electricity Generated" and insert "Sent Out Generation"

21.2 Omit the second and third dot points and insert

"• *Total Greenhouse Gas Emissions* (in t CO_2-e) is determined using clause 10, in respect of the time period over which the Eligible Generation occurs"

• *Sent Out Generation* (in MWh) is, in respect of the Generating System, Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the *Total Greenhouse Gas Emissions*

• *Gross Generation* means total electricity generated by a Generating System

• *Auxiliary Electricity Use* means electricity consumed by the Generating System"

[22] Clause 9.2 Creation of NGACs from electricity generated by Category B Generating Systems

22.1 In 9.2.1 insert "(only)" after "Fossil Fuels"

22.2 In 9.2.1(a) omit "that is accredited in respect of the Category B Generating System" after "if the Generator"

22.3 In 9.2.1(a) insert "significantly" after "best achievable efficiency without"

22.4 In 9.2.1(a) insert "that is accredited in respect of the Generating System" after "its fuel mix, the Generator"

22.5 In 9.2.1(b) omit "that is accredited in respect of the Category B Generating System" after "if the Generator"

22.6 In 9.2.1(b) insert "on or" after "takes measures"

22.7 In 9.2.1(b) insert "that is accredited in respect of the Generating System" after "its fuel mix, the Generator"

22.8 In 9.2.1(c) omit "that is accredited in respect of the Category B Generating System" after "if the Generator"

22.9 In 9.2.1(c) insert "on or" before "after 1 January 2002"

22.10 In 9.2.1(c) insert "that is accredited in respect of the Generating System" after "its fuel mix of the Generating System, the Generator"

22.11 In 9.2.1(c) after "National Greenhouse Gas Inventory" insert "."

22.12 Renumber clauses 9.2.2 and 9.2.3 (**after Method 3**) as clauses 9.2.3 and 9.2.4 respectively

22.13 After clause 9.2.1(c) and before the Note insert clause 9.2.2

"9.2.2 In clause 9.2.1, references to the Generator being a participant in the Commonwealth Generator Efficiency Standards and taking certain measures include references to any of the persons in clause 6.2.1 being such a participant and taking such measures or causing such measures to be taken."

22.14 Omit the second paragraph from the Note after clause 9.2.2

22.15 In the new second paragraph of the Note omit "time of the activity" after "Methods 1, 2 or 3 from the" and insert "later of the time that the activity"

22.16 In the new second paragraph of the Note after "creation takes effect" insert "and 1 January 2003,"

22.17 In the new second paragraph of the Note omit "year" in both occurrences and insert "period"

22.18 Insert a new paragraph at the end of the Note

"The Greenhouse Intensity (GI) values calculated under the Generator Efficiency Standards account only for greenhouse gas emissions arising from the combustion of fuels for electricity generation, equivalent to the emissions calculated under **Equations 7, 8 and 9**, and **Equations 14 and 15**. Under Methods 1, 2 and 3, improvements to Greenhouse Intensity values are adjusted by the GES Adjustment Factor to also account for emissions associated with the production of Fossil Fuels by using **Equations 10, 11 and 12**."

[23] Clause 9.2 Method 1 – GES Gain

23.1 Renumber existing Step (1), Step (2) and Step (3) as Step (2), Step (3) and Step (4) respectively

23.2 Insert new Step (1)

"Step (1) Select a measurement period, acceptable to the Scheme Administrator, to which the following calculations apply."

23.3 In Step (2) omit "set out in *Program Guidelines: Generator Efficiency Standards*, Australian Greenhouse Office, July 2000 and *Technical Guidelines: Generator Efficiency Standards*, Version 1.2, Australian Greenhouse Office, January 2001," after "Generator Efficiency Standards Methodology"

23.4 In Step (2) insert "(GES)" after "Generator Efficiency Standards Methodology"

23.5 In Step (2) insert before the first dot point as new dot points

"• the *Reference Total Greenhouse Gas Emissions* (in tonnes of carbon dioxide equivalent) for each fuel used in the Generating System over the measurement period and based on reference plant performance, being the sum of:

(a) the *Reference Equivalent CO_2 From Fuel Burning* ($m_{CO2\ equiv.}$) (in tonnes of carbon dioxide equivalent), calculated using GES; and

(b) if the fuel is a Fossil Fuel, the sum of the fugitive emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equations 10, 11 and 12**;

• the *GES Adjustment Factor* for the combined fuel used in the Generating System, calculated as follows:

$\{\sum_{F}$ *Reference Total Greenhouse Gas Emissions* (tonnes)$\}$ /

$\{\sum_{F}$ *Reference Equivalent CO_2 From Fuel Burning* (tonnes)$\}$

where *F* is each fuel used in the Generating System over the measurement period"

23.6 In Step (2) third dot point omit "in that year" after "to the Generating System" and insert "during that measurement period"

23.7 In Step (2) fourth dot point omit "in that year" after "by the Generating System" and insert "during that measurement period"

23.8 In Step (2) fifth dot point omit "in that year" after "by the Generating System" and insert "during that measurement period"

23.9 In Step (2) fifth dot point omit "0.015" before "tolerance band" and insert "GES"

23.10 In Step (3) first dot point 1 omit "in emissions intensity" after "a GES Gain"

23.11 In Step (3) second dot point omit "in emissions intensity" after "the GES Gain"

23.12 In Step (3) omit the equation after the second dot point and insert

"(*Lower GI value – Actual GI value*) x *GES Adjustment Factor*"

23.13 In the Note in Step (3) after the second dot point omit "in a given year" after "For example, if" and insert "over a given period"

23.14 In the Note in Step (3) after the second dot point omit "722 CO_2-e/MWh," after "output factor is" and insert "721 CO_2-e/MWh, and the *GES Adjustment Factor* is 1.07,"

23.15 In the Note in Step (3) after the second dot point omit "gain" after "then the GES" and insert "Gain"

23.16 In Step (4) after "NGACs that may be created" insert "per measurement period"

23.17 In Step (4) omit the equation after "Step (4) The number of NGACs that may be created per measurement period is:" and insert

"{GES Gain (in kg CO_2-e/MWh) / 1000} x {Net Sent Out Generation – RECs Created / MLF}

Where:

- *Net Sent Out Generation* (in MWh) is, in respect of the Generating System, Net Sent Out Generation during the measurement period by reference to which the Generator seeks to create NGACs
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation"

23.18 Omit the Note after Step (4) and insert

"Note: If, in the above example, the Generating System Net Sent Out Generation is 850,000 MWh, RECs Created is 1,000 with a marginal loss factor of 0.98, the number of NGACs that could be created is 14 / 1,000 x (850,000 – 1,000 / 0.98) = 11,886 tonnes CO_2-e."

[24] Clause 9.2 Method 2 – Redesign Gain

24.1 Renumber existing Step (1), Step (2), Step (3), Step (4), Step (5), Step (6), Step (7) as Step (2), Step (3), Step (4), Step (5), Step (6), Step (7), Step (8) respectively

24.2 Insert new Step (1)

"Step (1) Select a measurement period, acceptable to the Scheme Administrator, to which the following calculations apply."

24.3 In Step (2) omit "set out in *Program Guidelines: Generator Efficiency Standards*, Australian Greenhouse Office, July 2000 and *Technical Guidelines: Generator Efficiency Standards*, Version 1.2, Australian Greenhouse Office, January 2001," after "Generator Efficiency Standards Methodology"

24.4 In Step (2) insert "(GES)" after "Generator Efficiency Standards Methodology"

24.5 In Step (2) insert before the first dot point as new dot points

"• the *Reference Total Greenhouse Gas Emissions* (in tonnes of carbon dioxide equivalent) for each fuel used in the Generating System over the measurement period and based on reference plant performance, being the sum of:

(a) the *Reference Equivalent CO_2 From Fuel Burning* ($m_{CO2\ equiv.}$) (in tonnes of carbon dioxide equivalent), calculated using GES; and

(b) if the fuel is a Fossil Fuel, the sum of the fugitive emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equations 10, 11 and 12**;

• the *GES Adjustment Factor* for the combined fuel used in the Generating System, calculated as follows:

$\{\sum_{F}$ *Reference Total Greenhouse Gas Emissions* (tonnes)} /

$\{\sum_{F}$ *Reference Equivalent CO_2 From Fuel Burning* (tonnes)}

where *F* is each fuel used in the Generating System over the measurement period"

24.6 In Step (2) third dot point omit "in that year" after "to the Generating System" and insert "during that measurement period"

24.7 In Step (2) fourth dot point omit "in that year" after "by the Generating System" and insert "during that measurement period"

24.8 In Step (2) fifth dot point omit "in that year" after "by the Generating System" and insert "during that measurement period"

24.9 In Step (2) fifth dot point omit "0.015" before "tolerance band" and insert "GES"

24.10 In Step (3) omit "set out in *Program Guidelines: Generator Efficiency Standards*, Australian Greenhouse Office, July 2000 and *Technical Guidelines: Generator Efficiency Standards*, Version 1.2, Australian Greenhouse Office, January 2001," after "Generator Efficiency Standards Methodology"

24.11 In Step (4) omit "(2)" after "used for Step" and insert "(3)"

24.12 In Step (5) omit "(3)" after "determined in Step" and insert "(4)"

24.13 In Step (6) omit "year" after "achieved during a" and insert "given measurement period"

24.14 In Step (6) omit "(4)" after "curve created in Step" and insert "(5)"

24.15 In Step (6) omit the equation and insert

"*($GI_{L,Lower,Original}$ – $GI_{L,Lower,Redesign}$) x (GES Adjustment Factor)*"

24.16 In Step (7) insert "per measurement period" after "NGACs that may be created"

24.17 In Step (7) omit the equation and insert

"{Redesign Gain (kg CO_2-e/MWh) / 1000} x {Net Sent Out Generation – RECs created / MLF}

Where:

"• *Net Sent Out Generation* (in MWh) is, in respect of the Generating System, Net Sent Out Generation during the measurement period by reference to which the Generator seeks to create NGACs

• RECs Created (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*

• MLF is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation"

24.18 In Step (8) omit "*in emissions intensity*" after "*GES Gain*"

24.19 In Step (8) omit "*in emissions intensity,*" after "double-counting of *GES Gain*"

24.20 In Step (8) omit "*in emissions intensity,*" after "Hence, the *GES Gain*"

24.21 In Step (8) omit the equation and insert

"($GI_{L,Lower,Redesign}$ – Actual GI value) x GES Adjustment Factor"

24.22 Omit the Note after Step (8) and insert

"Note: For example, a Generating System has upgraded its Low Pressure (LP) turbines to high efficiency blading. Before the unit was taken out of service for the upgrade, a test was carried out at 90% output factor which resulted in an actual GI of 1020 kg CO_2-e/MWh sent out. A second test was done when the unit was returned to service, again at 90% output factor, resulting in an actual GI of 1000 kg CO_2-e/MWh sent out. The before and after tests showed that the upgrade resulted in a GI improvement of 20 kg CO_2-e/MWh sent out at 90% output factor.

From the before and after redesign test results, the Percentage Heat Rate Change is:

(1020 – 1000) / 1020 = 2.0% (round to one decimal place)

The Percentage Heat Rate Change could also be determined by conducting a Valve Full Open Test using equivalent steam conditions for the before and after redesign tests. The difference in generator electrical output between tests will yield the Percentage Heat Rate Change.

Using the results of the before and after upgrade tests, two new GI curves ($GI_{R,Redesign}$ and $GI_{L,LowerRedesign}$) are developed over the operating range of the Generating System, using the shape of the

original GES GI reference curve (GI_R)which is itself derived from original plant design or test data.

The before and after upgrade GI curves are used to calculate the GI improvement due to the turbine upgrade at different output factors. This will set the GI improvement attributable to the turbine upgrade, irrespective of other factors relating to the Commonwealth GES methodology.

Say, in the year following the upgrade, the plant generates 900,000 MWh at an output factor of 70%, and creates no RECs in the year. The original $GI_{LLowerOriginal}$ value (before redesign) was 1077 kg CO_2-e/MWh sent out and the $GI_{LLowerRedesign}$ value (after redesign) is 1077 x (1-0.020) = 1055 kg CO_2-e/MWh sent out. The GES Adjustment Factor for the year is 1.025. From this data, the Redesign Gain is:

(1077 – 1055) x 1.025 = 23 kg CO_2-e/MWh sent out.

The number of NGACs that may be created due to the turbine upgrade is:

23 / 1000 x 900,000 = 20,700 tonnes CO_2-e

During the same year, refurbishment work has been carried out on the boiler airheaters as part of the GES commitment. The Generating System generates 900,000 MWh at an output factor of 70%, and the Actual GI is 1050 kg CO_2-e/MWh. This is lower than the $GI_{L,Lower,Redesign}$ value of 1055 kg CO_2-e/MWh. Hence the *GES Gain* is:

(1055 – 1050) x 1.025 = 5.1 kg CO_2-e/MWh sent out

The number of NGACs that may be created due to the *GES Gain* is:

5.1 / 1000 x (900,000 – 0) = 4,590 tonnes CO_2-e

This is in addition to the number of NGACs that may be created due to the previous design change, the effects of which have not been reversed.

For Redesign Gains, the heat rate test in Step 4 must be repeated at intervals of no more than 5 years unless otherwise required by the Scheme Administrator, and the latest test results must be used to calculate the Percentage Heat Rate Change that is used in subsequent calculations."

[25] Clause 9.2 Method 3 – Fuel Switch Gain

25.1 Renumber existing Step (1), Step (2), Step (3), Step (4), Step (5), Step (6) as Step (2), Step (3), Step (4), Step (5), Step (6), Step (7) respectively

25.2 Insert new Step (1):

"Step (1) Select a measurement period, acceptable to the Scheme Administrator, to which the following calculations apply."

25.3 In Step (2) omit "set out in *Program Guidelines: Generator Efficiency Standards*, Australian Greenhouse Office, July 2000 and *Technical Guidelines: Generator Efficiency Standards*, Version 1.2, Australian Greenhouse Office, January 2001," after "Generator Efficiency Standards Methodology"

25.4 In Step (2) insert "(GES)" after "Generator Efficiency Standards Methodology"

25.5 In Step (2) first dot point omit "and" after "methane (F_{CH4})"

25.6 In Step (2) first dot point after "Generating System" insert "and *Equivalent Carbon Dioxide Emission Factor* ($F_{CO2\text{-}e}$)"

25.7 In Step (2) second dot point omit "in that year" after "output factor" and insert "during that measurement period"

25.8 In Step (2) after the third dot point insert as new dot points

"• the *Reference Total Greenhouse Gas Emissions* (in tonnes of carbon dioxide equivalent) for each fuel used in the Generating System over the measurement period and based on reference plant performance, being the sum of:

(a) the *Reference Equivalent CO_2 From Fuel Burning* ($m_{CO2\ equiv.,\ Fuel\ Switch}$) (in tonnes of carbon dioxide equivalent), calculated using GES; and

(b) if the fuel is a Fossil Fuel, the sum of the fugitive emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equations 10, 11 and 12**;

• the *GES Adjustment Factor* for the combined fuel used in the Generating System, calculated as follows:

$\{\sum_{F}$ *Reference Total Greenhouse Gas Emissions* (tonnes)} /

$\{\sum_{F}$ *Reference Equivalent CO_2 From Fuel Burning* (tonnes)}

where *F* is each fuel used in the Generating System over the measurement period"

25.9 In Step (2) sixth dot point omit ", *Reference Sent Out Thermal Efficiency* ($\eta_{SO,av}$)" after "Factor ($F_{CO2\text{-}e,av}$)"

25.10 In Step (2) sixth dot point insert "and the weighted average *Reference Sent Out Thermal Efficiency* ($\eta_{SO,av}$) weighted according to the energy of each fuel consumed in the Generating System" after "consumed in the Generating System"

25.11 In Step (2) after the sixth dot point insert as a new dot point

"• *Actual GI value* (in kg CO_2-e/MWh sent out) applicable to the Generating System in that measurement period."

25.12 In Step (2) eighth dot point omit "in that year" after "Generating System" and insert "during that measurement period"

25.13 In Step (2) insert as a new dot point after the eighth dot point

"• *Adjusted Reference GI* ($GI_{R,Fuel\ Switch,Adj}$) (in kg CO_2-e/MWh), calculated as follows:

Reference GI (kg CO_2-e/MWh) x *GES Adjustment Factor*"

25.14 In Step (2) omit the tenth dot point and insert

"• *Adjusted Lower GI value* ($GI_{L,Lower,Fuel\ Switch,Adj}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period and taking into account performance degradation with age and the GES tolerance band."

25.15 In Step (3) omit "mix of" after "For the original".

25.16 In Step (3) omit "calculate:" after "change in fuel mix," and insert "and including any fuel(s) used to create RECs, calculate using the methodology in Step (2):"

25.17 In Step (3) omit the dot points and insert

"• *Reference Total Greenhouse Gas Emissions* (in tonnes of CO_2 equivalent)

• *GES Adjustment Factor* for original fuel(s)

- *Reference GI* ($GI_{R,Original}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period.
- *Adjusted Reference GI* ($GI_{R,Original,Adj}$) (in kg CO_2-e/MWh)
- *Adjusted Lower GI value* ($GI_{L,Lower,Original,Adj}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System and taking into account performance degradation with age and the GES tolerance band."

25.18 In Step (4) omit "a year" after "achieved during" and insert "that measurement period"

25.19 In Step (4) omit "$GI_{L,Lower,Original} - GI_{L,Lower,Fuel\ Switch}$" after "*Gain* in emissions intensity is:" and insert

"$GI_{L,Lower,Original,\ Adj} - GI_{L,Lower,Fuel\ Switch,\ Adj}$"

25.20 In Step (4) omit "$GI_{L,Lower,Fuel\ Switch} < GI_{L,Lower,Original}$" after "*Fuel Switch Gain* if the" and insert "$GI_{L,Lower,Fuel\ Switch,\ Adj} < GI_{L,Lower,Original,\ Adj}$"

25.21 Omit Step (5) and insert

"Step (5)

The number of NGACs that may be created per measurement period is:

{Fuel Switch Gain (kg CO_2-e/MWh) / 1000} x {Net Sent Out Generation – RECs Created / MLF}

Where:

- *Net Sent Out Generation* (in MWh) is, in respect of the Generating System, Net Sent Out Generation during the measurement period by reference to which the Generator seeks to create NGACs
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation"

25.22 In Step (6) omit "waste coal mine gas from a working coal mine, that would otherwise be vented to the atmosphere, then the coal mine gas" after "introduction of" and insert "Waste Coal Mine Gas, then the Waste Coal Mine Gas"

25.23 In Step (6) omit the equation after "that may be created is" and insert "calculated using **Equation 13**"

25.24 In Step (7) omit "in emissions intensity" after "to calculate *GES Gain*"

25.25 In Step (7) omit "($GI_{L,Lower,Fuel\ Switch}$)" after "fuel switch Lower GI value" and insert "($GI_{L,Lower,Fuel\ Switch,Adj}$)"

25.26 In Step (7) omit "($GI_{L,Lower,Original}$)" after "original Lower GI value" and insert "($GI_{L,Lower,Original,\ Adj}$)"

25.27 In Step (7) omit "*in emissions intensity*" after "double counting of *GES Gain*"

25.28 In Step (7) omit "*in emissions intensity*" after "The *GES Gain*"

25.29 In Step (7) omit the equation and insert

"$GI_{L,Lower,Fuel\ Switch,Adj}$ – *Adjusted Actual GI value*

where:

Adjusted Actual GI value = *Actual GI* (kg CO_2-e/MWh) x *GES Adjustment Factor*"

25.30 Omit the Note at the end of **Method 3** and insert

"Note:

For example, a coal fired power station installs supplementary gas burners on its boilers and, in the following year, the plant generates 1,000,000 MWh at an output factor of 60% with 5% of the total fuel (by weight) being supplied from natural gas. No RECs are created from the plant in that period. The Actual GI is 950 kg CO_2-e/MWh.

The emission factors for carbon dioxide, methane and nitrous oxide for coal and natural gas are calculated yielding a $F_{CO2\text{-}e}$ of 1.85 and 2.58 kg $CO_{2\text{-}e}$/kg $_{fuel}$ for coal and natural gas respectively and hence a weighted average $F_{CO2\text{-}e,av}$ of 1.885 kg $CO_{2\text{-}e}$/kg $_{fuel}$. Since coal and natural gas impact boiler efficiency and auxiliary load differently, the Reference Sent Out Thermal Efficiency (η_{SO}) is calculated for each fuel at 60% output factor, yielding 32.03% and 31.64% respectively and a weighted average $\eta_{SO,av}$ of 31.99%. The Gross Calorific Value for coal and natural gas is 22.0 and 50.0 MJ/kg respectively, yielding a weighted average $Q_{gr,p,as,av}$ of 23.3 MJ/kg. For the new fuel mix, the Reference GI ($GI_{R,Fuel\ Switch}$) is calculated to be 909 kg CO_2-e/MWh. The emissions associated with the production of coal and natural gas were calculated using Equations 10, 11 and 12 to yield a GES Adjustment Factor of 1.026. The *Adjusted Reference GI* ($GI_{R,Fuel\ Switch,Adj}$) is calculated to be 933 kg CO_2-e/MWh and the Adjusted Lower

GI value ($GI_{L,Lower,Fuel\ Switch,Adj}$) is 970 kg CO_2-e/MWh. For the original coal only, the GES Adjustment Factor is 1.025 and the Adjusted Reference GI and Adjusted Lower GI value are calculated yielding a $GI_{R,Original,Adj}$ and $GI_{L,Lower,Original,\ Adj}$ of 968 and 1,007 kg CO_2-e/MWh respectively.

From this data, the Fuel Switch Gain is:

1,007 –970 = 37 kg CO_2-e/MWh sent out

The number of NGACs that may be created due to the fuel switch is:

37/ 1000 x (1,000,000 – 0) = 37,000 tonnes CO_2-e

Under the GES commitment, work is also carried out to improve the performance of the soot-blowing system. The plant is 12 years old. The work on the sootblowing system also improves the plant's efficiency and the Adjusted Actual GI is 970 kg CO_2-e/MWh which is less than the Adjusted Lower GI Value ($GI_{L,Lower,Original}$ = 1,007 kgCO_2-e/MWh). Under Method 1, it may be possible to create NGACs from the efficiency improvement. Under Method 3, however, the Adjusted Lower GI value is changed down to the $GI_{L,Lower,Fuel\ Switch,\ Adj}$ value so as to avoid double counting. The Adjusted Actual GI of 975 kg CO_2-e/MWh is not less than the $GI_{L,Lower,\ Fuel\ Switch}$ value of 970 kg CO_2-e/MWh, so the GES Gain is zero and no NGACs may be created due to *GES Gain*.

If, in the above example, the gas was not natural gas but Waste Coal Mine Gas sourced from a working coal mine, the additional NGACs that could be created are calculated (using **Equation 13**) as:

1.32 (Energy content of waste coal mine gas in PJ) x 18 (kt CH_4/PJ default CH_4 conversion factor) x 21 x 1000 =499,000 tonnes CO_2-e"

[26] Clauses 9.2.3 and 9.2.4 (formerly clauses 9.2.2 and 9.2.3)

26.1 In clause 9.2.3 after "Renewable Energy Sources" insert "(only)"

26.2 In clause 9.2.3 omit "Category B" after "in respect of the"

26.3 Omit clause 9.2.4 and insert

"9.2.4 For electricity generated in a year by a Category B Generating System using Fossil Fuels co-fired with Renewable Energy Sources, the Generator that is accredited in respect of the Generating System may, in addition to any entitlement to create NGACs under clause 9.2.1, create using this Rule the number of NGACs calculated using **Equation 5**."

[27] Clause 9.2 Equation 5

27.1 Omit the equation and insert

"Number of NGACs that may be created = {Net Sent Out Generation x NSW Pool Coefficient x Energy Content of Renewable Energy Source x $\eta_{SO,RE}$ / (Energy Content of Renewable Energy Source x $\eta_{SO,RE}$ + Energy Content of Fossil Fuel x $\eta_{SO,FF}$)} - (RECs Created/MLF)

If this amount is less than or equal to zero, then the Number of NGACs that may be created = 0."

27.2 In the first dot point insert "and is in respect of the time period over which the Net Sent Out Generation occurs" after "is in t CO_2-e"

27.3 Omit the second dot point and insert as a separate dot point

"• *Net Sent Out Generation* is in MWh and is in respect of a calendar year or part thereof"

27.4 In the third dot point omit "Net Electricity Sent Out" after "year in which the" and insert "Net Sent Out Generation"

27.5 In the fifth dot point omit "plant" after "thermal efficiency of the" and insert "Generating System"

27.6 In the seventh dot point omit "plant" after "thermal efficiency of the" and insert "Generating System"

27.7 After the seventh dot point insert as separate dot points

"• *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*

• *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation"

[28] Clause 9.3 Creation of NGACs from electricity generated by Category C Generating Systems

28.1 In clause 9.3.1 omit "Fuel" after "System using Fossil" and insert "Fuels (whether or not co-fired with a Renewable Energy Source)"

28.2 In clause 9.3.1 omit "Category C" after "in respect of the"

28.3 Renumber clause 9.3.1(b) as clause 9.3.1(b)(i), 9.3.1(c) as clause 9.3.1(b)(ii), 9.3.1(d) as clause 9.3.1(b)(iii),

28.4 Insert new clause 9.3.1(b)

"(b) create the number of NGACs according to the following (as applicable):"

28.5 In clause 9.3.1(b)(i) omit "that is accredited with respect to the Category C Generating System" after "if the Generator"

28.6 In clause 9.3.1(b)(i) after "measures are taken" insert "on or"

28.7 In clause 9.3.1(b)(i) after "achievable efficiency without" insert "significantly"

28.8 In clause 9.3.1(b)(i) after "or its fuel mix, the Generator" insert "that is accredited with respect to the Generating System"

28.9 In clause 9.3.1(b)(ii) omit "that is accredited with respect to the Category C Generating System" after "if the Generator"

28.10 In clause 9.3.1(b)(ii) after "takes measures" insert "on or"

28.11 In clause 9.3.1(b)(ii) after "but not its fuel mix, the Generator" insert "that is accredited with respect to the Generating System"

28.12 In clause 9.3.1(b)(iii) omit "that is accredited with respect to the Category C Generating System" after "if the Generator"

28.13 In clause 9.3.1(b)(iii) after "takes measures" insert "on or"

28.14 In clause 9.3.1(b)(iii) after "the fuel mix, the Generator" insert "that is accredited with respect to the Generating System"

28.15 Omit clause 9.3.1(e) and insert new clause 9.3.1(c)

"(c) if the Generator that is accredited in respect of the Generating System is otherwise entitled to create NGACs under (b), create the number of NGACs under (b) in relation to any output below its NSW Production

Baseline only, plus the number of NGACs using **Equation 1** for output above its NSW Production Baseline."

28.16 Renumber clause 9.3.2 as 9.3.3

28.17 After 9.3.1(c) insert new clause 9.3.2

"9.3.2 In clause 9.3.1, references to the Generator being a participant in the Commonwealth Generator Efficiency Standards and taking certain measures include references to any of the persons in clause 6.2.1 being such a participant and taking such measures or causing such measures to be taken."

28.18 In clause 9.3.3 after "Renewable Energy Sources" insert "(only)"

28.19 Omit the Note after clause 9.3.4

[29] Clause 9.4 Creation of NGACs from electricity generated by Category D Generating Systems

29.1 In clause 9.4.1 omit "Fuel" after "System using Fossil" and insert "Fuels (whether or not co-fired with a Renewable Energy Source)"

29.2 In clause 9.4.1 omit "Category D" after "in respect of the"

29.3 Renumber clause 9.4.1(b) as clause 9.4.1(b)(i), 9.4.1(c) as clause 9.4.1(b)(ii), 9.4.1(d) as clause 9.4.1(b)(iii),

29.4 Insert new clause 9.4.1(b)

"(b) create the number of NGACs according to the following (as applicable):"

29.5 In clause 9.4.1(b)(i) omit "that is accredited with respect to the Category C Generating System" after "if the Generator"

29.6 In clause 9.4.1(b)(i) after "measures are taken" insert "on or"

29.7 In clause 9.4.1(b)(i) after "achievable efficiency without" insert "significantly"

29.8 In clause 9.4.1(b)(i) after "or its fuel mix, the Generator" insert "that is accredited with respect to the Generating System"

29.9 In clause 9.4.1(b)(ii) omit "that is accredited with respect to the Category C Generating System" after "if the Generator"

29.10 In clause 9.4.1(b)(ii) after "takes measures" insert "on or"

29.11 In clause 9.4.1(b)(ii) after "but not its fuel mix, the Generator" insert "that is accredited with respect to the Generating System"

29.12 In clause 9.4.1(b)(iii) omit "that is accredited with respect to the Category C Generating System" after "if the Generator"

29.13 In clause 9.4.1(b)(iii) after "takes measures" insert "on or"

29.14 In clause 9.4.1(b)(iii) after "the fuel mix of the Generating System, the Generator" insert "that is accredited with respect to the Generating System"

29.15 Renumber clause 9.4.2 as 9.4.3

29.16 After 9.4.1(b)(iii) insert new clause 9.4.2

"9.4.2 In clause 9.4.1, references to the Generator being a participant in the Commonwealth Generator Efficiency Standards and taking certain measures include references to any of the persons in clause 6.2.1 being such a participant and taking such measures or causing such measures to be taken."

29.17 In clause 9.4.3 after "Renewable Energy Sources" insert "(only)"

[30] Clause 9.5 Creation of additional NGACs from electricity generated using landfill gas and sewage gas, manufactured methane or cogeneration from Renewable Energy Sources

30.1 In the title of clause 9.5 after "**landfill gas and sewage gas**" insert "**, manufactured methane**"

30.2 Omit all of clause 9.5 after "In respect of electricity generated by a Generating System that is entitled to create RECs:" and insert

"(a) using landfill gas, sewage gas, or fugitive methane from other Renewable Energy Sources;

(b) using methane manufactured from Qualifying Putrescible Waste (other than landfill gas, sewage gas or fugitive methane from other Renewable Energy Sources); or

(c) that is a Cogeneration Plant for which the appropriate fuel identified in Step (2) of Method 4 is a Fossil Fuel,

the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using

Equation 6 in addition to any NGACs that it is entitled to create according to clauses 9.1 to 9.4.

Note: Clause 9.5(a) relates to fugitive methane that would otherwise by vented as a byproduct of a waste disposal or treatment process. Clause 9.5(b) applies to methane manufactured from material that would otherwise have been disposed of in a landfill, anaerobic pond, windrow or by other means which would lead to the venting of methane as a byproduct.

The Scheme recognises the double greenhouse benefit of using these energy sources to generate electricity. Clause 9.5 allows NGACs to be created in recognition of the greenhouse benefits of avoiding the emission of methane to the atmosphere and using heat in cogeneration that would otherwise be wasted, which is in addition to the greenhouse benefit of electricity generation from fuel sources with lower emissions.

Note, however, that NGACs may not be created under both clauses 9.1 to 9.4 and clause 9.5:

- If no RECs are created, there will not be an entitlement to create NGACs under both clauses 9.1 to 9.4 and clause 9.5. This is because NGACs created under clause 9.5 are by reference to the number of RECs created. However, in this case both greenhouse benefits will be taken into account in the calculations under clauses 9.1 to 9.4.

- If, on the other hand, all of the electricity generated is used to create RECs (thus disallowing the creation of NGACs under clauses 9.1 to 9.4), NGACs may be created under clause 9.5 in addition to those RECs. Although both RECs and NGACs may be created in this case, they are created in respect of different abatement and therefore it is consistent with any accreditation conditions or undertakings that disallow the creation of RECs or NGACs in respect of the same greenhouse gas abatement."

[31] Clause 9.5 Equation 6

Omit **Equation 6** and insert

"Number of additional NGACs that may be created = Number of RECs Created/MLF x (NSW Pool Coefficient x Emissions Intensity Adjustment Factor – NSW Pool Coefficient - Emissions Intensity)

Where:

- *Number of additional NGACs that may be created* is in t CO_2-e and is in respect of the time period over which the Number of RECs Created are calculated

- *NSW Pool Coefficient* (in t CO_2-e/MWh) is the NSW Pool Coefficient determined by the Tribunal using clause 9.1 of the Compliance Rule for the year in which the electricity generated occurred
- *Number of RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of electricity generated over the same time period as (but not in respect of the same electricity generated as) NGACs created according to clauses 9.1 to 9.4
- *Emissions Intensity* (in t CO_2-e/MWh) is calculated using **Equation 4**
- *Emissions Intensity Adjustment Factor* is the value in Table 9 of Schedule A to this Rule appropriate to whether the Generating System is connected to a Distribution System or to a Transmission System
- *MLF* is the marginal loss factor for the Generating System, as defined in of the RE(E) Regulation"

[32] Clause 9.6 Creation of NGACs from electricity generated using Native Forest Bio-Material

Insert "Accredited" after "in this Rule, an"

[33] Clause 9.7 Adjustment of number of NGACs that may be created for GGAP funded projects

33.1 In clause 9.7.1 omit "Greenhouse Gas" after "carbon dioxide equivalent of" and insert "greenhouse gas"

33.2 In the Note after clause 9.7.1 omit "project developer" after "then the" and insert "Accredited Abatement Certificate Provider"

[34] Clause 10 Emissions Calculations

Omit the Note immediately after the clause title and before 10.1

[35] Clause 10.1 Total Greenhouse Gas Emissions

35.1 In clause 10.1(a)(vii) omit "fugitive CH_4 emissions avoided" after "Fossil Fuel is Waste Coal Mine Gas," and insert "(whether Waste Coal Mine Gas from the same mining operations was flared or vented prior to its use in the Generating System), fugitive CH_4 emissions avoided directly"

35.2 In clause 10.1(b)(iii) omit "or sewage gas," after "is landfill gas," and insert "sewage gas, or fugitive methane from other Renewable Energy Sources,"

35.3 In clause 10.1(b)(iii) omit "**Equation 6**." after "carbon dioxide equivalent), calculated using" and insert "**Equation 6**; and"

35.4 After clause 10.1(b)(iii) insert new clause 10.1(b)(iv)

"(iv) if the fuel is methane manufactured from Qualifying Putrescible Waste, nominal fugitive CH_4 emissions avoided through the use of the fuel (in tonnes of carbon dioxide equivalent), calculated using Method 5."

[36] Clause 10.1 Equation 7

36.1 In the equation omit "content" after "= Energy" and insert "Content"

36.2 Omit the three dot points after the first dot point and insert

"• *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value

• *CO_2 emission factor* (in kt CO_2/PJ) is the factor nominated by the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) and approved by the Scheme Administrator, or, in the absence of such nomination and approval, the value for that Fossil Fuel and equipment type in Table 3 of Schedule A to this Rule.

• *Combustion factor* is the factor nominated by the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) and approved by the Scheme Administrator, or, in the absence of such nomination and approval, the value for that Fossil Fuel in Table 4 of Schedule A to this Rule."

[37] Clause 10.1 Equation 8

37.1 In the equation omit "content" after "= Energy" and insert "Content"

37.2 Omit the second dot point and insert as the second dot point

"• *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value"

37.3 In the third dot point after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[38] Clause 10.1 Equation 9

38.1 In the equation omit "content" after "= Energy" and insert "Content"

38.2 Omit the second dot point and insert as the second dot point

"• *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value"

38.3 In the third dot point after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[39] Clause 10.1 Equation 10

39.1 In the equation omit "content" after "= Energy" and insert "Content"

39.2 Omit the second dot point and insert as the second dot point

"• *Energy Content of gas* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value"

39.3 In the third dot point after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[40] Clause 10.1 Equation 11

40.1 In the equation omit "content" after "= Energy" and insert "Content"

40.2 Omit the second dot point and insert as the second dot point

"• *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value"

40.3 In the third dot point after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[41] Clause 10.1 Equation 12

Omit the third dot point and insert

"• *CH_4 emission factor* (in kg CH_4/ t) is the weighted average for the State from which the coal was sourced in Table 1 of Schedule A to this Rule or another CH_4 emission factor

accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application"

[42] Clause 10.1 Equation 13

42.1 In the equation after "emissions avoided" insert "directly"

42.2 In the equation omit "waste coal mine gas = Energy content" "after "through the use of" and insert "Waste Coal Mine Gas = Energy Content"

42.3 Omit the two dot points after the first dot point and insert:

"• *Energy Content of waste methane used as Fossil Fuel* (in PJ) is the actual Energy Content of the waste methane used as Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value, or a value to be determined on the assumption that, for electricity converted to Net Sent Out Generation, Sent Out Generation represents 36% of the total Energy Content of all Fossil Fuels used (waste methane used as Fossil Fuel and any supplementary fuel used).

• *CH_4 conversion factor* (in kt CH_4/PJ) is 18 or another conversion factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application"

[43] Clause 10.1 Equation 14

43.1 In the equation omit "content" after "= Energy" and insert "Content"

43.2 Omit the second dot point and insert

"• *Energy Content of Renewable Energy Source* (in PJ) is the actual Energy Content of the Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value"

43.3 In the third dot point after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[44] Clause 10.1 Equation 15

44.1 In the equation omit "content" after "= Energy" and insert "Content"

44.2 Omit the second dot point and insert

"• *Energy Content of Renewable Energy Source* (in PJ) is the actual Energy Content of the Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value"

44.3 In the third dot point after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[45] Clause 10.1 Equation 16

45.1 In the equation omit "content" after "= Energy" and insert "Content".

45.2 Omit the second dot point and insert

"• *Energy Content of waste methane used as Renewable Energy Source* (in PJ) is the actual Energy Content of the waste methane used as a Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value, or a value to be determined on the assumption that, for electricity converted to Net Sent Out Generation, Sent Out Generation represents 36% of the total Energy Content of all energy sources used (waste methane used as a Renewable Energy Source and any supplementary energy sources used)."

45.3 In the third dot after "Certificate Provider" insert "(or the Category B Generator providing information for the calculation of the NSW Pool Coefficient)"

[46] Clause 10.2 Adjustment of Total Greenhouse Gas Emissions for Cogeneration Plant

46.1 Renumber the existing paragraph in clause 10.2 as clause 10.2(a)

46.2 In clause 10.2(a) omit "section" after "calculated in" and insert "clause"

46.3 In clause 10.2(a) omit "Greenhouse Gas" after "reduced by the amount of notional" and insert "greenhouse gas"

46.4 Insert clause 10.2(b) and Note after 10.2(a)

"(b) If a Category A Generating System was modified on or after 1 January 2002 to become a Cogeneration Plant, then any calculations by a Deemed Retailer under clause 10.2(a) in respect of that Generating System must be adjusted so as not to include the notional greenhouse gas emissions which may be calculated under clause 9.1(c).

Note: The Generator who is entitled to create NGACs under clause 9.1(c) may nonetheless grant the Deemed Retailer this right by a nomination under clause 6.2.1(c)."

[47] Clause 10.2 Method 4

47.1 In Step (1) second dot point omit "energy content" after "70% of the" and insert "Energy Content"

47.2 In Step (1) second dot point omit "energy content" after "of the fuel, less the" and insert "Energy Content"

47.3 In Step (2) second dot point paragraph (v) before "Renewable Energy Source" insert "in other cases, the"

47.4 In Step (4) omit "section" after "that fuel in" and insert "clause"

[48] Clause 10.2 Method 5

Insert new **Method 5**

"**Method 5**

Step (1) Identify the Alternative Disposal Method for the putrescible waste, as:

- windrows only (ie 100% of the putrescible waste used in the methane manufacturing process would have been disposed of in windrows);
- landfills only (ie 100% of the putrescible waste used in the methane manufacturing process would have been disposed of in landfills);
- anaerobic lagoons only (ie 100% of the putrescible waste used in the methane manufacturing process would have been disposed of in anaerobic lagoons);
- a combination of two or more of windrows, landfills or anaerobic lagoons (with the percentage of each to be specified);
- another method approved by the Scheme Administrator;

- a combination of another method approved by the Scheme Administrator and one or more of windrows, landfills or anaerobic lagoons (with the percentage of each to be specified).

If the Scheme Administrator does not approve the identification of any of the above Alternative Disposal Methods the default Alternative Disposal Method is windrows only.

Step (2) Calculate the Alternative Disposal Method CH_4 Production Factor.

- If the Alternative Disposal Method is windrows only, landfill only or anaerobic lagoons only, the Alternative Disposal Method CH_4 Production Factor is either a value calculated by a method approved by the Scheme Administrator, or the value corresponding to that Alternative Disposal Method in Table 10.

- If the Alternative Disposal Method is another method approved by the Scheme Administrator, the Alternative Disposal Method CH_4 Production Factor is either a value calculated by a method approved by the Scheme Administrator, or the value corresponding to the value for windrows only in Table 10.

- If the Alternative Disposal Method is a combination, the Alternative Disposal Method CH_4 Production Factor is either a value calculated by a method approved by the Scheme Administrator, or the value corresponding to the value for windrows only in Table 10.

Step (3) Calculate an average Qualifying Putrescible Waste Factor over the period for which NGACs are being calculated, by a method approved by the Scheme Administrator.

- If the Scheme Administrator does not approve the calculation of the Qualifying Putrescible Waste Factor, the default Qualifying Putrescible Waste Factor is 0.8.

Note: The RE(E) Act and RE(E) Regulation prevent the creation of RECs from any waste products derived from fossil fuels (eg plastics), so where clause 9.5(b) is being used to calculate a number of NGACs from a number of RECs, the Qualifying Putrescible Waste Factor in Step (3) of this Method should NOT be adjusted to net out waste products derived from Fossil Fuels.

Step (4) Calculate an average Process CH_4 Production Factor over the period for which NGACs are being calculated, by a method approved by the Scheme Administrator.

- If the Scheme Administrator does not approve the calculation of the Process CH_4 Production Factor, the default Process CH_4 Production Factor is 70%.

Step (5) Calculate the Nominal fugitive CH_4 emissions avoided through the use of the fuel:

Nominal fugitive CH_4 emissions avoided through the use of the fuel = Energy Content of manufactured methane used as a Renewable Energy Source x CH_4 conversion factor x 1000 x 21 x Qualifying Putrescible Waste Factor x (Alternative Disposal Method CH_4 Production Factor/Process CH_4 Production Factor)

Where

- *Nominal Fugitive CH_4 emissions avoided through the use of the fuel* is in t CO_2-e
- *Energy Content of manufactured methane used as a Renewable Energy Source* (in PJ) is the actual Energy Content of the manufactured methane used as a Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value, or a value to be determined on the assumption that, for electricity converted to Net Sent Out Generation, Sent Out Generation represents 36% of the total Energy Content of all energy sources used (manufactured methane used as a Renewable Energy Source and any supplementary energy sources used)
- *CH_4 conversion factor (in kt CH_4/PJ)* is 18 or another conversion factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider can justify its adoption and document its application
- *Qualifying Putrescible Waste Factor* is calculated under Step (3)
- *Alternative Disposal Method CH_4 Production Factor* is calculated under Step (2)
- *Process CH_4 Production Factor* is calculated under Step (4)"

[49] Clause 10.3 Other waste fuel, waste heat, waste materials, and other waste outputs

49.1 In the Note after clause 10.3.1(d) omit "section" after "dealt with under" and insert "clause"

49.2 In clause 10.3.3 omit "section" after "Fossil Fuel using" and insert "clause".

49.3 In clause 10.3.4 omit "section" after "Energy Source using" and insert "clause"

49.4 In clause 10.3.5 omit "section" after "Mine Gas using" and insert "clause"

49.5 In clause 10.3.6 omit "section" after "Fossil Fuel using" and insert "clause"

49.6 In clause 10.3.7 omit "section" after "to which this" and insert "clause"

49.7 In clause 10.3.7(b) omit "section" after "to which this" and insert "clause"

49.8 In clause 10.3.7(c) omit "section" after "Energy Sources in" and insert "clause"

[50] Clause 11.1

50.1 Omit the definition of **"Auxiliary Electricity Use"** and insert as separate definitions

"**"Act"** means the *Electricity Supply Act 1995*.

"Alternative Disposal Method" is the waste disposal method approved by the Scheme Administrator as the most likely alternative waste disposal method for the Qualifying Putrescible Waste used in a methane manufacturing process.

"Benchmark Rules" means the rules under Part 8A, Division 11 of the Act."

50.2 In the definition of **"Commercial Operation"**, omit "excluding for electricity generated during periods of testing to meet licence conditions prior to approval to operate." after "Generating System," and insert "after completion of testing to meet conditions of any licences or authorisations prior to those licences or authorisations being granted or becoming effective."

50.3 After the definition of **"Commercial Operation"** insert as a separate definition

""**Commonwealth Generator Efficiency Standards Methodology"** means the calculation methodology as set out in:

(a) the most recent published versions (from time to time) of

(i) Program Guidelines: Generator Efficiency Standards, Australian Greenhouse Office;

(ii) Technical Guidelines: Generator Efficiency Standards, Australian Greenhouse Office; and

(b) other Generator Efficiency Standards guidelines as published and amended from time to time by the Australian Greenhouse Office."

50.4 Omit the definition of **"Connection Point"**

50.5 After the definition of **"Compliance Rule"** insert as separate definitions

""**Deemed Retailer"** is defined in clause 6.3.1

"Distribution System" is a "distribution system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code.

"DSA Rule" means *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003*."

50.6 After the definition of **"Emissions Workbook"** insert as separate definitions

""**End-User Complex"** is as defined in the DSA Rule.

"End-User Equipment" means electricity consuming equipment that is not associated with the generation of electricity or generated ancillary loads.

"Energy Content" of a fuel source is to be considered as its higher heating value (HHV)."

50.7 In the definition of **"Generating System"** omit "essential to their functioning as single entities" after "related equipment" and insert "capable of functioning as a single entity"

50.8 After the definition of **"Generating System"** Insert as a separate definition

" **"Generator"** is defined in clause 6.2.1

"GES" means the Commonwealth Generator Efficiency Standards Methodology."

50.9 Omit the definition of **"Gross Generation"**

50.10 After the definition of **"GGAP"** insert as a separate definition

""**Gross Generation"** is defined in Equation 4."

50.11 After the definition of **"Gross Generation"** insert as separate definitions

"**"Intermediary"** means a person who is registered by NEMMCO as a Generator instead of another person who would be registered as such under the National Electricity Code.

"MLF" is defined in Equation 4"

50.12 Omit the definitions of **"Net Generation"** and **"Net Sent Out Generation"** and insert a separate definition

"**"Net Sent Out Generation"** means the amount of electricity supplied to a Transmission or Distribution System less the amount of electricity supplied to the Generating System from the Transmission or Distribution System."

50.13 In the definition of **"NGAC"** omit "*Greenhouse Gas Benchmark Rule (Demand Side Abatement) No.3 of 2003*, or the *Greenhouse Gas Benchmark Rule (Carbon Sequestration) No.5 of 2003*" after "with this Rule, the" and insert "DSA Rule or the Sequestration Rule"

50.14 Omit the definition of **"NSW Electricity Network"** and insert as separate definitions

"**"NSW Electricity Network"** means all electricity Transmission Systems and Distribution Systems located in New South Wales.

"NSW Pool Coefficient" is defined in section 97AB of the Act and determined by the Tribunal under section 97BF of the Act, in accordance with clause 9.1 of the Compliance Rule. The relevant NSW Pool Coefficient for the purposes of this Rule is that for the year in which the abatement occurred."

50.15 In the definition of **"NSW Production Baseline"** omit "section" after "in accordance with" and insert "clause"

50.16 In the definition of **"ORER"** after "Renewable Energy Regulator" insert "established under the RE(E) Act"

50.17 Omit the definition of **"Power Purchase Agreement"** and insert as separate definitions

"**"Power Purchase Agreement"** means the direct electricity supply agreement that gave rise to the eligibility of the electricity generation of a Generating System to be classified as Category A under the Emissions Workbook, and includes (with respect to a Generating System listed in Schedule C) a direct electricity supply agreement which satisfies clause 7.1.2.

"Previous Rule" is defined in clause 1.2.

"Process CH_4 Production Factor" means the percentage of carbon in the Qualifying Putrescible Waste that is converted to CH_4 in the process by which the CH_4 used in the Generating System is manufactured from putrescible waste.

"Qualifying Putrescible Waste" means the putrescible waste, used in a process which manufactures methane from putrescible waste, that is other than paper, cardboard or other materials that the Scheme Administrator disqualifies on the grounds that they are of non-renewable origin or that their inclusion encourages unsustainable use of materials.

"Qualifying Putrescible Waste Factor" means the mass of Qualifying Putrescible Waste divided by the total mass of putrescible waste used in a process which manufactures methane from putrescible waste."

50.18 In the definition of **"REC"** omit "s" after "as defined in" and insert "section"

50.19 In the definition of **"REC Baseline"** after "prescribed in the RE(E) Act or" insert "RE(E)"

50.20 After the definition of **"RE(E) Act"** insert as a separate definition

"**"RE(E) Regulation"** means the *Renewable Energy (Electricity) Regulations 2001* (Cth)."

50.21 In the definition **"Renewable Energy Source"** of omit "sections 17 (1) and (2) of" after "*eligible renewable energy sources* under"

50.22 After the definition of **"Renewable Energy Source"** insert as a separate definition

"**"Scheme"** means the arrangements under Part 8A of the Act, Parts 8A and 8B of the Regulation and the Benchmark Rules."

50.23 after the definition of **"Scheme Administrator"** insert as separate definitions

"**"Sent Out Generation"** is defined in Equation 4.

"Sequestration Rule" means *Greenhouse Gas Benchmark Rule (Carbon Sequestration) No. 5 of 2003*."

50.24 Omit the definition of **"the Act"** and insert as a separate definition

"**"Transmission System"** is a "transmission system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code."

50.25 In the definition of **"Waste Coal Mine Gas"** omit "as an integrated part of coal mining operations" after "drained from mines" and insert "for the purpose of coal mining operations (regardless of the period of time between draining the gas from the coal mine and use of the mine for coal mining operations)"

[51] New Clause 11.5

After clause 11.4 insert new clause 11.5:

"11.5 A reference to accreditation in respect of a Generating System means accreditation in respect of electricity generation activities from the Generating System."

[52] Schedule A

52.1 In **Table 1** insert a new row at the bottom of the table

Vic	Open Cut	0	0	0

52.2 In the heading in **Table 6** omit "Retailers" after "used by" and insert "retail suppliers'

52.3 In the last row in **Table 6** omit "Retailers" after "For any other" and insert "retail suppliers"

52.4 In the second row of **Table 9** omit "user site" after "At" and insert "End-User Complex"

52.5 In the second row of **Table 9** omit "user site" after "at the" and insert "End-User Complex"

52.6 In the second row of **Table 9** omit "distribution system" after "Loss Factor for that" and insert "Distribution System"

52.7 In the third row of **Table 9** omit "distribution system" and insert "Distribution System"

52.8 In the fourth row of **Table 9** omit "transmission system" and insert "Transmission System"

52.9 After **Table 9** insert new **Table 10**

"Table 10: Methane manufacture factors

Alternative Disposal Method	**Alternative Disposal Method CH_4 production factor**
Windrows only	0.15
Landfills only	0.50
Anaerobic Ponds only	0.30

[53] Schedule B

Omit points (a) and (b) at the end of the table and insert

"(a) refer to clause 7.2.2.

(b) refer to clause 7.2.3."

[54] Schedule C

54.1 In the heading in **Schedule C** omit "Generators" after "Category A" and insert "Generating Systems"

54.2 In the rows of the table where the Type is 'Landfill Gas' and the Deemed Retailer is 'AGL' insert in the Deemed Retailer column

Broadmeadows, Vic	Landfill gas	AGL Electricity Ltd
Clayton, Vic	Landfill gas	AGL Victoria Pty Ltd
Springvale, Vic	Landfill gas	AGL Victoria Pty Ltd
Pedler Creek, SA	Landfill gas	AGL South Australia
Tea Tree Gully, SA	Landfill gas	AGL South Australia
Wingfield 1, SA	Landfill gas	AGL South Australia
Wingfield 2, SA	Landfill gas	AGL South Australia
Highbury, SA	Landfill gas	AGL South Australia

54.3 In the rows where the Deemed Retailer is "TXU" in each instance after "TXU" insert "Electricity Ltd"

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Other Notices

SCHEDULE 2

Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003

Frank Ernest Sartor, MP
Minister for Energy and Utilities

1 Name and commencement

1.1 This Rule is the *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003* and commences on 11 June 2004.

1.2 At its commencement, this Rule amends the *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003* that commenced on 3 October 2003 (Previous Rule), to the extent that this Rule differs from the Previous Rule.

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

(a) the accreditation of Abatement Certificate Providers (in respect of electricity generation activities) after the commencement of this Rule (regardless of the date of application for accreditation);

(b) the calculation and creation of New South Wales Greenhouse Abatement Certificates (NGACs) (in respect of electricity generation activities) registered after the commencement of this Rule (regardless of the date of accreditation of the Abatement Certificate Provider), subject to clauses 1.4 and 1.5; and

(c) the ongoing eligibility of a person to remain accredited as an Abatement Certificate Provider for the purpose of the Scheme Administrator exercising its powers under the Act and Regulations, after the commencement of this Rule, to vary, suspend or cancel a person's accreditation as an Abatement Certificate Provider (in respect of electricity generation activities).

1.4 A person who, on or before 31 December 2004:

(a) is accredited as an Abatement Certificate Provider (in respect of electricity generation activities); or

(b) has made an application, acceptable to the Scheme Administrator, to become an Abatement Certificate Provider (in respect of electricity generation activities), and is subsequently accredited as an Abatement Certificate Provider under this Rule pursuant to that application,

may elect (such election to be made only once) to calculate its entitlement to create NGACs in respect of electricity generation activities occurring on or before 31 December 2004 under either the Previous Rule or this Rule.

1.5 A person who, on or before 31 December 2004, is accredited as an Abatement Certificate Provider (in respect of electricity generation activities) may calculate its entitlement to create NGACs in respect of electricity generation activities occurring on or before 31 December 2007 using the 30% default factor under Equations 13 and 16 of the Previous Rule, rather than the 36% default factor under those Equations of this Rule, if the person would otherwise have been entitled to use that 30% default factor under the Previous Rule.

1.6 If a person to whom clause 1.4 or 1.5 applies is accredited as an Abatement Certificate Provider after the commencement of this Rule, the Scheme Administrator must assess the application for accreditation using the eligibility criteria under this Rule.

2 Objects of the Rule

The object of this Rule is to provide specific arrangements for the creation and calculation of NGACs through electricity generation and other calculations associated with electricity generation and greenhouse gas emissions.

3 Application of the Rule

Without limiting the persons to whom this Rule applies, this Rule applies to Accredited Abatement Certificate Providers accredited to create NGACs from electricity generation in accordance with Part 8A Division 4 of the Act, the Regulations, and this Rule.

4 Status and Operation of the Rule

This Rule is a Greenhouse Gas Benchmark Rule made under Part 8A of the Act.

5 Eligibility to be an Accredited Abatement Certificate Provider in respect of electricity generation

5.1 A person is eligible to be an Accredited Abatement Certificate Provider under this Rule if:

(a) the person is a *Generator* or *Deemed Retailer*, as those terms are defined in clauses 6.2.1 and 6.3.1 respectively; and

(b) the accreditation is in respect of an *electricity generation activity*, as that term is defined in clause 5.2.

Note: Under the Regulations, a person must also have record keeping arrangements with respect to the activity, and the Generating System must be equipped with metering equipment, approved by the Scheme Administrator. Further matters must also be satisfied under the Regulations if the accreditation is in respect of a proposed (rather than existing) electricity generation activity.

5.2 An *electricity generation activity* is the generation of electricity:

(a) after 1 January 2003;

(b) by a Generating System that exports or will export any electricity into the NSW Electricity Network or a Transmission or Distribution System interconnected with the NSW Electricity Network; and

(c) in a manner that results or will result in reduced emissions of greenhouse gases.

Note: In effect, eligible Generating Systems must export electricity into the main Transmission Systems of the National Electricity Market, or to Distribution Systems currently connected to those systems in NSW, the Australian Capital Territory, Queensland, Victoria and South Australia.

The Generating System may export electricity either directly (at a connection point between the Generating System and the NSW Electricity Network or interconnected Transmission or Distribution System), or indirectly (via other network assets).

Where part of the electricity generated from the Generating System is exported, and part is consumed by End-User Equipment within the same End-User Complex as the Generating System, only that part that is exported is eligible to create NGACs under this Rule. The remainder may be separately eligible to create NGACs under the DSA Rule.

5.3 An *electricity generation activity* as defined in clause 5.2 is:

(a) an "existing electricity generation activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *electricity generation activity* after the Generating System commences Commercial Operation; and

(b) a "proposed electricity generation activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *electricity generation activity* before the Generating System commences Commercial Operation.

6 Persons eligible to create NGACs under this Rule

6.1.1 Despite any other provision in this Rule only Accredited Abatement Certificate Providers accredited for the purpose set out in clause 5 may create NGACs under this Rule.

6.1.2 A person may not create NGACs in respect of greenhouse gas abatement if that person or another person has previously validly created NGACs or LUACs in respect of the same abatement, whether under this Rule, the Previous Rule or any other Benchmark Rule.

6.2 The Generator

6.2.1 The *Generator* is:

(a) the person who is registered with NEMMCO as the Generator or the Intermediary, as defined under the National Electricity Code, with respect to a Generating System at the time that the relevant electricity generation activity takes place; or

(b) if no person is registered with NEMMCO as the Generator or the Intermediary, as defined under the National Electricity Code, with respect to a Generating System at the time that the relevant electricity generation activity takes place, the owner of the Generating System at that time; or

(c) a person nominated, to the satisfaction of the Scheme Administrator, to be the Generator for the purpose of creating NGACs under this Rule (nominee) by one of the following persons (nominator):

(i) the person in (a) or (b); or

(ii) a person previously nominated to be the Generator under this Rule,

provided that:

(iii) the nominator has not previously nominated another person to be the Generator, or if the nominator has done so, that previous nomination is not still effective;

(iv) the nomination is in writing and signed by the nominator;

(v) the nominee consents to the nomination; and

(vi) the nominator (and any previous nominator) continues to meet the criteria to be the nominator for the period of the nomination; or

(d) a person whom the Scheme Administrator is satisfied will be a person in (a), (b) or (c), provided that the person will not be entitled to create NGACs unless that person satisfies that criteria at the time that the relevant electricity generation activity takes place.

6.2.2 The Scheme Administrator may assume, in the absence of evidence to the contrary and without any obligation to make further enquiries, that the person listed in Schedule B as the owner of the Generating System so listed is the owner of that Generating System at all relevant times.

6.3 The Deemed Retailer

6.3.1 The *Deemed Retailer* is:

(a) the retail supplier who is entitled to some or all of the electrical output of a Category A Generating System pursuant to the Power Purchase Agreement to which that retail supplier is a party; or

(b) a person nominated, to the satisfaction of the Scheme Administrator, to be the Deemed Retailer for the purpose of creating NGACs under this Rule (nominee) by one of the following persons (nominator):

(i) the person in (a); or

(ii) a person previously nominated to be the Deemed Retailer under this Rule,

provided that:

(iii) the nominator has not previously nominated another person to be the Deemed Retailer, or if the nominator has done so, that previous nomination is not still effective;

(iv) the nomination is in writing;

(v) the nominee consents to the nomination; and

(vi) the nominator (and any previous nominator) continues to meet the criteria to be the nominator for the period of the nomination.

6.3.2 A retail supplier listed in Schedule C is deemed to be the person described in clause 6.3.1(a) with respect to the Generating System so listed, if the Scheme Administrator is satisfied that:

(a) the Generating System retains its Category A classification; and

(b) there has been no assignment or novation of the purchaser's rights under the Power Purchase Agreement since 1 January 2003.

6.3.3 A person to whom the rights of the retail supplier listed in Schedule C under the Power Purchase Agreement are assigned or novated after 1 January 2003 (whether directly or

via a series of assignments or novations) is deemed to be the Deemed Retailer with respect to the Generating System listed in Schedule C, provided that the Scheme Administrator is satisfied that the Generating System retains its Category A classification.

Note: The listing of certain persons and Generating Systems in Schedule C is intended to facilitate the process of accreditation of Deemed Retailers, without requiring an investigation of the matters in clause 6.3.1(a) in every case.

7 Classification of Generating Systems

The Scheme Administrator may determine whether individual generating units or other components constitute one or more Generating Systems, having regard to factors including:

(a) whether individual generating units:

(i) are separately metered;

(ii) share common connection infrastructure up to the point where they connect to a Transmission or Distribution System;

(iii) are registered as one or more generating systems under the National Electricity Code; and

(iv) are accredited as one or more power stations under the RE(E) Act; and

(b) whether the classification as one or more Generating Systems produces outcomes consistent with the objects of the Scheme.

7.1 Category A

7.1.1 Those Generating Systems the electricity generation of which:

(a) satisfied the criteria for Category A in the Emissions Workbook;

(b) was claimed as either Category A or Category F under the arrangements relating to greenhouse strategies in force under the Act before the commencement of Part 8A of that Act (and referred to in the Emissions Workbook); and

(c) is the subject of a Power Purchase Agreement that has not terminated at the time of classification under this Rule,

are classified as Category A.

7.1.2 The Generating Systems listed in Schedule C are deemed to satisfy clause 7.1.1 if the Scheme Administrator is satisfied that:

(a) there is a direct electricity supply agreement with respect to the Generating System that was entered into before 1 January 2003; and

(b) that direct electricity supply agreement has not terminated.

7.1.3 Once classified as such, a Category A Generating System retains a Category A classification for the life of the Power Purchase Agreement.

7.1.4 For the purposes of this clause 7, a Power Purchase Agreement will not be considered to have terminated merely because rights or obligations under it have been assigned, or it has been novated by substituting one party for another (including by contract or by operation of statute).

7.2 Category B

7.2.1 Those Generating Systems listed in Schedule B are classified as Category B.

7.2.2 For those Generating Systems against which "(a)" appears in Schedule B, the Net Sent Out Generation is deemed, for the purposes of this Rule, to be 71% of the lesser of:

(a) what the Net Sent Out Generation would be in the absence of this clause 7.2.2; and

(b) the REC Baseline.

7.2.3 For those Generating Systems against which "(b)" appears in Schedule B, the Net Sent Out Generation is deemed, for the purposes of this Rule, to be the lesser of:

(a) what the Net Sent Out Generation would be in the absence of this clause 7.2.3; and

(b) the REC Baseline.

Note: The remainder of the generation from these Generating Systems is not eligible under this Rule.

7.3 Category C

Those Generating Systems that are not classified as Category A or B that:

(a) generate electricity using Fossil Fuels (whether or not co-fired with a Renewable Energy Source):

(i) that had nameplate ratings of 30 MW or less as at 30 June 1997 and for which their first generating unit commenced Commercial Operation before 1 July 1997; or

(ii) that had nameplate ratings of greater than 30 MW as at 1 January 2002 and for which their first generating unit commenced Commercial Operation before 1 January 2002; or

(b) generate electricity using Renewable Energy Sources (only) and for which their first generating unit commenced Commercial Operation before 1 January 1997,

are classified as Category C.

7.4 Category D

Those Generating Systems that are not classified as Category A, B, or C are classified as Category D.

8 NSW Production Baseline

In this clause 8, ORER will be taken to have assigned a REC Baseline even if it has assigned a REC Baseline of nil.

8.1 Category A

For a Category A Generating System the *NSW Production Baseline* is (in MWh):

(a) for electricity generated using Fossil Fuels (whether or not co-fired with a Renewable Energy Source):

(i) the maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year under the Power Purchase Agreement; or

(ii) if no such level is specified in the Power Purchase Agreement that is less than the entire output of the Generating System, the Net Sent Out Generation in a year; or

(b) for electricity generated using Renewable Energy Sources (only):

(i) if ORER has assigned a REC Baseline and there is not in the Power Purchase Agreement a maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year that is less than the entire output of the Generating System, the REC Baseline;

(ii) if ORER has assigned a REC Baseline and there is in the Power Purchase Agreement a maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year that is less than the entire output of the Generating System, the lower of the REC Baseline and the maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year under the Power Purchase Agreement;

(iii) if ORER has not assigned a REC Baseline and there is in the Power Purchase Agreement a maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year that is less than the entire output of the Generating System, the maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year under the Power Purchase Agreement; or

(iv) if ORER has not assigned a REC Baseline and there is not in the Power Purchase Agreement a maximum amount of electricity to which the Original Deemed Retailer is contractually entitled in a calendar year that is less than the entire output of the Generating System, the Net Sent Out Generation in a year.

8.2 Category B

8.2.1 For a Category B Generating System for electricity generated using Fossil Fuels (whether or not co-fired with a Renewable Energy Source) there is no *NSW Production Baseline*.

8.2.2 For a Category B Generating System for electricity generated using Renewable Energy Sources (only) the *NSW Production Baseline* is (in MWh):

(a) for those Generating Systems against which "(a)" appears in Schedule B, 71% of the REC Baseline; and

(b) in any other case, the REC Baseline.

8.3 Category C

For a Category C Generating System the *NSW Production Baseline* is (in MWh):

(a) for electricity generated using Fossil Fuels (whether or not co-fired with a Renewable Energy Source), the average annual Net Sent Out Generation during operations over the five calendar years from 1997 to 2001, making an adjustment for periods during which, in the view of the Scheme Administrator:

(i) there was atypically low output due to rebuilds or other extended off-line periods;

(ii) not all units were commissioned; or

(iii) there was atypically high output due to testing,

in which case production data should be taken from those periods when the whole Generating System was operating typically and fully. The Scheme Administrator may extrapolate from available data or model typical output patterns based on the characteristics and location of the Generating System and its fuel type in order to set a NSW Production Baseline that, in the view of the Scheme Administrator, represents the typical annual output of that Generating System; or

(b) for electricity generated using Renewable Energy Sources (only):

(i) if ORER has assigned a REC Baseline, the REC Baseline; or

(ii) if ORER has not assigned a REC Baseline, the average annual Net Sent Out Generation during operations over the five calendar years from 1997 to 2001, making an adjustment for periods during which, in the view of the Scheme Administrator:

(A) there was atypically low output due to rebuilds or other extended off-line periods;

(B) not all units were commissioned; or

(C) there was atypically high output due to testing,

in which case production data should be taken from those periods when the whole Generating System was operating typically and fully. The Scheme Administrator may extrapolate from available data or model typical output patterns based on the characteristics and location of the Generating System and its fuel type in order to set a NSW Production Baseline that, in the view of the Scheme Administrator, represents the typical annual output of that Generating System.

8.4 Category D

For a Category D Generating System the *NSW Production Baseline* (in MWh) is zero.

8.5 Allocation of group REC Baselines

8.5.1 For a Category A, B, C or D Generating System which is part of a group of Generating Systems to which ORER has assigned a collective REC Baseline, but for which ORER has

not assigned an individual REC Baseline, the Scheme Administrator must, for the purposes of determining the NSW Production Baseline, either:

(a) allocate a portion of that REC Baseline to each of the Generating Systems in the group of Generating Systems (provided that a zero portion must be allocated to any of the Generating Systems in the group that are classified as Category D); or

(b) treat the entire group as if it were a single Generating System (which may only be done if the entire group would have the same classification under clause 7).

8.5.2 If the Scheme Administrator allocates a portion of the REC Baseline to each of the Generating Systems in the group of Generating Systems, the portion so allocated has the same effect in this Rule as if it had been a REC Baseline assigned directly to that Generating System by ORER, for all purposes including the calculation of the NSW Production Baseline and the assignment to each Generating System of the number of RECs created by the group.

Note: Where a portion of the REC Baseline is allocated to each of the Generating Systems in the group, the number of RECs created by each Generating System, for the purposes of this Rule, would be deemed to be a proportion of the total number of RECs created by the group, where the relevant proportion of RECs is calculated by reference to the amount of Net Sent Out Generation in excess of that portion of the assigned REC Baseline for each Generating System.

9 Creation of NGACs

A person may only create NGACs under this Rule where the Scheme Administrator has approved the Equations and Methods under this Rule to be used (which approval may be conditional upon applying the Equation or Method in a particular manner that is permitted under this Rule).

9.1 Creation of NGACs from electricity generated by Category A Generating Systems

For electricity generated by a Category A Generating System:

(a) the Deemed Retailer that is accredited in respect of the Generating System may create the number of NGACs calculated using **Equation 1** where *Eligible Generation* is calculated in **Equation 3**;

(b) the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Equation 1** where *Eligible Generation* is calculated using **Equation 2**; and

(c) if a Category A Generating System was modified on or after 1 January 2002 to become a Cogeneration Plant, the Generator that is accredited in respect of that Generating System may, in addition to any entitlement to create NGACs under clause 9.1(b), create the number of NGACs equal to the number of tonnes of notional greenhouse gas emissions avoided, calculated using **Method 4**.

Equation 1

Number of NGACs that may be created = Eligible Generation x (NSW Pool Coefficient x Emissions Intensity Adjustment Factor – Emissions Intensity)

Where:

- *Number of NGACs that may be created* is in t CO_2-e and is in respect of the time period over which the Eligible Generation occurs
- *Eligible Generation* (in MWh) is assigned in the clause referring to this Equation
- *NSW Pool Coefficient* (in t CO_2-e/MWh) is the NSW Pool Coefficient determined by the Tribunal using clause 9.1 of the Compliance Rule for the year in which the Eligible Generation occurred
- *Emissions Intensity* (in t/MWh) is calculated using **Equation 4**
- *Emissions Intensity Adjustment Factor* is the value in Table 9 of Schedule A to this Rule appropriate to whether the Generating System is connected to a Distribution System or to a Transmission System

Note: The Emissions Intensity Adjustment Factor is intended to adjust the NSW Pool Coefficient.

Equation 2

If Net Sent Out Generation - NSW Production Baseline - RECs Created/MLF is ≤ 0, then:

Eligible Generation = 0

If Net Sent Out Generation - NSW Production Baseline - RECs Created/MLF is > 0, then:

Eligible Generation = Net Sent Out Generation – NSW Production Baseline – RECs Created/MLF

Where:

- *Eligible Generation* is in MWh and is in respect of a calendar year or part thereof
- *Net Sent Out Generation* is in MWh and is in respect of a calendar year or part thereof
- *NSW Production Baseline* is the NSW Production Baseline applicable to the Generating System, determined using clause 8
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

Note: It is proposed that Equation 2 will be amended if and when proposed amendments are made to the *Queensland Electricity Act 1994* (Qld) as set out in *The Queensland 13% Gas Scheme: Final Position Paper*, September 2002, Office of Energy, Queensland Treasury.

Equation 3

If Net Sent Out Generation < NSW Production Baseline, then:

Eligible Generation = Net Sent Out Generation

If Net Sent Out Generation ≥ NSW Production Baseline, then:

Eligible Generation = NSW Production Baseline

Where:

- *Eligible Generation* is in MWh and is in respect of a calendar year or part thereof
- *Net Sent Out Generation* is in MWh and is in respect of a calendar year or part thereof
- *NSW Production Baseline* is the NSW Production Baseline applicable to the Generating System, determined using clause 8

Equation 4

Emissions Intensity = Total Greenhouse Gas Emissions / Sent Out Generation

Where:

- *Emissions Intensity* is in t CO_2-e/MWh
- *Total Greenhouse Gas Emissions* (in t CO_2-e) is determined using clause 10, in respect of the time period over which the Eligible Generation occurs
- *Sent Out Generation* (in MWh) is, in respect of the Generating System, Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the *Total Greenhouse Gas Emissions*
- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System

9.2 Creation of NGACs from electricity generated by Category B Generating Systems

9.2.1 For electricity generated by a Category B Generating System using Fossil Fuels (only):

(a) if the Generator is a participant in the Commonwealth Generator Efficiency Standards and takes measures on or after 1 January 2002 to operate the Generating System which are, in the view of the Scheme Administrator, to the best achievable efficiency without significantly changing the design of the Generating System or its fuel mix, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 1**; or

(b) if the Generator takes measures on or after 1 January 2002 that, in the view of the Scheme Administrator, significantly change the design of the Generating System, but not the fuel mix, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 2**; or

(c) if the Generator takes measures on or after 1 January 2002 that, in the view of the Scheme Administrator, significantly change the fuel mix of the Generating System, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 3**, provided that all fuels used before and after the change in fuel mix are such that the fugitive and combustion emissions of those fuels would be included in the National Greenhouse Gas Inventory.

9.2.2 In clause 9.2.1, references to the Generator being a participant in the Commonwealth Generator Efficiency Standards and taking certain measures include references to any of the

persons in clause 6.2.1 being such a participant and taking such measures or causing such measures to be taken.

Note: A Generator that is accredited in respect of a Category B Generating System may create NGACs by performing better than the lower bound of the Generator Efficiency Standards Greenhouse Intensity value for that type of Generating System or by undertaking a specific abatement project that significantly changes the design or fuel mix. Examples of significantly changing the design or fuel mix would include a turbine upgrade to high efficiency blades or fuel switching to a combination of coal and natural gas.

NGACs may be created by Methods 1, 2 or 3 from the later of the time that the activity which gave rise to their creation takes effect and 1 January 2003, up to the time it ceases to have effect, but the number of NGACs created must be separately calculated in each period, taking into account the actual performance of the Generating System in that period, the effects of degradation with age and any other factors changing over time.

The Greenhouse Intensity (GI) values calculated under the Generator Efficiency Standards account only for greenhouse gas emissions arising from the combustion of fuels for electricity generation, equivalent to the emissions calculated under **Equations 7, 8 and 9**, and **Equations 14 and 15**. Under Methods 1, 2 and 3, improvements to Greenhouse Intensity values are adjusted by the GES Adjustment Factor to also account for emissions associated with the production of Fossil Fuels by using **Equations 10, 11 and 12**.

Method 1 – GES Gain

Step (1) Select a measurement period, acceptable to the Scheme Administrator, to which the following calculations apply.

Step (2) From the Commonwealth Generator Efficiency Standards Methodology (GES), and applying the definitions contained therein, calculate:

- the *Reference Total Greenhouse Gas Emissions* (in tonnes of carbon dioxide equivalent) for each fuel used in the Generating System over the measurement period and based on reference plant performance, being the sum of:

  (a) the *Reference Equivalent CO_2 From Fuel Burning* ($m_{CO2\ equiv.}$) (in tonnes of carbon dioxide equivalent), calculated using GES; and

  (b) if the fuel is a Fossil Fuel, the sum of the fugitive emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equations 10, 11 and 12**;

- the *GES Adjustment Factor* for the combined fuel used in the Generating System, calculated as follows:

  $\{\sum_{F}$ *Reference Total Greenhouse Gas Emissions* (tonnes)$\}$ / $\{\sum_{F}$ *Reference Equivalent CO_2 From Fuel Burning* (tonnes)$\}$

  where *F* is each fuel used in the Generating System over the measurement period

- *Actual GI value* (in kg CO_2-e/MWh sent out) applicable to the Generating System during that measurement period.

- *Reference GI value* ($GI_{R,}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the

Generating System during that measurement period.

- *Lower GI value* (GI_{LLower}) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period and taking into account performance degradation with age and the GES tolerance band.

Step (3) For the purposes of this Rule:

- there can only be a *GES Gain* if *Actual GI* < *Lower GI value*
- the *GES Gain* is:

(*Lower GI value – Actual GI value*) x *GES Adjustment Factor*

Note: For example, if over a given period the plant operates at an average 85% output factor, the Actual GI value is 708 kg CO_2-e/MWh and the lower GI value at 85% output factor is 721 CO_2-e/MWh, and the *GES Adjustment Factor* is 1.07, then the GES Gain is 14 kg CO_2-e/MWh.

Step (4) The number of NGACs that may be created per measurement period is:

{*GES Gain* (in kg CO_2-e/MWh) / 1000} x {Net Sent Out Generation – RECs Created / MLF}

Where:

- *Net Sent Out Generation* (in MWh) is, in respect of the Generating System, Net Sent Out Generation during the measurement period by reference to which the Generator seeks to create NGACs
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

Note: If, in the above example, the Generating System Net Sent Out Generation is 850,000 MWh, RECs Created is 1,000 with a marginal loss factor of 0.98, the number of NGACs that could be created is 14 / 1,000 x (850,000 – 1,000 / 0.98) = 11,886 tonnes CO_2-e.

Method 2 – Redesign Gain

Step (1) Select a measurement period, acceptable to the Scheme Administrator, to which the following calculations apply.

Step (2)

From the Commonwealth Generator Efficiency Standards Methodology (GES), and applying the definitions contained therein, calculate:

- the *Reference Total Greenhouse Gas Emissions* (in tonnes of carbon dioxide equivalent) for each fuel used in the Generating System over the measurement period and based on reference plant performance, being the sum of:

(a) the *Reference Equivalent CO_2 From Fuel Burning* ($m_{CO2\ equiv.}$) (in tonnes of carbon dioxide equivalent), calculated using GES; and

(b) if the fuel is a Fossil Fuel, the sum of the fugitive emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equations 10, 11 and 12**;

- the *GES Adjustment Factor* for the combined fuel used in the Generating System, calculated as follows:

  $\{\sum_{F}$ *Reference Total Greenhouse Gas Emissions* (tonnes)$\}$ / $\{\sum_{F}$ *Reference Equivalent CO_2 From Fuel Burning* (tonnes)$\}$

  where *F* is each fuel used in the Generating System over the measurement period

- *Actual GI value* (in kg CO_2-e/MWh sent out) applicable to the Generating System during that measurement period.

- *Reference GI value* (GI_R) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period.

- *Lower GI value* (G_{LLower}) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period and taking into account performance degradation with age and the GES tolerance band.

Step (3)

Conduct a heat rate test at greater than 70% electricity output prior to making the changes in the current design, following the Commonwealth Generator Efficiency Standards Methodology, or another method approved by the Scheme Administrator.

Step (4)

After completing the change in design of the Generating System, conduct a heat rate test, or another method approved by the Scheme Administrator, at the same level of electricity output used for Step (3), and determine the *Percentage Heat Rate Change* attributable to the design change.

Step (5)

Adjust the existing Reference GI (GI_R) and Lower GI ($GI_{L,Lower}$) curves, over the normal plant operating range, in a downwards direction in direct proportion to the Percentage Heat Rate Change determined in Step (4). The two new curves are designated Reference GI ($GI_{R,Redesign}$) and Lower GI ($GI_{L,Lower,Redesign}$).

Step (6)

For the output factor achieved during a given measurement period, the *Redesign Gain* in emissions intensity is the difference between the $GI_{L,Lower,Original}$ on the original curve (age adjusted) and the $GI_{L,Lower,Redesign}$ on the curve created in Step (5) (age adjusted). Hence, the *Redesign Gain* is:

$$(GI_{L,Lower,Original} - GI_{L,Lower,Redesign}) \text{ x } (GES\ Adjustment\ Factor)$$

There can only be a *Redesign Gain* if $GI_{L,Lower,Redesign} < GI_{L,Lower,Original}$

Step (7) The number of NGACs that may be created per measurement period is:

{Redesign Gain (kg CO_2-e/MWh) / 1000} x {Net Sent Out Generation – RECs created / MLF}

Where:

- *Net Sent Out Generation* (in MWh) is, in respect of the Generating System, Net Sent Out Generation during the measurement period by reference to which the Generator seeks to create NGACs
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

Step (8)

If **Method 1** is used subsequently to calculate *GES Gain*, then the redesign *Lower GI* value ($GI_{L,Lower,Redesign}$) will be substituted for the original *Lower GI* value ($GI_{L,Lower,Original}$), so as to avoid double-counting of *GES Gain* after the redesign. Hence, the *GES Gain* at a specified generating plant output factor is:

$$(GI_{L,Lower,Redesign} - Actual\ GI\ value) \text{ x } GES\ Adjustment\ Factor$$

Note: For example, a Generating System has upgraded its Low Pressure (LP) turbines to high efficiency blading. Before the unit was taken out of service for the upgrade, a test was carried out at 90% output factor which resulted in an actual GI of 1020 kg CO_2-e/MWh sent out. A second test was done when the unit was returned to service, again at 90% output factor, resulting in an actual GI of 1000 kg CO_2-e/MWh sent out. The before and after tests showed that the upgrade resulted in a GI improvement of 20 kg CO_2-e/MWh sent out at 90% output factor.

From the before and after redesign test results, the Percentage Heat Rate Change is:

(1020 – 1000) / 1020 = 2.0% (round to one decimal place)

The Percentage Heat Rate Change could also be determined by conducting a Valve Full Open Test using equivalent steam conditions for the before and after redesign tests. The difference in generator electrical output between tests will yield the Percentage Heat Rate Change.

Using the results of the before and after upgrade tests, two new GI curves ($GI_{R,Redesign}$ and $GI_{L,LowerRedesign}$) are developed over the operating range of the Generating System, using the shape of the original GES GI reference curve (GI_R) which is itself derived from original plant design or test data.

The before and after upgrade GI curves are used to calculate the GI improvement due to the turbine upgrade at different output factors. This will set the GI improvement attributable to the turbine upgrade, irrespective of other factors relating to the Commonwealth GES

methodology.

Say, in the year following the upgrade, the plant generates 900,000 MWh at an output factor of 70%, and creates no RECs in the year. The original $GI_{LLowerOriginal}$ value (before redesign) was 1077 kg CO_2-e/MWh sent out and the $GI_{LLowerRedesign}$ value (after redesign) is 1077 x (1-0.020) = 1055 kg CO_2-e/MWh sent out. The GES Adjustment Factor for the year is 1.025. From this data, the Redesign Gain is:

(1077 – 1055) x 1.025 = 23 kg CO_2-e/MWh sent out.

The number of NGACs that may be created due to the turbine upgrade is:

23 / 1000 x 900,000 = 20,700 tonnes CO_2-e

During the same year, refurbishment work has been carried out on the boiler airheaters as part of the GES commitment. The Generating System generates 900,000 MWh at an output factor of 70%, and the Actual GI is 1050 kg CO_2-e/MWh. This is lower than the $GI_{L,Lower,Redesign}$ value of 1055 kg CO_2-e/MWh. Hence the *GES Gain* is:

(1055 – 1050) x 1.025 = 5.1 kg CO_2-e/MWh sent out

The number of NGACs that may be created due to the *GES Gain* is:

5.1 / 1000 x (900,000 – 0) = 4,590 tonnes CO_2-e

This is in addition to the number of NGACs that may be created due to the previous design change, the effects of which have not been reversed.

For Redesign Gains, the heat rate test in Step 4 must be repeated at intervals of no more than 5 years unless otherwise required by the Scheme Administrator, and the latest test results must be used to calculate the Percentage Heat Rate Change that is used in subsequent calculations.

Method 3 – Fuel Switch Gain

Step (1) Select a measurement period, acceptable to the Scheme Administrator, to which the following calculations apply.

Step (2)

From the Commonwealth Generator Efficiency Standards Methodology (GES), and applying the definitions contained therein, calculate:

- the emission factors for carbon dioxide (F_{CO2}), methane (F_{CH4}), nitrous oxide (F_{N2O}) for each fuel used in the Generating System and *Equivalent Carbon Dioxide Emission Factor* ($F_{CO2\text{-}e}$).
- the *Reference Boiler Efficiency* (η_B), *Turbine Efficiency* (η_T), Auxiliaries Percentage and *Sent Out Thermal Efficiency* (η_{SO}) for each fuel used in the Generating System applicable to the output factor during that measurement period.
- the *Gross Calorific Value* ($Q_{gr,p,as}$) for each fuel used in the Generating System.
- the *Reference Total Greenhouse Gas Emissions* (in tonnes of carbon dioxide equivalent) for each fuel used in the Generating System over the measurement period and based on reference

plant performance, being the sum of:

(a) the *Reference Equivalent CO_2 From Fuel Burning* ($m_{CO2\ equiv.,\ Fuel\ Switch}$) (in tonnes of carbon dioxide equivalent), calculated using GES; and

(b) if the fuel is a Fossil Fuel, the sum of the fugitive emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equations 10, 11 and 12**;

- the *GES Adjustment Factor* for the combined fuel used in the Generating System, calculated as follows:

  $\{\sum_{F}$ *Reference Total Greenhouse Gas Emissions* (tonnes)$\}$ / $\{\sum_{F}$ *Reference Equivalent CO_2 From Fuel Burning* (tonnes)$\}$

  where *F* is each fuel used in the Generating System over the measurement period

- the weighted average *Equivalent Carbon Dioxide Emission Factor* ($F_{CO2\text{-}e,av}$) and Fuel *Gross Calorific Value* ($Q_{g,p,as,av}$), weighted according to the tonnage of each fuel consumed in the Generating System and the weighted average *Reference Sent Out Thermal Efficiency* ($\eta_{SO,av}$) weighted according to the energy of each fuel consumed in the Generating System.

- *Actual GI value* (in kg CO_2-e/MWh sent out) applicable to the Generating System in that measurement period.

- *Reference GI* ($GI_{R,Fuel\ Switch}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period.

- *Adjusted Reference GI* ($GI_{R,Fuel\ Switch,Adj}$) (in kg CO_2-e/MWh), calculated as follows:

  Reference GI (kg CO_2-e/MWh) x *GES Adjustment Factor*

- *Adjusted Lower GI value* ($GI_{L,Lower,Fuel\ Switch,Adj}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period and taking into account performance degradation with age and the GES tolerance band.

Step (3)

For the original fuel(s) applying before the change in fuel mix, and including any fuel(s) used to create RECs, calculate using the methodology in Step(2):

- *Reference Total Greenhouse Gas Emissions* (in tonnes of CO_2 equivalent)

- *GES Adjustment Factor* for original fuel(s)

- *Reference GI* ($GI_{R,Original}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System during that measurement period.

- *Adjusted Reference GI* ($GI_{R,Original,Adj}$) (in kg CO_2-e/MWh)

- *Adjusted Lower GI value* ($GI_{L,Lower,Original,Adj}$) (in kg CO_2-e/MWh) applying at the output factor achieved by the Generating System and taking into account performance

degradation with age and the GES tolerance band.

Step (4)

For the output factor achieved during that measurement period, the *Fuel Switch Gain* in emissions intensity is:

$$GI_{L,Lower,Original,\ Adj} - GI_{L,Lower,Fuel\ Switch,\ Adj}$$

There can only be a *Fuel Switch Gain* if the $GI_{L,Lower,Fuel\ Switch,\ Adj} < GI_{L,Lower,Original,\ Adj}$

Step (5)

The number of NGACs that may be created per measurement period is:

{Fuel Switch Gain (kg CO_2-e/MWh) / 1000} x {Net Sent Out Generation – RECs Created / MLF}

Where:

- *Net Sent Out Generation* (in MWh) is, in respect of the Generating System, Net Sent Out Generation during the measurement period by reference to which the Generator seeks to create NGACs
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

Step (6)

If the fuel switch involves the introduction of Waste Coal Mine Gas, , then the Waste Coal Mine Gas attracts an additional abatement benefit. The number of additional NGACs that may be created is calculated using **Equation 13**.

Step (7)

If **Method 1** is used subsequently to calculate *GES Gain*, then the fuel switch Lower GI value ($GI_{L,Lower,Fuel\ Switch,Adj}$) will be substituted for the original Lower GI value ($GI_{L,Lower,Original,\ Adj}$), so as to avoid double counting of *GES Gain* after the fuel switch. The *GES Gain* at a specified plant output factor is:

$$GI_{L,Lower,Fuel\ Switch,Adj} - Adjusted\ Actual\ GI\ value$$

where:

Adjusted Actual GI value = *Actual GI* (kg CO_2-e/MWh) x *GES Adjustment Factor*

Note:

For example, a coal fired power station installs supplementary gas burners on its boilers and, in the following year, the plant generates 1,000,000 MWh at an output factor of 60% with 5% of the total fuel (by weight) being supplied from natural gas. No RECs are created from the plant in that period. The Actual GI is 950 kg CO_2-e/MWh.

The emission factors for carbon dioxide, methane and nitrous oxide for coal and natural gas

are calculated yielding a $F_{CO2\text{-}e}$ of 1.85 and 2.58 kg $CO_{2\text{-}e}$/kg $_{fuel}$ for coal and natural gas respectively and hence a weighted average $F_{CO2\text{-}e,av}$ of 1.885 kg $CO_{2\text{-}e}$/kg $_{fuel}$. Since coal and natural gas impact boiler efficiency and auxiliary load differently, the Reference Sent Out Thermal Efficiency (η_{SO}) is calculated for each fuel at 60% output factor, yielding 32.03% and 31.64% respectively and a weighted average $\eta_{SO,av}$ of 31.99%. The Gross Calorific Value for coal and natural gas is 22.0 and 50.0 MJ/kg respectively, yielding a weighted average $Q_{gr,p,as,av}$ of 23.3 MJ/kg. For the new fuel mix, the Reference GI ($GI_{R,Fuel\ Switch}$) is calculated to be 909 kg CO_2-e/MWh. The emissions associated with the production of coal and natural gas were calculated using Equations 10, 11 and 12 to yield a GES Adjustment Factor of 1.026. The *Adjusted Reference GI* ($GI_{R,Fuel\ Switch,Adj}$) is calculated to be 933 kg CO_2-e/MWh and the Adjusted Lower GI value ($GI_{L,Lower,Fuel\ Switch,Adj}$) is 970 kg CO_2-e/MWh. For the original coal only, the GES Adjustment Factor is 1.025 and the Adjusted Reference GI and Adjusted Lower GI value are calculated yielding a $GI_{R,Original,Adj}$ and $GI_{L,Lower,Original,\ Adj}$ of 968 and 1,007 kg CO_2-e/MWh respectively.

From this data, the Fuel Switch Gain is:

1,007 –970 = 37 kg CO_2-e/MWh sent out

The number of NGACs that may be created due to the fuel switch is:

37/ 1000 x (1,000,000 – 0) = 37,000 tonnes CO_2-e

Under the GES commitment, work is also carried out to improve the performance of the soot-blowing system. The plant is 12 years old. The work on the sootblowing system also improves the plant's efficiency and the Adjusted Actual GI is 970 kg CO_2-e/MWh which is less than the Adjusted Lower GI Value ($GI_{L,Lower,Original}$ = 1,007 kgCO_2-e/MWh). Under Method 1, it may be possible to create NGACs from the efficiency improvement. Under Method 3, however, the Adjusted Lower GI value is changed down to the $GI_{L,Lower,Fuel\ Switch,\ Adj}$ value so as to avoid double counting. The Adjusted Actual GI of 975 kg CO_2-e/MWh is not less than the $GI_{L,Lower,\ Fuel\ Switch}$ value of 970 kg CO_2-e/MWh, so the GES Gain is zero and no NGACs may be created due to *GES Gain*.

If, in the above example, the gas was not natural gas but Waste Coal Mine Gas sourced from a working coal mine, the additional NGACs that could be created are calculated (using **Equation 13**) as:

1.32 (Energy content of waste coal mine gas in PJ) x 18 (kt CH_4/PJ default CH_4 conversion factor) x 21 x 1000 =499,000 tonnes CO_2-e

9.2.3 For electricity generated by a Category B Generating System using Renewable Energy Sources (only), the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Equation 1** where the *Eligible Generation* is calculated using **Equation 2**.

9.2.4 For electricity generated in a year by a Category B Generating System using Fossil Fuels co-fired with Renewable Energy Sources, the Generator that is accredited in respect of the Generating System may, in addition to any entitlement to create NGACs under clause 9.2.1, create using this Rule the number of NGACs calculated using **Equation 5**.

Equation 5

Number of NGACs that may be created = {Net Sent Out Generation x NSW Pool Coefficient x Energy Content of Renewable Energy Source x $\eta_{SO,RE}$ / (Energy Content of Renewable Energy Source x $\eta_{SO,RE}$ + Energy Content of Fossil Fuel x $\eta_{SO,FF}$)} - (RECs Created/MLF)

If this amount is less than or equal to zero, then the Number of NGACs that may be created = 0.

Where:

- *Number of NGACs that may be created* is in t CO_2-e and is in respect of the time period over which the Net Sent Out Generation occurs
- *Net Sent Out Generation* is in MWh and is in respect of a calendar year or part thereof
- *NSW Pool Coefficient* (in t CO_2-e/MWh) is the NSW Pool Coefficient determined by the Tribunal using clause 9.1 of the Compliance Rule for the year in which the Net Sent Out Generation was generated
- *Energy Content of Renewable Energy Source* is in PJ
- $\eta_{SO,RE}$ is the thermal efficiency of the Generating System attributed to the Renewable Energy Source only
- *Energy Content of Fossil Fuel* is in PJ
- $\eta_{SO,FF}$ is the thermal efficiency of the Generating System attributed to the Fossil Fuel only
- *RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System in the same year as the *Net Sent Out Generation*
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

9.3 Creation of NGACs from electricity generated by Category C Generating Systems

9.3.1 For electricity generated by a Category C Generating System using Fossil Fuels (whether or not co-fired with a Renewable Energy Source), the Generator that is accredited in respect of the Generating System may in each year select to either:

(a) create the number of NGACs calculated using **Equation 1** where *Eligible Generation* is calculated using **Equation 2**; or

(b) create the number of NGACs according to the following (as applicable):

(i) if the Generator is a participant in the Commonwealth Generator Efficiency Standards and measures are taken on or after 1 January 2002 to operate the Generating System which are, in the view of the Scheme Administrator, to the best achievable efficiency without significantly changing the design of the Generating System or its fuel mix, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 1**; or

(ii) if the Generator takes measures on or after 1 January 2002 that, in the view of the Scheme Administrator, significantly change the design of the Generating System but not its fuel mix, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 2**; or

(iii) if the Generator takes measures on or after 1 January 2002 that, in the view of the Scheme Administrator, significantly change the fuel mix of the Generating System, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using Method 3, provided that all fuels used before and after the change in fuel mix are such that the fugitive and combustion emissions of those fuels would be included in the National Greenhouse Gas Inventory; or

(c) if the Generator that is accredited in respect of the Generating System is otherwise entitled to create NGACs under (b), create the number of NGACs under (b) in relation to any output below its NSW Production Baseline only, plus the number of NGACs using **Equation 1** for output above its NSW Production Baseline.

9.3.2 In clause 9.3.1, references to the Generator being a participant in the Commonwealth Generator Efficiency Standards and taking certain measures include references to any of the persons in clause 6.2.1 being such a participant and taking such measures or causing such measures to be taken.

9.3.3 For electricity generated by a Category C Generating System using Renewable Energy Sources (only), the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Equation 1** where *Eligible Generation* is calculated using **Equation 2**.

9.4 Creation of NGACs from electricity generated by Category D Generating Systems

9.4.1 For electricity generated by a Category D Generating System using Fossil Fuels (whether or not co-fired with a Renewable Energy Source), the Generator that is accredited in respect of the Generating System may in each year select to either:

(a) create the number of NGACs calculated using **Equation 1** where *Eligible Generation* is calculated using **Equation 2**; or

(b) create the number of NGACs according to the following (as applicable):

(i) if the Generator is a participant in the Commonwealth Generator Efficiency Standards and measures are taken to operate the Generating System which are, in the view of the Scheme Administrator, to the best achievable efficiency without significantly changing the design of the Generating System or its fuel mix, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 1**; or

(ii) if the Generator takes measures that, in the view of the Scheme Administrator, significantly change the design of the Generating System but not the fuel mix, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 2**; or

(iii) if the Generator takes measures that, in the view of the Scheme Administrator, significantly change the fuel mix of the Generating System, the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Method 3**, provided that all fuels used before and after the change in fuel mix are such that the fugitive and combustion emissions of those fuels would be included in the National Greenhouse Gas Inventory.

9.4.2 In clause 9.4.1, references to the Generator being a participant in the Commonwealth Generator Efficiency Standards and taking certain measures include references to any of the persons in clause 6.2.1 being such a participant and taking such measures or causing such measures to be taken.

9.4.3 For electricity generated by a Category D Generating System using Renewable Energy Sources (only), the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Equation 1** where *Eligible Generation* is calculated using **Equation 2**.

9.5 Creation of additional NGACs from electricity generated using landfill gas and sewage gas, manufactured methane or cogeneration from Renewable Energy Sources

In respect of electricity generated by a Generating System that is entitled to create RECs:

(a) using landfill gas, sewage gas, or fugitive methane from other Renewable Energy Sources;

(b) using methane manufactured from Qualifying Putrescible Waste (other than landfill gas, sewage gas or fugitive methane from other Renewable Energy Sources); or

(c) that is a Cogeneration Plant for which the appropriate fuel identified in Step (2) of Method 4 is a Fossil Fuel,

the Generator that is accredited in respect of the Generating System may create the number of NGACs calculated using **Equation 6** in addition to any NGACs that it is entitled to create according to clauses 9.1 to 9.3.1.

Note: Clause 9.5(a) relates to fugitive methane that would otherwise by vented as a byproduct of a waste disposal or treatment process. Clause 9.5(b) applies to methane manufactured from material that would otherwise have been disposed of in a landfill, anaerobic pond, windrow or by other means which would lead to the venting of methane as a byproduct.

The Scheme recognises the double greenhouse benefit of using these energy sources to generate electricity. Clause 9.5 allows NGACs to be created in recognition of the greenhouse benefits of avoiding the emission of methane to the atmosphere and using heat in cogeneration that would otherwise be wasted, which is in addition to the greenhouse benefit of electricity generation from fuel sources with lower emissions.

Note, however, that NGACs may not be created under both clauses 9.1 to 9.4 and clause 9.5:

- If no RECs are created, there will not be an entitlement to create NGACs under both clauses 9.1 to 9.4 and clause 9.5. This is because NGACs created under clause 9.5 are by reference to the number of RECs created. However, in this case both greenhouse benefits will be taken into account in the calculations under clauses 9.1 to 9.4.

- If, on the other hand, all of the electricity generated is used to create RECs (thus disallowing the creation of NGACs under clauses 9.1 to 9.4), NGACs may be created under clause 9.5 in addition to those RECs. Although both RECs and NGACs may be created in this case, they are created in respect of different abatement and therefore it is consistent with any accreditation conditions or undertakings that disallow the creation of RECs or NGACs in respect of the same greenhouse gas abatement.

Equation 6

Number of additional NGACs that may be created = Number of RECs Created/MLF x (NSW Pool Coefficient x Emissions Intensity Adjustment Factor – NSW Pool Coefficient - Emissions Intensity)

Where:

- *Number of additional NGACs that may be created* is in t CO_2-e and is in respect of the time period over which the *Number of RECs Created* are calculated
- *NSW Pool Coefficient* (in t CO_2-e/MWh) is the NSW Pool Coefficient determined by the Tribunal using clause 9.1 of the Compliance Rule for the year in which the electricity generated occurred
- *Number of RECs Created* (in MWh) is the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of electricity generated over the same time period as (but not in respect of the same electricity generated as) NGACs created according to clauses 9.1 to 9.4
- *Emissions Intensity* (in t CO_2-e/MWh) is calculated using **Equation 4**
- *Emissions Intensity Adjustment Factor* is the value in Table 9 of Schedule A to this Rule appropriate to whether the Generating System is connected to a Distribution System or to a Transmission System
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

9.6 Creation of NGACs from electricity generated using Native Forest Bio-Material

Despite any other provision in this Rule, an Accredited Abatement Certificate Provider must not create NGACs in respect of the whole or any part of the electricity generated by any Generating System in a particular year if it generated any electricity in that year in violation of the provisions of the *Protection of the Environment Operations (General) Amendment (Burning of Bio-Material) Regulation 2003*.

Note: Clause 9.6. refers to limits and conditions relating to the implementation of the NSW Government policy on the use of forest biomass for electricity generation.

9.7 Adjustment of number of NGACs that may be created for GGAP funded projects

9.7.1 Despite any other provision in this Rule, if on or after 1 January 2003 approval for GGAP funding has been granted for a project, the maximum number of NGACs that an Accredited Abatement Certificate Provider can create under this Rule from the number of tonnes of carbon dioxide equivalent of greenhouse gas emissions abated by the project equals the percentage of the total number of NGACs that it is otherwise entitled to create under this Rule from that project corresponding to the percentage of project funding that is not provided by GGAP.

Note: For example, if GGAP funding represents 20% of total project funding, then the Accredited Abatement Certificate Provider can only create NGACs for 80% of the eligible abatement achieved.

10 Emissions Calculations

10.1 Total Greenhouse Gas Emissions

Subject to clauses 10.2 and 10.3, the *Total Greenhouse Gas Emissions* in tonnes of carbon dioxide equivalent from a Generating System is the total of:

(a) for each Fossil Fuel used, the sum of:

(i) CO_2 emissions at the point of combustion (in tonnes), calculated using **Equation 7**; and

(ii) CH_4 emissions at the point of combustion (in tonnes of carbon dioxide equivalent), calculated using **Equation 8**; and

(iii) N_2O emissions at the point of combustion (in tonnes of carbon dioxide equivalent), calculated using **Equation 9**; and

(iv) if the Fossil Fuel is natural gas, fugitive CO_2 emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent) calculated using **Equation 10**; and

(v) if the Fossil Fuel is natural gas, fugitive CH_4 emissions associated with the production of the Fossil Fuel (in tonnes of carbon dioxide equivalent), calculated using **Equation 11**;

(vi) if the Fossil Fuel is black coal, the total of fugitive CH_4 emissions associated with the production of the Fossil Fuel for mines from which coal is sourced (in tonnes of carbon dioxide equivalent), where the fugitive CH_4 emissions associated with the production of the Fossil Fuel for each mine are calculated using **Equation 12**,

less:

(vii) if the Fossil Fuel is Waste Coal Mine Gas (whether Waste Coal Mine Gas from the same mining operations was flared or vented prior to its use in the Generating System), fugitive CH_4 emissions avoided directly through the use of Waste Coal Mine Gas (in tonnes of carbon dioxide equivalent), using **Equation 13**; and

(b) for each Renewable Energy Source used, the sum of:

(i) CH_4 emissions at the point of combustion (tonnes of carbon dioxide equivalent), calculated using **Equation 14**; and

(ii) N_2O emissions at the point of combustion (tonnes of carbon dioxide equivalent), calculated using **Equation 15**,

less:

(iii) if the fuel is landfill gas, sewage gas, or fugitive methane from other Renewable Energy Sources, fugitive CH_4 emissions avoided through the use of the fuel (in tonnes of carbon dioxide equivalent), calculated using **Equation 16**; and

(iv) if the fuel is methane manufactured from Qualifying Putrescible Waste, nominal fugitive CH_4 emissions avoided through the use of the fuel (in tonnes of carbon dioxide equivalent), calculated using Method 5.

Equation 7

CO_2 emissions at the point of combustion = Energy Content of Fossil Fuel x CO_2 emission factor x combustion factor x 1000

Where

- *CO_2 emissions at the point of combustion* is in t CO_2-e
- *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value
- *CO_2 emission factor* (in kt CO_2/PJ) is the factor nominated by the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) and approved by the Scheme Administrator, or, in the absence of such nomination and approval, the value for that Fossil Fuel and equipment type in Table 3 of Schedule A to this Rule.
- *Combustion factor* is the factor nominated by the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) and approved by the Scheme Administrator, or, in the absence of such nomination and approval, the value for that Fossil Fuel in Table 4 of Schedule A to this Rule.

Equation 8

CH_4 emissions at the point of combustion = Energy Content of Fossil Fuel x CH_4 emission factor x 1000 x 21

Where

- *CH_4 emissions at the point of combustion* is in t CO_2-e
- *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value
- *CH_4 emission factor* (in kt CH_4/PJ) is the factor for that Fossil Fuel and equipment type in Table 5 of Schedule A to this Rule or another CH_4 emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 9

N_2O emissions at the point of combustion = Energy Content of Fossil Fuel x N_2O emission factor x 1000 x 310

Where

- N_2O *emissions at the point of combustion* is in t CO_2-e
- *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value
- N_2O *emission factor* (in kt N_2O /PJ) is the factor for that Fossil Fuel and equipment type in Table 5 of Schedule A to this Rule or another N_2O emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 10

Fugitive CO_2 emissions associated with the production of the Fossil Fuel = Energy Content of gas x CO_2 emission factor x 1000

Where

- *Fugitive CO_2 emissions associated with the production of the Fossil Fuel* is in t CO_2-e
- *Energy Content of gas* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value
- *CO_2 emission factor* (in kt CO_2/PJ) is the factor for that Fossil Fuel in Table 2 of Schedule A to this Rule or another CO_2 emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 11

Fugitive CH_4 emissions associated with the production of the Fossil Fuel = Energy Content of Fossil Fuel x CH_4 emission factor x 1000 x 21

Where

- *Fugitive CH_4 emissions associated with the production of the Fossil Fuel* is in t CO_2-e
- *Energy Content of Fossil Fuel* (in PJ) is the actual Energy Content of the Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value
- *CH_4 emission factor* (in kt CH_4/PJ) is the factor for that Fossil Fuel in Table 2 of Schedule A to this Rule or another CH_4 emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 12

Fugitive CH_4 emissions associated with the production of the Fossil Fuel for each mine = (Mass of coal sourced from mine x CH_4 emission factor / 1000) x 21

Where

- *Fugitive CH_4 emissions associated with the production of the Fossil Fuel* is in t CO_2-e
- *Mass of coal sourced from mine* is in t
- *CH_4 emission factor* (in kg CH_4/ t) is the weighted average for the State from which the coal was sourced in Table 1 of Schedule A to this Rule or another CH_4 emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 13

Fugitive CH_4 emissions avoided directly through the use of Waste Coal Mine Gas = Energy Content of waste methane used as Fossil Fuel x CH_4 conversion factor x 1000 x 21

Where

- *Fugitive CH_4 emissions avoided through the use of waste coal mine gas* is in t CO_2-e
- *Energy Content of waste methane used as Fossil Fuel* (in PJ) is the actual Energy Content of the waste methane used as Fossil Fuel or, if this is not known, the Scheme Administrator may approve an estimated value, or a value to be determined on the assumption that, for electricity converted to Net Sent Out Generation, Sent Out Generation represents 36% of the total Energy Content of all Fossil Fuels used (waste methane used as Fossil Fuel and any supplementary fuel used).

- *CH_4 conversion factor* (in kt CH_4/PJ) is 18 or another conversion factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 14

CH_4 emissions at the point of combustion = Energy Content of Renewable Energy Source x CH_4 emission factor x 1000 x 21

Where

- *CH_4 emissions at the point of combustion* is in t CO_2-e
- *Energy Content of Renewable Energy Source* (in PJ) is the actual Energy Content of the Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value
- *CH_4 emission factor* (in kt CH_4/PJ) is the factor for that Renewable Energy Source and equipment type in Table 5 of Schedule A to this Rule or another CH_4 emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 15

N_2O emissions at the point of combustion = Energy Content of Renewable Energy Source x N_2O emission factor x 1000 x 310

Where

- *N_2O emissions at the point of combustion* is in t CO_2-e
- *Energy Content of Renewable Energy Source* (in PJ) is the actual Energy Content of the Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value
- *N_2O emission factor* (in kt N_2O /PJ) is the factor for that Renewable Energy Source and equipment type in Table 5 of Schedule A to this Rule or another N_2O emission factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

Equation 16

Fugitive CH_4 emissions directly avoided through the use of the fuel = Energy Content of waste methane used as Renewable Energy Source x CH_4 conversion factor x 1000 x 21

Where

- *Fugitive CH_4 emissions directly avoided through the use of the fuel* is in t CO_2-e
- *Energy Content of waste methane used as Renewable Energy Source* (in PJ) is the actual Energy Content of the waste methane used as a Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value, or a value to be determined on the assumption that, for electricity converted to Net Sent Out Generation, Sent Out Generation represents 36% of the total Energy Content of all energy sources used (waste methane used as a Renewable Energy Source and any supplementary energy sources used).
- *CH_4 conversion factor* (in kt CH_4/PJ) is 18 or another conversion factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider (or the Category B Generator providing information for the calculation of the NSW Pool Coefficient) can justify its adoption and document its application

10.2 Adjustment of Total Greenhouse Gas Emissions for Cogeneration Plant

(a) For a Cogeneration Plant, the Total Greenhouse Gas Emissions calculated in clause 10.1 may be reduced by the amount of notional greenhouse gas emissions avoided (in tonnes of carbon dioxide equivalent) through use of the heat that would otherwise be wasted, calculated using **Method 4**.

(b) If a Category A Generating System was modified on or after 1 January 2002 to become a Cogeneration Plant, then any calculations by a Deemed Retailer under clause 10.2(a) in respect of that Generating System must be adjusted so as not to include the notional greenhouse gas emissions which may be calculated under clause 9.1(c).

Note: The Generator who is entitled to create NGACs under clause 9.1(c) may nonetheless grant the Deemed Retailer this right by a nomination under clause 6.2.1(c).

Method 4

Step (1) Determine the amount of heat used from the Cogeneration Plant:

- by identifying the amount of heat used from the Cogeneration Plant; or
- if not known, 70% of the Energy Content of the fuel, less the Energy Content of the Gross Generation.

Step (2) Identify the appropriate fuel for the notional greenhouse gas emissions avoided as follows:

- If the Cogeneration Plant uses Fossil Fuel, the fuel for the notional greenhouse gas emissions avoided is:

  (i) if the Cogeneration Plant replaces an existing boiler or there is another boiler also supplying heat to the user of the cogenerated heat, the actual fuel for that boiler; or

  (ii) in other cases, the main fuel used in the Cogeneration Plant

- If the Cogeneration Plant uses a Renewable Energy Source, the fuel for the notional greenhouse gas avoided is

  (iii) if there was a pre-existing boiler using Fossil Fuel or Fuels, the pre-existing fuel or a combination of fuels similar to the combination of the fuels displaced; or

  (iv) if there was no pre-existing boiler using Fossil Fuel but natural gas is available at the site, natural gas; or

  (v) in other cases, the Renewable Energy Source.

Step (3) Calculate the amount of notional fuel avoided:

a) if the notional fuel is a Fossil Fuel, by dividing the amount of heat used from the Cogeneration Plant by:

  (vi) if the fuel for the notional greenhouse gas emissions avoided is natural gas, 0.80;

  (vii) if the fuel for the notional greenhouse gas emissions avoided is coal, 0.70;

  (viii) or otherwise, 0.75; or

b) if the fuel for the notional greenhouse gas emissions avoided is a Renewable Energy Source, zero

Step (4) For the appropriate fuel identified using Step (2) and the amount of notional fuel avoided calculated in Step (3), the notional emissions avoided are calculated in accordance with the equations appropriate to that fuel in clause 10.1.

Method 5

Step (1) Identify the Alternative Disposal Method for the putrescible waste, as:

- windrows only (ie 100% of the putrescible waste used in the methane manufacturing process would have been disposed of in windrows);
- landfills only (ie 100% of the putrescible waste used in the methane manufacturing process would have been disposed of in landfills);
- anaerobic lagoons only (ie 100% of the putrescible waste used in the methane manufacturing process would have been disposed of in anaerobic lagoons);
- a combination of two or more of windrows, landfills or anaerobic lagoons (with the percentage of each to be specified);
- another method approved by the Scheme Administrator;
- a combination of another method approved by the Scheme Administrator and one or more of windrows, landfills or anaerobic lagoons (with the percentage of each to be specified).

If the Scheme Administrator does not approve the identification of any of the above Alternative Disposal Methods the default Alternative Disposal Method is windrows only.

Step (2) Calculate the Alternative Disposal Method CH_4 Production Factor.

- If the Alternative Disposal Method is windrows only, landfill only or anaerobic lagoons only, the Alternative Disposal Method CH_4 Production Factor is either a value calculated by a method approved by the Scheme Administrator, or the value corresponding to that Alternative Disposal Method in Table 10.
- If the Alternative Disposal Method is another method approved by the Scheme Administrator, the Alternative Disposal Method CH_4 Production Factor is either a value calculated by a method approved by the Scheme Administrator, or the value corresponding to the value for windrows only in Table 10.
- If the Alternative Disposal Method is a combination, the Alternative Disposal Method CH_4 Production Factor is either a value calculated by a method approved by the Scheme Administrator, or the value corresponding to the value for windrows only in Table 10.

Step (3) Calculate an average Qualifying Putrescible Waste Factor over the period for which NGACs are being calculated, by a method approved by the Scheme Administrator.

- If the Scheme Administrator does not approve the calculation of the Qualifying Putrescible Waste Factor, the default Qualifying Putrescible Waste Factor is 0.8.

Note: The RE(E) Act and RE(E) Regulation prevent the creation of RECs from any waste products derived from fossil fuels (eg plastics), so where clause 9.5(b) is being used to calculate a number of NGACs from a number of RECs, the Qualifying Putrescible Waste Factor in Step (3) of this Method should NOT be adjusted to net out waste products derived from Fossil Fuels.

Step (4) Calculate an average Process CH_4 Production Factor over the period for which NGACs are being calculated, by a method approved by the Scheme Administrator.

- If the Scheme Administrator does not approve the calculation of the Process CH_4 Production

Factor, the default Process CH_4 Production Factor is 70%.

Step (5) Calculate the Nominal fugitive CH_4 emissions avoided through the use of the fuel:

Nominal fugitive CH_4 emissions avoided through the use of the fuel = Energy Content of manufactured methane used as a Renewable Energy Source x CH_4 conversion factor x 1000 x 21 x Qualifying Putrescible Waste Factor x (Alternative Disposal Method CH_4 Production Factor/Process CH_4 Production Factor)

Where

- *Nominal Fugitive CH_4 emissions avoided through the use of the fuel* is in t CO_2-e
- *Energy Content of manufactured methane used as a Renewable Energy Source* (in PJ) is the actual Energy Content of the manufactured methane used as a Renewable Energy Source or, if this is not known, the Scheme Administrator may approve an estimated value, or a value to be determined on the assumption that, for electricity converted to Net Sent Out Generation, Sent Out Generation represents 36% of the total Energy Content of all energy sources used (manufactured methane used as a Renewable Energy Source and any supplementary energy sources used)
- *CH_4 conversion factor (in kt CH_4/PJ)* is 18 or another conversion factor accepted by the Scheme Administrator, if the Accredited Abatement Certificate Provider can justify its adoption and document its application
- *Qualifying Putrescible Waste Factor* is calculated under Step (3)
- *Alternative Disposal Method CH_4 Production Factor* is calculated under Step (2)
- *Process CH_4 Production Factor* is calculated under Step (4)

10.3 Other waste fuel, waste heat, waste materials, and other waste outputs

10.3.1 This clause 10.3 applies to electricity that is generated from:

(a) a waste fuel that is otherwise vented or flared, other than those that are dealt with elsewhere in this Rule;

(b) heat that is otherwise wasted but that is not heat produced by a Cogeneration Plant;

(c) outputs of industrial processes that would otherwise be wasted, including but not limited to industrial waste steam; or

(d) waste materials that would otherwise be burned, incorporated in durable products, or landfilled.

Note: Naturally occurring heat sources are dealt with as Renewable Energy. Landfill, sewage and Waste Coal Mine Gas are dealt with under clause 10.1.

10.3.2 Heat that would otherwise be wasted or waste fuel that would otherwise be flared or vented

If electricity is generated from the burning of a waste fuel that would otherwise be flared or heat that would otherwise be wasted, the *Total Greenhouse Gas Emissions* from that electricity generation are zero.

10.3.3 Useful organic material

If organic material that could otherwise be incorporated in durable products is used for electricity generation, the *Total Greenhouse Gas Emissions* from its combustion are to be calculated as if the material were a Fossil Fuel using clause 10.1.

10.3.4 Organic material otherwise placed in landfill

If organic material that would otherwise be landfilled is used for electricity generation, the *Total Greenhouse Gas Emissions* from its combustion are to be calculated as if the material were a Renewable Energy Source using clause 10.1.

10.3.5 Methane from industrial processes

If methane from an industrial process, that would otherwise be vented, is used for electricity generation, the *Total Greenhouse Gas Emissions* from its combustion are to be calculated as if the material were Waste Coal Mine Gas using clause 10.1.

10.3.6 Fuel other than methane from industrial processes

If waste fuel other than methane from an industrial process, that would otherwise be vented, is used for electricity generation, the *Total Greenhouse Gas Emissions* from its combustion are to be calculated as if the material were a Fossil Fuel using clause 10.1.

10.3.7 Other waste fuel, waste heat, waste materials, or waste outputs

For an energy source from which electricity is generated and to which this clause 10.3 applies, the Scheme Administrator may determine the means by which *Total Greenhouse Gas Emissions* are to be calculated using the following principles:

(a) The calculation of the *Total Greenhouse Gas Emissions* must be consistent with the National Greenhouse Gas Inventory Methodology. Categories of emissions not covered by the National Greenhouse Gas Inventory Methodology cannot be taken into account;

Note: An example of a category of emissions not covered by the National Greenhouse Gas Inventory Methodology is emissions from the spontaneous combustion of waste coal.

(b) The combustion emissions produced by the Generating System from any energy sources to which this clause 10.3 does not apply must also be taken into account; and

(c) For a Cogeneration Plant, the *Total Greenhouse Gas Emissions* calculated may be reduced by the amount of notional greenhouse gas emissions avoided through use of the waste heat, on the same principles as for Cogeneration Plant using Fossil Fuel or Renewable Energy Sources in clause 10.2.

10.3.8 For the purpose of this clause 10.3, the Scheme Administrator will determine whether a material, heat, a fuel, or another waste output to which this clause applies would or could be otherwise used or utilised.

11 Definitions and Interpretation

11.1 In this Rule:

"Act" means the *Electricity Supply Act 1995*.

"Alternative Disposal Method" is the waste disposal method approved by the Scheme Administrator as the most likely alternative waste disposal method for the Qualifying Putrescible Waste used in a methane manufacturing process.

"Benchmark Rules" means the rules under Part 8A, Division 11 of the Act.

"**Cogeneration Plant**" means a Generating System that produces useful heat as well as electricity.

"Commercial Operation" means receiving any payment for electricity generated by a Generating System, after completion of testing to meet conditions of any licences or authorisations prior to those licences or authorisations being granted or becoming effective.

"Commonwealth Generator Efficiency Standards Methodology" means the calculation methodology as set out in:

(a) the most recent published versions (from time to time) of

(i) *Program Guidelines: Generator Efficiency Standards, Australian Greenhouse Office*;

(ii) *Technical Guidelines: Generator Efficiency Standards, Australian Greenhouse Office*; and

(b) other Generator Efficiency Standards guidelines as published and amended from time to time by the Australian Greenhouse Office.

"Compliance Rule" means *Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003*.

"Deemed Retailer" is defined in clause 6.3.1.

"Distribution System" is a "distribution system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code.

"DSA Rule" means *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003*.

"Emissions Workbook" means the methodology described in the document entitled *Greenhouse Gas Emissions from Electricity Supplied in NSW: Emissions Workbook* published by the Ministry of Energy and Utilities in October 2000.

"End-User Complex" is as defined in the DSA Rule.

"End-User Equipment" means electricity consuming equipment that is not associated with the generation of electricity or generated ancillary loads.

"Energy Content" of a fuel source is to be considered as its higher heating value (HHV).

"Fossil Fuel" means black coal, brown coal, natural gas, fuels derived from petroleum, coal seam methane, or Waste Coal Mine Gas.

"Generating System" means a system comprising one or more of the physical generators of electricity and all the related equipment capable of functioning as a single entity.

"Generator" is defined in clause 6.2.1.

"GES" means the Commonwealth Generator Efficiency Standards Methodology.

"GGAP" means the Greenhouse Gas Abatement Program administered by the Australian Greenhouse Office of the Commonwealth.

"Gross Generation" is defined in Equation 4.

"Intermediary" means a person who is registered by NEMMCO as a Generator instead of another person who would be registered as such under the National Electricity Code.

"Native Forest Bio-Material" has the same meaning as in the *Protection of the Environment Operations (General) Amendment (Burning of Bio-Material) Regulation 2003.*

"Net Sent Out Generation" means the amount of electricity supplied to a Transmission or Distribution System less the amount of electricity supplied to the Generating System from the Transmission or Distribution System.

"NGAC" (New South Wales Greenhouse Abatement Certificate) is a transferable abatement certificate under section 97F of the Act, which is created in accordance with this Rule, the DSA Rule or the Sequestration Rule.

"NSW Electricity Network" means all electricity Transmission Systems and Distribution Systems located in New South Wales.

"NSW Pool Coefficient" is defined in section 97AB of the Act and determined by the Tribunal under section 97BF of the Act, in accordance with clause 9.1 of the Compliance Rule. The relevant NSW Pool Coefficient for the purposes of this Rule is that for the year in which the abatement occurred.

"NSW Production Baseline" is determined in accordance with clause 8 of this Rule.

"ORER" means the Commonwealth Office of the Renewable Energy Regulator established under the RE(E) Act.

"Original Deemed Retailer" has the same meaning as the Deemed Retailer in clause 6.3.1(a).

"Power Purchase Agreement" means the direct electricity supply agreement that gave rise to the eligibility of the electricity generation of a Generating System to be classified as Category A under the Emissions Workbook, and includes (with respect to a Generating System listed in Schedule C) a direct electricity supply agreement which satisfies clause 7.1.2.

"Previous Rule" is defined in clause 1.2.

"Process CH_4 Production Factor" means the percentage of carbon in the Qualifying Putrescible Waste that is converted to CH_4 in the process by which the CH_4 used in the Generating System is manufactured from putrescible waste.

"Qualifying Putrescible Waste" means the putrescible waste, used in a process which manufactures methane from putrescible waste, that is other than paper, cardboard or other materials that the Scheme Administrator disqualifies on the grounds that they are of non-renewable origin or that their inclusion encourages unsustainable use of materials.

"Qualifying Putrescible Waste Factor" means the mass of Qualifying Putrescible Waste divided by the total mass of putrescible waste used in a process which manufactures methane from putrescible waste.

"REC" means a renewable energy certificate as defined in section 97AB of the Act.

"REC Baseline" is the electricity production baseline assigned to a Generating System by the ORER for the purpose of calculating the number of RECs that may be created under the RE(E) Act or, if the REC Baseline assigned to a Generating System is not provided to the Scheme Administrator, an estimate of the baseline made by the Scheme Administrator from published data using the method prescribed in the RE(E) Act or RE(E) Regulation.

"**RE(E) Act**" means the *Renewable Energy (Electricity) Act 2000* (Cth).

"**RE(E) Regulation**" means the *Renewable Energy (Electricity) Regulations 2001* (Cth).

"Regulations" means regulations made pursuant to Part 8A of the Act.

"Renewable Energy Source" means an *eligible renewable energy source* under the RE(E) Act.

"Scheme" means the arrangements under Part 8A of the Act, Parts 8A and 8B of the Regulation and the Benchmark Rules.

"Scheme Administrator" is defined in section 97AB of the Act.

"Sent Out Generation" is defined in Equation 4.

"Sequestration Rule" means *Greenhouse Gas Benchmark Rule (Carbon Sequestration) No. 5 of 2003.*

"Transmission System" is a "transmission system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code.

"Tribunal" has the meaning given to it under the Act.

"Waste Coal Mine Gas" means coal seam gas drained from mines for the purpose of coal mining operations (regardless of the period of time between draining the gas from the coal mine and use of the mine for coal mining operations).

11.2 Notes in this Rule do not form part of the Rule.

11.3 A reference in this Rule to an entitlement to create a number of NGACs is to be taken as an entitlement to create a lesser number of NGACs.

11.4 For the purpose of this Rule the terms and expressions used in this Rule have the same meaning as in the Act or as defined in Part 8A of the Act, except the terms that are expressly defined in this Rule.

11.5 A reference to accreditation in respect of a Generating System means accreditation in respect of electricity generation activities from the Generating System.

Schedule A - Tables

Table 1: Fugitive Emissions from Coal

State	Class of mine	kg CH_4/t mined	kg CH_4/t post-mine	kg CH_4/t combined
NSW	Underground Class A	10.40	0.77	11.17
	Underground Class B	0.54	0	0.54
	Open Cut	2.17	0	2.17
	Weighted average	3.67	0	3.67
	Coal tailings	0	0	0
Qld	Underground Class B	0.54	0	0.54
	Open Cut	0.81	0	0.81
	Weighted average	0.76	0	0.76
	Coal tailings	0	0	0
Vic	Open Cut	0	0	0

Table 2: Fugitive Emissions from Natural Gas

State	kt CO_2/ PJ	kt CH_4/ PJ
All States	2.60	0.089

Table 3: Carbon Dioxide Emission Factors

Fuel Type	Fuel	kt CO_2/ PJ
Coal	Coal used in public electricity generation (ASIC 3611)	92.0
	Coals used in steel industry	93.0
	Black coal used by other industry	90.0
	Brown coal used by industry	88.3
	Coke	119.5
	Coal by-products (gaseous)	37.0
	Coal by-products (coal tar and BTX)	81.0
	Brown coal briquettes	105.0
Petroleum	Liquefied petroleum gas	59.4
	Naphtha	66.0
	Lighting kerosene	69.7
	Power kerosene	69.7
	Aviation gasoline	68.0
	Aviation turbine fuel	69.7
	Heating oil	69.7
	Fuel oil	73.6
	Automotive diesel oil (ADO)	69.7
	Industrial diesel fuel (IDF)	69.7
	Refinery fuel	68.1
	Other petroleum products	68.6
	Solvents	66.0
	Lubricants and greases	73.7
	Bitumen	80.7
Gaseous	Natural gas - NSW	50.8
	Natural gas - Victoria	51.0
	Natural gas - SA	50.8
	Natural gas - Queensland	51.1
	Natural gas - ACT	50.8
	Town gas (tempered LPG)	59.0
Biomass	Wood and wood waste (dry)	94.0
	Bagasse	96.8

Table 4: Carbon Dioxide Combustion Factors

Fossil Fuel	Carbon Dioxide Combustion Factor
black coal	0.990
brown coal	0.990
natural gas	0.995
coal seam methane	0.995
waste coal mine gas	0.995
fuels derived from petroleum	0.990

Table 5: Methane and Nitrous Oxide Default Emission Factors

Sector	Fuel	Equipment	kt CH_4/ PJ	kt N_2O/ PJ
Electricity	Black coal	Tangentially fired	0.0009	0.0008
		Pulverised wall	0.0009	0.0008
	Brown coal	Tangentially fired	0.0009	0.0014
	Natural gas[a]	Boiler	0.0001	0.0001
		Internal combustion	0.2400	0.0001
		Turbine	0.0080	0.0001
	Fuel oil/residual oil	Boiler	0.0008	0.0006
		Internal combustion	0.0040	0.0006
	Distillate/diesel	Boiler	0.0000	0.0006
		Internal combustion	0.0040	0.0006
		Turbine	0.0040	0.0006
Industrial	Black coal	Boiler	0.0013	0.0008
	Natural gas[a]	Boiler	0.0012	0.0001
	Fuel oil	Boiler	0.0008	0.0006
	Residual oil	Boiler	0.0028	0.0006
	Distillate	Boiler	0.0001	0.0006
	Wood	Boiler	0.0042	0.0041
	Bagasse	Boiler	0.0100	0.0041
Commercial	Black coal	Boiler	0.0013	0.0008
	Natural gas[a]	Boiler	0.0011	0.0001
	Residual oil	Boiler	0.0013	0.0006
	Distillate oil	Boiler	0.0006	0.0006
	Wood	Boiler	0.0034	0.0041
Household	Wood	Open fireplace	2.6860	0.0041
	Wood	Closed heater	0.1480	0.0041

a These factors may also apply to waste coal mine gas, landfill gas and sewage gas.

Table 6: Default Distribution Loss Factors to be used by retail suppliers

	Distribution Loss Factor
ACTEWAGL	1.059
Country Energy	1.072
AGLE	1.054
Australian Inland	1.078
CitiPower	1.055
TXU	1.059
Energex	1.057
EnergyAustralia	1.053
Ergon	1.057
Ferrier Hodgson	1.053
Integral	1.055
Origin	1.053
Pulse	1.056
Auspower	1.054
For any other retail suppliers that are not listed here	1.053

Table 7: Default Distribution Loss Factors

	Distribution Loss Factor
Australian Inland (a)	1.087
EnergyAustralia (a)	1.053
Integral (a)	1.055
Country Energy (a)	1.078
NSW (weighted) (b)	1.058
Victoria (b)	1.060
SA (b)	1.068
Queensland (b)	1.058

Table 8: Default Transmission Loss and Scaling Factors

State	Transmission Loss Factor	Transmission Scaling Factors
New South Wales	1.026	0.975
Victoria or South Australia	1.026	0.975
Queensland	1.046	0.956

Table 9: Emissions Intensity Adjustment Factors

Connection	Emissions Intensity Adjustment Factor
At End-User Complex	the Distribution Loss Factor applying at the site **or** the default Distribution Loss Factor for that Distribution System from Table 7 in this Schedule
To Distribution System	1.0
To Transmission System	Transmission Scaling Factor for the State where the Generating System is located from Table 8 in this Schedule

Table 10: Methane manufacture factors

Alternative Disposal Method	Alternative Disposal Method CH_4 production factor
Windrows only	0.15
Landfills only	0.50
Anaerobic Ponds only	0.30

Schedule B - Category B Generators

Name	Owner	Type
Vales Point	Delta Electricity	Steam/Coal
Mt Piper	Delta Electricity	Steam/Coal
Wallerawang	Delta Electricity	Steam/Coal
Munmorah	Delta Electricity	Steam/Coal
Eraring	Eraring Energy	Steam/Coal
Brown Mountain (b)	Eraring Energy	Hydro
Burrinjuck (b)	Eraring Energy	Hydro
Hume (b)	Eraring Energy	Hydro
Keepit (b)	Eraring Energy	Hydro
Shoalhaven (b)	Eraring Energy	Hydro/pump storage
Warragamba (b)	Eraring Energy	Hydro
Broken Hill GT	Eraring Energy	Gas turbine
Bayswater	Macquarie Generation	Steam/Coal
Liddell	Macquarie Generation	Steam/Coal
Guthega (a)	Snowy Hydro Trading	Hydro
Tumut 1 (a)	Snowy Hydro Trading	Hydro
Tumut 2 (a)	Snowy Hydro Trading	Hydro
Tumut 3(a)	Snowy Hydro Trading	Hydro
Blowering (a)	Snowy Hydro Trading	Hydro
Murray 1 (a)	Snowy Hydro Trading	Hydro
Murray 2 (a)	Snowy Hydro Trading	Hydro
Redbank	Redbank Power	Steam/Coal

(a) refer to clause 7.2.2.

(b) refer to clause 7.2.3.

Schedule C - Category A Generating Systems

Name	Type	Deemed Retailer
Smithfield, NSW	Gas-fired cogeneration	Integral Energy
Tower, NSW	Waste mine gas	Integral Energy
Appin, NSW	Waste mine gas	Integral Energy
Kembla Grange	Hydro	Integral Energy
Belrose, NSW	Landfill gas	Energy Australia
Foreshore Park, NSW	Photovoltaic cell	Energy Australia
National Innovation Centre, NSW	Photovoltaic cell	Energy Australia
Lucas Heights 1, NSW	Landfill gas	Energy Australia
Corio, Vic	Landfill gas	Origin Energy
Yarrawonga Hydro, Vic	Hydro	Origin Energy
Alfred Hospital, Vic	Gas-fired cogeneration	Origin Energy
Royal Melbourne Hospital, Vic	Gas-fired cogeneration	Origin Energy
St Vincents Hospital, Vic	Gas-fired cogeneration	Origin Energy
Austin Hospital, Vic	Gas-fired cogeneration	Origin Energy
Vansdorf, Vic	Gas-fired cogeneration	AGL
Broadmeadows, Vic	Landfill gas	AGL Electricity Ltd
Clayton, Vic	Landfill gas	AGL Victoria Pty Ltd
Springvale, Vic	Landfill gas	AGL Victoria Pty Ltd
Pedler Creek, SA	Landfill gas	AGL South Australia Pty Ltd
Tea Tree Gully, SA	Landfill gas	AGL South Australia Pty Ltd
Wingfield 1, SA	Landfill gas	AGL South Australia Pty Ltd
Wingfield 2, SA	Landfill gas	AGL South Australia Pty Ltd
Highbury, SA	Landfill gas	AGL South Australia Pty Ltd
Browns Plains, Qld	Landfill gas	Energex
Burrendong, NSW	Hydro	Country Energy
Wyangala, NSW	Hydro	Country Energy
Nymboida, NSW	Hydro	Country Energy
Copeton, NSW	Hydro	Country Energy
Oakey, NSW	Hydro	Country Energy
Harwood , NSW	Bagasse	Country Energy
Glenbaun, NSW	Hydro	Energy Australia
Blue Rock Dam, Vic	Hydro	TXU Electricity Ltd
Cardinia Dam, Vic	Hydro	TXU Electricity Ltd
Eildon Dam, Vic	Hydro	TXU Electricity Ltd
Glenmaggie Dam, Vic	Hydro	TXU Electricity Ltd
William Hovell Dam, Vic	Hydro	TXU Electricity Ltd
Thompson Dam, Vic	Hydro	TXU Electricity Ltd
Berwick Power Station, Vic	Landfill gas	TXU Electricity Ltd

ELECTRICITY SUPPLY ACT 1995

Notice of Approval of Amendment of Greenhouse Gas Benchmark Rule

Greenhouse Gas Benchmark Rule
(Demand Side Abatement) No. 3 of 2003

I, Frank Ernest Sartor, Minister for Energy and Utilities, pursuant to section 97K(4) and (5) of the Electricity Supply Act 1995, hereby give notice of approval of amendment to Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003, the amendments of which are described in Schedule 1 of the notice hereto, and the amended Rule is set out in Schedule 2 of the notice hereto.

The amendment of the Rule takes effect from the date of gazettal.

A copy of the amended Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003 may also be obtained through the Department of Energy, Utilities and Sustainability's website at www.deus.nsw.gov.au.

Dated at Sydney, this 3rd day of June 2004.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE 1

[1] Clause 1 Name and commencement

Omit "This rule is the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* and commences on 3 October 2003. At its commencement, this Rule is to be taken as having amended the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* that commenced on 1 January 2003, to the extent that this Rule differs from that Rule."

and insert

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"1.1 This Rule is the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* and commences on 11 June 2004.

1.2 At its commencement, this Rule amends the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* that commenced on 3 October 2003 (Previous Rule), to the extent that this Rule differs from the Previous Rule.

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

(a) the accreditation of Abatement Certificate Providers (in respect of demand side abatement activities) after the commencement of this Rule (regardless of the date of application for accreditation);

(b) the calculation and creation of New South Wales Greenhouse Abatement Certificates (NGACs) (in respect of demand side abatement activities) registered after the commencement of this Rule (regardless of the date of accreditation of the Abatement Certificate Provider), subject to clauses 1.4 and 1.5; and

(c) the ongoing eligibility of a person to remain accredited as an Abatement Certificate Provider for the purpose of the Scheme Administrator exercising its powers under the Act and Regulations, after the commencement of this Rule, to vary, suspend or cancel a person's accreditation as an Abatement Certificate Provider (in respect of demand side abatement activities).

1.4 A person who, before 31 December 2004:

(a) is accredited as an Abatement Certificate Provider (in respect of demand side abatement activities); or

(b) has made an application, acceptable to the Scheme Administrator, to become an Abatement Certificate Provider (in respect of demand side abatement activities), and is subsequently accredited as an Abatement Certificate Provider under this Rule pursuant to that application,

may elect (such election to be made only once) to calculate its entitlement to create NGACs in respect of demand side abatement activities occurring on or before 31 December 2004 under either the Previous Rule or this Rule.

1.5 A person who, on or before 31 December 2004, is accredited as an Abatement Certificate Provider (in respect of demand side

NGACs in respect of demand side abatement activities occurring on or before 31 December 2007 using the 30% default factor under Equations 13 and 16 of the *Gas Benchmark Rule (Generation) No. 2 of 2003* which commenced on 3 October 2003, rather than the default factor under those Equations of that Rule as amended since that date, if the person would otherwise have been entitled to use that 30% default factor under the Previous Rule.

1.6 If a person to whom clause 1.4 or 1.5 applies is accredited as an Abatement Certificate Provider after the commencement of this Rule, the Scheme Administrator must assess the application for accreditation using the eligibility criteria under this Rule."

[2] Clause 2 Objects of the Rule

2.1 Omit "New South Wales Greenhouse Abatement Certificates (NGACs)" after "creation and calculation of" and insert "NGACs"

2.2 Omit "Greenhouse Gas" after "NGACs where" and insert "greenhouse gas"

2.2 Omit "Greenhouse Gas" after "The Rule aims to reduce" and insert "greenhouse gas"

[3] Clause 3 Application of the Rule

3.1 Omit "person" after "Without limiting the" and insert "persons"

3.2 Omit "a" after "NGACs in respect of"

[4] Clause 5 Eligibility to be an Abatement Certificate Provider in respect of demand side abatement

Omit "The Scheme Administrator may accredit Abators, as that term is defined in clause 8.1, as Accredited Abatement Certificate Providers in respect of Demand Side Abatement, as that term is defined in clause 7."

and insert

"A person is eligible to be an Accredited Abatement Certificate Provider under this Rule if:

(a) the person is an *Abator*, as that term is defined in clause 8.1; and

(b) the accreditation is in respect of *Demand Side Abatement*, as that term is defined in clause 7.

Note: Under the Regulations, a person must also have record keeping arrangements with respect to the activity approved by the Scheme Administrator. Further matters must also be satisfied under the Regulations if the accreditation is in respect of a proposed (rather than existing) Demand Side Abatement Project."

[5] Clause 6 Persons eligible to create NGACs under this Rule

Renumber existing clause 6 as 6.1 and insert

"6.2 A person may not create NGACs in respect of greenhouse gas abatement if that person or another person has previously validly created NGACs or LUACs in respect of the same abatement, whether under this Rule, the Previous Rule or any other Benchmark Rule."

[6] Clause 7 Activities that constitute Demand Side Abatement

6.1 Insert new clause 7.1

"7.1 *Demand Side Abatement* as defined in this Rule is:

(a) an "activity" for the purposes of the Act;

(b) an "existing demand side abatement activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *Demand Side Abatement* before the Implementation Date of the *Demand Side Abatement Project* giving rise to it; and

(c) a "proposed demand side abatement activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *Demand Side Abatement* before the Implementation Date of the *Demand Side Abatement Project* giving rise to it."

6.2 Renumber existing clause 7.1 as 7.2 and in clause 7.2 omit "and is an activity for the purposes of the Act." after "greenhouse gas emissions"

6.3 Renumber existing clause 7.2 as 7.3 and in clause 7.3 and in clause 7.3 omit "date of *Demand Side Abatement Project* implementation" after "regardless of the" and insert "Implementation Date of the *Demand Side Abatement Project*".

6.4 Omit existing clause 7.3 and insert

"7.4 *Demand Side Abatement Project* is a project:

(a) implemented or to be implemented in New South Wales:

(b) which has or will have an Implementation Date on or after:

(i) 1 January 2002;

(ii) 1 January 1997 in respect of an activity that was validly claimed as Electricity Sales Foregone under the Emissions Workbook;

(iii) 1 January 1997 in respect of a Generating System that generates electricity using Renewable Energy Sources; or

(iv) 1 July 1997 in respect of a Generating System having a nameplate rating of 30MW or less that generates electricity using Fossil Fuels; and

(c) that results or will result in reduced greenhouse gas emissions compared with the greenhouse gas emissions without that project by:

(i) modifying an Installation or usage of an Installation (including installing additional components) resulting in a reduction in the consumption of electricity compared to what would have otherwise been consumed;

(ii) replacing an Installation with another Installation or Installations that consume less electricity;

(iii) installing a New Installation~~s~~ that consumes less electricity than other Installations of the same type, function, output or service;

(iv) substituting an Installation using other sources of energy for an Installation using electricity, or substituting an Installation using electricity for an Installation using other sources of energy; or

(v) substituting electricity from a Generating System for electricity from another source, to supply End-User Equipment within the same End-User Complex as the Generating System.

7.5 For the purposes of clause 7.4, the Scheme Administrator may in its discretion determine whether a project that involves multiple Installations or occurs across multiple Sites constitutes one or more Demand Side Abatement Projects.

7.6 The Scheme Administrator may determine whether a Demand Side Abatement Project which was previously claimed as Electricity Sales Foregone, but which has in some manner changed since it was so claimed:

(a) constitutes the same Demand Side Abatement Project as was previously claimed; or

(b) also includes a new Demand Side Abatement Project to the extent of the change,

having regard to whether the classification as one or more Demand Side Abatement Projects produces outcomes consistent with the objects of the Scheme."

6.5 Renumber existing Clause 7.4 as Clause 7.7 and omit that part of Clause 7.7 after "Demand Side Abatement Projects do not include activities:" and before "Note: This is intended to exclude from this Rule the creation of NGACs because of the purchase of electricity under "Green Power" accredited or similar schemes that is eligible to create NGACs or RECs at the point of generation."

and insert

"(a) of electricity supply by a retail supplier, or electricity purchase from a retail supplier by a customer, from the NSW Electricity Network, under a representation by the retail supplier that there is a reduction in greenhouse gas emissions because the electricity supplied is connected with, or represents an amount equal to, the generation of electricity from a particular energy source;"

6.6 Renumber existing Clause 7.4 (m) as 7.7 (b) and omit "or" after "transmission of electricity;"

6.7 Renumber existing Clause 7.4 (n) as 7.7 (c) and omit "." after "create RECs" and insert "; or"

6.8 Renumber existing Clause 7.4 (o) as 7.7 (d) and omit "output or service derived from the use of that electricity in a way that reduces the utility, in an economic sense, of the facility, process, output or process associated with the use of that electricity or otherwise reduce the economic benefit derived from the use of electricity" after "by reducing the scope or quantity of" and insert "production or service derived from the use of that electricity"

6.9 In the Note at the end of new Clause 7.7 (d) in the first paragraph omit "do not qualify as Demand Side Abatement Projects. Mild weather, lower output" after "efficiency or other eligible activities" and insert "does not qualify as a Demand Side Abatement Project. Mild weather, lower production".

6.10 In the Note at the end of new Clause 7.7 (d) omit the second paragraph and insert as a new paragraph

"Reducing electricity consumption where there is no negative effect on production or service levels (eg reduction of excessive lighting or the installation of more energy efficient equipment) is Demand Side Abatement and is not excluded by this clause."

[7] Clause 8.1 Creation of NGACs from Demand Side Abatement

Omit Clause 8.1 after the title "**8.1 The Abator** " and before the Note commencing "Note: Section 97ED(1) of the Act provides that the creation of an NGAC must" and insert

"8.1.1 The *Abator* is:

(a) the person who is:

(i) in respect of a Demand Side Abatement Project whose Implementation Date is prior to 1 July 2002 for which a retail supplier previously claimed Electricity Sales Foregone, that retail supplier;

(ii) in respect of a Demand Side Abatement Project that is a Generating System which has an Implementation Date prior to 1 January 2002 (other than those for which a retail supplier previously claimed Electricity Sales Foregone), the "Generator" as defined under the Generation Rule with respect to that Generating System (as if that definition formed part of this Rule); or

(iii) in respect of any other Demand Side Abatement Project, contractually liable (or otherwise liable if there is no contract) to pay for the energy consumed by End-User Equipment in the Installation or Site that is the subject of the Demand Side Abatement Project at the Implementation Date of the Demand Side Abatement Project; or

Note: Where confusion exists, the Abator in (iii) above is the retail or wholesale customer that is named in the contract, or if no contract exists is liable (by statute, convention or otherwise) to pay the electricity charges derived from a meter with a National Meter Identifier (NMI) in the National Electricity Market.

(b) a person nominated, to the satisfaction of the Scheme Administrator, to be the Abator in respect of the Demand Side Abatement (nominee) by one of the following persons (nominator):

(i) the person in (a); or

(ii) a person previously nominated to be the Abator,

provided that:

(iii) the nominator has not previously nominated another person to be the Abator, or if the nominator has done so, that previous nomination is not still effective;

(iv) the nomination is in writing and signed by the nominator; and

(v) the nominee consents to the nomination; or

(c) a person whom the Scheme Administrator is satisfied will be a person in (a) or (b), provided that the person will not be entitled to create NGACs unless that person satisfies that criteria at the Implementation Date of the Demand Side Abatement Project.

8.1.2 Without limiting clause 8.1.1(c), in relation to a Demand Side Abatement Project in which the person seeking accreditation proposes to be nominated by multiple persons to be the Abator in relation to multiple Installations and/or Sites, the person is eligible to be accredited in respect of that project even if not all of the nominations have been made as at the date of accreditation, provided that:

(a) the Scheme Administrator approves the form of the nomination and the process by which nomination forms are signed; and

(b) the accreditation in relation to each Installation or Site, and the right to create NGACs in relation to them, only comes into effect upon each respective nomination being made.

[8] Clause 8.2 Number of NGACs that may be created from Demand Side Abatement

8.1 In clause 8.2(a) omit "section" after "Method in" and insert "clause"

8.2 In clause 8.2(b) omit "section" after "Method in" and insert "clause"

8.3 In clause 8.2(c) omit "section" after "Method in" and insert "clause"

8.4 In clause 8.2(d) omit "section" after "Method in" and insert "clause"

8.5 Renumber existing clauses 8.2(e), 8.2(f), 8.2(g), 8.2(h), 8.2(i) and 8.2(j) to clauses 8.2(f), 8.2(g), 8.2(h), 8.2(i), 8.2(k) and 8.2(l) respectively

8.6 After "provided that" which follows clause 8.2(d) insert new clause 8.2(e)

"(e) the Scheme Administrator approves the method to be used (being one of the methods in (a) to (d)) before any NGACs are created using that method (which approval may be conditional upon applying the method in a particular manner that is permitted under this Rule);"

8.7 In new clause 8.2(i) before "the time period over which those NGACs" insert "in the case of the Project Impact Assessment

Method (other than in the case of NGACs brought forward under clause 8.3), the Metered Baseline Method or the Generation Emissions Method,"

8.8 In new clause 8.2(i) omit "Greenhouse Gas" after "time period over which" and insert "greenhouse gas"

8.9 After new clause 8.2(i) insert new clause 8.2(j)

"(j) in the case of NGACs brought forward under clause 8.3, the Scheme Administrator considers that the Demand Side Abatement in respect of which those NGACs are created is reasonably likely to occur during the time period by reference to which those NGACs were calculated;"

8.10 In new clause 8.2(k) after "Greenhouse Gas Inventory Methodology" omit "," and insert ";"

8.11 In new clause 8.2(k) omit "Greenhouse Gas" after "the calculation includes only" and insert "greenhouse gas"

8.12 In new clause 8.2(l) after "End-User Equipment within the same" omit "Site" and insert "End-User Complex"

[9] Clause 8.3 Creation of up to 2000 NGACs able to be brought forward using the Project Impact Assessment Method

9.1 In the note in clause 8.3 omit the first paragraph and insert

"Note: Section 97EC(1) of the Act provides that an NGAC may be created immediately after the activity in respect of which it was created takes place. Under this Rule, the relevant "activity" is the Demand Side Abatement; that is, the ongoing effects of a Demand Side Abatement Project. Therefore each NGAC may be created immediately after the reduction in greenhouse gas emissions represented by that NGAC occurs."

9.2 In the note in clause 8.3 in the second paragraph omit "Section" after "However," and insert "section"

9.3 In the note in clause 8.3 in the second paragraph after "deemed to have occurred" insert "(for the purpose of NGAC creation)"

9.4 In the note in clause 8.3 in the second paragraph after "up to 2000 NGACs" insert "per annum"

9.5 Omit clause 8..1 and insert

"8.3.1 For the purposes of section 97EC of the Act, if the number of NGACs entitled to be created and calculated using the Project Impact Assessment Method in respect of any single Demand Side Abatement Project is equal to or less than 2000 per annum, then the Abator may elect for the Demand Side Abatement that gives rise to the entitlement to create the number of NGACs determined in accordance with clause 8.3.2 to be deemed to have occurred (for the purpose of the entitlement to create NGACs but not for any other purpose) on a date determined in accordance with clause 8.3.3."

9.6 Omit all of clause 8..2 before clause 8..2(b)(i) and insert

"8.3.2 The maximum number of NGACs that can be created per annum as a result of Demand Side Abatement being deemed to have occurred on a date determined under clause 8.3.3 is the lesser of:

(a) 2000; or

(b) the remaining lifetime number of NGACs entitled to be created in respect of the Demand Side Abatement Project, where such number is determined, to the satisfaction of the Scheme Administrator, with reference to:"

9.7 In new clause 8.3.2(b)(iii) after "its usage, typical" insert "or actual"

9.8 In new clause 8.3.2(b)(iii) after "remaining the same" insert "."

9.9 Renumber existing clause 8..3 as clause 8.3.3

9.10 In clause 8.3.3(b) omit "*Project; or*" after "Demand Side Abatement " insert "Project; and"

9.11 In clause 8.3.3(c) omit "on" after "the date" and insert "by"

[10] Clause 8.4 Adjustment of number of NGACs that may be created for GGAP funded projects

10.1 In the paragraph before the Note omit "Greenhouse Gas" after "tonnes of carbon dioxide equivalent of" and insert "greenhouse gas"

10.2 In the note omit "project developer" after "total project funding, then the" and insert "Accredited Abatement Certificate Provider"

[11] Clause 9 Project Impact Assessment Method

In the third paragraph of the Note omit "directly related to" after "on-site generation project that is" and insert "part of"

[12] Clause 9.1 Number of NGACs under the Project Impact Assessment Method Equation 2

12.1 In the third dot point of Equation 2 after "for electricity" insert "supplied from a Transmission System or Distribution System"

12.2 In the third dot point of Equation 2 omit "supplied from the distribution rather than from the transmission network" after "Compliance Rule. For electricity supplied from" and insert "a Distribution System rather than from a Transmission System"

[13] Clause 9.2 Engineering assessment of Reduced Energy Consumption

In clause 9.2(c)(i) omit "section" after "for the purposes of" and insert "clause"

[14] Clause 9.3 Confidence Factor

14.1 In clause 9.3(a) after "to a high level of accuracy based on" insert "logged or equivalent data from the Installation such as"

14.2 After clause 9.3(a)(v) insert as a separate paragraph "(including where the engineering assessment relies upon default factors from Tables 3a, 3b or 3c of Schedule A to this Rule),"

14.3 In clause 9.3(b) after "described in (a), based on" insert "estimations from logged data, records or equivalent data such as"

14.4 In the paragraph after clause 9.3(b)(v) omit "," after "corresponding with those criteria" and insert ":"

[15] Clause 9.4 New Installations other than Office Buildings to be better than best existing installation

15.1 In the title for clause 9.4 after "**New Installations other than**" insert "**New**"

15.2 In the first paragraph of clause 9.4 after "For new installations other than" insert "New"

15.3 In the first paragraph of clause 9.4 omit "8.2" after "NGACs under clause" and insert "8.2(a)"

15.4 In the paragraph after clause 9.4(c) omit “Greenhouse Gas” after “calculated are only in respect of“ and insert “greenhouse gas”

15.5 In the paragraph after clause 9.4(c) omit “Greenhouse Gas” after “of output or service below the “ and insert “greenhouse gas”

15.6 After clause 9.4(c) and the paragraph following this clause renumber clauses 9.4(a) and 9.4(b) as clauses 9.4(d) and 9.4(e) respectively

15.7 In clause 9.4(d) omit “Greenhouse Gas” after “the lowest“ and insert “greenhouse gas”

15.8 In clause 9.4(e) omit “(a)” after “determined under“ and insert “(d)”

15.9 In clause 9.4(e) omit “Greenhouse Gas” after “under (d), a level of “ and insert “greenhouse gas”

[16] Clause 10 Metered Baseline Method

16.1 In the second paragraph of the note omit “Abatement” after “based on the size of the” and insert “abatement”

16.2 In the third paragraph of the note omit “DSA” after “where changes other than the” and insert “Demand Side Abatement”

16.3 In the third paragraph of the note omit “site” after “does not prevent additional Demand Side Abatement Projects at the same” and insert “Site”

16.4 In clause 10.3 omit “implementation” after “using energy measurements before” and insert “the Implementation Date”

16.5 In clause 10.4 omit ”may“ after “The Abatement Certificate Provider” and insert “must”

[17] Clause 10.5 Baseline per unit of output

17.1 In clause 10.5(b) omit ”and“ after “can be measured or estimated;”

17.2 In clause 10.5(d) omit “implementation“ after “immediately preceding the” and insert “Implementation Date”

17.3 In clause 10.5(d) omit ”implementation“ after “and excluding any periods after the” and insert “Implementation Date”

17.3 In clause 10.5(d) omit ”site“ after “not representative of long term” and insert “Site”

[18] Clause 10.5 Method 1

18.1 In Step (2) after "the Demand Side Abatement" insert "Project"

18.2 In Step (2) after "to (2G) for each energy source" insert ", and for each time period T_a by reference to which the Abator seeks to create NGACs by repeating Steps (2E) to (3) for each such period"

18.3 Omit the first dot point in Step (2B) and insert as the first dot point "*Tb* denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period"

18.4 In the second dot point in Step (2B) omit "mutually exclusive time periods, Tb" after "metering that consumption over" and insert "each time period Tb"

18.5 In the fourth dot point in Step (2B) omit "before Demand Side Abatement, and" after "number of time periods, Tb," and insert "where *n*"

18.6 Omit Step (2C) and insert
"Step (2C) Calculate Variable Energy Baseline (in MWh / unit of output or GJ / unit of output):

$$\{\sum_{T=1}^{n} \text{Variable Consumption}_{Tb}\} / n$$ "

18.7 Omit Step (2D) and insert

"Step (2D) Calculate Baseline Variability (in MWh / unit of output or GJ / unit of output), which is the unexplained variance in the baseline, as:

- where n > 2:

  Baseline Variability = (Maximum Variable Consumption$_{Tb}$ – Minimum Variable Consumption$_{Tb}$) / 2

- where n≤ 2:

  Baseline Variability = 10% of Variable Energy Baseline

Where:

- *Maximum Variable Consumption$_{Tb}$* is the value for Variable Consumption$_{Tb}$ that is the greatest of all *n* time periods *Tb*

- *Minimum Variable Consumption$_{Tb}$* is the value for Variable Consumption$_{Tb}$ that is the lowest of all *n* time periods *Tb*"

18.8 Omit Step (2E) and insert

"Step (2E) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each time period T_a by reference to which the Abator seeks to create NGACs:

(Output$_{Ta}$ x Variable Energy Baseline + Fixed Energy Consumption) - Total Consumption$_{Ta}$

Where:

- *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption$_{Ta}$* (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period Ta
- *Output$_{Ta}$* is the number of units of output during the time period Ta."

18.9 Omit Step (2F) and insert

"Step (2F) Calculate *Confidence Factor*:

Confidence Factor = 1 - (Baseline Variability / Variable Energy Baseline)"

18.10 In Step (2G) after "Calculate *Emissions Abated$_s$* " insert "(in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:"

18.11 In the Step (2G) dot point after "for electricity" insert "supplied from a Transmission System or Distribution System"

18.12 In the Step (2G) dot point omit "the distribution rather than from the transmission network" after "For electricity supplied from" and insert "a Distribution System rather than from a Transmission System"

18.13 In Step (3) omit "(in t CO_2e)" after "Calculate *Number of NGACs*" and insert "(in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs"

[19] Clause 10.6 Baseline unaffected by output

In clause 10.6(b) omit "installation" after "immediately preceding the" and insert "Implementation Date"

[20] Clause 10.6 Method 2

20.1 In Step (2) after "the Demand Side Abatement" insert "Project"

20.2 In Step (2) after "to (2E) for each energy source" insert ", and for each time period T_a by reference to which the Abator seeks to create NGACs by repeating Steps (2C) to (3) for each such period"

20.3 In Step (2A) after "Calculate *Energy Baseline*" insert "(in MWh or GJ)"

20.4 In Step (2A) omit the three dot points after "Where:" and insert

"• *Tb* denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period

• *Total Consumption*$_{Tb}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time period Tb

• *n* is the number of time periods, Tb, where *n* must be at least 1"

20.5 In Step (2B) after "Calculate *Baseline Variability*" insert "(in MWh or GJ),"

20.6 In Step (2B) omit "Baseline Variability = (maximum Total Consumption$_{All\ Tb}$ – minimum Total Consumption$_{All\ Tb}$) / 2" after "where n > 1:" and insert "Baseline Variability = (Maximum Total Consumption$_{Tb}$ – Minimum Total Consumption$_{Tb}$) / 2"

20.7 Omit Step (2B) dot point after "Where:" and insert

- *Maximum Total Consumption*$_{Tb}$ is the value for Total Consumption$_{Tb}$ that is the greatest of all *n* time periods *Tb*
- *Minimum Total Consumption*$_{Tb}$ is the value for Total Consumption$_{Tb}$ that is the lowest of all *n* time periods *Tb*"

20.8 In Step (2C) after "Calculate *Reduced Energy Consumption* (in MWh or GJ)" insert "for each time period T_a by reference to which the Abator seeks to create NGACs"

20.9 In Step (2C) omit the two dot points after "Where:" and insert

"• *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period

- *Total Consumption*$_{Ta}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period Ta"

20.10 In Step (2D) omit all of Step (2D) after "Calculate *Confidence Factor*:" and insert

"Confidence Factor = 1 - (Baseline Variability / Energy Baseline)'

20.11 In Step (2E) after "Calculate *Emissions Abated*$_s$" insert "(in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs"

20.12 In Step (2E) after "for electricity" insert "supplied from a Transmission System or Distribution System"

20.13 In Step (2E) omit "the distribution rather than from the transmission network" after "For electricity supplied from" and insert "a Distribution System rather than from a Transmission System"

20.14 In Step (3) omit "(in t CO_2e)" after "Calculate *Number of NGACs*" and insert "(in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs"

[21] Clause 10.7 Normalised baselines

In clause 10.7(b) omit "installation" after "immediately preceding the" and insert "Implementation Date"

[22] Clause 10.7 Method 3

22.1 In Step (2) after "the Demand Side Abatement" insert "Project"

22.2 In Step (2) after "to (2F) for each energy source" insert ", and for each time period T_a by reference to which the Abator seeks to create NGACs by repeating Steps (2D) to (3) for each such period"

22.3 In Step (2A) point (a) omit "Consumption Before$_T$" after "the variation in Total" and insert "Consumption$_{Tb}$"

22.4 In Step (2A) omit the first and second dot points after "Where:" and insert

"• *Tb* denotes a period before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time

period is mutually exclusive with each other such time period

- *Ta* denotes a time period after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period"

22.5 In Step (2A) third dot point omit "mutually exclusive time periods, T, before the Demand Side Abatement" after "metering that consumption over" and insert "each time period Tb"

22.6 In Step (2A) fourth dot point omit "before Demand Side Abatement, and" after "number of time periods, Tb," and insert "where"

22.7 In Step (2B) after "*Normalised Energy Baseline*" insert "(in MWh or GJ)"

22.8 In Step (2C) after "Calculate *Baseline Variability*" insert "(in MWh or GJ)"

22.9 In Step (2C) omit "Baseline Variability = (maximum Normalised Consumption $_{\text{All Tb}}$ – minimum Normalised Consumption$_{\text{All Tb}}$) / 2" after "where n > 1:" and insert "Baseline Variability = (Maximum Normalised Consumption$_{\text{Tb}}$ – Minimum Normalised Consumption$_{\text{Tb}}$) / 2"

22.10 In Step (2C) omit "*All Tb* is the whole of the period over which the Variable Energy Baseline is calculated, denoted by Tb = 1 to Tb = n." after "Where:" and insert

"• Maximum *Normalised Consumption$_{Tb}$* is the value for Normalised Consumption$_{\text{Tb}}$ that is the greatest of all *n* time periods *Tb*

• Minimum *Normalised Consumption$_{Tb}$* is the value for Normalised Consumption$_{\text{Tb}}$ that is the lowest of all *n* time periods *Tb*"

22.11 In Step (2D) after "Calculate *Reduced Energy Consumption* (in MWh or GJ)" insert "for each time period T_a by reference to which the Abator seeks to create NGACs"

22.12 In Step (2D) omit the two dot points after "Where:" and insert

"• *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period

• *Total Consumption*$_{Ta}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period Ta"

20.13 In Step (2E) omit all of Step (2E) after "Calculate *Confidence Factor*:" and insert "Confidence Factor = 1 - (Baseline Variability / Normalised Energy Baseline)"

20.14 In Step (2F) after "Calculate *Emissions Abated*$_s$" insert "(in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs"

20.15 In Step (2F) in the first dash point after "for electricity" insert "supplied from a Transmission System or Distribution System"

20.16 In Step (2F) in the first dash point omit "the distribution rather than from the transmission network" after "For electricity supplied from" and insert "a Distribution System rather than from a Transmission System"

20.17 In Step (3) omit "(in t CO_2e)" after "Calculate *Number of NGACs*" and insert "(in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs"

[23] Clause 10.8 Office Building Australian Building Greenhouse Rating Scheme baseline

In the Note omit "new or existing" after "normalising baselines for" and insert "New or Existing"

[24] Clause 10.8 Method 4

24.1 In Step (2) omit point (a) and insert

"(a) for a New Office Building, the normalised emissions per unit of area that is the lesser of:

(i) the threshold for achieving an ABGR 4 star rating; or

(ii) the minimum ABGR rating required for the Office Building by a consent authority, as that term is defined in the *Environmental Planning and Assessment Act 1979*,

corrected to use instead of the ABGR default emission factor, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or"

24.2 In Step (2) point (b) omit "existing" after "for an" and insert "Existing"

24.3 In Step (2) omit the first dot point after "Where:" and insert

"• *Tb* denotes a time period, before the Implementation Date of a Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period"

24.4 In Step (2) second dot point after "time periods, Tb, before" insert "the Implementation Date of the"

24.5 In Step (2) second dot point after " Demand Side Abatement" insert "Project"

24.6 In Step (2) second dot point first dash point after "for all electricity" insert "supplied from a Transmission System or Distribution System"

24.7 In Step (2) second dot point first dash point omit "the distribution rather than from the transmission network" after "For electricity supplied from" and insert "a Distribution System rather than from a Transmission System"

24.8 In Step (3) point (a) omit "new" after "for a" and insert "New"

24.9 In Step (3) point (b) omit "existing" after "for an" and insert "Existing"

24.10 In Step (3) point (b) omit "using" after "Office Building, calculated" and insert "as"

24.11 In Step (3) point (b) omit the dot points after "Office Building, calculated as:" and insert

"where n > 1:

Baseline Variability = (Maximum Normalised Emissions$_{Tb}$ – Minimum Normalised Emissions$_{Tb}$) / 2

where n =1:

Baseline Variability = 5% of Normalised Emissions Baseline"

Where:

- *Maximum Normalised Emissions*$_{Tb}$ is the value for Normalised Emissions$_{Tb}$ that is the greatest of all *n* time periods *Tb*
- *Minimum Normalised Emissions*$_{Tb}$ is the value for Normalised Emissions$_{Tb}$ that is the lowest of all *n* time periods *Tb*"

24.12 In Step (4) second dot point omit the first dash point and insert as the first dash point

"for all electricity supplied from a Transmission System or Distribution System including Green Power as that term is used in the National Green Power Accreditation Program, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or"

24.13 In Step (5) omit all of Step (5) after "Calculate *Confidence Factor*:" and insert

"Confidence Factor = 1 - (Baseline Variability / Normalised Emissions Baseline"

24.14 In Step (6) omit "(Operating Hours$_{Ta}$ / 50)" after "If Emissions Abated x Net Lettable Area$_{Ta}$ x" and insert "(Gross Emissions$_{Ta}$ / Normalised Emissions$_{Ta}$)"

[25] Clause 11 Default Abatement Factors Method

25.1 In clause 11.1 omit ":" after "*Number of NGACs* if" and insert "the Installation is listed in Table 1."

25.2 In clause 11.1 omit points (a) and (b) and insert as a Note

Note: The Default Abatement Factors in Table 1 take account of failures or removal of an item after the Implementation Date and before the end of its normal service life.

25.3 Omit clause 11.3 and insert

"11.3 Where *Number of NGACs* is calculated using the Default Abatement Factors Method in this clause 11, the Demand Side Abatement that is the subject of that calculation is deemed to have taken place (for the purpose of the entitlement to create NGACs but not for any other purpose) on the later of:

(a) 1 January 2003; and

(b) the Implementation Date of the relevant Installation or Installations."

[26] Clause 11 Equation 3

26.1 In the equation after "Number of Installations x Abatement Factor" insert "x Installation Discount Factor"

26.1 In the second dot point omit "Installed" after "Installation that has been" and insert "installed""

26.2 After the third dot point insert

"• *Installation Discount Factor* is a factor to be applied to take account of the risk that under a particular program design some items may not be installed, and is:

- 1.0, if the Scheme Administrator is satisfied that the Installation or Installations have been installed, which may be on the basis of a written statement from an appropriately trained person who performed the installation or contractor invoices; or
- 0.9, if the Scheme Administrator is satisfied that the Installation or Installations have been sold for the purposes of being installed, but does not have sufficient evidence to be satisfied that the Installations have been installed; or
- 0.8, if the Scheme Administrator is satisfied that a person has taken possession of the Installation or Installations for the purposes of being installed, but does not have sufficient evidence to be satisfied that the Installations have been sold or installed; or"
- another value determined using a methodology approved by the Scheme Administrator.

- In this Equation, a reference to the risk of an item not being installed means the risk of the item not being installed either at all or in New South Wales."

[27] Clause 12 Generation Emissions

27.1 Before clause 12.1 insert as a Note

> Note: Where part of the electricity generated is exported into the NSW Electricity Network or an interconnected Transmission or Distribution System, and part is consumed by End-User Equipment within the same End-User Complex as the Generating System, only that part that is so consumed is eligible to create NGACs under this Rule. The remainder is separately eligible to create NGACs under the Generation Rule.

27.2 In clause 12.1 omit "if any of" after "*Number of NGACs*" and insert "to the extent that"

27.3 In clause 12.1 omit "Site" after "Equipment within the same" and insert "End-User Complex"

27.4 After clause 12.1 insert

"12.1A For the purposes of clause 12.1, electricity generated by a Generating System will be taken to be supplied within the same End-User Complex as the Generating System to the extent that the electricity is not exported into the NSW Electricity Network or a Transmission or Distribution System interconnected with the NSW Electricity Network, regardless of whether or not the owner of the Generating System also owns the relevant End-User Equipment."

[28] Clause 12 Equation 4

28.1 In the equation omit "– Adjusted Emissions Intensity" after "Number of NGACs = Eligible Generation x (NSW Pool Coefficient" and insert "x Emissions Intensity Adjustment Factor – Emissions Intensity"

28.2 In the first dot point after "*Number of NGACs* is in t CO_2-e" insert "and is in respect of the time period over which the Eligible Generation occurs"

28.3 In the second dot point omit "in" after "*Eligible Generation* (in MWh) is calculated" insert "using"

28.4 In the third dot point omit "using clause 9.1 of the Compliance Rule for the year in which the electricity was generated" after "Coefficient determined by the Tribunal" and insert "in accordance with the Compliance Rule"

28.5 Omit the fourth dot point and insert

"• *Emissions Intensity* (in t/MWh) is calculated using **Equation 6**

• *Emissions Intensity Adjustment Factor* is the value in Table 9 of Schedule A to the Generation Rule appropriate to the Generating System being connected at an End-User Complex"

[29] Clause 12 Equation 5

29.1 In the equation after "- RECs Created" insert "/MLF"

29.2 In the equation omit "Gross" after "Self Generated Site Use /" and insert "Sent Out"

29.3 In the first dot point after "*Eligible Generation* is in MWh" insert "and is in respect of a calendar year or part thereof"

29.4 In the second dot point omit "End-User Equipment within the Site of which the Generating System forms a part" after "the Generating System that is consumed" insert "by End-User Equipment within the same End-User Complex as the Generating System"

29.5 In the third dot point omit "are" after "*RECs Created* (in MWh)" and insert "is"

29.6 In the third dot after "number of RECs created" insert "and registered with ORER"

29.7 In the third dot point omit "*Total Output of Generating System*" after "Generating System that constituted the" and insert "*Sent Out Generation*"

29.8 Omit the fourth dot point and insert

"• *Sent Out Generation* (in MWh), in respect of the Generating System, is Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the Total Greenhouse Gas Emissions. If this metered

information is not available, it may be determined by calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10

- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation"

[30] Clause 12 Equation 6

30.1 In the equation omit "Total Output of Generating System" after "Total Greenhouse Gas Emissions /" and insert "Sent Out Generation"

30.2 In the second dot point omit "section 10 of the Generation Rule" after "is determined using" and insert "clause 10 of the Generation Rule in respect of the time period over which the Eligible Generation occurs"

30.3 Omit the third dot point and insert

"• *Sent Out Generation* (in MWh) is, in respect of the Generating System, Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the Total Greenhouse Gas Emissions. If this metered information is not available, it may be determined by calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10"

- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System"

[31] Clause 12.3

31.1 After "NGACs in clause 12.2" insert ","

31.2 Omit "on site" after "of electricity which is used" and insert "within the same End-User Complex"

31.3 In clause 12.3(a) omit "section" after "Generator referred to in " and insert "clause"

31.4 Omit clause 12.3(b) and insert

"(b) from cogeneration according to clause 10.2 of the Generation Rule, or if the benefit from the heat is in the form of electricity avoided, from cogeneration according to the Project Impact Assessment Method under this Rule."

[32] Clause 13.1

32.1 After the definition for **"ABGR"** insert as separate definitions

""**Act"** means the *Electricity Supply Act 1995*.

"Benchmark Rules" means the rules under Part 8A, Division 11 of the Act.

"Compliance Rule" means *Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003*."

32.2 In the definition for **"Demand Side Abatement Project"** omit "Clause" after "the meaning given to it in" and insert "clause"

32.3 After the definition for **"Demand Side Abatement Project"** insert as a separate definition

""**Distribution System"** is a "distribution system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code."

32.4 In the definition for **"Electricity Sales Foregone"** omit "Emissions Workbook" after "meaning given to it under the" and insert "Electricity Sales Foregone Framework"

32.5 After the definition for **"Electricity Sales Foregone"** insert as a separate definition

""**Electricity Sales Foregone Framework"** means the methodology described in the document entitled Greenhouse Gas Emissions from Electricity Supplied in NSW: Framework for Calculation of Electricity Sales Foregone, published by the Ministry of Energy and Utilities in February 1999."

32.6 After the definition for **"Emissions Workbook"** insert as a separate definition

"**"End-User Complex"** is as described in clause 12.1A."

32.7 After the definition for **"End-User Equipment"** insert as a separate definition

"**"Existing Office Building"** means an Office Building which was first occupied prior to 1 January 2002.

32.8 In the definition for **"Generating System"** omit "essential to their functioning as single entities" after "and all the related equipment" and insert "capable of functioning as a single entity"

32.9 In the definition for **"Implementation Date"** omit "project commences" after "greenhouse gas emissions resulting from a" and insert "Demand Side Abatement Project first commences. In the case of a single Demand Side Abatement Project that involves multiple Installations or occurs across multiple Sites, it means the date on which the reduction in greenhouse gas emissions resulting from the first Installation or occurring at the first Site commences. In the case of an Installation where NGACs are calculated using the Default Abatement Factors method, it means the date on which the Installation was commissioned or reached practical completion, or, if a lesser Confidence Factor applies, the date on which the Installations are sold or receipt acknowledged"

32.10 In the definition for **"Installation"** omit "is part of the same process or system that causes or controls the consumption of energy" after "consuming energy, and other equipment that" and insert "causes, controls or influences the consumption of energy, and includes (in the context of clause 10.8) a New Office Building"

32.11 After the definition for **"Installation"** omit the definitions for **"Installed"**, **"NSW Electricity Network"**, **"LUAC"**, **"LUAC Rule"** and **"New Installations"** and insert as separate definitions

"**"New Installation"** means an Installation where no Installation of the same type, function, output or service was previously in its place (but does not include additional components installed in the course of modifying an Installation), and includes (in the context of clause 10.8) a New Office Building.

"New Office Building" means an Office Building which was first occupied on or after 1 January 2002."

32.12 After the definition for **"NGAC"** omit the definition for **"NSW Electricity Network"** and insert as a separate definition

"**"NSW Electricity Network"** means all electricity Transmission Systems and Distribution Systems located in New South Wales."

32.13 After the definition for **"NSW Electricity Network"** omit the definition for **"NSW Pool Coefficient"** and insert as a separate definition

"**"NSW Pool Coefficient"** is defined in section 97AB of the Act and determined by the Tribunal under section 97BF of the Act, in accordance with clause 9.1 of the Compliance Rule. The relevant NSW Pool Coefficient for the purposes of this Rule is that for the year in which the abatement occurred."

32.14 In the definition for **"ORER"** after "Office of the Renewable Energy Regulator" insert "established under the RE(E) Act"

32.15 After the definition for **"ORER"** insert as a separate definition

"**"Previous Rule"** means the Greenhouse Gas Benchmark Rule (Demand Side Abatement) that commenced on 3 October 2003."

32.16 After the definition for **"RE(E) Act"** insert as a separate definition

"**"RE(E) Regulation"** means the *Renewable Energy (Electricity) Regulations 2001* (Cth)."

32.17 In the definition for **"Renewable Energy Source"** omit "sections 17(1) and (2) of" after "eligible renewable energy source under"

32.18 In the definition for **"Site"** omit "meter. This includes utility meters" after "is measured by the same" and insert "utility meter"

32.19 In the definition for **"Site"** omit "and" after "under the National Electricity Code," and insert "or by"

32.20 In the definition for **"Site"** after "approved by the Scheme Administrator" insert "(whether alone or in combination with the utility meter)"

32.21 In the Note after the definition for **"Site"** omit "installation" after "become only that part of the" and insert "Installation"

32.22 After the Note omit the definition for **"the Act"** and insert as a separate definitions

"**"Total Greenhouse Gas Emissions"** is defined in Equation 6.

"Transmission System" is a "transmission system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code."

[33] Clause 13.3

After clause 13.2 renumber existing clause 13.3 as clause 13.4 and insert new clause 13.3

"13.3 A reference in this Rule to an entitlement to create a number of NGACs is to be taken as an entitlement to create a lesser number of NGACs."

[34] Clause 13.5

After clause 13.4 insert new clause 13.5

"13.5 A reference to accreditation in respect of a Demand Side Abatement Project means accreditation in respect of Demand Side Abatement from the Demand Side Abatement Project."

[35] Schedule A Table 1: Default Emissions Abatement Factors

35.1 Omit the column titled "**Default Service Lifetime (in years)**"

35.2 In the first row (not including the title row) in the column titled "**Installation**" omit "Gas" before "storage or instantaneous hot water" and insert "Natural gas (or LPG)"

35.3 In the second row (not including the title row) in the column titled "**Installation**" omit "Gas" before "boosted solar hot water" and insert "Natural gas (or LPG)"

35.4 In the third row (not including the title row) in the column titled "**Installation**" after "Compact fluorescent lamp" insert "that has a manufacturer's rating of 8,000 hours or more"

35.5 After the third row (not including the title row) insert a new fourth row with the entry in the column titled "**Installation**" being "Compact fluorescent lamp that has a manufacturer's

rating of 5,000 hours or more" and the entry in the column titled "**Default Emissions Abatement Factors**" being "0.3"

35.6 In the fifth row (not including the title row) in the column titled "**Default Emissions Abatement Factors**" omit "4.5" and insert "4.0"

35.7 In the sixth row (not including the title row) in the column titled "**Installation"** omit "which could be using either electricity or natural gas as an energy source" after "connected to a hot water system" and insert "for which the energy source is not known"

35.8 In the sixth row (not including the title row) in the column titled "**Default Emissions Abatement Factors**" omit "3.5" and insert "3.1"

35.9 After Table 1 omit the definition of **"High Efficiency Motor"**

[36] Schedule A Table 3c: Default loss savings from Power Factor Correction at end-user's premises

In the second row (not including the title row) in the column titled "**Size of PFC installation covered by this default formula"** omit "end-user Site" after "1000 kVAr installed at an" and insert "End-User Complex"

[37] Schedule A Table 4: Average Distribution Loss Factor

37.1 In the Note after Table 2 omit "distribution network" after "distribution losses for the NSW" and insert "Distribution System"

37.2 In the Note after Table 3 omit "transmission network" after "Installations connected to the" and insert "Transmission System"

[38] Schedule A Table 5: Baseline Length Factor

Omit Table 5

SCHEDULE 2

Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003

Frank Ernest Sartor, MP
Minister for Energy and Utilities

1 Name and commencement

1.1 This Rule is the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* and commences on 11 June 2004.

1.2 At its commencement, this Rule amends the *Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003* that commenced on 3 October 2003 (Previous Rule), to the extent that this Rule differs from the Previous Rule.

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

(a) the accreditation of Abatement Certificate Providers (in respect of demand side abatement activities) after the commencement of this Rule (regardless of the date of application for accreditation);

(b) the calculation and creation of New South Wales Greenhouse Abatement Certificates (NGACs) (in respect of demand side abatement activities) registered after the commencement of this Rule (regardless of the date of accreditation of the Abatement Certificate Provider), subject to clauses 1.4 and 1.5; and

(c) the ongoing eligibility of a person to remain accredited as an Abatement Certificate Provider for the purpose of the Scheme Administrator exercising its powers under the Act and Regulations, after the commencement of this Rule, to vary, suspend or cancel a person's accreditation as an Abatement Certificate Provider (in respect of demand side abatement activities).

1.4 A person who, before 31 December 2004:

(a) is accredited as an Abatement Certificate Provider (in respect of demand side abatement activities); or

(b) has made an application, acceptable to the Scheme Administrator, to become an Abatement Certificate Provider (in respect of demand side abatement activities), and is subsequently accredited as an Abatement Certificate Provider under this Rule pursuant to that application,

may elect (such election to be made only once) to calculate its entitlement to create NGACs in respect of demand side abatement activities occurring on or before 31 December 2004 under either the Previous Rule or this Rule.

1.5 A person who, on or before 31 December 2004, is accredited as an Abatement Certificate Provider (in respect of demand side abatement activities) may calculate its entitlement to create NGACs in respect of demand side abatement activities occurring on or before 31 December 2007 using the 30% default factor under Equations 13 and 16 of the *Gas Benchmark Rule (Generation) No. 2 of 2003* which commenced on 3 October 2003, rather

than the default factor under those Equations of that Rule as amended since that date, if the person would otherwise have been entitled to use that 30% default factor under the Previous Rule.

1.6 If a person to whom clause 1.4 or 1.5 applies is accredited as an Abatement Certificate Provider after the commencement of this Rule, the Scheme Administrator must assess the application for accreditation using the eligibility criteria under this Rule.

2 Objects of the Rule

The object of this Rule is to provide specific arrangements for the creation and calculation of NGACs where greenhouse gas emissions are reduced through increased efficiency of electricity consumption, eligible on-site electricity generation, and substitution of sources of energy for electricity or substitution of electricity for other sources of energy. The Rule aims to reduce greenhouse gas emissions through measures associated with the demand for electricity.

3 Application of the Rule

Without limiting the persons to whom this Rule applies, this Rule applies to Abatement Certificate Providers accredited to create NGACs in respect of Demand Side Abatement in accordance with Part 8A Division 4 of the Act, the Regulations and this Rule.

4 Status and Operation of the Rule

This Rule is a Greenhouse Gas Benchmark Rule made under Part 8A of the Act.

5 Eligibility to be an Accredited Abatement Certificate Provider in respect of Demand Side Abatement

A person is eligible to be an Accredited Abatement Certificate Provider under this Rule if:

(a) the person is an *Abator*, as that term is defined in clause 8.1; and

(b) the accreditation is in respect of *Demand Side Abatement*, as that term is defined in clause 7.

Note: Under the Regulations, a person must also have record keeping arrangements with respect to the activity approved by the Scheme Administrator. Further matters must also be satisfied under the Regulations if the accreditation is in respect of a proposed (rather than existing) Demand Side Abatement Project.

6 Persons eligible to create NGACs under this Rule

6.1 Despite any other provision in this Rule only Accredited Abatement Certificate Providers accredited for the purpose set out in clause 5 may create NGACs under this Rule.

6.2 A person may not create NGACs in respect of greenhouse gas abatement if that person or another person has previously validly created NGACs or LUACs in respect of the same abatement, whether under this Rule, the Previous Rule or any other Benchmark Rule.

7 Activities that constitute Demand Side Abatement

7.1 *Demand Side Abatement* as defined in this Rule is:

(a) an "activity" for the purposes of the Act;

(b) an "existing demand side abatement activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *Demand Side Abatement* before the Implementation Date of the *Demand Side Abatement Project* giving rise to it; and

(c) a "proposed demand side abatement activity" for the purposes of the Regulations if a person is accredited as an Abatement Certificate Provider in respect of that *Demand Side Abatement* before the Implementation Date of the *Demand Side Abatement Project* giving rise to it.

7.2 *Demand Side Abatement* is the ongoing operation of the changes implemented by a Demand Side Abatement Project that promotes a reduction in greenhouse gas emissions.

7.3 *Demand Side Abatement* does not include any reduction in greenhouse gas emissions prior to 1 January 2003, regardless of the Implementation Date of the *Demand Side Abatement Project*.

7.4 *Demand Side Abatement Project* is a project:

(a) implemented or to be implemented in New South Wales;

(b) which has or will have an Implementation Date on or after:

(i) 1 January 2002;

(ii) 1 January 1997 in respect of an activity that was validly claimed as Electricity Sales Foregone under the Emissions Workbook;

(iii) 1 January 1997 in respect of a Generating System that generates electricity using Renewable Energy Sources; or

(iv) 1 July 1997 in respect of a Generating System having a nameplate rating of 30MW or less that generates electricity using Fossil Fuels; and

(c) that results or will result in reduced greenhouse gas emissions compared with the greenhouse gas emissions without that project by:

(i) modifying Installations or usage of Installations (including installing additional components) resulting in a reduction in the consumption of electricity compared to what would have otherwise been consumed;

(ii) replacing an Installations with another Installation or Installations that consume less electricity;

(iii) installing New Installation that consumes less electricity than other Installations of the same type, function, output or service;

(iv) substituting an Installation using other sources of energy for an Installation using electricity, or substituting an Installation using electricity for an Installation using other sources of energy; or

(d) substituting electricity from a Generating System for electricity from another source, to supply End-User Equipment within the same End-User Complex as the Generating System.

7.5 For the purposes of clause 7.4, the Scheme Administrator may in its discretion determine whether a project that involves multiple Installations or occurs across multiple Sites constitutes one or more Demand Side Abatement Projects.

7.6 The Scheme Administrator may determine whether a Demand Side Abatement Project which was previously claimed as Electricity Sales Foregone, but which has in some manner changed since it was so claimed:

(a) constitutes the same Demand Side Abatement Project as was previously claimed; or

(b) also includes a new Demand Side Abatement Project to the extent of the change,

having regard to whether the classification as one or more Demand Side Abatement Projects produces outcomes consistent with the objects of the Scheme.

7.7 Demand Side Abatement Projects do not include activities:

(a) of electricity supply by a retail supplier, or electricity purchase from a retail supplier by a customer, from the NSW Electricity Network, under a representation by the retail supplier that there is a reduction in greenhouse gas emissions because the electricity supplied is connected with, or represents an amount equal to, the generation of electricity from a particular energy source;

Note: This is intended to exclude from this Rule the creation of NGACs because of the purchase of electricity under "Green Power" accredited or similar schemes that is eligible to create NGACs or RECs at the point of generation.

(b) within the NSW Electricity Network to reduce losses in the distribution or transmission of electricity;

Note: No Rules covering reduced losses in the NSW Electricity Network from activities within the NSW Electricity Network are being developed at this stage. Reduced losses from Demand Side Abatement by improving the power factor of a Site can be claimed using the Project Impact Assessment Method in clause 9.

(c) to install solar hot water heating systems that are eligible to create RECs; or

(d) that reduce electricity consumption by reducing the scope or quantity of production or service derived from the use of that electricity.

Note: Reduced energy consumption not due to specific actions to improve efficiency or other eligible activities does not qualify as a Demand Side Abatement Project. Mild weather, lower

production, closing down part of a site, or reducing the quality or quantity of service derived from the use of that electricity do not qualify as Demand Side Abatement Projects.

Reducing electricity consumption where there is no negative effect on production or service levels (eg reduction of excessive lighting or the installation of more energy efficient equipment) is Demand Side Abatement and is not excluded by this clause.

8 Creation of NGACs from Demand Side Abatement

8.1 The Abator

8.1.1 The *Abator* is:

(a) the person who is:

(i) in respect of a Demand Side Abatement Project whose Implementation Date is prior to 1 July 2002 for which a retail supplier previously claimed Electricity Sales Foregone, that retail supplier;

(ii) in respect of a Demand Side Abatement Project that is a Generating System which has an Implementation Date prior to 1 January 2002 (other than those for which a retail supplier previously claimed Electricity Sales Foregone), the "Generator" as defined under the Generation Rule with respect to that Generating System (as if that definition formed part of this Rule); or

(iii) in respect of any other Demand Side Abatement Project, contractually liable (or otherwise liable if there is no contract) to pay for the energy consumed by End-User Equipment in the Installation or Site that is the subject of the Demand Side Abatement Project at the Implementation Date of the Demand Side Abatement Project ; or

Note: Where confusion exists, the Abator in (iii) above is the retail or wholesale customer that is named in the contract, or if no contract exists is liable (by statute, convention or otherwise) to pay the electricity charges derived from a meter with a National Meter Identifier (NMI) in the National Electricity Market.

(b) a person nominated, to the satisfaction of the Scheme Administrator, to be the Abator in respect of the Demand Side Abatement (nominee) by one of the following persons (nominator):

(i) the person in (a); or

(ii) a person previously nominated to be the Abator,

provided that:

(iii) the nominator has not previously nominated another person to be the Abator, or if the nominator has done so, that previous nomination is not still effective;

(iv) the nomination is in writing and signed by the nominator; and

(v) the nominee consents to the nomination; or

(c) a person whom the Scheme Administrator is satisfied will be a person in (a) or (b), provided that the person will not be entitled to create NGACs unless that person satisfies that criteria at the Implementation Date of the Demand Side Abatement Project.

8.1.2 Without limiting clause 8.1.1(c), in relation to a Demand Side Abatement Project in which the person seeking accreditation proposes to be nominated by multiple persons to be the Abator in relation to multiple Installations and/or Sites, the person is eligible to be accredited in respect of that project even if not all of the nominations have been made as at the date of accreditation, provided that:

(a) the Scheme Administrator approves the form of the nomination and the process by which nomination forms are signed; and

(b) the accreditation in relation to each Installation or Site, and the right to create NGACs in relation to them, only comes into effect upon each respective nomination being made.

Note: Section 97ED(1) of the Act provides that the creation of an NGAC must be registered with the Scheme Administrator for the NGAC to have effect. Section 97ED(4) provides that NGACs are registered with the Accredited Abatement Certificate Provider creating them (that is, the Abator) as the owner.

8.2 Number of NGACs that may be created from Demand Side Abatement

In respect of any Demand Side Abatement, the Abator may create the *Number of NGACs* calculated using:

(a) the Project Impact Assessment Method in clause 9;

(b) the Metered Baseline Method in clause 10;

(c) the Default Abatement Factors Method in clause 11; or

(d) the Generation Emissions Method in clause 12,

provided that:

(e) the Scheme Administrator approves the method used (being one of the methods in (a) to (d)) before any NGACs are created using that method (which approval may be conditional upon applying the method in a particular manner that is permitted under this Rule);

(f) the method used must produce a result reasonably reflecting the extent to which emissions are abated for the Demand Side Abatement undertaken;

(g) assumptions used in that calculation are reasonable and follow common engineering practice;

(h) those NGACs are reasonably attributable to the Demand Side Abatement in respect of which the calculation is made;

(i) in the case of the Project Impact Assessment Method (other than in the case of NGACs brought forward under clause 8.3), the Metered Baseline Method

or the Generation Emissions Method, the time period over which those NGACs are calculated must reasonably reflect to the satisfaction of the Scheme Administrator the time period over which greenhouse gas emissions are abated by the Demand Side Abatement in respect of which the calculation is made;

(j) in the case of NGACs brought forward under clause 8.3, the Scheme Administrator considers that the Demand Side Abatement in respect of which those NGACs are created is reasonably likely to occur during the time period by reference to which those NGACs were calculated;

(k) the calculation includes only greenhouse gas emissions attributable to the consumption or combustion of energy sources classified as stationary energy sources in the National Greenhouse Gas Inventory Methodology; and

(l) emissions or emission reductions due to energy sources other than electricity are only included in the calculations in respect of Demand Side Abatement Projects that substitute other energy sources for electricity, or electricity for other energy sources, or are consumed in Generating Systems that supply End-User Equipment within the same End-User Complex as the Generating System.

8.3 Creation of up to 2000 NGACs able to be brought forward using the Project Impact Assessment Method

Note: Section 97EC(1) of the Act provides that any NGACs may be created immediately after the activity in respect of which it was created takes place. Under this Rule, the relevant "activity" is the Demand Side Abatement; that is, the ongoing effects of a Demand Side Abatement Project. Therefore each NGAC may be created immediately after the reduction in greenhouse gas emissions represented by that NGAC occurs.

However, section 97EC(3) and (4) provides that in certain circumstances the date Demand Side Abatement is deemed to have occurred (for the purpose of NGAC creation) can be brought forward. To reduce transaction costs associated with creating NGACs for smaller projects the Abator may elect to bring forward the creation of up to 2000 NGACs.

When all of any Demand Side Abatement previously brought forward to create NGACs in respect of a Demand Side Abatement Project has actually occurred, another tranche of up to 2000 NGACs can be created, up to the lifetime Demand Side Abatement of the project.

This section does not prevent claims for more than 2000 NGACs in respect of abatement that has already occurred. That is, larger projects abating more than 2000 tonnes of CO_2-e per annum may still claim the entire amount each year, after the abatement has occurred.

8.3.1 For the purposes of section 97EC of the Act, if the number of NGACs entitled to be created and calculated using the Project Impact Assessment Method in respect of any single Demand Side Abatement Project is equal to or less than 2000 per annum, then the Abator may elect for the Demand Side Abatement that gives rise to the entitlement to create the number of NGACs determined in accordance with clause 8.3.2 to be deemed to have occurred (for the purpose of the entitlement to create NGACs but not for any other purpose) on a date determined in accordance with clause 8.3.3.

8.3.2 The maximum number of NGACs that can be created per annum as a result of Demand Side Abatement being deemed to have occurred on a date determined under clause 8.3.3 is the lesser of :

(a) 2000; or

(b) the remaining lifetime number of NGACs entitled to be created in respect of the Demand Side Abatement Project, where such number is determined, to the satisfaction of the Scheme Administrator, with reference to:

(i) the number of NGACs that are otherwise eligible to be created over a given period, determined in accordance with this Rule and to the satisfaction of the Scheme Administrator; and

(ii) any likely performance degradation of the Installation that will tend to result in greenhouse gas emissions abated in one period being lower than greenhouse gas emissions abated in preceding periods of equal duration; and

(iii) the expected lifetime of the Installation, taking into account the characteristics of the equipment, its usage, typical frequency of replacement, and the use of the Site and Installation remaining the same.

8.3.3 The date on which the Demand Side Abatement is deemed to occur under clause 8.3.1 is the latter of:

(a) 1 January 2003; or

(b) the Implementation Date of the Demand Side Abatement Project; and

(c) the first date by which all of any Demand Side Abatement previously brought forward under clause 8.3.1 to create NGACs in respect of the same Demand Side Abatement Project has actually occurred.

8.4 Adjustment of number of NGACs that may be created for GGAP funded projects

Despite any other provision in this Rule, if on or after 1 January 2003 approval for GGAP funding has been granted for a project, the maximum number of NGACs that an Accredited Abatement Certificate Provider can create under this Rule from the number of tonnes of carbon dioxide equivalent of greenhouse gas emissions abated by the project equals the percentage of the total number of NGACs that it is otherwise entitled to create under this Rule from that project corresponding to the percentage of project funding that is not provided by GGAP.

Note: For example, if GGAP funding represents 20% of total project funding, then the Accredited Abatement Certificate Provider can only create NGACs for 80% of the eligible abatement achieved.

9 Project Impact Assessment Method

Note: The Project Impact Assessment Method determines the number of NGACs an Accredited Abatement Certificate Provider is entitled to create on the basis of an engineering assessment of only the equipment, process, or system that is the subject of Demand Side Abatement.

The Project Impact Assessment Method is most appropriate when abatement is small compared to site electricity consumption, unexplained variation in baseline energy consumption is high, or baseline energy consumption data for the site is unavailable.

Reduced energy consumption from energy sources other than electricity is only to be used in these calculations where it is a result of a fuel substitution or on-site generation project that is part of the Demand Side Abatement Project.

9.1 Number of NGACs under the Project Impact Assessment Method

Using the Project Impact Assessment Method, *Number of NGACs* is calculated using **Equation 1**.

Equation 1

Number of NGACs = Emissions Abated x Confidence Factor

Where:

- *Number of NGACs* is in t CO_2-e abated
- *Emissions Abated* (in t CO_2-e) is calculated in **Equation 2**
- *Confidence Factor* depends on the type of engineering assessment performed under clause 9.2 and is assigned to the calculation according to clause 9.3

Equation 2

Emissions Abated = Reduced Energy Consumption x Emissions Coefficient

If the consumption of more than one energy source is affected by Demand Side Abatement, Emissions Abated must be calculated for each energy source and totalled, according to the formula:

$$\text{Emissions Abated} = \sum_{S} \text{Reduced Energy Consumption}_s \times \text{Emissions Coefficient}_s$$

Where:

- *Emissions Abated* is in t CO_2-e
- *Reduced Energy Consumption* is the extent to which the energy consumption of the equipment, process, or system is as a consequence of Demand Side Abatement different to what it otherwise would have been and is to be calculated in accordance with the engineering assessment in clause 9.2
- *Emissions Coefficient* is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.
- *S* is each source of energy affected by the Demand Side Abatement
- Units used for each energy source, and the emissions coefficient applicable to each energy source, should be appropriate for that energy source. The units should be MWh for electricity, or GJ for most other energy sources.

9.2 Engineering assessment of Reduced Energy Consumption

Accredited Abatement Certificate Providers choosing to use the Project Impact Assessment Method in respect of any Demand Side Abatement are for the purposes of **Equation 2** to calculate the Reduced Energy Consumption of only the equipment, process, or system the subject of Demand Side Abatement using an engineering assessment or model:

(a) that uses reasonable assumptions and generally accepted engineering methods, models, and formulae;

(b) in which the methods, models and formulae used to assess the Demand Side Abatement are chosen by the Accredited Abatement Certificate Provider, but the assessment is assigned a Confidence Factor under clause 9.3 reflecting the accuracy of the engineering assessment conducted;

(c) that takes account of:

(i) the consumption of the existing equipment, systems or processes, or for the purposes of clause 9.4 a typical New Installation thereof that represents the best existing Installation of that type as described in that section, compared with its replacement;

(ii) the performance of the equipment, systems or processes, including degradation over time;

(iii) the operating characteristics of the equipment, systems or processes, including hours of use, degree of loading, usage, operating patterns and behaviour, ambient conditions and any other relevant factors; and

(iv) any of the default factors set out in Tables 3a, 3b or 3c of Schedule A to this Rule if the variable that the value represents is relevant to the assessment or, if the Accredited Abatement Certificate Provider proposes to use a different value for the same purpose, other values acceptable to the Scheme Administrator.

9.3 Confidence Factor

The *Confidence Factor* is:

(a) 1.0, if the engineering assessment determines energy consumption to a high level of accuracy based on logged or equivalent data from the Installation such as:

(i) hours of operation for the Installation determined from measurements taken over time or other logged data, or a simpler method where this yields an equivalent level of accuracy;

(ii) allowances for any variance in input characteristics and usage, degree of loading, or output characteristics for the Installation over time determined from measurements or other logged data, or a simpler method where this yields an equivalent level of accuracy;

(iii) operating environment and ambient conditions over time for the Installation determined from measurements or other logged data, or a simpler method where this yields an equivalent level of accuracy;

(iv) Installation characteristics using a full performance curve from manufacturers' or measured data, or a simpler method where this yields an equivalent level of accuracy; and

(v) performance degradation of the Installation over time using detailed calculations and manufacturers' or measured degradation characteristics, or a simpler method where this yields an equivalent level of accuracy,

(including where the engineering assessment relies upon default factors from Tables 3a, 3b or 3c of Schedule A to this Rule),

or, if the engineering assessment does not meet the level of accuracy corresponding with those criteria:

(b) 0. 9, if the engineering assessment determines energy consumption to a lesser level of accuracy from that described in (a), based on estimations from logged data, records or equivalent data such as:

(i) hours of operation for the Installation estimated from records, or a simpler method where this yields an equivalent level of accuracy;

(ii) allowances for any variance in input characteristics and usage, degree of loading, or output characteristics for the Installation over time estimated from records, or a simpler method where this yields an equivalent level of accuracy;

(iii) operating environment and ambient conditions over time estimated for the Installation from records or average measurements, or a simpler method where this yields an equivalent level of accuracy;

(iv) Installation characteristics taking account of performance at full and part load or discrete operating modes, or a simpler method where this yields an equivalent level of accuracy; and

(v) estimates of performance degradation of the Installation over time using manufacturers' or other representative degradation characteristics, or a simpler method where this yields an equivalent level of accuracy,

or, if the engineering assessment does not meet the level of accuracy corresponding with those criteria:

(c) 0.8.

9.4 New Installations other than New Office Buildings to be better than best existing installation

For New Installations other than New Office Buildings, before being entitled to create NGACs under clause 8.2(a) an Accredited Abatement Certificate Provider must demonstrate to the Scheme Administrator by reference to:

(a) any benchmarking or performance indicators established and published by a body recognised by the Scheme Administrator, including industry associations;

(b) the type of equipment, process, or system and level of consumption considered typical for new installations, taking into account recent installations of this type of equipment, process, or system and Australian and global developments in technology; and

(c) the type of improved equipment, process, or system proposed to be installed and the level of energy consumption,

that the Number of NGACs calculated are only in respect of greenhouse gas emissions per unit of output or service below the greenhouse gas emissions per unit of output or service from a comparable Installation having:

(d) the lowest greenhouse gas emissions per unit of output or service from energy consumption of all existing Installations having the same function, output or service:

(i) in New South Wales; or

(ii) if there is no such Installation in New South Wales, in Australia; or

(e) if there is no value that can be determined under (d), a level of greenhouse gas emissions per unit of output or service determined by the Scheme Administrator.

10 Metered Baseline Method

Note: The Metered Baseline Method uses measurements of energy consumption "before" the Demand Side Abatement Project takes place to establish a "baseline" energy consumption standard for the Site being considered. The same measurements performed "after" Demand Side Abatement measures have commenced will establish new levels of energy consumption, with the difference representing the impact of the abatement measures.

Emissions Abated are adjusted by a Confidence Factor that is calculated based on the size of the abatement relative to the unexplained variance in the baseline.

The Metered Baseline Method relies on the remainder of the Site operating as it did before the Demand Side Abatement Project was implemented. Where changes other than the Demand Side Abatement Project will affect metered consumption, the results will not reasonably reflect the abatement due to the Demand Side Abatement Project, and NGACs cannot be created using the Metered Baseline Method. Consequently, the Metered Baseline Method should not be used where changes other than the Demand Side Abatement Project have taken place during the baseline period, or are anticipated during the life of the Demand Side Abatement Project for which NGACs will be claimed. This does not prevent additional Demand Side Abatement Projects at the same Site from being implemented and assessed against the original baseline.

10.1 The Metered Baseline Method in this clause 10 may only be used to calculate *Number of NGACs* if measurements made pursuant to this clause 10 are of a standard and duration enabling the *Number of NGACs* to be determined to a level of accuracy satisfactory to the Scheme Administrator.

10.2 Using the Metered Baseline Method, *Number of NGACs* is calculated under:

(a) clause 10.5, using a baseline per unit of output;

(b) clause 10.6, using a baseline unaffected by output;

(c) clause 10.7, using a normalised baseline; or

(d) clause 10.8, using a baseline normalised by means of a methodology adapted from the Australian Building Greenhouse Rating Scheme,

provided that all of the NGACs that the Accredited Abatement Certificate Provider seeks to create in respect of Demand Side Abatement can reasonably be attributed to the corresponding abatement.

10.3 The period over which any baseline is determined under this clause 10, using energy measurements before the Implementation Date of the Demand Side Abatement Project, must include 1 or more periods preceding the implementation of the Demand Side Abatement Project, but after 1 January 1997, excluding any time periods that are not representative of normal operating Site consumption due to factors including plant shutdown or major maintenance. The time periods used to determine the baseline must be acceptable to the Scheme Administrator.

10.4 The Abatement Certificate Provider must use utility meters or other metering equipment acceptable to the Scheme Administrator.

Note: Sub-metering may be used to effectively reduce the size of the Site considered for baseline calculations, thereby increasing abatement relative to the baseline and hence the confidence factor.

10.5 Baseline per unit of output

Note: This Metered Baseline Method is most appropriate where consumption is strongly linked to output (for example, in aluminium smelting). Where the relationship is non-linear, or there are multiple products or changes in raw materials affecting consumption, another method of normalising the baseline should be used.

Increased or decreased consumption of energy sources other than electricity should only be included where the change in the consumption of that energy source is directly related to the Demand Side Abatement Project (that is for fuel substitution and generation projects). Reductions in consumption of other sources of energy that are not related to projects that primarily reduce emissions from electricity consumption are not included.

Number of NGACs may be calculated using **Method 1**, provided that:

(a) the consumption of all energy sources for the Site are linear functions of output;

(b) Fixed Energy Consumption, which is the energy consumption of the Site that does not vary with variations in output, can be measured or estimated;

(c) output has not changed by more than 50% from the average output over the period during which the *Variable Energy Baseline* was measured, and

(d) the *Variable Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Demand Side Abatement Project, up to a maximum of 5 years, but after 1 January 1997, and excluding any periods after the Implementation Date of the Demand Side Abatement Project that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

Method 1

Step (1)

Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

(a) a minimum of one day and a maximum of one year; and

(b) if there is a regular cycle to the consumption of energy sources on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Emissions Abated*$_s$ for each energy source, S, affected by the Demand Side Abatement Project by repeating Steps (2A) to (2G) for each energy source, and for each time period T_a by reference to which the Abator seeks to create NGACs by repeating Steps (2E) to (3) for each such period..

Step (2A)

The *Fixed Energy Consumption* (in MWh or GJ) is the consumption of energy source, S, for the Site that does not vary with variations in output, and is:

- determined by estimating or extrapolating from measurements taken during plant downtime or estimated or determined mathematically from multiple periods;
- a reasonable reflection of the consumption unaffected by output, and will lead to emissions abated calculations that are reasonable, and
- over a period before Demand Side Abatement commences and the duration of which is equal to the Measurement Period.

Step (2B)

Calculate *Variable Consumption*$_{Tb}$ (in MWh / unit of output or GJ / unit of output) for *n* time periods *Tb*:

(Total Consumption$_{Tb}$ – Fixed Energy Consumption) / Output $_{Tb}$

Where:

- *Tb* denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Total Consumption*$_{Tb}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time period Tb

- $Output_{Tb}$ is the number of units of output during each time period Tb
- *n* is the number of time periods, Tb, where *n* must be at least 1

Step (2C) Calculate *Variable Energy Baseline* (in MWh / unit of output or GJ / unit of output):

$$\{\sum_{T=1}^{n} \text{Variable Consumption}_{Tb}\} / n$$

Step (2D) Calculate *Baseline Variability* (in MWh / unit of output or GJ / unit of output), which is the unexplained variance in the baseline, as:

- where n > 2:

  Baseline Variability = (Maximum Variable Consumption_{Tb} – Minimum Variable Consumption_{Tb}) / 2

- where n≤ 2:

  Baseline Variability = 10% of Variable Energy Baseline

Where:

- $Maximum\ Variable\ Consumption_{Tb}$ is the value for Variable Consumption_{Tb} that is the greatest of all *n* time periods *Tb*
- $Minimum\ Variable\ Consumption_{Tb}$ is the value for Variable Consumption_{Tb} that is the lowest of all *n* time periods *Tb*

Step (2E) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each time period T_a by reference to which the Abator seeks to create NGACs:

(Output_{Ta} x Variable Energy Baseline + Fixed Energy Consumption) - $\text{Total Consumption}_{Ta}$

Where:

- *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- $Total\ Consumption_{Ta}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period Ta
- $Output_{Ta}$ is the number of units of output during the time period Ta.

Step (2F) Calculate *Confidence Factor*:

Confidence Factor = 1 - (Baseline Variability / Variable Energy Baseline)

Step (2G) Calculate Emissions $Abated_s$ (in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:

Emissions Abated$_s$ = Reduced Energy Consumption x Confidence Factor x Emissions Coefficient$_s$

Where:

- *Emissions Coefficient$_s$* is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (3) Calculate *Number of NGACs* (in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:

If $\sum_S$ Emissions Abated$_s \geq 0$:

Number of NGACs = $\sum_S$ Emissions Abated$_s$

or

If $\sum_S$ Emissions Abated$_s < 0$:

Number of NGACs = 0

10.6 Baseline unaffected by output

Note: This Metered Baseline Method is most appropriate where consumption is not linked to output. For example, schools and swimming pools.

Number of NGACs may be calculated using **Method 2**, provided that

(a) the consumption of all energy sources for the Site is independent of output; and

(b) the *Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Demand Side Abatement Project, to a maximum duration of 5 years, but after 1 January 1997, and excluding any periods that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

Method 2

Step (1)

Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

(a) a minimum of one day and a maximum of one year; and

(b) if there is a regular cycle to the consumption of energy sources on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Emissions Abated*$_s$ for each energy source, S, affected by the Demand Side Abatement Project by repeating Steps (2A) to (2E) for each energy source, and for each time period T_a by reference to which the Abator seeks to create NGACs by repeating Steps (2C) to (3) for each such period.

Step (2A) Calculate *Energy Baseline* (in MWh or GJ):

$$\{\sum_{T=1}^{n} \text{Total Consumption}_{Tb}\} / n$$

Where:

- *Tb* denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Total Consumption*$_{Tb}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time periods Tb
- *n* is the number of time periods, Tb, where *n* must be at least 1

Step (2B) Calculate *Baseline Variability*(in MWh or GJ), which is the variance in the baseline, as:

where n > 1:

Baseline Variability = (Maximum Total Consumption$_{Tb}$ – Minimum Total Consumption$_{Tb}$) / 2

where n =1:

Baseline Variability = 10% of Energy Baseline

Where:

- *Maximum Total Consumption*$_{Tb}$ is the value for Total Consumption$_{Tb}$ that is the greatest of all *n* time periods *Tb*
- *Minimum* Total *Consumption*$_{Tb}$ is the value for Total Consumption$_{Tb}$ that is the lowest of all *n* time periods *Tb*
-

Step (2C) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each

time period T_a by reference to which the Abator seeks to create NGACs:

Energy Baseline - Total Consumption$_{Ta}$

Where:

- *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption$_{Ta}$* (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period Ta

Step (2D) Calculate *Confidence Factor*:

Confidence Factor = 1 - (Baseline Variability / Energy Baseline)

Step (2E) Calculate *Emissions Abated$_s$* (in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:

Reduced Energy Consumption x Confidence Factor x Emissions Coefficient$_s$

Where:

- *Emissions Coefficient$_s$* is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (3) Calculate *Number of NGACs* (in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:

If $\sum_S$ Emissions Abated$_s \geq 0$:

Number of NGACs = $\sum_S$ Emissions Abated$_s$

or

If $\sum_{S}$ Emissions Abated$_s$ < 0:

Number of NGACs = 0

10.7 Normalised baselines

Note: This Metered Baseline Method normalises energy consumption for a Site to remove explainable variation from the baseline. For example, adjusting for variations in ambient conditions or variations in input characteristics. The factors chosen for the normalisation must cause the variability that is removed and not be the result of spurious correlations.

Option C of the International Performance Measurement and Verification Protocol can be used for guidance as to the normalisation of baselines, particularly for complex cases.

Number of NGACs may be calculated using **Method 3**, provided that

(a) the *Normalisation Variables* in respect of which the *Total Consumption* is normalised are variables corresponding to factors that are a reason for change in *Total Consumption*; and

(b) the *Normalised Energy Baseline* is calculated using data from periods immediately preceding the Implementation Date of the Demand Side Abatement Project, to a maximum duration of 5 years, but after 1 January 1997, and excluding any periods that are not representative of long term Site consumption due to factors including plant shutdown or major maintenance. Where this is not possible, due to data unavailability or other reasons, a baseline may be set using other periods acceptable to the Scheme Administrator.

Method 3

Step (1)

Select a *Measurement Period* acceptable to the Scheme Administrator, that will be the duration of time over which all measurements in this Method will be taken and that is:

(a) a minimum of one day and a maximum of one year; and

(b) if there is a regular cycle to the consumption of energy sources on the Site, an integer multiple of the period of that cycle.

Step (2) Determine *Emissions Abated$_s$* for each energy source, S, affected by the Demand Side Abatement Project by repeating Steps (2A) to (2F) for each energy source, and for each time period T_a by reference to which the Abator seeks to create NGACs by repeating Steps (2D) to (3) for each such period. .

Step (2A) Calculate *Normalised Consumption$_{Tb}$* (in MWh or GJ) for *n* time periods *Tb* by normalising the Total Consumption$_{Tb}$ to determine the consumption that would have occurred for period Tb had the conditions at time Ta existed, using:

(a) a set of normalisation coefficients, which are one or more coefficients calculated to account for the variation in Total Consumption$_{Tb}$ per unit

of change for each corresponding Normalisation Variable used in (b); and

(b) a set of values, which are the difference between the values of the Normalisation Variables for each time period Tb, and the values of the Normalisation Variables for one time period Ta, determined by measurements or other data sources.

Where:

- *Tb* denotes a time period, before the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption*$_{Tb}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over each time period Tb
- *n* is the number of time periods, Tb, where *n* must be at least 1
- *Normalisation Variables* are the variables in respect of which the Total Consumption$_{Tb}$ is normalised and must correspond to factors that are a reason for change in Total Consumption$_{Tb}$

Step (2B) Calculate *Normalised Energy Baseline*(in MWh or GJ):

$$\{\sum_{T=1}^{n} \textit{Normalised Consumption}_{Tb}\} / n$$

Step (2C) Calculate *Baseline Variability* (in MWh or GJ), which is the unexplained variance in the baseline, as:

where n > 1:

Baseline Variability = (Maximum Normalised Consumption$_{Tb}$ – minimum Normalised Consumption$_{Tb}$) / 2

where n =1:

Baseline Variability = 10% of Normalised Energy Baseline

Where:

- Maximum *Normalised Consumption*$_{Tb}$ is the value for Normalised Consumption$_{Tb}$ that is the greatest of all *n* time periods *Tb*
- Minimum *Normalised Consumption*$_{Tb}$ is the value for Normalised Consumption$_{Tb}$ that is the lowest of all *n* time periods *Tb*
- Step (2D) Calculate *Reduced Energy Consumption* (in MWh or GJ) for each time period T_a by reference to which the Abator seeks to create NGACs:

Normalised Energy Baseline - Total Consumption $_{Ta}$

Where:

- *Ta* denotes a time period, after the Implementation Date of the Demand Side Abatement Project, the duration of which is equal to the Measurement Period
- *Total Consumption*$_{Ta}$ (in MWh or GJ) is the consumption of energy source, S, for the Site measured by metering that consumption over a time period Ta

Step (2E) Calculate *Confidence Factor*:

Confidence Factor = 1 - (Baseline Variability / Normalised Energy Baseline)

Step (2F) Calculate *Emissions Abated*$_s$ (in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:

Reduced Energy Consumption x Confidence Factor x Emissions Coefficient$_s$

Where:

- *Emissions Coefficient*$_s$ is:
  - for electricity supplied from a Transmission System or Distribution System, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
  - for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (3) Calculate *Number of NGACs* (in t CO_2-e) for each time period T_a by reference to which the Abator seeks to create NGACs:

If $\sum_S$ Emissions Abated$_s \geq 0$:

$$Number\ of\ NGACs = \sum_S Emissions\ Abated_s$$

or

If $\sum_{S}$ Emissions Abated$_s$ < 0:

Number of NGACs = 0

10.8 Office Building Australian Building Greenhouse Rating Scheme baseline

Note: This Metered Baseline Method is one acceptable method for normalising baselines for New or Existing Office Buildings.

Number of NGACs may be calculated using **Method 4** only for New or Existing Office Buildings.

Method 4

Step (1)

The *Measurement Period* is the duration of time over which all measurements in this Method will be taken and is twelve months.

Step (2) *Normalised Emissions Baseline* (in kg CO_2-e / m^2) is:

(a) for a New Office Building, the normalised emissions per unit of area that is the lesser of:

(i) the threshold for achieving an ABGR 4 star rating; or

(ii) the minimum ABGR rating required for the Office Building by a consent authority, as that term is defined in the *Environmental Planning and Assessment Act 1979*,

corrected to use instead of the ABGR default emission factor, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or

(b) for an Existing Office Building, calculated as

$$\{\sum_{T=1}^{n} \textit{Normalised Emissions}_{Tb}\} / n$$

Where:

- *Tb* denotes a time period, before the Implementation Date of a Demand Side Abatement Project, the duration of which is equal to the Measurement Period, and where each time period is mutually exclusive with each other such time period
- *Normalised Emissions*$_{Tb}$ (in kg CO_2-e / m^2) is for the Site the normalised emissions per unit of area, over mutually exclusive time periods, Tb, before the Implementation Date of the Demand Side Abatement Project,

determined under the ABGR modified to use:

- for all electricity supplied from a Transmission System or Distribution System including Green Power as that term is used in the National Green Power Accreditation Program, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or
- for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

- *n* is the number of time periods, Tb, before Demand Side Abatement, and *n* must be at least 1.

Step (3) *Baseline Variability*, which is the unexplained variance in the baseline, is:

(a) for a New Office Building, 0; or

(b) for an Existing Office Building, calculated as:

where n > 1:

Baseline Variability = (Maximum Normalised Emissions$_{Tb}$ – Minimum Normalised Emissions$_{Tb}$) / 2

where n =1:

Baseline Variability = 5% of Normalised Emissions Baseline

Where:

- *Maximum Normalised Emissions$_{Tb}$* is the value for Normalised Emissions$_{Tb}$ that is the greatest of all *n* time periods *Tb*
- *Minimum Normalised Emissions$_{Tb}$* is the value for Normalised Emissions$_{Tb}$ that is the lowest of all *n* time periods *Tb*

Step (4) Calculate the *Emissions Abated* as*:*

Normalised Emissions Baseline - Normalised Emissions$_{Ta}$

Where:

- *Emissions Abated* is in kg CO_2-e / m^2
- *Normalised Emissions$_{Ta}$* (in kg CO_2-e / m^2) is for the Site the normalised emissions per unit of area, for a time period Ta after Demand Side Abatement and the duration of which is equal to the Measurement Period, determined under the ABGR modified to use:

  - for all electricity supplied from a Transmission System or Distribution System including Green Power as that term is used

in the National Green Power Accreditation Program, the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule. For electricity supplied from a Distribution System rather than from a Transmission System, this is to be multiplied by Average Distribution Loss Factor set out in Table 4 of Schedule A to this Rule; or

- for other energy sources, the Carbon Dioxide Emissions Factor for that Energy Source and its Application/Usage set out in **Table 2** of Schedule A to this Rule or another value acceptable to the Scheme Administrator.

Step (5) Calculate *Confidence Factor*:

Confidence Factor = 1 - (Baseline Variability / Normalised Emissions Baseline)

Step (6) Calculate *Number of NGACs* (in t CO_2-e):

If Emissions Abated ≥ 0:

Number of NGACs = Emissions Abated x Net Lettable $Area_{Ta}$ x (Gross $Emissions_{Ta}$ / Normalised $Emissions_{Ta}$) x Confidence Factor / 1000

or

If Emissions Abated x Net Lettable $Area_{Ta}$ x (Gross $Emissions_{Ta}$ / Normalised $Emissions_{Ta}$) x Confidence Factor < 0:

Number of NGACs = 0

Where:

- *Net Lettable* $Area_{Ta}$ (in m^2) is the occupied net lettable area of the building determined in accordance with the ABGR for the period Ta
- *Gross* $Emissions_{Ta}$ (in kg CO_2-e / m^2) is the uncorrected Greenhouse Gas emissions for the period Ta

11 Default Abatement Factors Method

Note: The Default Abatement Factors Method can be used for the installation of common equipment such as refrigerators and certain electric motors. A program of multiple installations of the same type is considered a single Demand Side Abatement Project.

11.1 The Default Abatement Factors Method in this clause 11 may only be used to calculate *Number of NGACs* if the Installation is listed in **Table 1**

Note: The Default Abatement Factors in Table 1 take account of failures or removal of an item after the Implementation Date and before the end of its normal service life.

11.2 Using the Default Abatement Factors Method, *Number of NGACs* is calculated using **Equation 3**.

11.3 Where *Number of NGACs* is calculated using the Default Abatement Factors Method in this clause 11, the Demand Side Abatement that is the subject of that calculation is deemed to have taken place (for the purpose of the entitlement to create NGACs but not for any other purpose) on the later of: .

(a) 1 January 2003; and

(b) the Implementation Date of the relevant Installation or Installations.

Equation 3

Number of NGACs = Number of Installations x Abatement Factor x Installation Discount Factor

Where:

- *Number of NGACs* is in t CO_2-e
- *Number of Installations* is the quantity of a certain type of Installation that has been installed
- *Abatement Factor* is the Default Emissions Abatement Factor corresponding to that type of Installation in **Table 1** of Schedule A to this Rule
- *Installation Discount Factor* is a factor to be applied to take account of the risk that under a particular program design some items may not be installed, and is:
  - 1.0, if the Scheme Administrator is satisfied that the Installation or Installations have been installed, which may be on the basis of a written statement from an appropriately trained person who performed the installation or contractor invoices; or
  - 0.9, if the Scheme Administrator is satisfied that the Installation or Installations have been sold for the purposes of being installed, but does not have sufficient evidence to be satisfied that the Installations have been installed; or
  - 0.8, if the Scheme Administrator is satisfied that a person has taken possession of the Installation or Installations for the purposes of being installed, but does not have sufficient evidence to be satisfied that the Installations have been sold or installed; or
  - another value determined using a methodology approved by the Scheme Administrator.
- In this Equation, a reference to the risk of an item not being installed means the risk of the item not being installed either at all or in New South Wales.

12 Generation Emissions

Note: Where part of the electricity generated is exported into the NSW Electricity Network or an interconnected Transmission or Distribution System, and part is consumed by End-User Equipment within the same End-User Complex as the Generating System, only that part that is so consumed is eligible to create NGACs under this Rule. The remainder is separately eligible to create NGACs under the Generation Rule.

12.1 The Generation Emissions Method in this clause 12 may only be used to calculate *Number of NGACs* to the extent that the electricity generated by a Generating System is supplied to End-User Equipment within the same End-User Complex as the Generating System.

12.1A For the purposes of clause 12.1, electricity generated by a Generating System will be taken to be supplied within the same End-User Complex as the Generating System to the extent that the electricity is not exported into the NSW Electricity Network or a Transmission or Distribution System interconnected with the NSW Electricity Network, regardless of whether or not the owner of the Generating System also owns the relevant End-User Equipment.

12.2 Using the Generation Emissions Method, *Number of NGACs* is calculated using **Equation 4**.

Equation 4

Number of NGACs = Eligible Generation x (NSW Pool Coefficient x Emissions Intensity Adjustment Factor – Emissions Intensity)

Where:

- *Number of NGACs* is in t CO_2-e and is in respect of the time period over which the Eligible Generation occurs
- *Eligible Generation* (in MWh) is calculated in **Equation 5**
- *NSW Pool Coefficient* is the NSW Pool Coefficient determined by the Tribunal using clause 9.1 of the Compliance Rule for the year in which the electricity was generated
- *Emissions Intensity* (in t/MWh) is calculated using **Equation 6**
- *Emissions Intensity Adjustment Factor* is the value in Table 9 of Schedule A to the Generation Rule appropriate to the Generating System being connected at an End-User Complex

Equation 5

Eligible Generation = Self Generated Site Use - RECs Created/MLF x (Self Generated Site Use / Sent Out Generation)

Where:

- *Eligible Generation* is in MWh is in MWh and is in respect of a calendar year or part thereof
- *Self Generated Site* Use (in MWh) is the portion of the electricity generated by the Generating System that is consumed End-User Equipment within the same End-User Complex as the Generating System, determined by:

- metered electricity generated by the Generating System where this is available; or
- calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10.

- *RECs Created* (in MWh) are the number of RECs created and registered with ORER in accordance with the RE(E) Act in respect of the same electricity generation by the Generating System that constituted the *Sent Out Generation*
- *Sent Out Generation* (in MWh), in respect of the Generating System, is Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the Total Greenhouse Gas Emissions. If this metered information is not available it may be determined by calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10
- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System
- *MLF* is the marginal loss factor for the Generating System, as defined in the RE(E) Regulation

Equation 6

Emissions Intensity = Total Greenhouse Gas Emissions / Sent Out Generation

Where:

- *Emissions Intensity* is in t CO_2-e/MWh
- *Total Greenhouse Gas Emissions* (in t CO_2-e) is determined using clause 10 of the Generation Rule, in respect of the time period over which the Eligible Generation occurs
- *Sent Out Generation* (in MWh) is, in respect of the Generating System, Gross Generation less Auxiliary Electricity Use, both measured over the same time period as the Total Greenhouse Gas Emissions. If this metered information is not available, it may be determined by calculating the reduction in electricity supplied by the NSW Electricity Network by either the Project Impact Assessment Method in clause 9 or the Metered Baseline Method in clause 10
- *Gross Generation* means total electricity generated by a Generating System
- *Auxiliary Electricity Use* means electricity consumed by the Generating System

12.3 Using the Generation Emissions Method, in addition to the number of NGACs in clause 12.2, the Abator may create NGACs from that portion of electricity which is used within the same End-User Complex which is:

(a) generated using landfill gas or sewage gas or cogeneration from renewable sources according to, and as if it were the Generator referred to in clause 9.5 of the Generation Rule; or

(b) from cogeneration according to clause 10.2 of the Generation Rule, or if the benefit from the heat is in the form of electricity avoided, from

cogeneration according to the Project Impact Assessment Method under this Rule.

13 Definitions and Interpretation

13.1 In this Rule:

"ABGR" means the Australian Building Greenhouse Rating Scheme Methodology.

"Act" means the *Electricity Supply Act 1995*.

"Benchmark Rules" means the rules under Part 8A, Division 11 of the Act.

"Compliance Rule" means *Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003*.

"Demand Side Abatement" has the meaning given to it in clause 7.

"**Demand Side Abatement Project**" has the meaning given to it in clause 7.

"Distribution System" is a "distribution system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code.

"Electricity Sales Foregone" has the meaning given to it under the Electricity Sales Foregone Framework.

"Electricity Sales Foregone Framework" means the methodology described in the document entitled *Greenhouse Gas Emissions from Electricity Supplied in NSW: Framework for Calculation of Electricity Sales Foregone,* published by the Ministry of Energy and Utilities in February 1999.

"Emissions Workbook" means the methodology described in the document entitled *Greenhouse Gas Emissions from Electricity Supplied in NSW: Emissions Workbook* published by the Ministry of Energy and Utilities in October 2000.

"End-User Complex" is as described in clause 12.1A.

"End-User Equipment" means electricity consuming equipment that is not associated with the generation of electricity or generated ancillary loads.

"Existing Office Building" means an Office Building which was first occupied prior to 1 January 2002.

"Fossil Fuel" means coal seam gas drained from mines as an integrated part of coal mining operations, black coal, brown coal, natural gas, fuels derived from petroleum, or coal seam methane.

"Generation Rule" means *Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003*

"Generating System" means a system comprising one or more of the physical generators of electricity and all the related equipment capable of functioning as a single entity.

"GGAP" means the Greenhouse Gas Abatement Program administered by the Australian Greenhouse Office of the Commonwealth.

"Implementation Date" means the date on which the reduction in greenhouse gas emissions resulting from a project commences. In the case of a single Demand Side Abatement Project that involves multiple Installations or occurs across multiple Sites, it means the date on which the reduction in greenhouse gas emissions resulting from the first Installation or occurring at the first Site commences. In the case of an Installation where NGACs are calculated using the Default Abatement Factors method, it means the date on which the Installation was commissioned or reached practical completion, or, if a lesser Confidence Factor applies, the date on which the Installations are sold or receipt acknowledged.

"Installation" means energy consuming equipment, processes, or systems, including the equipment directly consuming energy, and other equipment that causes, controls or influences the consumption of energy, and includes (in the context of clause 10.8) a New Office Building.

"New Installation" means an Installations where no Installations of the same type, function, output or service was previously in its place (but does not include additional components installed in the course of modifying an Installation), and includes (in the context of clause 10.8) a New Office Building.

"New Office Building" means an Office Building which was first occupied on or after 1 January 2002.

"NGAC" (New South Wales Greenhouse Abatement Certificate) is a transferable abatement certificate under section 97F of the Act, which is created in accordance with the Generation Rule, Sequestration Rule, or this Rule.

"NSW Electricity Network" means all electricity Transmission Systems and Distribution Systems located in New South Wales..

"NSW Pool Coefficient" is defined in section 97AB of the Act and determined by the Tribunal under section 97BF of the Act, in accordance with clause 9.1 of the Compliance Rule. The relevant NSW Pool Coefficient for the purposes of this Rule is that for the year in which the abatement occurred.

"Office Building" means a Site that can be rated under the ABGR.

"ORER" means the Commonwealth Office of the Renewable Energy Regulator established under the RE(E) Act.

"**Previous Rule**" means the Greenhouse Gas Benchmark Rule (Demand Side Abatement) that commenced on 3 October 2003.

"REC" means a renewable energy certificate as defined in s 97AB of the Act.

"RECs Created" is defined in Equation 5.

"**RE(E) Act**" means the *Renewable Energy (Electricity) Act 2000* (Cth).

"**RE(E) Regulation**" means the *Renewable Energy (Electricity) Regulations 2001* (Cth).

"Regulations" means regulations made pursuant to Part 8A of the Act.

"Renewable Energy Source" means an eligible renewable energy source under the RE(E) Act."

"Scheme Administrator" is defined in section 97AB of the Act.

"Sequestration Rule" means *Greenhouse Gas Benchmark Rule (Carbon Sequestration) No.5 of 2003.*

"Site" means all End-User Equipment and Generating Systems for which the electricity consumed or supplied is measured by the same utility meter allocated a National Meter Identifier (NMI) under the National Electricity Code, or by other meters or logging devices measuring a part of this site, and approved by the Scheme Administrator (whether alone or in combination with the utility meter)..

Note: Meters other than utility meters that measure part of the consumption of a Site can be used to "sub-meter" consumption related to Demand Side Abatement. In this case, the Site would become only that part of the Installation that has its consumption recorded by that meter, provided it meets the requirement of the Scheme Administrator.

Meters other than "utility" meters (those allocated a NMI) can only be used to sub-meter loads within an individual Site, not aggregate several Sites.

"Total Greenhouse Gas Emissions" is defined in Equation 6.

"Transmission System" is a "transmission system" (as that term is defined in the National Electricity Code) which is registered under the National Electricity Code.

"Tribunal" has the meaning given to it under the Act.

13.2 Notes in this Rule do not form part of the Rule.

13.3 A reference in this Rule to an entitlement to create a number of NGACs is to be taken as an entitlement to create a lesser number of NGACs.

13.4 For the purpose of this Rule the terms and expressions used in this Rule have the same meaning as in the Act or as defined in Part 8A of the Act, except the terms that are expressly defined in this Rule.

13.5 A reference to accreditation in respect of a Demand Side Abatement Project means accreditation in respect of Demand Side Abatement from the Demand Side Abatement Project.

Schedule A – Default factors and supporting information

Table 1: Default Emissions Abatement Factors

Installation		**Default Emissions Abatement Factors**
Natural gas (or LPG) storage or instantaneous hot water system (not solar) replacing an existing electric hot water system (not solar)		20
Natural gas (or LPG) boosted solar hot water system replacing an electric hot water system (not solar). Additional NGACs for non-solar water heating (solar contribution is claimable as RECs)		6
Compact fluorescent lamp that has a manufacturer's rating of 8,000 hours or more		0.5
Compact fluorescent lamp that has a manufacturer's rating of 5,000 hours or more		0.3
Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system using electricity as its energy source		4.0
Showerhead that has a AAA rating (that is consuming less than 9 L water / minute at a water pressure of 250 kPa), connected to a hot water system for which the energy source is not known		3.1
Refrigerator / freezer	2.5 Star Rating	-
	3 Star Rating	-
	3.5 Star Rating	0.1
	4 Star Rating	0.6
	4.5 Star Rating	1.0
	5 Star Rating	1.4
	5.5 Star Rating	1.8
	6 Star Rating	2.5
Freezer	2.5 Star Rating	-
	3 Star Rating	0.7
	3.5 Star Rating	0.8
	4 Star Rating	0.9
	4.5 Star Rating	1.0
	5 Star Rating	1.1
	5.5 Star Rating	1.2
	6 Star Rating	1.3

Clothes washer	2.5 Star Rating	1.3
	3 Star Rating	1.6
	3.5 Star Rating	1.9
	4 Star Rating	2.2
	4.5 Star Rating	2.5
	5 Star Rating	2.9
	5.5 Star Rating	3.2
	6 Star Rating	3.5
Clothes drier	2.5 Star Rating	-
	3 Star Rating	0.3
	3.5 Star Rating	0.4
	4 Star Rating	0.6
	4.5 Star Rating	0.7
	5 Star Rating	0.9
	5.5 Star Rating	1.0
	6 Star Rating	1.2
Dishwasher	2.5 Star Rating	-
	3 Star Rating	-
	3.5 Star Rating	-
	4 Star Rating	0.1
	4.5 Star Rating	0.2
	5 Star Rating	0.3
	5.5 Star Rating	0.4
	6 Star Rating	0.5

In this Table:

"Star Rating" means the star rating under assigned under the National Appliance and Equipment Energy Efficiency Program

Table 2: Carbon Dioxide Emission Factors

Energy Source	Application / Usage	kt CO_2/ PJ
Coal	Coal used in public electricity generation (ASIC 3611)	92.0
	Coals used in steel industry	93.0
	Black coal used by other industry	90.0
	Brown coal used by industry	88.3
	Coke	119.5
	Coal by-products (gaseous)	37.0
	Coal by-products (coal tar and BTX)	81.0
	Brown coal briquettes	105.0
Petroleum	Liquefied petroleum gas (LPG)	59.4
	Naphtha	66.0
	Lighting kerosene	69.7
	Power kerosene	69.7
	Aviation gasoline	68.0
	Aviation turbine fuel	69.7
	Heating oil	69.7
	Fuel oil	73.6
	Automotive diesel oil (ADO)	69.7
	Industrial diesel fuel (IDF)	69.7
	Refinery fuel	68.1
	Other petroleum products	68.6
	Solvents	66.0
	Lubricants and greases	73.7
	Bitumen	80.7
Gaseous	Natural gas - NSW	50.8
	Natural gas - Victoria	51.0
	Natural gas - SA	50.8
	Natural gas - Queensland	51.1
	Natural gas - ACT	50.8
	Town gas (tempered LPG)	59.0
Biomass	Wood and wood waste (dry)	94.0
	Bagasse	96.8

Table 3a: Default Efficiencies

Application	Device type	Default Efficiency
Electric Water heating	Off peak	85%
	Continuous	90%
Electric Space heating	Resistance	100%
	Reverse cycle	280%
Electric Cooking	Hotplate	60%
	Oven	50%
Electric Industrial heat	Boiler	90%
Natural gas and LPG Water heating	Instantaneous	75%
	Storage	60%
Natural gas and LPG Space heating	Flued heater	70%
Wood space heating	Closed combustion	50%
	Open fire	20%
Natural gas and LPG Cooking	Burners	50%
	Oven	45%
Natural gas and LPG Industrial heat	Boiler	80%
Bagasse Industrial heat	Boiler	60%

Table 3b: Default Efficiency Improvements for High Efficiency Motors

Rating of HEM	Default lifetime (years)	Default efficiency improvement
High Efficiency Motor of less than 3 kW	7	8% of the annual electricity consumption of the motor
High Efficiency Motor of 3-7.5 kW	7	5% of the annual electricity consumption of the motor
High Efficiency Motor of 11-37 kW	7	2.5% of the annual electricity consumption of the motor
High Efficiency Motor of 45-90 kW	7	1.5% of the annual electricity consumption of the motor
High Efficiency Motor of 110-185 kW	7	1% of the annual electricity consumption of the motor

In this table:
"**High Efficiency Motor"** means a motor meeting the High Efficiency levels specified in Australian Standard / New Zealand Standard 1359.5

Table 3c: Default loss savings from Power Factor Correction at end-user's premises

Size of PFC installation covered by this default formula	Default lifetime (years)	Annual energy saving
Power Factor Correction of less than 1000 kVAr installed at an End-User Complex	7	0.06 MWh pa per kVAr installed

Table 4: Average Distribution Loss Factor

Average Distribution Loss Factor
1.058

Note: This is the weighted average of distribution losses for the NSW Distribution System. Transmission losses are already included in the NSW Pool Coefficient determined by the Tribunal in accordance with the Compliance Rule, and no further adjustment is required for Installations connected to the Transmission System.

TENDERS

Department of Commerce

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

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

http://www.tenders.nsw.gov.au

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BATHURST REGIONAL COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given by Bathurst Regional Council that in pursuance of section 10 of the Roads Act 1993, the land as described in the Schedule below is hereby dedicated as public road. D. J. SHERLEY, Acting General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst, NSW 2795.

SCHEDULE

Lot 106, DP 1006130.

[0383]

BEGA VALLEY SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1993

Notice of Compulsory Acquisition of Easements Over Land

THE Bega Valley Shire Council declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993. Dated at Bega this 11th day of June 2004. D. G. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega, NSW 2550.

SCHEDULE

Lot 1, Deposited Plan 1051909.

[0384]

BLUE MOUNTAINS CITY COUNCIL

NOTICE is hereby given that the Council of the City of the Blue Mountains, by resolution of the Council dated 15th July, 2003 has resolved to accept ownership of land known as Lot 102, Deposited Plan 748677, High Street, Glenbrook and dedicate it as a public road pursuant to section 10 of the Roads Act 1993. M. WILLIS, General Manager, Blue Mountains City Council, Locked Bag 5, Katoomba, NSW 2780.

SCHEDULE

The Land shown as Lot 102 in Deposited Plan 748677, High Street, Glenbrook.

[0385]

DUBBO CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Energy Place, Sawmill Street, Glenleigh Road, Kingsley Road and Station Yards Road

NOTICE is hereby given that Dubbo City Council, in pursuance of section 162 of the Roads Act 1993, resolved to name the roads as shown in the Schedule hereunder:

Description	*New Road Name*
Road created in DP 1063583.	Energy Place.
That road parallel to and on the south-eastern side of Dubbo-Coonamble Railway between Wheaton Street and Maiala Road.	Sawmill Street.
That road between Wheaton Street and Caledonia Street being the western boundary of Lots 114, 92 and 93, DP 752579.	Glenleigh Road.
That road being the northern boundary of Lots 101 and 100, DP 752579 and Lot 7010 DP 94707.	Kingsley Road.
That road between Peak Hill Road (Newell Highway) and a southern boundary of Lot 115, DP 753257.	Station Yards Road.

Renaming of Road – Old Homestead Drive

NOTICE is hereby given that Dubbo City Council, in pursuance of section 162 of the Roads Act 1993, resolved to rename the road as shown in the Schedule hereunder:

Description	*New Road Name*
That part of Homestead Drive between Lot 1102, DP 843775 and Lot 1, DP 1050512.	Old Homestead Drive.

No objections to the proposed new names were received within the prescribed period of time. TONY KELLY, General Manager, Dubbo City Council , PO Box 81, Dubbo, NSW, 2830, email dcc@dubbo.nsw.gov.au

[0388]

GREAT LAKES COUNCIL

Roads Act 1993, Section 162

Roads (General) Regulation 2000

Naming of Public Roads – Bromeliad Street, Suncrest Close and Fry's Creek Road

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder.

Description	*Name*
The existing road at the south-east boundary of 6 Cowper Street, Stroud, running north-east off Cowper Street.	Bromeliad Street, Stroud.

The internal cul-de-sac within the proposed 34 lot subdivision of 194 Markwell Road, Bulahdelah.	Suncrest Close, Bulahdelah.
The existing road at the southern boundary of the 34 lot subdivision of 194 Markwell Road, Bulahdelah, running east off Markwell Road.	Fry's Creek Road, Bulahdelah.

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster, NSW 2428.

[0389]

GREAT LAKES COUNCIL

Roads Act 1993, Section 39 and 40

Closure of Temporary Public Road

THE Great Lakes Council hereby advises that the temporary public road between Admiralty Avenue and Windward Circuit at Tea Gardens is hereby closed. This temporary public road is also known as Lot 18 in Community Plan DP 270100 and is no longer required as other public roads will be created in the amended Community Plan DP 270100 to provide access to Windward Circuit. On closure, the land will be transferred to the original subdivider, Crighton Properties Pty Limited. The amended community plan DP 270100 is to be registered at Land Property Information and will take effect immediately following publication of this notice in the *Government Gazette*. KEITH O'LEARY, General Manager, Great Lakes Council, PO Box 450, Forster, NSW 2428. (Council file DA 764/2002).

[0405]

KYOGLE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Kyogle Council declares, with the approval of His Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process in accordance with provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of roads. Dated at Kyogle, 7th November, 1988. K. DAVIES, General Manager, Kyogle Council, c.o. John F. Gibson, Solicitor, 8 Summerland Way, Kyogle, NSW 2474.

SCHEDULE

Lots 102 to 107, DP 873899. Lots 113 to 116, DP 873899.

[0390]

RYDE CITY COUNCIL

Roads Act 1993, Section 10

Notice of Dedication of Public Road

PURSUANT to section 10 of the Roads Act 1993, the Council of the City of Ryde hereby dedicates Lot 2 in Deposited Plan 223727 (Wattle Lane, West Ryde) as a public road. MICHAEL G. McMAHON, Chief Executive, City of Ryde, Locked Bag 2069, North Ryde, NSW 1670.

[0391]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Lands as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 2nd June has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Lots 1, 2 and 3, DP 1060253.

[0392]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Lands as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 2nd June, 2004 has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Lot 1, DP 1060215.

[0393]

TWEED SHIRE COUNCIL

Proposed Naming of Road in Subdivisions

IN pursuance of section 162(1) of the Roads Act 1993, as amended, Council proposes to name the road dedicated in a plan of subdivision of Lot 103 in DP 1034762 at Murwillumbah in the Shire of Tweed as shown below:

'Mount Ernest Crescent'
'Mount Lyndsay Avenue'
'Mount Ballon Avenue'
'Saddle Way'

A period of fourteen (14) days from the date of this notice is allowed for any person to lodge a written objection to the proposed naming. Any objections should state clearly the reasons for such objections. GENERAL MANAGER, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

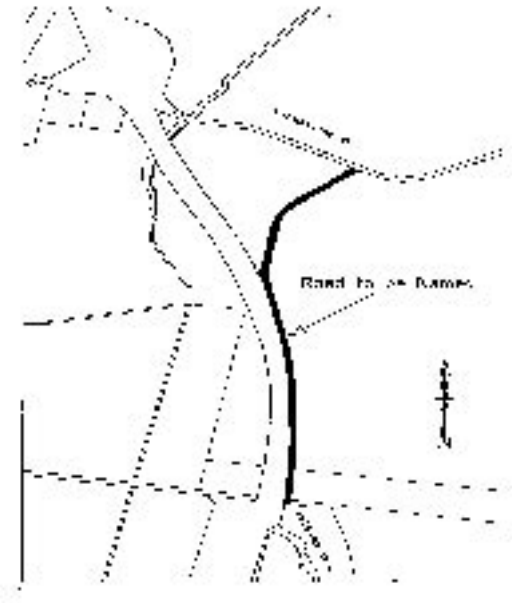
[0394]

TWEED SHIRE COUNCIL

Roads Act 1993

Naming of Public Road – Swamp Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, proposes to name the road which forms a connection between Round Mountain Road and Clothiers Creek Road at Tanglewood as "Swamp Road".



Submissions or objections to the proposal may be made within one month from the date of publication of this notice by writing to the General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484 and quoting File No. R1440 Pt 1.

[0406]

WYONG SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991
Notice of Compulsory Acquisition of Land

THE Wyong Shire Council declares, with the approval of His 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 purposes of an aquatic centre and car park. KERRY YATES, General Manager, Wyong Shire Council, PO Box 20, Wyong, NSW 2259.

SCHEDULE

Lot 51 as shown in DP 561032.

[0407]

ESTATE NOTICES

NOTICE of intended distribution of estate.–Any person having any claim upon the estate of PATRICIA MAY KELTY late of Canley Vale Nursing Home, Canley Vale in the State of New South Wales, machinist, who died on 25th June, 2002 must send particulars of his claim to the administrator, Jennifer Anne Kelty, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown within one (1) calendar month from publication of this notice. After that time the administrator may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Letters of Administration were granted in New South Wales on 5th April, 2004. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644.

[0395]

NOTICE of intended distribution of estate.–Any person having any claim upon the estate of LEONARD ARTHUR MALES late of Taree in the State of New South Wales, who died on 1st April, 2004 must send particulars of his claim to the substituted executor, Darren Brice Males, c.o. McKerns, Lawyers, 43 Isabella Street, Wingham within one (1) calendar month from publication of this notice. After that time the substituted 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 20th May, 2004. McKERNS, Lawyers, 43 Isabella Street, Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922.

[0396]

NOTICE of intended distribution of estate.–Any person having any claim upon the estate of FRANK ALBERT TAYLOR late of Blue Haven in the State of New South Wales, retired, who died on 1st March, 2004 must send particulars of his claim to the executor, Noel Albert Taylor, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy or their agents Turner Whelan, Solicitors, Level 2, 162 Goulburn 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 21st May, 2004. PENINSULA LAW, Solicitors, 103-105 Blackwall Road, Woy Woy, NSW 2256 (DX 8806, Woy Woy), tel.: (02) 4342 1111.

[0404]

COMPANY NOTICES

NOTICE of members' voluntary winding up.–PLANT POWER EQUIPMENT PTY LIMITED, ACN 060 294 948.–Notice is hereby given that in accordance with section 495 of the Corporations Law at an extraordinary general meeting of the abovementioned company held on 21st May, 2004 the following was passed as a Special Resolution: "That the company be wound up and that Graham George Gunn, Chartered Accountant of 64 Tennyson Road, Mortlake, New South Wales be appointed Liquidator for the purpose of winding up." Dated this 4th day of June 2004. G. G. GUNN, Chartered Accountant, 64 Tennyson Road, Mortlake, NSW.

[0397]

NOTICE to declare a dividend.–VARUNA PTY LIMITED (In voluntary liquidation), ACN 008 482 862.–A dividend is to be declared on 23rd July, 2004 for the company. Creditors whose debts or claims have not already been admitted are required on or before 9th July, 2004 to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 7th June, 2004. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000.

[0398]

NOTICE to declare a dividend.–JIMNIELD PTY LIMITED (In voluntary liquidation), ACN 008 482 853.–A dividend is to be declared on 23rd July, 2004 for the company. Creditors whose debts or claims have not already been admitted are required on or before 9th July, 2004 to formally prove their debts or claims. If they do not, they

will be excluded from the benefit of the dividend. Dated 7th June, 2004. J. M. NIELD, Liquidator, c.o. K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000. [0400]

NOTICE to declare a dividend.–WINARO PTY LIMITED (In voluntary liquidation), ACN 008 504 381.–A dividend is to be declared on 23rd July, 2004 for the company. Creditors whose debts or claims have not already been admitted are required on or before 9th July, 2004 to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 7th June, 2004. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000. [0401]

NOTICE to declare a dividend.–LONITRO PTY LIMITED (In voluntary liquidation), ACN 002 569 520.–A dividend is to be declared on 23rd July, 2004 for the company. Creditors whose debts or claims have not already been admitted are required on or before 9th July, 2004 to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 7th June, 2004. M. C. GRACE, Liquidator, c.o. K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000. [0399]

NOTICE to declare a dividend.–NUBEENA PTY LIMITED (In voluntary liquidation), ACN 001 413 921.–A dividend is to be declared on 23rd July, 2004 for the company. Creditors whose debts or claims have not already been admitted are required on or before 9th July, 2004 to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 7th June, 2004. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., 37 Erskine Street, Sydney, NSW 2000. [0402]

OTHER NOTICES

NOTICE of retirement from partnership.–HYDRO ALUMINIUM KURRI KURRI HOLDINGS, A LIMITED PARTNERSHIP.–Pursuant to section 36 of the Partnership Act 1982 (NSW), the partners of Hydro Aluminium Kurri Kurri Holdings, A Limited Partnership, registered as such under that Act, hereby notify the retirement of Mr Birger Otto Hammerstein as a general partner from the partnership, and of the admission of Mr Jens Helmut Kallmeyer to the partnership also as a general partner. These changes took effect on 8th June, 2004. By Order of the Partners, Hydro Australia Kurri Kurri Holdings, A Limited Partnership, c.o. Kemp Strang, GPO Box 475, Sydney, NSW 2001. [0403]

COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Interest in Land at Tumblegum and Dunbible

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice hereto affecting the land described in Schedule 2 of this notice hereto be acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995. Dated at Port Macquarie this 17th day of March 2004. CRAIG MURRAY, Chief Executive Officer, Country Energy, PO Box 786, Port Macquarie, NSW 2444.

SCHEDULE 1

Easement for underground electricity cables 10 and 15 wide as set out in the memorandum 3820073 filed at Land and Property Information NSW. For the purpose of this notice, Lot Burdened means part Crown Road in Deposited Plan 1041919.

SCHEDULE 2

All that piece or parcel of land at Dunbible, Parish of Condong, County of Rous being site of the proposed easement for electricity purposes 10 and 15 wide affecting that part of Crown Road in Deposited Plan 1041919 designated (S). [0386]

COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Interest in Land at Tumblegum and Dunbible

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice hereto affecting the land described in Schedule 2 of this notice hereto be acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995. Dated at Port Macquarie this 17th day of March 2004. CRAIG MURRAY, Chief Executive Officer, Country Energy, PO Box 786, Port Macquarie, NSW 2444.

SCHEDULE 1

Easement for underground electricity cables 10 and 15 wide as set out in the memorandum 3820073 filed at Land and Property Information NSW. For the purpose of this notice, Lot Burdened means part Crown Road in Deposited Plan 1041919.

SCHEDULE 2

All that piece or parcel of land at Tumbulgum, Parish of Condong, County of Rous being site of the proposed easement for electricity purposes 10 and 15 wide affecting that part of Crown Road in Deposited Plan 1010921 designated (S). [0387]

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