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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 11 June 2008

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. 25 2008 – An Act to appropriate additional amounts out of the Consolidated Fund for the year 2007–2008 for the purpose of giving effect to certain Budget variations required by the exigencies of Government. [Appropriation (Budget Variations) Bill].

Act No. 26 2008 – An Act to amend the Growth Centres (Development Corporations) Act 1974 to provide that development corporations constituted under that Act may be governed either by a board or directly by a chief executive; and for other purposes. [Growth Centres (Development Corporations) Amendment Bill].

Act No. 27 2008 – An Act to amend the Medical Practice Act 1992 and the Health Care Complaints Act 1993 with respect to the principles of administration of and the exercise of disciplinary powers under those Acts; and for other purposes. [Medical Practice Amendment Bill].

Act No. 28 2008 – An Act to amend the Superannuation Administration Act 1996 and certain other public sector superannuation Acts with respect to surplus funds in employer reserves and disputes; and for other purposes. [Superannuation Administration Amendment Bill].

RUSSELL D. GROVE, PSM,
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 17 June 2008

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

Act No. 29 2008 – An Act to amend the Marine Parks Act 1997 to make further provision with respect to the management and operation of marine parks; and for other purposes. [Marine Parks Amendment Bill].

RUSSELL D. GROVE, PSM,
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 11 June 2008

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 Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 23, 2008 - An Act to amend various Acts and instruments to make further provision in relation to same sex and other de facto relationships. [Miscellaneous Acts Amendment (Same Sex Relationships) Act 2008].

Act No. 24, 2008 - An Act to amend the Jury Act 1977 with respect to the death and discharge of jurors and to make related amendments to the Criminal Appeal Act 1912; and for other purposes. [Jury Amendment Act 2008].

LYNN LOVELOCK,
Clerk of the Parliaments

Regulations



New South Wales

Dental Technicians Registration Regulation 2008

under the

Dental Technicians Registration Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dental Technicians Registration Act 1975*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Dental Technicians Registration Regulation 2003*, which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the registration of dental technicians,
- (b) the issue of practising certificates to dental prosthetists,
- (c) the order form to be used for technical work,
- (d) the infection control standards that dental technicians are to comply with,
- (e) the requirements in relation to advertising by dental prosthetists,
- (f) the fees payable under the Act,
- (g) savings and formal matters.

This Regulation is made under the *Dental Technicians Registration Act 1975*, including sections 14 (3), 15 (1), (4) and (5) (a), 17 (1), 18A (3), 18B (1) and (2), 18D (2), 27 (b) (ii) and 35 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Dental Technicians Registration Regulation 2008

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Dental Technicians Registration Regulation 2008

under the

Dental Technicians Registration Act 1975

1 Name of Regulation

This Regulation is the *Dental Technicians Registration Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Dental Technicians Registration Regulation 2003* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

AS/NZS 4187 means AS/NZS 4187:2003, *Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities*, as in force from time to time.

AS/NZS 4815 means AS/NZS 4815:2006, *Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment*, as in force from time to time.

Board means the Dental Technicians Registration Board.

Director-General means the Director-General of the Department of Health.

Secretary means the Secretary to the Board.

the Act means the *Dental Technicians Registration Act 1975*.

(2) Notes in this Regulation do not form part of this Regulation.

4 Registration as dental technician

(1) For the purposes of section 15 (1) of the Act, an application for registration as a dental technician is made in the prescribed manner if the application is lodged at the offices of the Board.

Clause 5 Dental Technicians Registration Regulation 2008

- (2) On the registration of a person as a dental technician, the Secretary must prepare and forward to the person a certificate of registration in the form approved by the Board.

5 Practising certificates for dental prosthetists

- (1) For the purposes of section 18B (1) of the Act, an application for a practising certificate for a dental prosthetist is made in the prescribed manner if the application is lodged at the offices of the Board.
- (2) On the granting of a practising certificate to a person as a dental prosthetist, the Secretary must prepare and forward to the person a practising certificate in the form approved by the Board.

6 Order forms for technical work

For the purposes of section 27 (b) (ii) of the Act, the prescribed form is the form in Schedule 1.

7 Infection control standards for dental prosthetists

- (1) A dental prosthetist must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 2 to the extent that they apply to the dental prosthetist in the practice of dental prosthetics.
- (2) In determining whether or not a dental prosthetist has a reasonable excuse for failing to comply with an infection control standard, particular consideration is to be given to:
 - (a) whether the dental prosthetist's employer failed to provide the necessary equipment, including providing access to it and training in its use, that would have enabled the dental prosthetist to comply with the infection control standard, and
 - (b) whether the failure to provide the equipment was reported by the dental prosthetist to the Director-General.

8 Infection control standards for dental technicians (other than dental prosthetists)

- (1) This clause does not apply to dental prosthetists in the practice of dental prosthetics.
- (2) A dental technician must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 3 to the extent that they apply to the dental technician in carrying out technical work.
Maximum penalty: 2 penalty units.

-
- (3) In determining whether or not a dental technician has a reasonable excuse for failing to comply with an infection control standard, particular consideration is to be given to:
- (a) whether the dental technician's employer failed to provide the necessary equipment, including providing access to it and training in its use, that would have enabled the dental technician to comply with the infection control standard, and
 - (b) whether the failure to provide the equipment was reported by the dental technician to the Director-General.

9 Certain advertising prohibited

A dental prosthetist must not advertise his or her services by means of an advertisement that:

- (a) is false, misleading or deceptive or is likely to mislead or deceive, or
- (b) creates an unjustified expectation of beneficial treatment, or
- (c) promotes the unnecessary or inappropriate use of dental prosthetic services.

Maximum penalty: 2 penalty units.

10 Fees

The fees set out in the Table to this clause are the prescribed fees for the purposes of the provisions of the Act set out in that Table.

Table

Provision of the Act	Fee \$
Section 14 (3) (inspection of register)	10
Section 15 (4) (restoration of name to register)	120
Section 15 (5) (a) (registration as dental technician)	120
Section 17 (1) (annual roll fee)	80
Section 18A (3) (inspection of index)	10
Section 18B (2) (grant of practising certificate as dental prosthetist)	120
Section 18D (2) (annual practising fee)	80

11 Savings

Any act, matter or thing that had effect under the *Dental Technicians Registration Regulation 2003* immediately before the commencement of this Regulation is taken to have effect under this Regulation.

Dental Technicians Registration Regulation 2008

Schedule 1 Form

Schedule 1 Form

(Clause 6)

Form 1 Order for the construction, repair or renewal of artificial dentures

Dental Technicians Registration Act 1975
(Section 27 (b) (ii))

From:	Order No.:	To:
.....	
.....	
<i>(Name of dental prosthodontist)</i>		<i>(Name of dental technician)</i>
Address:	Date:	Address:
.....	
.....	
Telephone:

Please carry out the following work:

Name of Patient:		Anterior	Posterior	Instructions:
.....	Teeth		
Case type:	Shade		
.....	(U)		
Date work required:	Mould		
.....	(L)		

Signature of dental prosthodontist:

Dental Technicians Registration Regulation 2008

Infection control standards for dental prosthetists

Schedule 2

Schedule 2 Infection control standards for dental prosthetists

(Clause 7 (1))

Part 1 Preliminary

1 Definitions

- (1) In this Schedule:
 - body substance* includes any human bodily secretion or substance other than blood.
 - patient* includes (but is not limited to) a person who is accessing any medical or health services or who is undergoing any dental treatment.
 - sharps* means any object capable of inflicting penetrating injury, and includes hollow bore needles, suture needles, scalpel blades, wires, trocars, auto lancets, stitch cutters and broken glassware.
- (2) The requirements set out in this Schedule apply to a dental prosthetist who is assisting in performing a procedure in the same way as they apply to a dental prosthetist who is actually performing the procedure.

Part 2 General standards applying to dental prosthetists

2 General precautions and aseptic techniques

- (1) Precautions must be taken to avoid direct exposure to a patient's blood or other body substances. This requirement applies regardless of whether there is any perceived risk of infection.
- (2) Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

3 Hand and skin washing

- (1) Hands must be cleaned:
 - (a) immediately before and after any direct patient care, and
 - (b) immediately after handling blood or other body substances.
- (2) Hands may be cleaned by:
 - (a) using washing facilities involving water and a soap or antiseptic, or
 - (b) using non-water cleansers or antiseptics.

Dental Technicians Registration Regulation 2008

Schedule 2 Infection control standards for dental prosthetists

-
- (3) Hands or other skin surfaces that are contaminated with a patient's blood or other body substance must be cleaned as soon as it is practicable to clean them.
 - (4) The requirement to clean hands applies regardless of whether gloves are also required to be worn.

4 Protective gowns and aprons

A gown or apron made of impervious material must be worn while performing any procedure where there is a likelihood of clothing being splashed or contaminated with blood or other body substances.

5 Gloves

- (1) Gloves must be worn while handling blood or other body substances.
- (2) In particular, gloves must be worn:
 - (a) while performing any procedure where direct contact is anticipated with a patient's blood or other body substance, mucous membranes or non-intact skin, and
 - (b) while suctioning a patient, and
 - (c) while handling items or surfaces that have come into contact with blood or other body substances, and
 - (d) while performing any procedure where skin penetration is anticipated.
- (3) Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
- (4) Gloves must be changed and discarded:
 - (a) as soon as they are torn or punctured, and
 - (b) after contact with each patient.
- (5) Gloves must also be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

6 Masks and protective eye wear

- (1) A fluid repellent mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or other body substances.
- (2) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (3) A mask must be discarded once it has been worn and it must not be used again.

Dental Technicians Registration Regulation 2008

Infection control standards for dental prosthetists

Schedule 2

-
- (4) In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
 - (5) Protective eye wear must be discarded once it has been worn and not used again unless it is reusable in which case it is to be cleaned in accordance with the manufacturer's instructions.

7 Sharps

- (1) Sharps must not be passed by hand between a dental prosthetist and any other person.
- (2) A puncture resistant tray must be used to transfer sharps.
- (3) Reusable sharps must, immediately after being used, be placed in a puncture resistant container specially kept for that purpose and labelled as such.
- (4) Non-reusable sharps must, immediately after being used, be disposed of in a puncture resistant container.

8 Management of clinical waste

- (1) Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
- (2) Splashing or contamination of skin while disposing of blood or other body substances must be avoided as far as practicable.
- (3) Nothing in this clause limits any other requirement under this Part.

Part 3 Processing of instruments and equipment**9 Prosthetic appliances or materials**

Any prosthetic appliance or material that is intended to be sent to a laboratory for processing must be rinsed clear of any debris and be disinfected before it is sent.

10 Cleaning of instruments and equipment

- (1) Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
- (2) Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
- (3) The process of cleaning must involve water and mechanical or physical action (such as washing machines) and a cleaning agent.

Dental Technicians Registration Regulation 2008

Schedule 2 Infection control standards for dental prosthetists

-
- (4) All cleaning agents must be removed from instruments and equipment by rinsing prior to further processing.
 - (5) The method of cleaning must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
 - (6) In this clause, *cleaning agent* means a detergent and includes proteolytic enzyme substances.

11 Disinfection of instruments, equipment and appliances

- (1) Any instrument, equipment or appliance that comes into contact with non-sterile tissue must be disinfected before it is used. It may also be sterilised if it is capable of withstanding that process.
- (2) The process of disinfection must involve either thermal or chemical methods. Chemical disinfection may be used only in cases where thermal methods are unsuitable.
- (3) The method of disinfection must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

12 Sterilisation of instruments and equipment

- (1) Dental hand pieces or any other instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances must be sterilised before it is used.
- (2) The method of sterilisation must be compatible with the particular type of instrument or equipment concerned and consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- (3) If a steriliser is used (whether it is a benchtop or portable steriliser or a permanently plumbed or wired steriliser), the following criteria must be met:
 - (a) the relevant manufacturer's instructions must be followed,
 - (b) an ongoing monitoring program must be followed which reflects the requirements of Table 7.1 Calibration, Monitoring and Maintenance of Sterilizers of AS/NZS 4187 or (in the case of an office-based practice) Table 7.1 Performance Testing, Monitoring, Calibration and Maintenance of Sterilizers of AS/NZS 4815.

Dental Technicians Registration Regulation 2008

Infection control standards for dental technicians (other than dental
prosthetists)

Schedule 3

Schedule 3 Infection control standards for dental technicians (other than dental prosthetists)

(Clause 8 (2))

Part 1 Preliminary

1 Definitions

- (1) In this Schedule:
body substance includes any human bodily secretion or substance other than blood.
- (2) The requirements set out in this Schedule apply to a dental technician who is assisting in carrying out technical work in the same way as they apply to a dental technician who is actually carrying out the work.

Part 2 General standards applying to dental technicians

2 General precautions

- (1) Precautions must be taken to avoid exposure to blood or other body substances. This requirement applies regardless of whether there is any perceived risk of infection.
- (2) Recognised work practices to prevent contamination must be used in the course of complying with the requirements of this Schedule.

3 Hand and skin washing

- (1) Hands must be cleaned immediately before and after any contact with artificial dentures, mouthguards, restorative or corrective dental appliances or any other prosthetic device.
- (2) Hands may be cleaned by:
 - (a) using washing facilities involving water and a soap or antiseptic,
or
 - (b) using non-water cleansers or antiseptics.
- (3) Hands or other skin surfaces that are contaminated with blood or other body substances must be cleaned as soon as it is practicable to clean them.
- (4) The requirement to clean hands applies regardless of whether gloves are also required to be worn.

Dental Technicians Registration Regulation 2008

Schedule 3 Infection control standards for dental technicians (other than dental prosthetists)

4 Protective gowns and aprons

A protective gown or apron (or other similar clothing) must be worn while carrying out any technical work where there is a likelihood of clothing being splashed or contaminated with blood or other body substances.

5 Gloves

- (1) Gloves must be worn while handling any instrument, equipment or appliance that has been in direct contact with blood or other body substances.
- (2) Gloves must be changed and discarded as soon as they are torn or punctured.

6 Masks and protective eye wear

- (1) A fluid repellent mask and protective eye wear must be worn while carrying out any technical work where there is a likelihood of splashing or splattering of blood or other body substances.
- (2) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (3) A mask that is not capable of being disinfected must be discarded once it has been worn and it must not be used again.
- (4) A mask that is capable of being disinfected may be reused after it has been disinfected in accordance with the manufacturer's instructions.
- (5) In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (6) Protective eye wear must be discarded once it has been worn and not used again unless it is reusable in which case it is to be cleaned in accordance with the manufacturer's instructions.

7 Management of clinical waste

- (1) Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
- (2) Contamination of skin while disposing of blood or body substances must be avoided as far as practicable.
- (3) Nothing in this clause limits any other requirement under this Part.

Dental Technicians Registration Regulation 2008

Infection control standards for dental technicians (other than dental
prosthetists)

Schedule 3

Part 3 Processing of instruments and equipment

8 Prosthetic appliances and materials

Any prosthetic appliance or material must be disinfected before carrying out technical work.

9 Cleaning of instruments, equipment and substances

- (1) Any instrument, equipment or substance that comes into contact with intact skin must be cleaned before it is used.
- (2) Any instrument, equipment or substance that is required under this Part to be disinfected or sterilised must be cleaned before it is disinfected or sterilised.
- (3) The process of cleaning must involve water and mechanical or physical action (such as washing machines) and a cleaning agent.
- (4) All cleaning agents must be removed from instruments, equipment and substances by rinsing prior to further processing.
- (5) The method of cleaning must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- (6) In this clause, *cleaning agent* means a detergent and includes proteolytic enzyme substances.

10 Disinfection of instruments and equipment

- (1) Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must, before it is used, be disinfected with a disinfectant specified in the Australian Register of Therapeutic Goods that is maintained under the *Therapeutic Goods Act 1989* of the Commonwealth, and the relevant manufacturer's instructions must be followed.
- (2) The process of disinfection must involve either thermal or chemical methods. Chemical disinfection may only be used in cases where thermal methods are unsuitable.
- (3) The method of disinfection must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.



New South Wales

Gas Supply (Natural Gas Retail Competition) Amendment (Scheme Operator) Regulation 2008

under the

Gas Supply Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gas Supply Act 1996*.

IAN MACDONALD, M.L.C.,
Minister for Energy

Explanatory note

Section 33K (1) (d1) of the *Gas Supply Act 1996* (*the Act*) enables the Minister for Energy to approve market operations rules for or with respect to the establishment and operation of a wholesale natural gas market scheme. Section 33LA of the Act provides that the scheme operator under the scheme or an officer or employee of the scheme operator does not incur civil monetary liability when exercising functions under the scheme except in circumstances where the scheme operator or officer or employee acts in bad faith or through negligence. Section 33LA (3) of the Act permits the regulations to prescribe a cap on civil monetary liability in circumstances where negligence is found.

The object of this Regulation is to prescribe a cap for the purposes of section 33LA (3) of the Act. The maximum amount payable by the scheme operator is \$50,000 to any person for any particular negligent act or omission and \$500,000 in total for all negligent acts and omissions occurring in any calendar year. The maximum amount payable by an officer or employee of the scheme operator is nil.

This Regulation is made under the *Gas Supply Act 1996*, including section 33LA (3) and 83 (the general regulation-making power).

Clause 1 Gas Supply (Natural Gas Retail Competition) Amendment (Scheme Operator) Regulation 2008

Gas Supply (Natural Gas Retail Competition) Amendment (Scheme Operator) Regulation 2008

under the

Gas Supply Act 1996

1 Name of Regulation

This Regulation is the *Gas Supply (Natural Gas Retail Competition) Amendment (Scheme Operator) Regulation 2008*.

2 Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001

The *Gas Supply (Natural Gas Retail Competition) Regulation 2001* is amended by inserting the following after clause 80:

80A Liability of scheme operator under market operations rules

For the purposes of section 33LA (3) of the Act:

- (a) the maximum amount payable by the scheme operator is as follows:
 - (i) \$50,000 to any person for any particular negligent act or omission,
 - (ii) \$500,000 in total for all negligent acts or omissions occurring in any calendar year, and
- (b) the maximum amount payable by an officer or employee of the scheme operator is nil.



New South Wales

Local Government (General) Amendment Regulation 2008

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

PAUL LYNCH, M.P.,
Minister for Local Government

Explanatory note

The object of this Regulation is to prescribe a new model code of conduct applicable to councillors, members of staff of councils and delegates of councils. Section 440 of the *Local Government Act 1993* requires each council to adopt a code of conduct that incorporates the provisions of the model code.

This Regulation is made under the *Local Government Act 1993*, including sections 440 and 748 (the general regulation-making power).

Clause 1 Local Government (General) Amendment Regulation 2008

Local Government (General) Amendment Regulation 2008

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 20 June 2008.

3 Amendment of Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* is amended by omitting “published by the Department in December 2004” from clause 193 (Code of conduct) and inserting instead “, as published in the Gazette on 20 June 2008,”.



New South Wales

Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

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

Explanatory note

At present, the *Occupational Health and Safety Regulation 2001* does not apply to mining workplaces or coal workplaces, except to the limited extent specified in Schedules 4 and 4A of the Regulation. It does apply to places of work at which activities under the *Petroleum (Onshore) Act 1991* or the *Petroleum (Submerged Lands) Act 1982* are carried out.

The object of Schedule 1 to this Regulation is to broadly apply the *Occupational Health and Safety Regulation 2001* to the mining industry, with some specific modifications or exceptions to take into account the specific nature of mining and the fact that additional protections are imposed by the *Mine Health and Safety Act 2004* and the *Coal Mine Health and Safety Act 2002*. The object of Schedule 2 to this Regulation is to make some minor amendments of a law revision nature.

This Regulation is made under the *Occupational Health and Safety Act 2000* (as amended by the *Mine Health and Safety Act 2004*), including sections 133 (Application of Act to mining workplaces and coal workplaces—references to WorkCover) and 33 (the general regulation-making power).

Clause 1 Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008

Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008

under the

Occupational Health and Safety Act 2000

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

3 Amendment of Occupational Health and Safety Regulation 2001

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedules 1 and 2.

Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008

Amendments relating to mining workplaces and coal workplaces

Schedule 1

Schedule 1 Amendments relating to mining workplaces and coal workplaces

(Clause 3)

[1] Clause 3 Definitions

Omit the definitions of *approved form* and *construction work* from clause 3 (1).

Insert in alphabetical order:

approved form means the form approved for the time being for the purposes of the provision in which the expression is used:

- (a) by WorkCover—in relation to a place of work that is not a mining workplace or a coal workplace, or
- (b) by the Department Head (Mining)—in relation to a place of work that is a mining workplace or a coal workplace.

construction work means any of the following:

- (a) building, including the construction (including the manufacturing of prefabricated elements of a building at the place of work concerned), alteration, renovation, repair, maintenance and demolition of all types of buildings,
- (b) civil engineering, including the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges and tunnels, viaducts, and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies,
- (c) excavation conducted for the purposes of building or civil engineering, including the excavation or filling of trenches, ditches, shafts, wells, tunnels and pier holes, and the use of caissons and cofferdams, but not excavation work at a coal workplace or mining workplace for the purposes of extracting minerals or quarry product.

[2] Clause 3 (1)

Insert in alphabetical order:

Department Head (Mining) means the Director-General of the Department of Primary Industries.

mine means a place of work that is a mine within the meaning of the *Mine Health and Safety Act 2004*.

Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008

Schedule 1 Amendments relating to mining workplaces and coal workplaces

[3] Clause 3 (1), note, where secondly occurring

Insert in alphabetical order:

coal workplace means a place of work to which the *Coal Mine Health and Safety Act 2002* applies.

mining workplace means a place of work:

- (a) that is a mine within the meaning of the *Mine Health and Safety Act 2004*, or
- (b) at which activities under the *Petroleum (Onshore) Act 1991* or the *Petroleum (Submerged Lands) Act 1982* are carried out.

[4] Clause 3 (4)

Insert “, but only to the extent that it applies to a place of work that is not a mining workplace or a coal workplace” after “Regulation”.

[5] Clause 3 (4A)

Insert after clause 3 (4):

- (4A) If the Department Head (Mining) has indicated, by notice in writing, that he or she is satisfied that another standard provides an equivalent standard of safety to an Australian Standard or an Australian/New Zealand Standard, that other standard may be applied instead for the purposes of the relevant provision of this Regulation, but only to the extent that it applies to a place of work that is a mining workplace or a coal workplace.

[6] Clause 4 Application of Regulation

Insert “(including all mining workplaces and coal workplaces)” after “work” in clause 4 (1).

[7] Clause 4 (3) and (4)

Omit the subclauses.

[8] Clause 4, note

Insert at the end of the note:

This Regulation applies to all mining workplaces and coal workplaces, except where specific provisions are expressed to not apply or to apply with modifications. In accordance with section 133 of the Act, clause 358 provides that references in certain provisions of the Act to WorkCover, in connection with the application of the provisions to a mining workplace or a coal workplace, are taken to be references to the Department of Primary Industries, the Director-General of that Department (called the “Department Head (Mining)” in this Regulation or certain inspectors appointed in connection with mining workplaces or coal workplaces.

Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008

Amendments relating to mining workplaces and coal workplaces

Schedule 1

[9] Chapter 2 Places of work—risk management and other matters

Insert at the end of the note to the Chapter:

Additional requirements for risk management in relation to specified hazards at mining workplaces or coal workplaces are provided in the legislation applying to mining workplaces and coal workplaces (that is, the *Mine Health and Safety Act 2004* and the *Coal Mine Health and Safety Act 2002*, respectively).

[10] Clause 15 Provision by an employer of personal protective equipment

Insert “and any self-rescue respiratory device for use by a person working in the underground parts of a mining workplace or a coal workplace” after “cream)” in the definition of *personal protective equipment* in clause 15 (2).

[11] Clause 18 Employer to provide amenities

Insert “(in relation to places of work that are not mining workplaces or coal workplaces) or the Department Head (Mining) (in relation to places of work that are mining workplaces or coal workplaces)” after “WorkCover” in the note to clause 18 (2).

[12] Chapter 3 Workplace consultation

Insert “A site check inspector for a mining workplace must be a member of any OHS committee for that place of work. A site check inspector and the electrical check inspector for a coal workplace must be members of any OHS Committee for that place of work.” after “directs.” in paragraph (e) of the note to the Chapter.

[13] Chapter 3, note

Insert at the end of the note:

A reference to WorkCover in certain provisions of the Act, in connection with the application of the provisions to a mining workplace or a coal workplace, is taken to be a reference to the Department Head (Mining), by virtue of clause 358 (3).

[14] Clause 24 Minimum requirements for OHS committees

Insert at the end of the clause:

Note. Section 17 (6) of the Act requires that, in the case of a coal workplace, a site check inspector and the electrical check inspector for that coal workplace must be members of any OHS committee for that place of work. Section 17 (7) of the Act requires that, in the case of a mining workplace, a site check inspector for the mining workplace must be a member of any OHS committee for that place of work. The election of site check inspectors for mining workplaces or coal workplaces is determined by the *Mine Health and Safety Act 2004* or the *Coal Mine Health and Safety Act 2002*, respectively.

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[15] Clause 30 Additional functions of OHS committees and OHS representatives (section 18 (d) of the Act)

Insert “, or the Department Head (Mining),” after “WorkCover” in clause 30 (1) (d).

[16] Clause 30, note

Insert at the end of the note:

Section 144 of the *Mine Health and Safety Act 2004* sets out the functions of site check inspectors for a mining workplace. Section 164 of the *Coal Mine Health and Safety Act 2002* sets out the functions of site check inspectors for a coal workplace.

[17] Clause 31 Training to be undertaken by members of OHS committees and OHS representatives

Insert after clause 31 (7) (before the Table to the clause):

- (8) This clause does not apply to a person who is a member of an OHS committee by virtue of being a site check inspector in relation to a coal workplace.

Note. Section 145 of the *Mine Health and Safety Act 2004* makes provision regarding the training of site check inspectors appointed under that Act.

[18] Clause 33 Definitions

Omit the definition of *electrical installation* from clause 33 (1). Insert instead:

electrical installation has the same meaning as it has in the *Electricity (Consumer Safety) Act 2004*, except that it extends to electrical equipment in or about a mining workplace or coal workplace.

[19] Clause 49A

Insert before clause 50 (in Division 5 of Part 4.3):

49A Application to mining workplaces that are mines and to coal workplaces

This Division does not apply to the atmosphere of a mining workplace that is a mine, or to the atmosphere of a coal workplace, to the extent that more exacting standards are created by or under another Act in relation to that atmosphere than are made by this Division.

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[20] Clause 53 Ventilation—particular risk control measures

Insert at the end of the clause (before the penalty provision):

- (2) This clause does not apply to the underground parts of a mining workplace or a coal workplace.

[21] Clause 62 Fire and explosion—particular risk control measures

Insert after clause 62 (2) (before the penalty provision):

- (3) This clause does not apply to a mining workplace that is a mine, or to a coal workplace, to the extent that more exacting standards are created by or under another Act in relation to risks associated with fire or explosion at that mining workplace or coal workplace than are made by this clause.

[22] Clause 65A

Insert before clause 66 (in Division 9 of Part 4.3):

65A No application to underground parts of mining workplaces or coal workplaces

This Division does not apply to the underground parts of a mining workplace or coal workplace.

[23] Clause 82 Definitions

Omit “or building maintenance equipment” from the definition of *hoist*.

Insert instead “, a building maintenance unit or a powered winding system”.

[24] Clause 82

Insert in alphabetical order:

powered winding system means any lifting plant used to carry people for the purposes of allowing access to the underground workings of a mining workplace or a coal workplace or for the purposes of inspecting and maintaining the system or the mine shaft, but does not include manually operated plant or light portable winches.

[25] Clause 82, definition of “qualified electrical engineer”

Omit “by WorkCover” from paragraph (b).

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[26] Clause 82, definition of “qualified electrical engineer”

Insert “by WorkCover (in relation to places of work that are not mining workplaces or coal workplaces) or by the Department Head (Mining) (in relation to places of work that are mining workplaces or coal workplaces)” after “Chapter” in paragraph (b).

[27] Clause 82, definition of “qualified engineer”

Omit “by WorkCover” from paragraph (b).

[28] Clause 82, definition of “qualified engineer”

Insert “by WorkCover (in relation to places of work that are not mining workplaces or coal workplaces) or by the Department Head (Mining) (in relation to places of work that are mining workplaces or coal workplaces)” after “Chapter” in paragraph (b).

[29] Clause 84 Application

Omit “date of commencement of this Regulation” from clause 84 (2).

Insert instead “prescribed date”.

[30] Clause 84 (3)

Insert after clause 84 (2):

(3) In this clause:

prescribed date means:

- (a) in relation to a workplace that is not a mining workplace or a coal workplace—1 September 2001, or
- (b) in relation to a mining workplace that is not a mine—1 September 2001, or
- (c) in relation to a mining workplace that is a mine—1 September 2008, or
- (d) in relation to a coal workplace—23 December 2006.

[31] Clause 93 Design of powered mobile plant—particular risk control measures

Insert after clause 93 (3):

- (3A) Subclause (3) does not apply to powered mobile plant intended for use in the underground parts of a mining workplace or a coal workplace.
- (3B) Despite subclause (3A), a person who designs powered mobile plant intended for use in the underground parts of a mining workplace or a coal workplace, in controlling risks, must ensure

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that the plant is designed having regard to the safety requirements specified in subclause (3) when determining measures to control the risk of overturning or of a falling object coming into contact with the operator.

[32] Clause 98 Application

Omit “commencement of those clauses” from clause 98 (3).

Insert instead “the prescribed date”.

[33] Clause 98 (4)

Insert after clause 98 (3):

(4) In this clause:

prescribed date means:

- (a) in relation to a workplace that is not a mining workplace or a coal workplace—1 September 2001, or
- (b) in relation to a mining workplace that is not a mine—1 September 2001, or
- (c) in relation to a mining workplace that is a mine—1 September 2008, or
- (d) in relation to a coal workplace—23 December 2006.

[34] Clause 103 Manufacturer to control risks

Omit “commencement of this Regulation” wherever occurring in clause 103 (3) (b) and (c).

Insert instead “prescribed date”.

[35] Clause 103 (4)

Insert after clause 104 (3) (before the penalty provision):

(4) In this clause:

prescribed date means:

- (a) in relation to a workplace that is not a mining workplace or a coal workplace—1 September 2001, or
- (b) in relation to a mining workplace that is not a mine—1 September 2001, or
- (c) in relation to a mining workplace that is a mine—1 September 2008, or
- (d) in relation to a coal workplace—23 December 2006.

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[36] Clause 104 Manufacture of powered mobile plant—particular risk control measures

Insert at the end of the clause (before the penalty provision):

- (2) Subclause (1) does not apply to the manufacturer of powered mobile plant intended for use in the underground parts of a mining workplace or a coal workplace.
- (3) Despite subclause (2), a person who manufactures powered mobile plant intended for use in the underground parts of a mining workplace or a coal workplace, in controlling risks, must ensure that the plant is designed having regard to:
 - (a) the control measures provided by the designer in compliance with clause 93 (1) and (2), and
 - (b) the safety requirements specified in subclause (1) of this clause,

when determining measures to control the risk of overturning or of a falling object coming into contact with the operator.

[37] Clause 107 Application for registration of plant design

Omit clause 107 (1). Insert instead:

- (1) A person may apply:
 - (a) to WorkCover to register the design of plant specified in Part 1 of the Table to this clause, or
 - (b) to the Department Head (Mining) to register the design of plant specified in Part 2 of the Table to this clause.

[38] Clause 107 (2) (a)

Omit the paragraph. Insert instead:

- (a) a competent person verifies and records in writing that:
 - (i) in the case of plant specified in Part 1 of the Table to this clause—the design complies with relevant standards listed in Schedule 1 (Standards covering design and manufacture of plant), or
 - (ii) in the case of plant specified in Part 2 of the Table to this clause—the design complies with the design and performance standards published in the Gazette by the Department Head (Mining), and

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[39] Clause 107 (3) (a)

Insert “(unless the plant is listed under Part 2 of the Table to this clause and was manufactured before 23 December 2006, in the case of a coal workplace or was manufactured before 1 September 2008 in the case of a mining workplace that is a mine)” after “responsible”.

[40] Clause 107 (3) (d)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[41] Clause 107 (3) (e)

Insert after clause 107 (3) (d):

- (e) any relevant statement of limitations of use.

[42] Clause 107, Table

Omit the Table. Insert instead:

Table

Part 1 General plant

Boilers and pressure vessels categorised as being of hazard level A, B, C or D according to the criteria in AS 4343—1999

Gas cylinders

Tower cranes

Gantry cranes with a rated capacity greater than 5 tonnes

Bridge cranes with a rated capacity greater than 10 tonnes

Gantry cranes and bridge cranes designed to handle molten metal or dangerous goods (within the meaning of the ADG Code)

Mobile cranes with a rated capacity greater than 10 tonnes

Boom-type elevating work platforms

Lifts (including escalators and moving walkways)

Building maintenance units

Hoists, with a platform movement in excess of 2.4 metres, designed to lift people

Work boxes suspended from cranes

Prefabricated scaffolding

Mast climbing work platforms

Vehicle hoists

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Amusement devices (other than coin operated amusement devices) that are, or may be, operated otherwise than by manual power

Part 2 Mining specific plant

Diesel engine systems used in underground mines at a coal workplace
 Powered winding systems used in a mining workplace or coal workplace

Booster fans used in underground mines at a coal workplace

Braking systems on plant used in underground transport in underground mines at a coal workplace

Canopies on continuous miners used in underground mines at a coal workplace

Portable or hand-held plant or items used to determine or monitor the presence of gases for the purposes of the *Coal Mine Health and Safety Act 2002* and used in underground mines at a coal workplace

Breathing apparatus to assist escape from the underground parts of the coal operation (including self-rescuers) used in underground mines at a coal workplace

Shotfiring apparatus used in underground mines at a coal workplace

Detonators used in underground mines at a coal workplace

Explosive-powered tools used in underground mines at a coal workplace

Refuge chambers used in underground mines at a coal workplace

Conveyor belts used in underground mines at a coal workplace

[43] Clause 108 Further information may be requested

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” where firstly occurring.

[44] Clause 108

Insert “or the Department Head (Mining)” after “WorkCover” where secondly occurring.

[45] Clause 109 Processing of application

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” where firstly occurring in clause 109 (1).

[46] Clause 109 (1)

Insert “or the Department Head (Mining)” after “WorkCover” where secondly occurring.

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[47] Clause 109 (1) (a)

Insert “, including any limitations of use” after “conditions”.

[48] Clause 109 (1), note

Insert “or the Department Head (Mining)” after “WorkCover”.

[49] Clause 110 Cancellation of design registration in certain circumstances

Insert “registered by WorkCover” after “a plant design” in clause 110 (1).

[50] Clause 110 (1A)

Insert after clause 110 (1):

(1A) The Department Head (Mining) may cancel the registration of a plant design registered by the Department Head (Mining) if satisfied that:

- (a) the applicant for registration of the plant design made a statement or furnished information, in or in connection with the application for the plant design, that the applicant knew, when the statement was made or the information was provided, to be false or misleading in a material particular, or
- (b) on the basis of information received by the Department Head (Mining), the design is unsafe.

[51] Clause 110 (2)

Insert “or the Department Head (Mining), as the case requires” after “WorkCover” where firstly occurring.

[52] Clause 110 (2) (b)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[53] Clause 112A

Insert after clause 112:

112A Savings concerning coal workplaces

- (1) An item of plant design referred to in Part 2 of the Table to clause 107 that was approved, or taken to be approved, under clause 70 of the *Coal Mines (General) Regulation 1999*, and any plant design that is in the opinion of the Chief Inspector equivalent to such an approved plant design:

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- (a) if the approval was given less than 20 years before 23 December 2006—is, until 23 December 2008, taken to be registered under this Chapter subject to the same conditions as to which it was approved, or
 - (b) if the approval was given 20 years or more before 23 December 2006—is, until 23 December 2007, taken to be registered under this Chapter subject to the same conditions as to which it was approved.
- (2) The registration of a plant design referred to in subclause (1) may be varied, suspended or cancelled in accordance with this Chapter.
 - (3) In this clause:
Chief Inspector means the Chief Inspector appointed under the *Coal Mine Health and Safety Act 2002*.

[54] Clause 113 Application for registration of item of plant

Omit clause 113 (2). Insert instead:

- (2) A person:
 - (a) who has control of an item of plant specified in Part 1 of the Table to this clause may apply to WorkCover to register the plant, or
 - (b) who has control of an item of plant specified in Part 2 of the Table to this clause may apply to the Department Head (Mining) to register the plant.

[55] Clause 113 (3) (d)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[56] Clause 113 (4)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” where firstly occurring.

[57] Clause 113 (4)

Insert “or the Department Head (Mining)” after “WorkCover” where secondly occurring.

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[58] Clause 113, Table

Omit the Table. Insert instead:

Table

Part 1 General plant

Boilers categorised as being of hazard level A, B or C according to the criteria in AS 4343—1999

Pressure vessels categorised as being of hazard level A, B or C according to the criteria in AS 4343—1999 except the following:

- (a) LP gas fuel vessels for automotive use covered by AS/NZS 3509:1996,
- (b) serially produced pressure vessels covered by AS 2971—1987,
- (c) pressure vessels that do not require periodic internal inspection in accordance with the criteria in Table 4.1 in AS/NZS 3788:1996

Lifts (including escalators and moving walkways) as defined in AS 1735 Parts 1 to 17 (as listed in Schedule 1)

Amusement devices (other than coin operated amusement devices) that are, or may be, operated otherwise than by manual power

Tower cranes

Building maintenance units

Concrete placing units (truck mounted with boom)

Mobile cranes with a safe working load greater than 10 tonnes

Part 2 Mining specific plant

Booster fans used in underground mines at a coal workplace

Diesel engine systems used in underground mines at a coal workplace

Powered winding systems used in a coal workplace or mining workplace.

[59] Clause 115 Processing of application

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[60] Clause 115, note

Insert “or the Department Head (Mining)” after “WorkCover”.

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[61] Clause 116 Cancellation of registration of item of plant in certain circumstances

Insert “registered by WorkCover” after “an item of plant” in clause 116 (1).

[62] Clause 116 (1A)

Insert after clause 116 (1):

- (1A) The Department Head (Mining) may cancel the registration of an item of plant registered by the Department Head (Mining) if:
- (a) satisfied that the applicant for registration of the plant made a statement or furnished information, in or in connection with the application for registration, that the applicant knew, when the statement was made or the information was provided, to be false or misleading in a material particular, or
 - (b) the registration of the plant design for plant of the kind concerned has been cancelled under clause 110.

[63] Clause 116 (2)

Insert “or the Department Head (Mining), as the case requires” after “WorkCover” where firstly occurring.

[64] Clause 116 (2) (b)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[65] Clause 117 Automatic cancellation of registration

Omit “WorkCover” wherever occurring in clause 117 (b) and (c).

Insert “the person who registered the item of plant (that is, WorkCover or the Department Head (Mining))”.

[66] Clause 117, note

Insert “or the Department Head (Mining)” after “WorkCover”.

[67] Clause 118 Renewal of registration

Insert “by WorkCover or the Department Head (Mining), as the case requires,” after “registered” in clause 118 (2).

[68] Clause 118 (2)

Insert “or the Department Head (Mining)” after “WorkCover” wherever occurring.

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[69] Clause 118 (3) (b)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” where firstly occurring.

[70] Clause 118 (3) (b)

Insert “or the Department Head (Mining)” after “WorkCover” where secondly occurring.

[71] Clause 118 (5)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[72] Clause 118 (6)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” where firstly occurring.

[73] Clause 118 (6)

Insert “or the Department Head (Mining)” after “WorkCover” where secondly and thirdly occurring.

[74] Clause 118 (6), note

Insert “or the Department Head (Mining)” after “WorkCover”.

[75] Clause 118 (7)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[76] Clause 119A

Insert after clause 119:

119A Savings concerning coal workplaces

- (1) An item of plant referred to in Part 2 of the Table to clause 113 that was approved, or taken to be approved, under clause 70 of the *Coal Mines (General) Regulation 1999*, and any item that is in the opinion of the Chief Inspector equivalent to such an approved item:
 - (a) if the approval was given less than 20 years before 23 December 2006—is, until 23 December 2008, taken to be registered under this Chapter subject to the same conditions as to which it was approved, or

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(b) if the approval was given 20 years or more before 23 December 2006—is, until 23 December 2007, taken to be registered under this Chapter subject to the same conditions as to which it was approved.

(2) The registration of an item referred to in subclause (1) may be varied, suspended or cancelled in accordance with this Chapter.

(3) In this clause:

Chief Inspector means the Chief Inspector appointed under the *Coal Mine Health and Safety Act 2002*.

[77] Clause 120 Application

Omit “date of commencement of this Regulation” from clause 120 (3).

Insert instead “prescribed date”.

[78] Clause 120 (4)

Omit “its commencement”. Insert instead “the prescribed date”.

[79] Clause 120 (5)

Omit “their commencement”. Insert instead “the prescribed date”.

[80] Clause 120 (6)

Insert after clause 120 (5) (before the note):

(6) In this clause:

prescribed date means:

- (a) in relation to a workplace that is not a mining workplace or a coal workplace—1 September 2001, or
- (b) in relation to a mining workplace that is not a mine—1 September 2001, or
- (c) in relation to a mining workplace that is a mine—1 September 2008, or
- (d) in relation to a coal workplace—23 December 2006.

[81] Clause 127 Hirer or lessor to control risks

Omit “date of commencement of this Regulation” wherever occurring in clause 127 (2) (a) and (b).

Insert instead “prescribed date”.

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[82] Clause 127 (3)

Omit the subclause. Insert instead:

- (3) A person who hires or leases plant referred to in subclause (2) (c) to another person must inform that other person of any limitations of use provided in the design registration conditions.

[83] Clause 127 (5)

Insert after clause 127 (4) (before the penalty provision):

- (5) In this clause:
prescribed date means:
- (a) in relation to a workplace that is not a mining workplace or a coal workplace—1 September 2001, or
 - (b) in relation to a mining workplace that is not a mine—1 September 2001, or
 - (c) in relation to a mining workplace that is a mine—1 September 2008, or
 - (d) in relation to a coal workplace—23 December 2006.

[84] Clause 130 Powered mobile plant—particular risk control measures

Insert after clause 130 (4) (before the penalty provision):

- (5) Subclauses (1)–(4) do not apply to powered mobile plant intended for use in the underground parts of a mining workplace or a coal workplace.
- (6) Despite subclause (5), a person who hires powered mobile plant intended for use in the underground parts of a mining workplace or a coal workplace, in controlling risks, must ensure that the plant is a designed having regard to the safety requirements specified in subclauses (1)–(4) when determining measures to control the risk of overturning or a falling object coming into contact with the operator.

[85] Clause 131 Hirer or lessor to keep records

Insert at the end of the Table to the clause:

Powered winding systems used in underground mines at a mining workplace or a coal workplace

Conveyors in a mining workplace

Earth moving machinery in a mining workplace

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[86] Clause 134 Application

Omit clause 134 (2). Insert instead:

- (2) The requirements of this Part as to the installation, erection and commissioning of plant apply to plant installed, erected and commissioned:
- (a) in relation to workplaces that are not coal workplaces or mining workplaces, after 1 September 2001, or
 - (b) in relation to mining workplaces that are not mines, after 1 September 2001, or
 - (c) in relation to coal workplaces, after 23 December 2006, or
 - (d) in relation to mining workplaces that are mines, after 1 September 2008.

[87] Clauses 136 and 136A

Omit clause 136. Insert instead:

136 Use of plant—registration requirements

- (1) An employer must ensure that any plant used at a place of work (other than a mining workplace that is a mine, or a coal workplace) that is of a kind specified in Part 1 of the Table to clause 107 and that was designed after the prescribed date is not used unless:
- (a) the plant has a current design registration number issued under Subdivision 1 of Division 3 of Part 5.2, and
 - (b) evidence of the registration (including any conditions of registration and limitations of use) is readily accessible.

Maximum penalty: Level 3.

- (2) An employer must ensure that any plant used at a place of work (other than a mining workplace that is a mine or a coal workplace) that is of a kind specified in Part 1 of the Table to clause 113 is not used unless:
- (a) the plant has a current item registration issued under Subdivision 2 of Division 3 of Part 5.2 (or under the *Construction Safety Regulations 1950*), and
 - (b) evidence of the registration (including any conditions of registration and limitations of use) is displayed on or near the plant.

Maximum penalty: Level 3.

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- (3) An employer must ensure that any plant used at a mining workplace that is a mine, or a coal workplace, that is of a kind specified in Part 1 of the Table to clause 107 and that was designed after the prescribed date is not used unless:
- (a) the plant has a current design registration number issued under Subdivision 1 of Division 3 of Part 5.2, and
 - (b) evidence of the registration (including any conditions of registration and limitations of use) is readily accessible.

Maximum penalty: Level 3.

- (4) An employer must ensure that any plant used at a mining workplace that is a mine, or a coal workplace, that is of a kind specified in Part 1 of the Table to clause 113 is not used unless:
- (a) the plant has a current item registration issued under Subdivision 2 of Division 3 of Part 5.2 (or under the *Construction Safety Regulations 1950*), and
 - (b) evidence of the registration (including any conditions of registration and limitations of use) is displayed on or near the plant.

Maximum penalty: Level 3.

- (5) An employer must ensure that any plant used at a mining workplace that is a mine, or a coal workplace, that is of a kind specified in Part 2 of the Table to clause 107 is not used unless:
- (a) the plant has a current design registration number issued under Subdivision 1 of Division 3 of Part 5.2, and
 - (b) evidence of the registration (including any conditions of registration and limitations of use) is readily accessible.

Maximum penalty: Level 3.

- (6) An employer must ensure that any plant used at a mining workplace that is a mine, or a coal workplace, that is of a kind specified in Part 2 of the Table to clause 113 is not used unless:
- (a) the plant has a current item registration issued under Subdivision 2 of Division 3 of Part 5.2 (or under the *Construction Safety Regulations 1950*), and
 - (b) evidence of the registration (including any conditions of registration and limitations of use) is displayed on or near the plant.

Maximum penalty: Level 3.

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- (7) In the case of:
- (a) plant used at a mining workplace that is a mine:
 - (i) subclauses (3) and (4) do not apply until 1 September 2009, and
 - (ii) subclauses (5) and (6) do not apply until 1 September 2010, and
 - (b) plant used at a coal workplace, subclauses (3), (4), (5) and (6) do not apply until 23 December 2007.
- (8) An employer must ensure that plant to which this clause refers is used only in accordance with any conditions of registration including any limitations of use provided in the design registration.
Maximum penalty: Level 3.
- (9) A reference in this clause to an employer extends to an owner of plant affecting public safety.
- (10) In this clause:
prescribed date means:
- (a) in the case of plant used at a workplace that is not a mining workplace or a coal workplace—1 September 2001, or
 - (b) in the case of plant used at a mining workplace that is a mine, that is plant referred to in Part 1 of the Table to clause 107—1 September 2008, or
 - (c) in the case of plant used at a mining workplace that is not a mine, that is plant referred to in Part 1 of the Table to clause 107—1 September 2001, or
 - (d) in the case of plant used at a coal workplace that is plant referred to in Part 1 of the Table to clause 107—23 December 2006.

136A Use of plant—particular risk control measures

- (1) An employer must ensure in relation to use of plant that:
- (a) plant (with the exception of lifts that are operated by members of the public and coin-operated amusement devices) is not operated by a person unless the person has received adequate information and training and is supervised to the extent necessary to minimise the risks to health and safety, and

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- (b) plant is used only for the purpose for which it was designed unless a competent person has made an assessment that the change in use does not present an increased risk to health or safety, and
 - (c) if safety features or warning devices are incorporated into plant, the features or devices are used as intended, and
 - (d) if it is not possible to eliminate the risk of entanglement in plant with moving parts, persons do not operate, or pass in close proximity to, the plant unless the risk of entanglement is controlled by guarding that meets the requirements of clause 90 (1) or the use of a safe system of work, and
 - (e) if it is not possible to eliminate the risk of parts or work pieces breaking, disintegrating or being ejected from plant, persons do not operate, or pass in close proximity to, the plant unless the risk is controlled by guarding that meets the requirements of clause 90 (3), and
 - (f) an employee does not work between fixed and traversing parts of plant if there is a risk to health or safety, and
 - (g) if plant can be remotely or automatically energised and become a risk to health and safety:
 - (i) the immediate operating area of the plant is designated as a restricted space and access to it is controlled at all times, and
 - (ii) an employee does not work in the immediate operating area of the plant unless appropriate controls and systems of work are used, and
 - (h) if plant could start without warning and cause hazards, an employee is not permitted to work in the immediate vicinity of the plant unless appropriate controls and systems of work are in place, and
 - (i) pipes and other parts of plant that may become hot are adequately guarded or insulated, and
 - (j) pipes and other parts of plant that may become cold are adequately guarded or insulated, and
 - (k) fixed sources of heat, such as furnaces, coke ovens and cooling racks, are ventilated, and
 - (l) measures are provided to prevent, as far as practicable, unauthorised interference with or alteration or use of plant that may make the plant a risk to health or safety, and

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- (m) plant is subject to appropriate checks, tests and inspections necessary to minimise risks to health and safety, and
 - (n) if the operation or condition of plant presents an immediate risk to health or safety, the plant is withdrawn from operation until the risk is eliminated or, if this is not practicable, controlled.

Maximum penalty: Level 4.

- (2) A reference in this clause to an employer extends to an owner of plant affecting public safety.

[88] Clause 141 Powered mobile plant—particular risk control measures

Insert after clause 141 (12) (before the penalty provision):

- (13) Subclauses (4) and (7) do not apply to powered mobile plant intended for use in the underground parts of a mine at a mining workplace or a coal workplace.
- (14) Despite subclause (13), an employer must, in controlling risks, ensure that powered mobile plant intended for use in the underground parts of a mine at a mining workplace or a coal workplace is designed having regard to the safety requirements specified in subclauses (4) and (7) when determining measures to control risks.

[89] Clause 153 Manufacturer to disclose ingredients to other person

Insert “, the Department Head (Mining)” after “WorkCover” in clause 153 (5).

[90] Clause 153, note

Omit “WorkCover”.

[91] Clause 159 Supply of carcinogenic substances

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” wherever occurring in clause 159 (1) (b) and (2).

[92] Clause 164 Use of hazardous substances

Insert “at a mining workplace or coal workplace” after “mining” in clause 164 (1A).

[93] Clause 164 (2) (b) and (3)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” wherever occurring in clause 164 (2) (b) and (3).

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- [94] Clause 166 Medical practitioner to notify results of health surveillance**
Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” in clause 166 (1) (c).
- [95] Clause 166 (3)**
Insert after clause 166 (2) (before the penalty provision):
- (3) A notification of the results of health surveillance under clause 54 (4) of the *Mines Inspection General Rule 2000*, as in force immediately before the commencement of this subclause, is taken to be a notification made under this clause.
- [96] Clause 167 Employer to keep register of hazardous substances**
Insert after clause 167 (4) (before the penalty provision):
- (5) A register compiled in accordance with clause 55 (2) and (3) of the *Mines Inspection General Rule 2000*, as in force immediately before the commencement of this subclause, is taken to have been compiled under this clause.
- [97] Clause 171 Employer to retain certain material as record**
Insert “or the Department Head (Mining)” after “WorkCover” in clause 171 (1) (d).
- [98] Clause 171 (2)**
Omit the subclause. Insert instead:
- (2) If the employer ceases to carry on business in New South Wales, the employer must offer the records referred to in subclause (1) (a):
 - (a) to WorkCover, in relation to atmospheric monitoring or health surveillance at places of work that are not mining workplaces or coal workplaces, or
 - (b) to the Department Head (Mining), in relation to atmospheric monitoring or health surveillance at places of work that are mining workplaces or coal workplaces.
- [99] Clause 172 Medical practitioner to retain records**
Omit clause 172 (3). Insert instead:
- (3) If the medical practitioner ceases to practise in New South Wales, the medical practitioner must offer the records:

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- (a) to WorkCover, in relation to records of health surveillance of persons employed at places of work that are not mining workplaces or coal workplaces, or
 - (b) to the Department Head (Mining), in relation to records of health surveillance of persons employed at places of work that are mining workplaces or coal workplaces.

[100] Clause 174

Omit the clause. Insert instead:

174 Employer to provide information

An employer must ensure that all records on hazardous substances that are required to be kept by this Regulation are kept at the employer's place of work and are made available on request to any of the following:

- (a) to WorkCover, in relation to records relating to places of work that are not mining workplaces or coal workplaces,
- (b) to the Department Head (Mining), in relation to records relating to places of work that are mining workplaces or coal workplaces,
- (c) to any emergency services.

Maximum penalty: Level 1.

[101] Clause 174E Non-application of Chapter

Omit "an underground mine" from clause 174E (1) (j).

Insert instead "the underground parts of a mining workplace or a coal workplace".

[102] Clause 174ZL Different location permitted

Omit "WorkCover" from clause 174ZL (2). Insert instead "an inspector".

[103] Clause 174ZO Response to serious incidents and other incidents

Insert at the end of the note to clause 174ZO (2):

Sections 86 and 87 of the Act do not apply to mining workplaces or coal workplaces. Notifications are to the Department Head (Mining) under section 110 of the *Coal Mine Health and Safety Act 2002* or section 88 of the *Mine Health and Safety Act 2004*.

[104] Clause 174ZP Investigation of serious incidents and other incidents

Omit "WorkCover" from clause 174ZP (b) (iii). Insert instead "an inspector".

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[105] Clause 174ZR Information may be requested

Insert “of premises that are a place of work that is not a mining workplace or a coal workplace” after “an occupier” in clause 174ZR (1).

[106] Clause 174ZR (1A)

Insert after clause 174ZR (1):

- (1A) The Department Head (Mining) may request any information from an occupier of premises that are a mining workplace or a coal workplace in relation to:
- (a) the cause or effect of a serious incident or other incident that has occurred on the occupier’s premises, and
 - (b) any action taken by the occupier as a result of the serious incident or other incident.

[107] Clause 174ZR (3) (b)

Insert “or the Department Head (Mining) (as the case may be)” after “WorkCover”.

[108] Clause 174ZR (4)

Omit the subclause.

[109] Clause 174ZS Notification to WorkCover

Insert “, the Department Head (Mining)” after “council” in clause 174ZS (5).

[110] Clause 207 Electrical work on electrical installations—safety measures

Insert after clause 207 (4) (j):

- , and
- (k) in the case of electrical work at a mining workplace or coal workplace, notice is given of the proposed work, at least 7 days before the work commences, to an inspector appointed in relation to the mining workplace or coal workplace.

[111] Clause 210 Appointment of principal contractor

Omit “(but does not apply to a place of work if the contract to undertake the work referred to was entered into before the commencement of this clause)” from clause 210 (1).

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[112] Clause 210 (1A)

Insert after clause 210 (1):

- (1A) Despite subclause (1), this clause does not apply to the following places of work at which the work referred to in the subclause is undertaken:
- (a) a mining workplace that is a mine for which there is an operator nominated under the *Mine Health and Safety Act 2004*, or
 - (b) a coal workplace for which there is an operator nominated under the *Coal Mine Health and Safety Act 2002*.

[113] Clause 212A

Insert after clause 212:

212A Application to mining workplaces and coal workplaces

A person is not required to undertake general health and safety induction training that complies with clause 217, or to ensure that such training is undertaken in relation to a person carrying on construction work at a mining workplace that is a mine, or at a coal workplace if:

- (a) the person carrying on construction work is not principally or regularly engaged in construction work at that workplace, and
- (b) an operator has been nominated for the mine under the *Mine Health and Safety Act 2004* or for the coal workplace under the *Coal Mine Health and Safety Act 2002*, and
- (c) the person carrying on construction work has been provided with site specific health and safety induction training that:
 - (i) complies with clause 219, and
 - (ii) covers the relevant health and safety topics set out in the Code of Practice (as required by clause 217 (1) (a)) that the person would otherwise have been provided with if the person had completed general health and safety induction training for construction work, and
 - (iii) relates to the particular site at which the construction work is to be carried out.

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[114] Clause 218 Work activity based health and safety induction training

Insert at the end of clause 218:

- (2) This Part does not apply so as to require work activity based health and safety induction training to be undertaken by persons carrying out construction work at a mining workplace or a coal workplace.

[115] Clause 226 Responsibility of principal contractor to prepare an OHS management plan

Insert “or the Department Head (Mining)” after “WorkCover” in the note to clause 226 (3) (c).

[116] Clause 238 Definition

Omit “paragraph (a)”. Insert instead “paragraph (c)”.

[117] Clause 267 Application of Part

Insert after clause 267 (2):

- (3) Despite subclause (1), this Part does not apply until 1 September 2009 to scheduled work when carried out at a mining workplace that is a mine, or at a coal workplace.
- (4) Despite subclause (1), this Part does not apply to scheduled work listed in items 10.1–10.7 of the Schedule to clause 266 when carried out at a mining workplace that is a mine, or at a coal workplace.

[118] Clause 299A

Insert after clause 299:

299A Non-application of Part to mining workplaces that are mines and coal workplaces

This Part does not apply to work to which this Part applies when carried out at a mining workplace that is a mine, or at a coal workplace.

[119] Clause 317 Definitions

Insert after paragraph (c) (ii) of the definition of *licensed work* in clause 317 (1):

- , or
- (iii) work done for the purpose only of non-asbestos mining where rock or tailings containing naturally occurring asbestos is removed or disturbed,

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[120] Clause 317 (1), definition of “licensed work”

Insert after paragraph (d) (ii):

- , or
- (iii) work done for the purpose only of non-asbestos mining where rock or tailings containing naturally occurring asbestos is removed or disturbed.

[121] Clause 341 Notification of incidents—additional incidents to be notified

Insert at the end of the note to the clause:

Sections 86 and 87 of the Act do not apply to mining workplaces or coal workplaces. Notifications are to the Department Head (Mining) under section 88 of the *Mine Health and Safety Act 2004* or section 110 of the *Coal Mine Health and Safety Act 2002*.

[122] Clause 345 Proposed work in respect of which notice is required

Omit clause 345 (1). Insert instead:

- (1) An employer at a place of work that is not a mining workplace or a coal workplace must not commence to carry out work of the following kind at a place of work unless the employer has given WorkCover notice of the proposed work:
- (a) work that involves the use of a notifiable or prohibited carcinogenic substance (as defined in Part 6.3),
 - (b) lead risk work (as defined in Part 7.6),
 - (c) bonded asbestos removal work (as defined in Part 10.1),
 - (d) demolition work (as defined in Part 10.1), other than work for which a permit under Chapter 11 is in force.
- (1A) An employer at a mining workplace or a coal workplace must not commence to carry out work of the following kind at the place of work unless the employer has given the Department Head (Mining) notice of the proposed work:
- (a) work that involves the use of a notifiable or prohibited carcinogenic substance (as defined in Part 6.3),
 - (b) lead risk work (as defined in Part 7.6),
 - (c) bonded asbestos removal work (as defined in Part 10.1),
 - (d) demolition work (as defined in Part 10.1), other than work for which a permit under Chapter 11 is in force.
- (1B) The Department Head (Mining) is to forward any notice that he or she receives under subclause (1A) (c) or (d) to WorkCover.

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- [123] Clause 346 WorkCover or Department Head (Mining) to be notified of any reviews of risk assessments**
Insert “or the Department Head (Mining), as the case may be,” after “WorkCover”.
- [124] Clause 347 Exemptions for particular persons on application**
Omit clause 347 (1). Insert instead:
- (1) A person may apply:
 - (a) to WorkCover for an exemption from any provision of this Regulation in its application to a place of work that is not a mining workplace or a coal workplace, or
 - (b) to the Department Head (Mining) for an exemption from any provision of this Regulation in its application to a place of work that is a mining workplace or a coal workplace.
- [125] Clause 347 (5)**
Insert “or the Department Head (Mining), as the case requires” after “WorkCover”.
- [126] Clause 347 (6) and (8) and note**
Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” wherever occurring.
- [127] Clause 348 Exemptions for classes of persons or things**
Insert “in its application to a workplace that is not a mining workplace or a coal workplace” after “Regulation” in clause 348 (1).
- [128] Clause 348 (1A)**
Insert after clause 348 (1):
- (1A) The Department Head (Mining) may, by order published in the Gazette, exempt any class of persons or things from a specified provision of this Regulation in its application to a workplace that is a mining workplace or a coal workplace.
- [129] Clause 348 (2), (4) and (5)**
Insert “or the Department Head (Mining), as the case requires,” after “WorkCover” wherever occurring.
- [130] Clause 349 Registers of exemptions**
Insert “by WorkCover” after “granted” in clause 349 (1).

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[131] Clause 349 (1A)

Insert after clause 349 (1):

- (1A) The Department Head (Mining) is required to keep and make available for public inspection a register of all exemptions granted by the Department Head (Mining) under this Part that are in force.

[132] Clause 349 (2)

Insert “or the Department Head (Mining), as the case requires,” after “WorkCover”.

[133] Part 12.5

Omit the Part. Insert instead:

Part 12.5 Reviews of decisions

351 Decisions subject to review by the Administrative Decisions Tribunal: section 36 of the Act

- (1) A person aggrieved by a decision that belongs to one of the following classes of decisions (being a decision made in respect of that person) may apply to the Administrative Decisions Tribunal for a review of the decision:
- (a) decisions made by WorkCover under clause 31 (4) to refuse to accredit the person as a trainer,
 - (b) decisions made by WorkCover or the Department Head (Mining) under Part 5.2:
 - (i) to refuse to register a plant design, or
 - (ii) to refuse to register an item of plant, or
 - (iii) to impose a condition on registration of an item of plant, or
 - (iv) to cancel the registration of an item of plant, or
 - (v) to discontinue the registration of an item of plant,
 - (c) decisions made by WorkCover under Chapter 9:
 - (i) to refuse to issue a certificate of competency, or
 - (ii) to suspend or cancel a certificate of competency, or
 - (iii) to refuse to replace a certificate of competency, or
 - (iv) to refuse to accredit a person as an assessor, or
 - (v) to suspend or cancel a person’s accreditation as an assessor, or

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- (vi) to confirm the decision of an assessor on an application for a review of the decision,
 - (d) decisions made by WorkCover under Chapter 10:
 - (i) to refuse to issue a licence, or
 - (ii) to impose a condition on a licence, or
 - (iii) to suspend or cancel a licence,
 - (e) decisions made by WorkCover under Chapter 11:
 - (i) to refuse to issue a permit, or
 - (ii) to impose a condition on a permit, or
 - (iii) to suspend or cancel a permit,
 - (f) decisions made by WorkCover or the Department Head (Mining) under Part 12.4:
 - (i) to dismiss an application for an exemption from a provision of this Regulation, or
 - (ii) to impose a condition on an exemption from a provision of this Regulation, or
 - (iii) to withdraw an exemption from a provision of this Regulation.
- (2) WorkCover is taken, for the purposes of an application for review by the Administrative Decisions Tribunal:
- (a) to have refused to grant an approval, permission or exemption, or
 - (b) to have refused to register a plant design or an item of plant or amusement device, or
 - (c) to have refused to issue a certificate of competency or licence, or
 - (d) to have refused to amend or cancel a condition of an approval, registration, permission or exemption, or
 - (e) to have refused to rescind a cancellation or discontinuance of registration, or
 - (f) to have refused to accredit an assessor under Chapter 9, or
 - (g) to have confirmed a decision of an assessor under Chapter 9,
- if it does not determine an application in relation to the relevant matter within 3 months after the date of lodgment of the application.

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- (3) WorkCover is taken, for the purposes of an application for review by the Administrative Decisions Tribunal, to have refused an application to issue a permit under Chapter 11 if it does not determine the application within 7 days (or 21 days in the case of an application for a permit to do demolition work involving the use of explosives) after the date of lodgment of the application.
- (4) The Department Head (Mining) is taken, for the purposes of an application for review by the Administrative Decisions Tribunal, to have refused to register a plant design or an item of plant, or to have refused to grant, or to amend or cancel a condition of, an approval, permission or exemption, if the Department Head (Mining) does not determine an application in relation to the relevant matter within 3 months after the date of lodgment of the application.

Note. The Minister administering the *Administrative Decisions Tribunal Act 1997* has concurred in the making of the above clause pursuant to section 36 (2) of the *Occupational Health and Safety Act 2000*.

[134] Clause 357

Omit the clause. Insert instead:

357 Additional officers authorised to consent to the institution of proceedings for offences

For the purposes of section 106 (1) (b) of the Act, the Department Head (Mining) is a prescribed officer in relation to proceedings for an offence against the Act concerning a place of work that is a mining workplace or coal workplace.

[135] Clause 358 Application of Act to mining workplaces and coal workplaces: references to WorkCover

Omit “mine” wherever occurring in clause 358 (1), (2) and (3).

Insert instead “mining workplace”.

[136] Clause 358 (2) and (3)

Omit “Director-General of the Department of Primary Industries” wherever occurring.

Insert instead “Department Head (Mining)”.

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[137] Clause 358 (4)–(6)

Omit clause 358 (4). Insert instead:

- (4) In accordance with section 133 of the Act, a reference in section 104A of the Act to WorkCover, in connection with the application of the provision to proceedings under the Act (rather than the *Coal Mine Health and Safety Act 2002* or the *Mine Health and Safety Act 2004*) in connection with a mining workplace or a coal workplace, is taken to be a reference to the Department Head (Mining).
- (5) In accordance with section 133 of the Act, a reference in section 107 or 107A (1) or (2) of the Act to WorkCover, in connection with the application of the provision to a mining workplace or a coal workplace, is taken to be a reference to a person taken to have been appointed as an inspector by virtue of section 47A (Appointment of inspectors in connection with mining workplaces) or 47B (Appointment of inspectors in connection with coal workplaces) of the Act.
- (6) In accordance with section 133 of the Act, a reference in section 107A of the Act to the Chief Executive Officer of WorkCover, in connection with the application of the provision to a mining workplace or a coal workplace, is taken to be a reference to the Department Head (Mining).

[138] Clause 358A Sharing of information between WorkCover and Department of Primary Industries

Omit “Chapter 6A” wherever occurring. Insert instead “this Regulation”.

[139] Schedule 1 Standards covering design and manufacture of plant

Insert “or the Department Head (Mining)” after “WorkCover” in paragraph (b) of the note to the Schedule.

[140] Schedule 4 Application of Regulation to mines

Omit the Schedule.

[141] Schedule 4A Application of Regulation to coal workplaces

Omit the Schedule.

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Schedule 2 Amendments relating to law revision

Schedule 2 Amendments relating to law revision

(Clause 3)

- [1] Clause 9 Employer to identify hazards**
Omit clause 9 (4) and (5).
- [2] Clause 10 Employer to assess risks**
Omit clause 10 (2) and (3).
- [3] Clause 11 Employer to eliminate or control risks**
Omit clause 11 (4) and (5).
- [4] Clause 32 Savings and transitional arrangements**
Omit clause 32 (2) and (4).
- [5] Clause 33 Definitions**
Omit clause 33 (2).
- [6] Clause 40 Application**
Omit “*Electricity Safety (Electrical Installations) Regulation 1998*” wherever occurring.
Insert instead “regulations under the *Electricity (Consumer Safety) Act 2004*”.
- [7] Clause 40, note**
Omit “that Regulation”. Insert instead “those regulations”.
- [8] Clause 63 Application**
Omit “*Electricity Safety (Electrical Installations) Regulation 1998*”.
Insert instead “regulations under the *Electricity (Consumer Safety) Act 2004*”.
- [9] Clause 63**
Omit “that Regulation”. Insert instead “those regulations”.
- [10] Clause 98 Application**
Omit “the date of commencement of this Regulation” from clause 98 (2).
Insert instead “1 September 2001”.
- [11] Clause 120 Application**
Omit clause 120 (4) and (5) (but not the note).

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Amendments relating to law revision

Schedule 2

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- [12] **Clause 127 Hirer or lessor to control risks**
Omit clause 127 (3) and (4).
- [13] **Clause 131 Hirer or lessor to keep records**
Omit “Australian Dangerous Goods Code” from the Table to the clause.
Insert instead “ADG Code”.
- [14] **Clause 132 Hirer or lessor to provide information**
Omit “(A person who hires or leases plant to another person is not required to comply with this subclause within the period of 12 months after its commencement.)” from clause 132 (1).
- [15] **Clause 133 Hirer or lessor to obtain information**
Omit “(A person who hires or leases plant to another person is not required to comply with this subclause within the period of 12 months after its commencement.)” from clause 133 (1).
- [16] **Clause 134 Application**
Omit “the date of commencement of this Regulation” from clause 134 (3).
Insert instead “1 September 2001”.
- [17] **Clause 134 (4)**
Omit “the commencement of this Part”. Insert instead “1 September 2001”.
- [18] **Clause 135 Installation, erection and commissioning of plant—particular risk control measures**
Omit “(An employer is not required to comply with paragraphs (a)–(i) within the period of 12 months after commencement of this clause.)”.
- [19] **Clause 138 Dismantling, storage and disposal of plant—particular risk control measures**
Omit “(An employer is not required to comply with this clause within the period of 12 months after its commencement.)”.
- [20] **Clause 160 Supplier to keep records of supply of carcinogenic substances**
Omit “This clause does not apply to the supply of a prohibited or notifiable carcinogenic substance within the period of 12 months after commencement of this clause”.
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Schedule 2 Amendments relating to law revision

[21] Clause 165 Employer to provide health surveillance

Omit “An employer is not required to provide health surveillance within the period of 12 months after commencement of this clause in the case of exposure of an employee to benzene, chromium (inorganic), creosote or pentachlorophenol (PCP).” from clause 165 (1).

[22] Clause 169 Employer to keep record of employees exposed to carcinogenic substances

Omit “An employer is not required to keep such a record within the period of 12 months after commencement of this clause.”.

[23] Clause 170 Employer to provide statement to employees exposed to carcinogenic substances

Omit clause 170 (2).

[24] Clause 202 Biological monitoring and health surveillance

Omit “the commencement of this clause” wherever occurring in clause 202 (2) (a) and (b).

Insert instead “1 September 2001”.

[25] Clause 202 (2) (a)

Omit “that commencement”. Insert instead “that date”.

[26] Clause 212 Definitions

Omit “the commencement of this Regulation” from the definition of *Code of Practice*.

Insert instead “1 September 2001”.

[27] Clause 216 Meaning of “OHS induction training”

Omit “the commencement of this clause” from clause 216 (2).

Insert instead “1 September 2001”.

[28] Clause 217A Accreditation of individuals to conduct OHS induction training

Omit “the commencement of this clause” from clause 217A (7).

Insert instead “19 March 2004”.

[29] Clause 217A (8)

Omit “the commencement of that subclause”. Insert instead “19 March 2004”.

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Amendments relating to law revision

Schedule 2

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- [30] Clause 311 Term of certificates**
Omit “the commencement of this subclause” from clause 311 (1) (a).
Insert instead “1 September 2001”.
- [31] Clause 311 (1) (b)**
Omit “the commencement of this clause”. Insert instead “1 September 2001”.
- [32] Part 10.4 Savings and transitional provisions**
Omit the Part.
- [33] Clause 345 Proposed work in respect of which notice to WorkCover is required**
Omit clause 345 (5) and (6).
- [34] Clause 350 Phasing out of former exemptions**
Omit the clause.
- [35] Clause 352 Definitions**
Omit the clause.
- [36] Clause 359 Continuation of former OHS shop provisions**
Omit “the commencement of this Regulation” wherever occurring.
Insert instead “1 September 2001”.



New South Wales

Mine Safety (Cost Recovery) Amendment Regulation 2008

under the

Mine Safety (Cost Recovery) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mine Safety (Cost Recovery) Act 2005*.

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

Explanatory note

Clause 6 of the *Explosives Regulation 2005* provides that the Director-General of the Department of Primary Industries is the regulatory authority for the purposes of the *Explosives Act 2003* for coal workplaces and mining workplaces (within the meaning of that Regulation) in relation to certain specified functions.

The object of this Regulation is to provide that the following money is directed and authorised to be paid from the Mine Safety Fund established under the *Mine Safety (Cost Recovery) Act 2005*:

- (a) all payments required to meet expenditure incurred by the Department of Primary Industries in carrying out regulatory activities under or in connection with the *Explosives Act 2003*,
- (b) all other amounts required to meet expenditure incurred by the Department of Primary Industries in the administration or execution of the *Explosives Act 2003*.

This Regulation is made under the *Mine Safety (Cost Recovery) Act 2005*, including sections 7 (1) (e) and 17 (the general regulation-making power).

Clause 1 Mine Safety (Cost Recovery) Amendment Regulation 2008

Mine Safety (Cost Recovery) Amendment Regulation 2008

under the

Mine Safety (Cost Recovery) Act 2005

1 Name of Regulation

This Regulation is the *Mine Safety (Cost Recovery) Amendment Regulation 2008*.

2 Amendment of Mine Safety (Cost Recovery) Regulation 2005

The *Mine Safety (Cost Recovery) Regulation 2005* is amended as set out in Schedule 1.

Mine Safety (Cost Recovery) Amendment Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 2 Definitions

Insert at the end of the clause:

- (2) Notes included in this Regulation do not form part of this Regulation.

[2] Clause 4A

Insert after clause 4:

4A Additional payments authorised to be paid from Fund

For the purposes of section 7 (1) (e) of the Act, the following money is authorised to be paid from the Fund:

- (a) all payments required to meet expenditure incurred by the Department in carrying out regulatory activities under or in connection with the *Explosives Act 2003*,
- (b) all other amounts required to meet expenditure incurred by the Department in the administration or execution of the *Explosives Act 2003*.

Note. Clause 6 of the *Explosives Regulation 2005* provides that the Director-General of the Department of Primary Industries is the "regulatory authority" for coal workplaces and mining workplaces (within the meaning of that Regulation) for the purposes of the *Explosives Act 2003* in relation to certain functions.



New South Wales

Psychologists Regulation 2008

under the

Psychologists Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Psychologists Act 2001*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Psychologists Regulation 2002* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the procedures for meetings of the Psychologists Registration Board (*the Board*),
- (b) the offences, relating to traffic and parking, that are not required to be notified to the Board,
- (c) the procedures for notifying that a registered psychologist has become a mentally incapacitated person,
- (d) the procedures for appeals on a point of law where the Board deals with a complaint against a registered psychologist,
- (e) the fees for inspecting the Register or recording additional information in the Register,
- (f) savings and formal matters.

This Regulation is made under the *Psychologists Act 2001*, including sections 20 (3), 21 (2), 22 (3), 23, 77 (2) and 132 (the general regulation-making power) and clauses 4 (1) (a), 21 (5) and 22 (3) of Schedule 1.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Psychologists Regulation 2008

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Psychologists Regulation 2008

Clause 1

Preliminary

Part 1

Psychologists Regulation 2008

under the

Psychologists Act 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Psychologists Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Psychologists Regulation 2002* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

the Act means the *Psychologists Act 2001*.

(2) Notes included in this Regulation do not form part of this Regulation.

Clause 4 Psychologists Regulation 2008

Part 2 Proceedings of Board

Part 2 Proceedings of Board

4 Proceedings of Board at ordinary meetings

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member at least 3 days notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

5 Special and urgent meetings

- (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member at least 24 hours notice in writing of the time and place of any special or urgent meeting.

6 Lack of quorum

If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members present.

Psychologists Regulation 2008

Clause 7

Miscellaneous

Part 3

Part 3 Miscellaneous

7 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 (1) of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause:
excluded offence means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) except for the following offences:
 - (a) an offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998*,
 - (b) an offence under section 171 (2) of the *Road Transport (General) Act 2005*,
 - (c) an offence under section 9, 12 (1), 42 (2), 43 or 70 of the *Road Transport (Safety and Traffic Management) Act 1999*,
 - (d) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999*, but only if the registered psychologist is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (e) any other offence under the road transport legislation if the court orders the disqualification of the registered psychologist from holding a driver licence.

8 Notice of mental incapacity of registered psychologist

- (1) For the purposes of section 23 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
 - (a) in the case of a registered psychologist who is a mentally incapacitated person and becomes a patient at a mental health facility because of that incapacity—the medical superintendent of the facility, or
 - (b) in the case of a registered psychologist who is a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 23 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered psychologist is admitted to the facility or becomes a protected person, and is to specify the following:

Clause 9 Psychologists Regulation 2008

Part 3 Miscellaneous

- (a) the name and residential address of the psychologist,
- (b) the date on which the psychologist was admitted to the facility at which the psychologist is a patient or became a protected person.

9 Appeal on point of law

An appeal referred to in section 77 of the Act is to be made:

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 77 (1), to the Deputy Chairperson so nominated), and
- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

10 Fee for inspection of Register

For the purposes of clause 21 (5) of Schedule 1 to the Act, the prescribed fee (being the maximum amount for an inspection of the Register) is \$20.

11 Fee for additional information to be recorded in Register

For the purposes of clause 22 (3) of Schedule 1 to the Act, the prescribed fee (being the fee for recording additional particulars in the Register) is \$20.

12 Saving

Any act, matter or thing that, immediately before the repeal of the *Psychologists Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

Orders



New South Wales

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.
Dated, this 19th day of June 2008.

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

Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (*the Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim Order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2007 Number 2* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

www.fisheries.nsw.gov.au/__data/assets/pdf_file/0016/5281/Darling-FR22.pdf.

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008

under the

Fisheries Management Act 1994

1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008*.

2 Commencement and repeal

This Order:

- (a) takes effect on the day it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

3 Repeal of previous order

The *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2007 Number 2* is repealed.

4 Continuation of existing activities

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
 - (a) *Paratya australiensis* (freshwater shrimp),
 - (b) *Macrobrachium australiense* (freshwater prawn),
 - (c) *Caridina mccullochi* (freshwater shrimp),
 - (d) *Cherax destructor* (yabby),
 - (e) *Maccullochella peelii peelii* (Murray cod),
 - (f) *Macquaria ambigua* (golden perch),

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2008

Clause 4

-
- (g) *Nematalosa erebi* (bony bream),
 - (h) *Leiopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
 - (b) possess or sell yabby taken from the Lowland Darling River Catchment, or
 - (c) carry out any routine activities in connection with any such taking, possession or sale.

- (4) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.

inland restricted fishery has the same meaning as in the *Fisheries Management (General) Regulation 2002*.

Lowland Darling River Catchment means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).



New South Wales

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 19th day of June 2008.

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

Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (*the Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim Order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2007 Number 2* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Lachlan River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

www.fisheries.nsw.gov.au/__data/assets/pdf_file/0018/25245/fr_25_lachlan_eec.pdf.

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008

under the

Fisheries Management Act 1994

1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008*.

2 Commencement and repeal

This Order:

- (a) takes effect on the day it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

3 Repeal of previous order

The *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2007 Number 2* is repealed.

4 Continuation of existing activities

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Lachlan River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan River Catchment, or may carry out any routine activity in connection with any such taking or possession:
 - (a) *Paratya australiensis* (freshwater shrimp),
 - (b) *Macrobrachium australiense* (freshwater prawn),
 - (c) *Cherax destructor* (yabby),
 - (d) *Maccullochella peelii peelii* (Murray cod),
 - (e) *Macquaria ambigua* (golden perch),
 - (f) *Nematalosa erebi* (bony bream),
 - (g) *Leiopotherapon unicolor* (spangled perch).

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2008

Clause 4

-
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Lachlan River Catchment, or
 - (b) possess or sell yabby taken from the Lowland Lachlan River Catchment, or
 - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.
- inland restricted fishery*** has the same meaning as in the *Fisheries Management (General) Regulation 2002*.
- Lowland Lachlan River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).



New South Wales

State Property Authority Order (No 2) 2008

under the

State Property Authority Act 2006

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19 of the *State Property Authority Act 2006*, make the following Order.

Dated, this 18th day of June 2008.

By Her Excellency's Command,

JOHN WATKINS, M.P.,
Minister for Finance

Explanatory note

The object of this Order is to include certain property in Schedule 1 to the *State Property Authority Act 2006* which will have the effect of transferring the property to the State Property Authority.

This Order is made under section 19 of the *State Property Authority Act 2006*.

Clause 1 State Property Authority Order (No 2) 2008

State Property Authority Order (No 2) 2008

under the

State Property Authority Act 2006

1 Name of Order

This Order is the *State Property Authority Order (No 2) 2008*.

2 Commencement

This Order commences on 1 July 2008.

3 Amendment of State Property Authority Act 2006 No 40

The *State Property Authority Act 2006* is amended as set out in Schedule 1 to this Order.

State Property Authority Order (No 2) 2008

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1 Property transferred to Authority

Insert at the end of the matter appearing under the heading “Miscellaneous properties”:

Lot 3 in Strata Plan 37110
Lot 3, Section 2 in Deposited Plan 54283
Lot 4, Section 2 in Deposited Plan 54283
Lot 5, Section 2 in Deposited Plan 54283
Lot 6, Section 2 in Deposited Plan 54283
Lot 12, Section 2 in Deposited Plan 54283
Lot 13, Section 2 in Deposited Plan 54283
Lot 14, Section 2 in Deposited Plan 54283
Lot 32, Section G in Deposited Plan 2161
Lot 33, Section G in Deposited Plan 2161
Lot 34, Section G in Deposited Plan 2161
Lot 35, Section G in Deposited Plan 2161
Lot 15 in Deposited Plan 260805
Lot 1 in Deposited Plan 1067118
Lot 2 in Deposited Plan 1067118
Lot 3 in Deposited Plan 1067118
Lot 4 in Deposited Plan 1067118
Lot 1 in Deposited Plan 1067120
Lot 2 in Deposited Plan 1067120
Lot Y in Deposited Plan 87197
Lot A in Deposited Plan 155441
Lot E in Deposited Plan 162173
Lot F in Deposited Plan 162173
Lot 1 in Deposited Plan 503012
Lot 2 in Deposited Plan 503012

State Property Authority Order (No 2) 2008

Schedule 1 Amendment

Lot 21 in Deposited Plan 556054
Lot B in Deposited Plan 334618
Lot 1 in Deposited Plan 73763
Lot 13 in Deposited Plan 13536
Lot 14 in Deposited Plan 13536
Lot 1 in Deposited Plan 900505
Lot 1 in Deposited Plan 616459
Lot 53 in Deposited Plan 151167
Lot 27 in Deposited Plan 150134
Lot 44 in Deposited Plan 150066
Lot 63 in Deposited Plan 1109172
Lot 64 in Deposited Plan 1109172
Lot 4, Section 12 in Deposited Plan 758827
Lot 5, Section 12 in Deposited Plan 758827
Lot 4A, Section 12 in Deposited Plan 758827
Lot 1 in Deposited Plan 775220
Lot 19 in Deposited Plan 816808
Lot 13, Section 5 in Deposited Plan 2659
Lot 14, Section 5 in Deposited Plan 2659
Lot 10 in Deposited Plan 858986
Lot 10, Section 43 in Deposited Plan 758361
Lot 4 in Deposited Plan 810210
Lot 100 in Deposited Plan 880488
Lot 433 in Deposited Plan 45626
Lot 431 in Deposited Plan 48728
Lot 438 in Deposited Plan 705500
Lot 423 in Deposited Plan 873012
Lot 71 in Deposited Plan 706143
Lot 10 in Deposited Plan 815958

Other Legislation



New South Wales

Maximum Registration Charges Notice 2008

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

I, Eric Roozendaal, the Minister for Roads, in pursuance of section 9 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, give notice that the maximum registration charges that may be imposed for the time being as calculated by the Australian Transport Council under the *Agreement* referred to in the *National Transport Commission Act 2003* of the Commonwealth are as set out in Schedule 1 to this Notice.

Dated, this 10th day of June 2008.

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Maximum Registration Charges Notice 2008

Schedule 1 Maximum registration charges

Schedule 1 Maximum registration charges**1 Load carrying vehicles**

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$380	\$652	\$652	\$652
2	Truck (type 2)	\$652	\$859	\$859	\$859
3	Short combination truck	\$652	\$859	\$1,593	\$1,593
4	Medium combination truck	\$5,161	\$5,161	\$5,574	\$5,574
5	Long combination truck	\$7,120	\$7,120	\$7,120	\$7,120
6	Short combination prime mover	\$1,000	\$3,930	\$4,322	\$4,322
7	Medium combination prime mover	\$7,050	\$7,050	\$7,755	\$7,755
8	Long combination prime mover	\$7,050	\$7,050	\$7,755	\$7,755

2 Load carrying trailer, converter dolly and low loader dolly

The charge for a load carrying trailer, converter dolly or low loader dolly is \$380 multiplied by the number of axles of the trailer or dolly.

3 Buses

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$380	Not applicable	Not applicable
2	Bus (type 2)	\$380	\$2,087	\$2,087
3	Articulated bus	Not applicable	\$380	\$380

4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$248
3	Special purpose vehicle (type o)	\$310 plus (\$310 multiplied by the number of axles in excess of 2)

Maximum Registration Charges Notice 2008

Maximum registration charges

Schedule 1

5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.

OFFICIAL NOTICES

Appointments

FAIR TRADING ACT 1987

Motor Vehicle Industry Advisory Council

Appointment of Member

PURSUANT to section 25E of the Fair Trading Act 1987, I hereby appoint the following persons as member of the Motor Vehicle Industry Advisory Council. The appointment will expire on 31 December 2008.

- Lyn KENDALL.

Dated this 10th day of June 2008.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Department of Lands

DUBBO OFFICE

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

Phone: (02) 6883 3300 Fax: (02) 6882 6920

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Greg HARON (new member), Craig Sidney DEVLIN (new member), Sarah Louise DEVLIN (new member).	Mendooran Recreation Reserve Trust.	Reserve No.: 1591. Public Purpose: Public recreation. Notified: 19 November 1883. File No.: 07/5535.

Term of Office

For a term commencing this day and expiring 30 April 2009.

DRAFT ASSESSMENT OF CROWN LAND UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND THE CROWN LANDS REGULATION 2006

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

Inspection of this draft assessment can be made at the Dubbo office of the Department of Lands, 142 Brisbane Street, Dubbo, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty-eight (28) days from 20 June 2008 until the 18 July 2008 and should be sent to the Land Assessment Officer, Department of Lands (Crown Lands Division), PO Box 865, Dubbo NSW 2830. Please quote Reference No. DB06 H 96.

An application has been made by the current occupier of the land to purchase the land. Prior to considering the purchase application, land assessment has been undertaken.

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

Description

Crown Land Reserve for Access, located approximately four kilometres east of Coonabarabran, adjacent to the Castlereagh River. Crown Land described as Lots 572, 573 and 574 in Deposited Plan 44949, Parish of Coonabarabran, County Gowen, Local Government Area Warrumbungle.

Contact: Mick Redfern (02) 6883 3325.

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

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

Inspection of this draft assessment can be made at the Dubbo office of the Department of Lands, 142 Brisbane Street, Dubbo, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty-eight (28) days from 20 June 2008 until the 20 July 2008 and should be sent to the Land Assessment Officer, Department of Lands (Crown Lands Division), PO Box 865, Dubbo NSW 2830. Please quote Reference No. DB87 H 19.

Enquiry has been made of behalf of the current tenure holder regarding the possibility of purchasing the area held under licence for purpose 'grazing'. Prior to considering the purchase application, land assessment was required.

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

Description

Lots 22-23 and 46, DP 755281, Crown Land is located approximately 10 Kilometres north-west of the town Warren, Parish of Carul, County of Oxley, Local Government Area of Warren.

Contact: John Nolan (02) 6883 3307.

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

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

Inspection of this draft assessment can be made at the Dubbo office of the Department of Lands, 142 Brisbane Street, Dubbo, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of twenty-eight (28) days from 20 June 2008 until the 20 July 2008 and should be sent to the Land Assessment Officer, Department of Lands (Crown Lands Division), PO Box 865, Dubbo NSW 2830. Please quote Reference No. DB82 H 796.

Enquiry has been made of behalf of the current tenure holder regarding the possibility of purchasing the area held under licence for 'grazing'. Prior to considering the purchase application, land assessment was required.

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

Description

Lot 21, DP 41848, Crown Land is located approximately 20 Kilometres south of the town Nyngan, Parish of Wera, County of Oxley, Local Government Area of Bogan Shire Council.

Contact: John Nolan (02) 6883 3307.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Meredith Ann WALLACE (new member), Gail Maureen WILSON-LUTTER (new member), Shane Robert LOVELL (re-appointment), Rodney Stewart OUTERBRIDGE (re-appointment), Colin John WALLACE (re-appointment), Vicki Nola OUTERBRIDGE (re-appointment).	Meerschaum Vale Hall Trust.	Reserve No.: 90719. Public Purpose: Public hall. Notified: 4 March 1977. File No.: GF81 R 147.

Term of Office

For a term commencing the date of this notice and expiring 19 June 2013.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Neil David BENNETT (new member), Stuart Gordon BROWN (new member), Robin Walter KEYS (new member), Randolf NEUMAIER (new member), Paul Charles POSSART (new member), Damien Jon KEYS (new member), Shannon KEYS (new member).	Green Pigeon Community Centre (R91367) Reserve Trust.	Reserve No.: 91367. Public Purpose: Community centre. Notified: 26 January 1979. File No.: GF02 R 30.

Term of Office

For a term commencing the date of this notice and expiring 19 June 2013.

NOTIFICATION OF CLOSING OF ROAD

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

extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

Land District – Taree; L.G.A. – Greater Taree

Road Closed: Lots 1, DP 1126944 at Cedar Party, Parish Marlee, County Macquarie.

File No.: TE05 H 34.

Schedule

On closing, the land within Lots 1, DP 1126944 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 2, DP 1122741 at South Lismore, Parish South Lismore, County Rous.

File No.: GF06 H 513.

Schedule

On closing, the land within Lot 2, DP 1122741 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lots 1, DP 1126943 at Faulkland, Parish Verulam, County Gloucester.

File No.: TE05 H 67.

Schedule

On closing, the land within Lots 1, DP 1126943 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Murwillumbah; L.G.A. – Tweed

Road Closed: Lot 1, DP 1124242 at Midginbil, Parish Gooninbar, County Rous.

File No.: GF05 H 394.

Schedule

On closing, the land within Lot 1, DP 1124242 remains vested in the State of New South Wales as Crown Land.

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

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Gosford. Local Government Area: Gosford City Council. Parish: Kincumber. County: Northumberland. Locality: Land below high water mark between Terrigal and Avoca being Crown Land depicted on the plan of R1014968 held by the Department of Lands. Area: Approx. 1500 hectares. File No.: MD07 H 56.	Reserve No.: 1014968. Public Purpose: Access and public requirements, tourism purposes and environmental heritage and conservation.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Crown Lands Reserve Trust.	Reserve No.: 1014968. Public Purpose: Access and public requirements, tourism purposes and environmental heritage and conservation. Notified: This day. File No.: MD07 H 56.

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

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

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

Description

*Land District – Narrabri; Council – Walgett Shire;
Parish – Oreel; County – Jamison*

Roads Closed: Lot 1 in DP 1125587.

File No.: ME05 H 534.

Note: On closing, the land within Lot 1 in DP 1125587 remains vested in the State of New South Wales as Crown Land.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Parish – Murrabrine; County – Dampier;
Land District – Bega;
Local Government Area – Bega Valley

Road Closed: Lot 1, DP 1126120 at Cobargo, subject to easement for Right of Carriageway created by DP 1126120.

File No.: NA05 H 261.

Schedule

On closing, the land within Lot 1, DP 1126120 remains vested in the State of New South Wales as Crown Land.

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

ADDITION TO CROWN LAND DEDICATED FOR A PUBLIC PURPOSE

PURSUANT to section 81 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the dedicated Crown Land specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Forbes.	Dedication No.: 590005.
Local Government Area: Forbes Shire Council.	Public Purpose: Public recreation.
Locality: Forbes.	Notified: 20 February 1874.
Lot 1, section 118, DP No. 758418, Parish Forbes, County Ashburnham.	Lot 701, DP No. 1019971, Parish Forbes, County Ashburnham.
Area: 32 square metres.	New Area: 6931 square metres.
File No.: OE81 H 440/2.	

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Land District: Rylstone.	The whole being Lot 19, DP No. 755435, Parish Hawkins, County Phillip, of an area of 123.5 hectares.
Local Government Area: Mid-Western Regional Council.	
Locality: Hawkins Pinnacle.	
Reserve No.: 95129.	
Public Purpose: Future public requirements.	
Notified: 5 June 1981.	
File No.: OE04 H 254.	

Note: Conversion to freehold land.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Rylstone.	The whole being Lot 19, DP No. 755435, Parish Hawkins, County Phillip, of an area of 123.5 hectares.
Local Government Area: Mid-Western Regional Council.	
Locality: Hawkins Pinnacle.	
Reserve No.: 84034.	
Public Purpose: Soil conservation.	
Notified: 26 October 1962.	
File No.: OE04 H 254.	

Note: Conversion to freehold land.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>
Land District: Cowra.	The whole being Lot 128, DP No. 752943, Parish Kangaroooby, County Forbes, of an area of 64.75 hectares.
Local Government Area: Cowra Shire Council.	
Locality: Kangaroooby.	
Reserve No.: 95321.	
Public Purpose: Future public requirements.	
Notified: 19 June 1981.	
File No.: OE05 H 404.	

Note: Conversion of leasehold to freehold land.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>
Land District: Cowra.	The part being Lot 111, DP No. 752943, Parish Kangaroooby, County Forbes;
Local Government Area: Cowra Shire Council.	Lot 15, DP No. 752943, Parish Kangaroooby, County Forbes; Lot 128, DP No. 752943, Parish Kangaroooby, County Forbes, of an area of 442 hectares.
Locality: Kangaroooby.	
Reserve No.: 72876.	
Public Purpose: Public utility.	
Notified: 15 October 1948.	
Lot 7003, DP No. 1024240, Parish Kangaroooby, County Forbes;	
Lot 7004, DP No. 1024155, Parish Kangaroooby, County Forbes;	
Lot 7005, DP No. 1024155, Parish Kangaroooby, County Forbes;	
Lot 15, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 107, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 123, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 124, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 125, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 127, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 128, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 129, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 135, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 137, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 138, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 139, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 140, DP No. 752943, Parish Kangaroooby, County Forbes;	
Lot 141, DP No. 724709,	

Parish Kangaroooby, County Forbes;
 Lot 7002, DP No. 1024239#,
 Parish Kangaroooby, County Forbes;
 Lot 111, DP No. 752943,
 Parish Kangaroooby, County Forbes;
 Lot 7006, DP No. 1024155,
 Parish Kangaroooby, County Forbes.
 File No.: OE05 H 404.

Note: Conversion of leasehold to freehold land.

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

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>
Land District: Cowra.	The whole being Lot 15,
Local Government Area: Cowra Shire Council.	DP No. 752943, Parish Kangaroooby, County Forbes;
Locality: Kangaroooby.	Lot 111, DP No. 752943,
Reserve No.: 95304.	Parish Kangaroooby, County
Public Purpose: Future public requirements.	Forbes, of an area of 421.1
Notified: 19 June 1981.	hectares.
File No.: OE05 H 403.	

Note: Conversion of leasehold to freehold land.

SCHEDULE 6

<i>Column 1</i>	<i>Column 2</i>
Land District: Rylstone.	The part being Lot 160,
Local Government Area: Mid-Western Regional Council.	DP No. 755435, Parish Hawkins, County Phillip;
Locality: Bylong.	Lot 162, DP No. 755435,
Reserve No.: 80305.	Parish Hawkins, County
Public Purpose: Soil conservation.	Phillip, of an area of 137.5
Notified: 24 January 1958.	hectares.
Lot 78, DP No. 755420, Parish Bylong, County Phillip;	
Lot 88, DP No. 755420, Parish Bylong, County Phillip;	
Lot 160, DP No. 755435, Parish Hawkins, County Phillip;	
Lot 162, DP No. 755435, Parish Hawkins, County Phillip;	
Lot 228, DP No. 755432, Parish Growee, County Phillip;	
Lot 172, DP No. 755432, Parish Growee, County Phillip;	
Lot 229, DP No. 755432, Parish Growee, County Phillip.	
File No.: OE90 H 241.	

Note: Conversion of land to freehold land.

SCHEDULE 7

<i>Column 1</i>	<i>Column 2</i>
Land District: Rylstone.	The whole being Lot 162,
Local Government Area: Mid-Western Regional Council.	DP No. 755435, Parish Hawkins, County Phillip, of
Locality: Hawkins.	an area of 78.21 hectares.
Reserve No.: 95424.	
Public Purpose: Future	

public requirements.
 Notified: 19 June 1981.
 File No.: OE90 H 244.

Note: Conversion of leasehold land to freehold.

SCHEDULE 8

<i>Column 1</i>	<i>Column 2</i>
Land District: Rylstone.	The whole being Lot 160,
Local Government Area: Mid-Western Regional Council.	DP No. 755435, Parish Hawkins, County Phillip, of
Locality: Hawkins.	an area of 59.29 hectares.
Reserve No.: 95423.	
Public Purpose: Future public requirements.	
Notified: 19 June 1981.	
File No.: OE90 H 241.	

Note: Conversion of leasehold to freehold land.

SCHEDULE 9

<i>Column 1</i>	<i>Column 2</i>
Land District: Rylstone.	The part being Lot 18,
Local Government Area: Mid-Western Regional Council.	DP No. 755435, Parish Hawkins, County Phillip;
Locality: Bylong.	Lot 159, DP No. 755435,
Reserve No.: 80309.	Parish Hawkins, County
Public Purpose: Generally.	Phillip, of an area of 266.28
Notified: 24 January 1958.	hectares.
Lot 87, DP No. 755420, Parish Bylong, County Phillip;	
Lot 18, DP No. 755435, Parish Hawkins, County Phillip;	
Lot 159, DP No. 755435, Parish Hawkins, County Phillip;	
Lot 86, DP No. 755444, Parish Never Never, County Phillip;	
Lot 221, DP No. 755432, Parish Growee, County Phillip;	
Lot 217, DP No. 755432, Parish Growee, County Phillip;	
Lot 20, DP No. 755446, Parish Pomany, County Phillip;	
Lot 38, DP No. 755449, Parish Simpson, County Phillip;	
Lot 69, DP No. 755449, Parish Simpson, County Phillip;	
Lot 70, DP No. 755449, Parish Simpson, County Phillip;	
Lot 83, DP No. 755449, Parish Simpson, County Phillip;	
Lot 223, DP No. 755440, Parish Louee, County Phillip;	
Lot 213, DP No. 755432, Parish Growee, County Phillip.	
File No.: OE90 H 242.	

Note: Conversion of land to freehold.

SCHEDULE 10

<i>Column 1</i>	<i>Column 2</i>
Land District: Parkes.	The whole being Lot 153,
Local Government Area: Parkes Shire Council.	DP No. 750177, Parish Nelungalong, County

Locality: Nelungalong. Ashburnham, of an area of
 Reserve No.: 75060. 104.9 hectares.
 Public Purpose: Soil
 conservation.
 Notified: 13 June 1952.
 File No.: OE05 H 255.

Note: Conversion of leasehold to freehold land.

SCHEDULE 11

<i>Column 1</i>	<i>Column 2</i>
Land District: Parkes.	The whole being Lot 153,
Local Government Area: Parkes Shire Council.	DP No. 750177, Parish Nelungalong, County
Locality: Parkes.	Ashburnham, of an area of
Reserve No.: 94482.	104.9 hectares.
Public Purpose: Future public requirements.	
Notified: 20 March 1981.	
File No.: OE05 H 255.	

Note: Conversion of leasehold land to freehold land.

SCHEDULE 12

<i>Column 1</i>	<i>Column 2</i>
Land District: Parkes.	The whole being Lot 46,
Local Government Area: Parkes Shire Council.	DP No. 750153, Parish Curumbenya, County
Locality: Parkes.	Ashburnham; Lot 45,
Reserve No.: 94488.	DP No. 750153, Parish
Public Purpose: Future public requirements.	Curumbenya, County Ashburnham, of an area of
Notified: 20 March 1981.	155.9 hectares.
File No.: OE04 H 262.	

Note: Conversion of land to freehold land.

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

NOTIFICATION OF GRANT OF EASEMENT

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

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

Land District – Metropolitan;
City – Bankstown;
Parish – Bankstown;
County – Cumberland

Purpose: - Drainage

Grantee: - Every person who is at any time entitled to
an estate or interest in possession in the land referred to
hereunder as "Land Benefited" or any part thereof with which
the right shall be capable of enjoyment.

Land over which granted: - A strip of land being Lot 1,
Deposited Plan No. 91987.

Land Benefited: - Lot A, Deposited Plan No. 407750.

File No: MN87R98.

ERRATUM

IN the notification appearing in the Government Gazette of
the 2 May 2008, Folio 2985, under the heading "Notification
of Closing of Roads" note [2] does not affect Lot 12,
DP1122274 and should be removed.

MN03H49.

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

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****APPOINTMENT OF A TRUST BOARD MEMBER**

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Michael FULLBROOK (re-appointment), Ian Robert LOBSEY (re-appointment), Andrew BROWN (re-appointment), Stephen SEMPLE (re-appointment), Robert WARREN (new member). The person for the time being holding the office of President, Nundle Fishing Club (ex-officio member). The person for the time being holding the office of Councillor, Tamworth Regional Council (ex-officio member).	Bowling Alley Point Recreation Reserve Trust.	Reserve No.: 96568. Public Purpose: Public recreation. Notified: 28 January 1983. Locality: Bowling Alley Point. File No.: TH89 R 16.

Term of Office

For a term commencing the date of this notice and expiring 12 June 2013.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Peter HOLLOWAY (new member).	Lake Keepit State Park Trust.	Dedication No.: 1001338. Public Purpose: Public recreation. Notified: 1 June 1997. Locality: Lake Keepit. File No.: TH98 R 5.

Term of Office

For a term commencing the date of this notice and expiring 30 April 2012.

ROADS ACT 1993**Order****Transfer of Crown Road to Council**

IN pursuance of 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 road.

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

SCHEDULE 1

*Parish – Telford; County – Pottinger;
Land District – Quirindi;
L.G.A. – Liverpool Plains Shire Council*

Crown public road as shown on diagram hereunder.

**SCHEDULE 2**

Roads Authority: Liverpool Plains Shire Council.

File No.: 06/8779.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Locality – Duncan's Creek; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Roads Closed: Lots 1 and 2 in Deposited Plan 1121960, Parish Dungowan, County Parry.

File No.: TH05 H 379.

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

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

**REVOCATION OF RESERVATION OF CROWN
LAND**

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Land District: Taree. Local Government Area: Great Lakes Council. Locality: Coolongolook. Reserve No.: 77891. Public Purpose: Future public requirements. Notified: 19 August 1955. File No.: TE03 R 61.	The whole being Lot 1, section 24, DP 758278, Parish Curreeki, County Gloucester. Area: 3237 square metres.
Land District: Taree. Local Government Area: Great Lakes Council. Locality: Coolongolook. Reserve No.: 63364. Public Purpose: Access. Notified: 27 May 1932. File No.: TE05 R 39.	The whole being Lot 1, DP 1115856, Parish Curreeki, County Gloucester. Area: 1011 square metres.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Taree. Local Government Area: Greater Taree City Council. Locality: Cooplacurripa. Reserve No.: 74042. Public Purpose: Generally. Notified: 16 February 1951. File No.: TE05 H 30.	The part being Lot 228, DP 754415, Parish Harrington, County Macquarie. Area: 16.59 hectares.

DISSOLUTION OF RESERVE TRUST

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Forster Primary School Reserve Trust.	Reserve No.: 610047. Public Purpose: Public school site and public school site (addition). Notified: 3 August 1910. File No.: TE99 R 13.

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

GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

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

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

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

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

WLL no.	Name of Lessee	Lot	Deposited Plan No	Folio identifier	Area	Term of Lease	
						From	To
14629	Steven Brian McCULLOCH	600	1124365	600/1124365	3000m2	13 June 2008	12 June 2028
14854	Steven Brian McCULLOCH	601	1124365	601/1124365	2000m2	13 June 2008	12 June 2028
15093	Kevin Arthur HYLAND	158	1073508	158/1073508	2481m2	16 June 2008	15 June 2028
16022	Maureen Ann KIRBY	36	1057617	36/1057617	2671m2	16 June 2008	15 June 2028
15035	Kenneth Ernest JOHNSON	113	1076808	113/1076808	1438m2	16 June 2008	15 June 2028
15099	Janet TOWN	25	1120765	25/1120765	2377m2	16 June 2008	15 June 2028
15040	Michel Ann TIGHE	51	1066289	51/1066289	2488m2	16 June 2008	15 June 2028
14790	Anthony Roy MCKENZIE and Kevin Thomas HAWKINS as Joint Tenants	114	1076808	114/1076808	2571m2	16 June 2008	15 June 2028
15091	Kenneth Allen HUNT and Mary HUNT as Joint Tenants	118	1076808	118/1076808	1702m2	16 June 2008	15 June 2028

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

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

TONY KELLY MLC,
Minister for Lands

Administrative District – Hillston North;
Shire – Carrathool;
Parish – Hadyn;
County – Franklin

The purpose/conditions of Western Lands Lease 4527, being the land contained within Folio Identifiers 5211/720998 and 5212/720998 has been altered from “Cultivation and Grazing” to “Cultivation, Grazing and Feedlot” effective from 17 June, 2008.

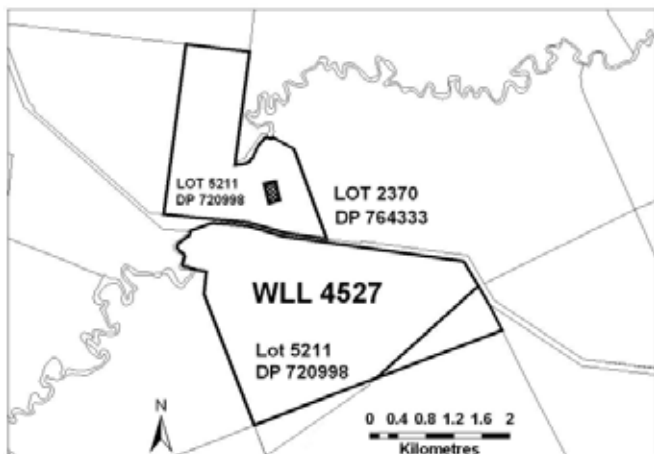
As a consequence of the alteration of purpose/conditions rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The conditions have been altered by the inclusion of the special conditions following.

**SPECIALS CONDITIONS AND RESERVATIONS
ATTACHED TO WESTERN LANDS LEASE 4527**

1. The lessee shall only conduct a feedlot within the area of 5.7 hectares as shown cross hatched on the diagram hereunder. Any other feedlot operation outside this area will only be allowable with the consent of the Commissioner.
2. The lessee shall not clear any native vegetation or remove any timber within the area of the feedlot unless written approval has been granted by the appropriate authority.
3. The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded areas.
4. The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.

5. The lessee shall ensure that no run-off will escape onto adjoining lands.



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 have been altered as shown.

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

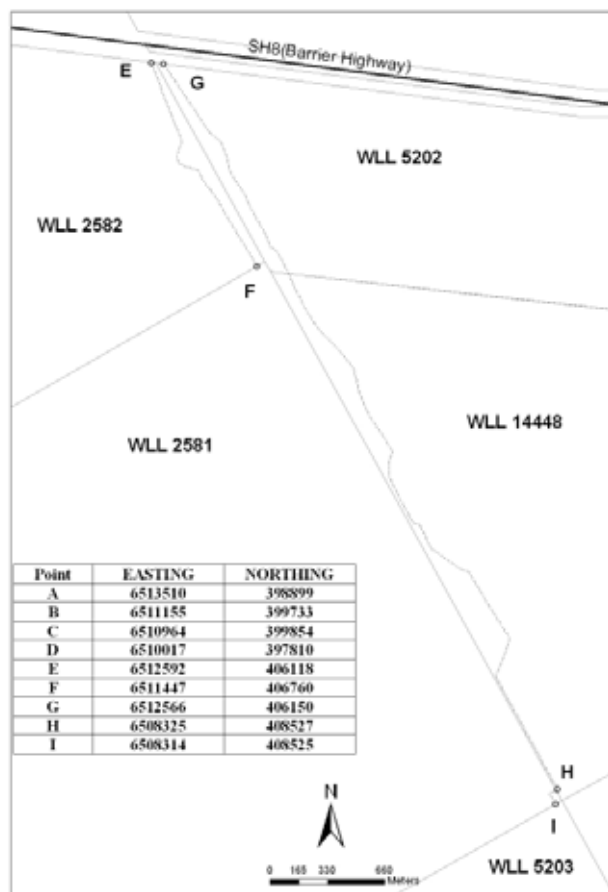
*Administrative District – Cobar;
Shire – Cobar;
Parish – Weltie;
County – Robinson*

The conditions of Western Lands Lease 2582, being the land contained within Folio Identifier 602/761556 have been altered by the inclusion of the special condition following.

SPECIAL CONDITIONS ATTACHED TO WESTERN LANDS LEASE

The lessee shall not obstruct or interfere with the holders of Western Lands Lease 2581 or any person authorised by them:

- travelling, by any reasonable means, along the established track (10 metres wide), identified as E to F on diagram hereunder to get to or from Western Lands Lease 2581, and
- entering upon the lease and taking anything onto the lease and carrying out work within the site of the track such as constructing, placing, repairing or maintaining trafficable surfaces or structures, and
- in the event of any dispute arising between the lessee and the holder of Western Lands Lease 2581 regarding special conditions a) and b) the matter in dispute shall be determined by the Local Land Board, and
- special conditions a), b) and c) may only be removed with the consent of the holder of Western Lands Lease 2581



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 have been altered as shown.

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

*Administrative District – Cobar;
Shire – Cobar;
Parish – Weltie;
County – Robinson*

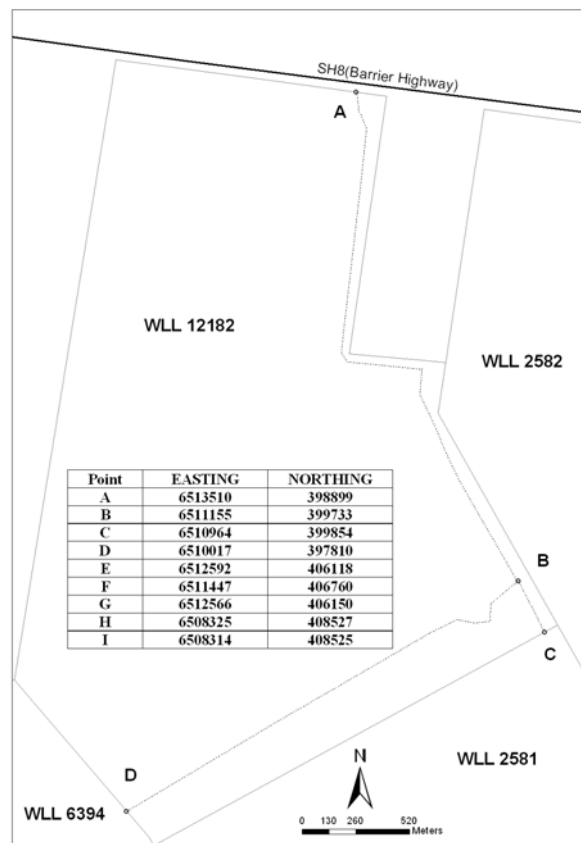
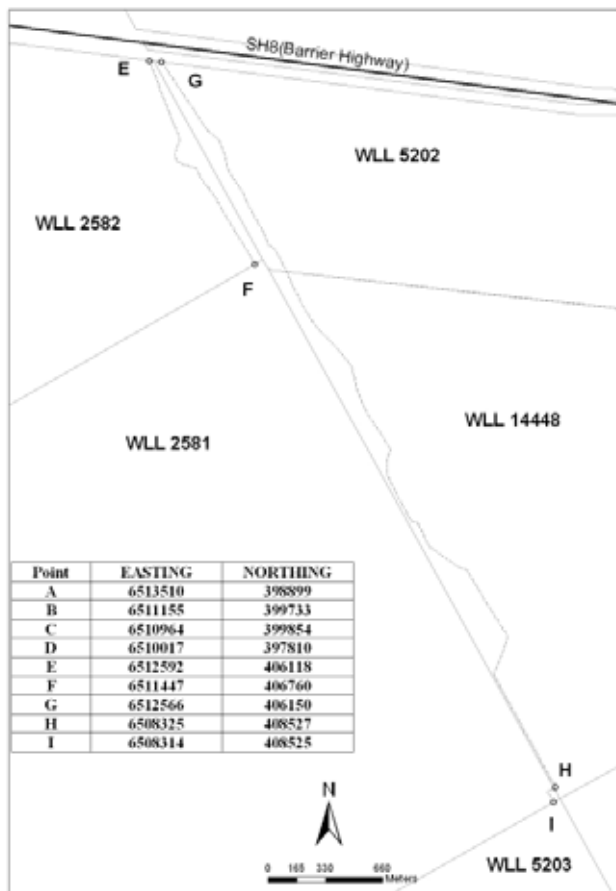
The conditions of Western Lands Lease 2581, being the land contained within Folio Identifiers 2348/764312 and 603/761555 have been altered by the inclusion of the special conditions following.

Special Condition 1

The lessee shall not obstruct or interfere with the holders of Western Lands Lease 5203 or any person authorised by them;

- travelling, by any reasonable means, along the established track (10 metres wide), identified as H to I on the diagram hereunder to get to or from Western Lands Lease 5203, and
- entering upon the lease and taking anything onto the lease and carrying out work within the site of the track such as constructing, placing, repairing or maintaining trafficable surfaces or structures, and
- In the event of any dispute arising between the lessee and the holder of Western Lands Lease 5203 regarding special conditions a) and b) the matter in dispute shall be determined by the Local Land Board, and

(d) special conditions a), b) and c) may only be removed with the consent of the holder of Western Lands Lease 5203.



Special Condition 2

The addition of the special lease conditions for access between Western Lands Lease 12182 and Western Lands Lease 2581 allowing for access along the established track (10 metres wide), identified as A to B to C on the diagram hereunder is not intended to convey any rights to the lessee beyond the reasonable use and maintenance of the track.

The lessee in undertaking any maintenance must:

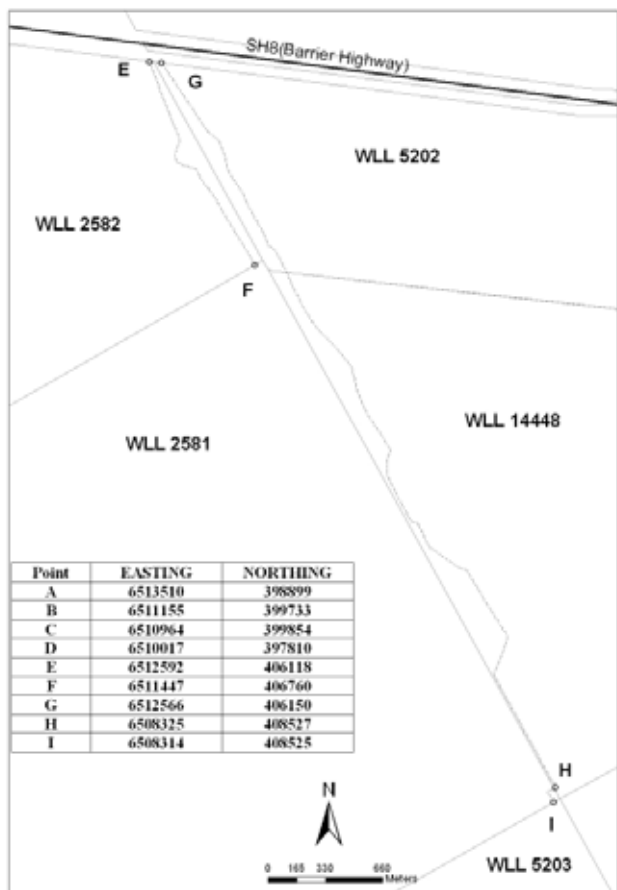
- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the holder and any occupier of Western Lands Lease 12182, and
- (c) cause as little damage as is practicable to Western Lands Lease 12182 and any improvements on it , and
- (d) restore Western Lands Lease 12182 as nearly as is practicable to its former condition, and
- (e) make good any collateral damage, and
- (f) special conditions a), b), c), d) and e) may only be removed with the consent of the holder of Western Lands Lease 12182

Special Condition 3

The addition of the special lease condition for access between Western Lands Lease 2582 and Western Lands Lease 2581 allowing for access along the established track (10 metres wide), identified as E to F on the diagram hereunder is not intended to convey any rights to the lessee beyond the reasonable use and maintenance of the track.

The lessee in undertaking any maintenance must;

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the holder and any occupier of Western Lands Lease 2582, and
- (c) cause as little damage as is practicable to Western Lands Lease 2582 and any improvements on it , and
- (d) restore Western Lands Lease 2582 as nearly as is practicable to its former condition, and
- (e) make good any collateral damage, and
- (f) special conditions a), b), c), d) and e) may only be removed with the consent of the holder of Western Lands Lease 2582.



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 have been altered as shown.

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

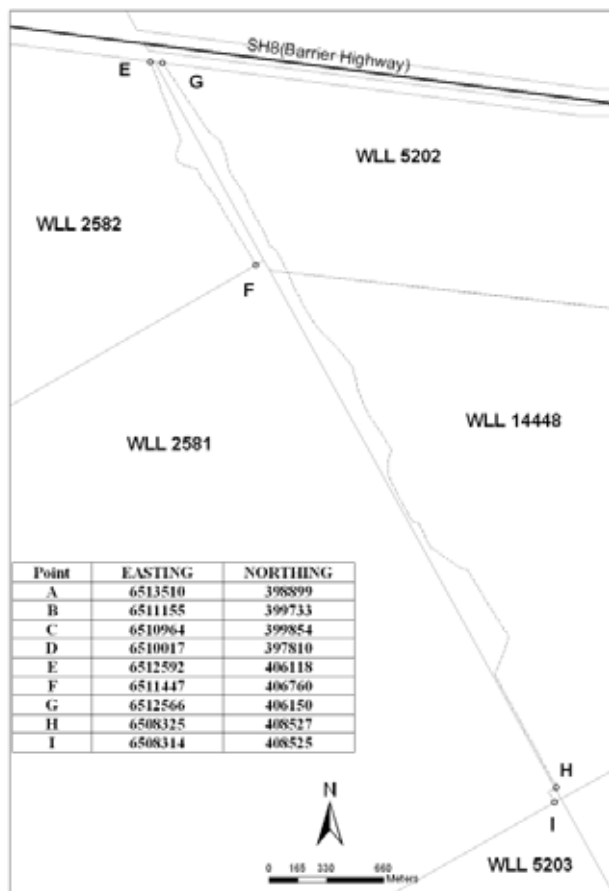
*Administrative District – Cobar;
Shire – Cobar;
Parish – Nyngan;
County – Robinson*

The conditions of Western Lands Lease 5202, being the land contained within Folio Identifier 2996/765195 have been altered by the inclusion of the special condition following.

The lessee shall not obstruct or interfere with the holders of Western Lands Lease 5203 or any person authorised by them:

- (a) travelling, by any reasonable means, along the established track (10 metres wide), identified as G to H to I on the diagram hereunder to get to or from Western Lands Lease 5203, and
- (b) entering upon the lease and taking anything onto the lease and carrying out work within the site of the track such as constructing, placing, repairing or maintaining trafficable surfaces or structures, and
- (c) In the event of any dispute arising between the lessee and the holder of Western Lands Lease 5203 regarding special conditions a) and b) the matter in dispute shall be determined by the Local Land Board, and

- (d) special conditions a), b) and c) may only be removed with the consent of the holder of Western Lands Lease 5203.



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 have been altered as shown.

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

*Administrative District – Cobar;
Shire – Cobar;
Parish – Yanda;
County – Robinson*

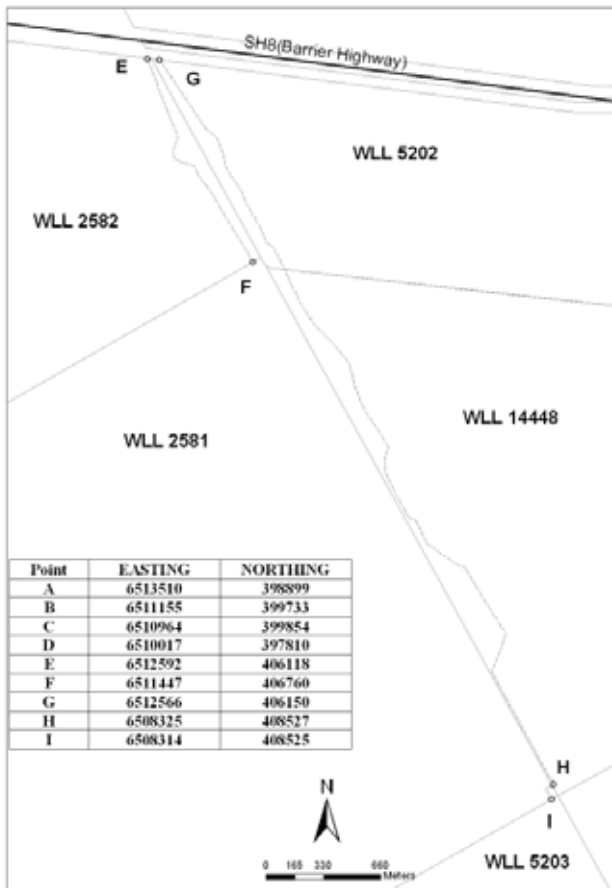
The conditions of Western Lands Lease 5203, being the land contained within Folio Identifier 2998/765197 have been altered by the inclusion of the special condition following.

The addition of the special lease condition for access between Western Lands Leases 5202, 14448, 2581 and Western Lands Lease 5203 allowing for access along the established track (10 metres wide) identified as G to H to I on the diagram hereunder is not intended to convey any rights to the lessee beyond the reasonable use and maintenance of the track.

The lessee in undertaking any maintenance must:

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the holder and any occupier of Western Lands Leases 5202, 14448 and 2581, and

- (c) cause as little damage as is practicable to Western Lands Leases 5202, 14448 and 2581 and any improvements on them , and
- (d) restore Western Lands Leases 5202, 14448 and 2581 as nearly as is practicable to their former condition, and
- (e) make good any collateral damage, and
- (f) special Conditions a), b), c), d) and e) may only be removed with the consent of the holders of Western Lands Leases 5202, 14448 and 2581.



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 have been altered as shown.

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

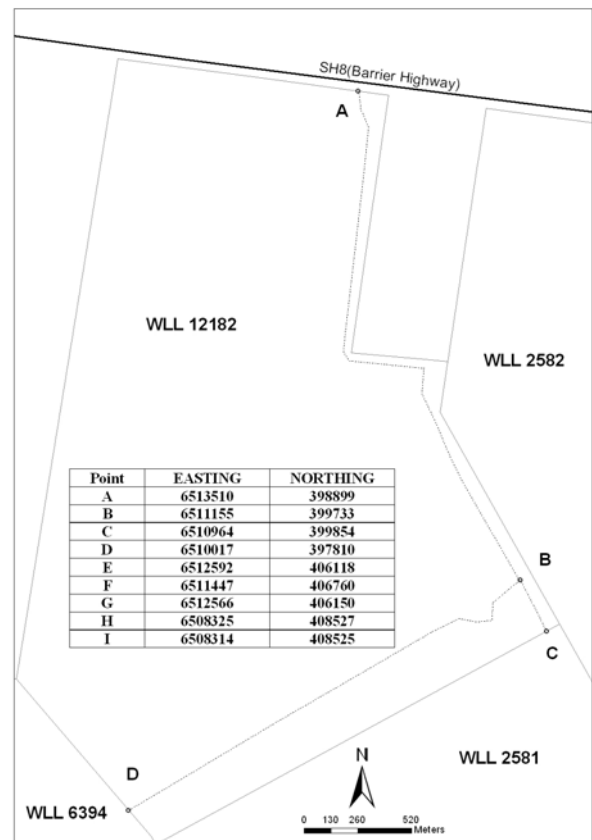
*Administrative District – Cobar;
Shire – Cobar;
Parish – Weltie;
County – Robinson*

The conditions of Western Lands Lease 6394, being the land contained within Folio Identifier 2668/764717 have been altered by the inclusion of the special condition following.

The addition of the special lease conditions for access between Western Lands Lease 12182 and Western Lands Lease 6394 allowing for access along the established track (10 metres wide) identified as A to B to D on the diagram hereunder is not intended to convey any rights to the lessee beyond the reasonable use and maintenance of the track.

The lessee in undertaking any maintenance must:

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the holder and any occupier of Western Lands Lease 12182, and
- (c) cause as little damage as is practicable to Western Lands Lease 12182 and any improvements on it , and
- (d) restore Western Lands Lease 12182 as nearly as is practicable to its former condition, and
- (e) make good any collateral damage, and
- (f) special Conditions a), b), c), d) and e) may only be removed with the consent of the holder of Western Lands Lease 12182.



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 have been altered as shown.

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

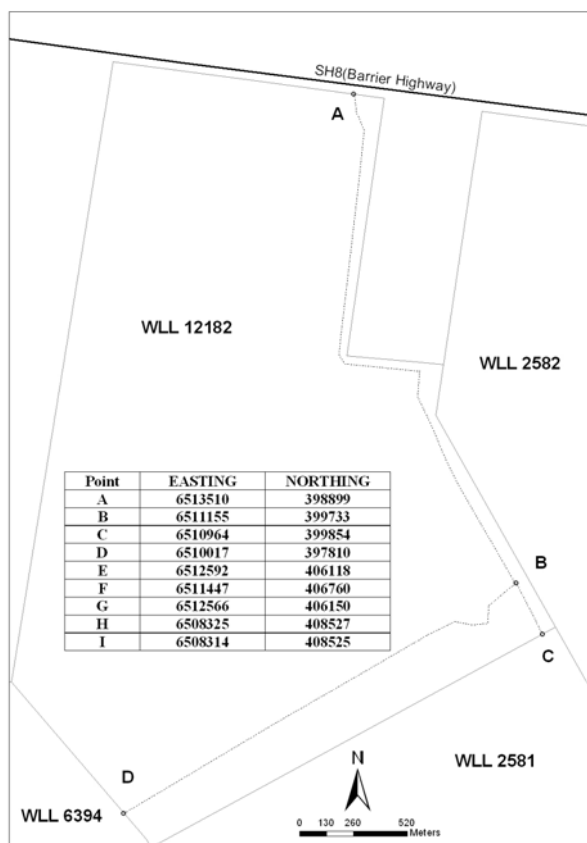
*Administrative District – Cobar;
Shire – Cobar;
Parish – Weltie;
County – Robinson*

The conditions of Western Lands Lease 12182, being the land contained within Folio Identifier 2667/764716 have been altered by the inclusion of the special conditions following.

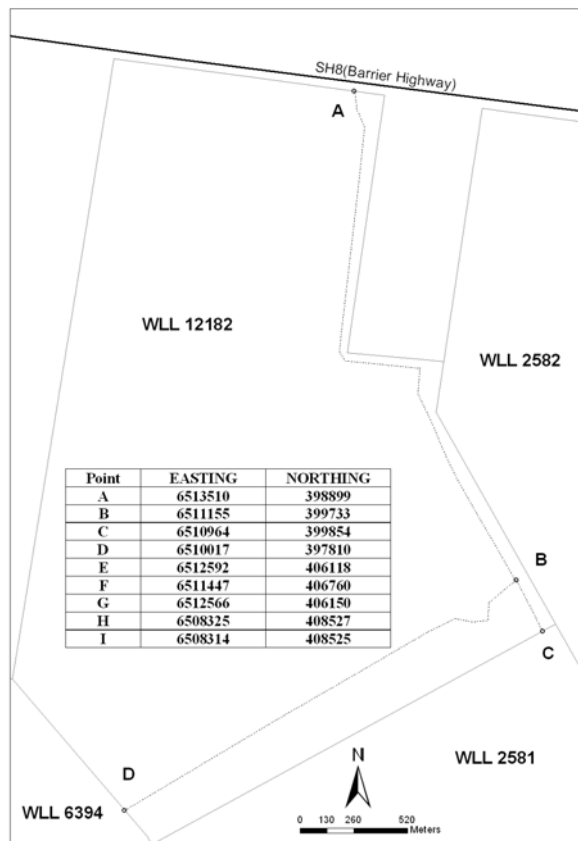
Special Condition 1

The lessee shall not obstruct or interfere with the holders of Western Lands Lease 2581 or any person authorised by them;

- (a) travelling, by any reasonable means, along the established track identified (10 metres wide) as A to B to C being on the diagram hereunder to get to or from Western Lands Lease 2581, and
- (b) entering upon the lease and taking anything onto the lease and carrying out work within the site of the track such as constructing, placing, repairing or maintaining trafficable surfaces or structures, and
- (c) in the event of any dispute arising between the lessee and the holder of Western Lands Lease 2581 regarding special conditions a) and b) the matter in dispute shall be determined by the Local Land Board, and
- (d) special conditions a), b) and c) may only be removed with the consent of the holder of Western Lands Lease 2581



- (c) in the event of any dispute arising between the lessee and the holder of Western Lands Lease 6394 regarding special conditions a) and b) the matter in dispute shall be determined by the Local Land Board, and
- (d) special conditions a), b) and c) may only be removed with the consent of the holder of Western Lands Lease 6394



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 have been altered as shown.

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

*Administrative District – Cobar;
Shire – Cobar;
Parish – Yanda;
County – Robinson*

Special Condition 2

The lessee shall not obstruct or interfere with the holders of Western Lands Lease 6394 or any person authorised by them:

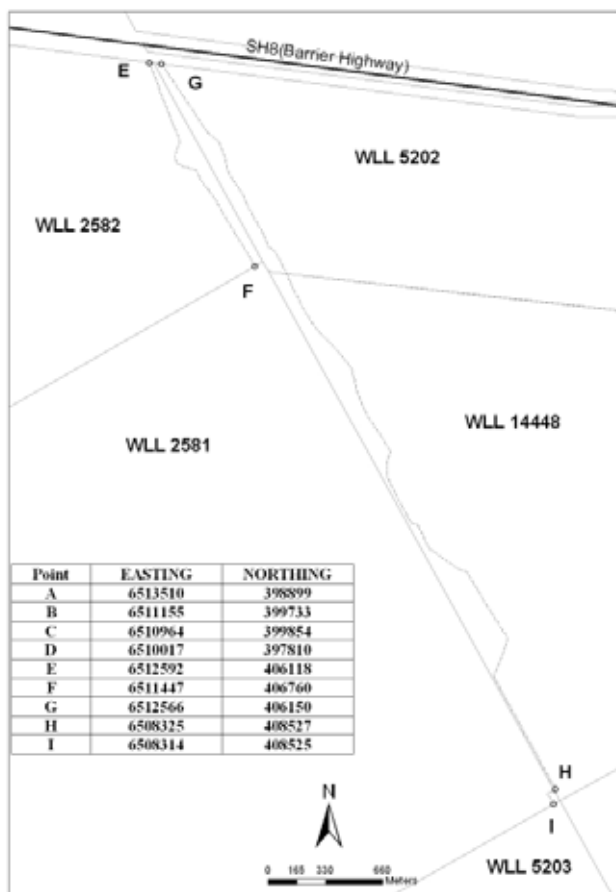
- (a) travelling, by any reasonable means, along the established track (10 metres wide) identified as A to B to D on the diagram hereunder to get to or from Western Lands Lease 6394, and
- (b) entering upon the lease and taking anything onto the lease and carrying out work within the site of the track such as constructing, placing, repairing or maintaining trafficable surfaces or structures, and

The conditions of Western Lands Lease 14448, being the land contained within Folio Identifier 5120/769182 have been altered by the inclusion of the special condition following.

The lessee shall not obstruct or interfere with the holders of Western Lands Lease 5203 or any person authorised by them:

- (a) travelling, by any reasonable means, along the established track (10 metres wide), identified as G to H to I on the diagram hereunder to get to or from Western Lands Lease 5203, and

- (b) entering upon the lease and taking anything onto the lease and carrying out work within the site of the track such as constructing, placing, repairing or maintaining trafficable surfaces or structures, and
- (c) In the event of any dispute arising between the lessee and the holder of Western Lands Lease 5203 regarding special conditions a) and b) the matter in dispute shall be determined by the Local Land Board, and
- (d) special conditions a), b) and c) may only be removed with the consent of the holder of Western Lands Lease 5203.



Department of Planning



New South Wales

Bega Valley Local Environmental Plan 2002 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2001461/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Bega Valley Local Environmental Plan 2002 (Amendment No 4)

Bega Valley Local Environmental Plan 2002 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bega Valley Local Environmental Plan 2002 (Amendment No 4)*.

2 Aims of plan

This plan aims to amend *Bega Valley Local Environmental Plan 2002*:

- (a) to rezone the land to which this plan applies from Zone 1 (c) (Rural Small Holdings Zone) to Zone 3 (a) (General Business Zone), and
- (b) to set out certain development controls for the land.

3 Land to which plan applies

This plan applies to Lot 32, DP 243029 and Lot 1196, DP 613596, corner of Sapphire Coast Drive and Tura Beach Drive, Tura Beach, as shown edged heavy black and lettered "3 (a)" on the map marked "Bega Valley Local Environmental Plan 2002 (Amendment No 4)" deposited in the office of Bega Valley Shire Council.

4 Amendment of Bega Valley Local Environmental Plan 2002

Bega Valley Local Environmental Plan 2002 is amended as set out in Schedule 1.

Bega Valley Local Environmental Plan 2002 (Amendment No 4)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 97

Insert after clause 96:

97 Development of certain land at Sapphire Coast Drive and Tura Beach Drive, Tura Beach

- (1) This clause applies to Lot 32, DP 243029 and Lot 1196, DP 613596, corner of Sapphire Coast Drive and Tura Beach Drive, Tura Beach, as shown edged heavy black and lettered "3 (a)" on the map marked "Bega Valley Local Environmental Plan 2002 (Amendment No 4)".
- (2) Despite any other provision of this plan, a person may, with development consent, carry out development on the land to which this clause applies for the purposes of retail, commercial or community uses.
- (3) Consent may be granted to carry out the development referred to in subclause (2) only if:
 - (a) the total retail floor space on the land does not exceed 5,000 square metres in area and the total floor space of any individual retail premises does not exceed 3,200 square metres in area, and
 - (b) any proposed building is set back not less than 10 metres from the boundary of the land with Tura Beach Drive, and
 - (c) a detailed plan showing the trees and vegetation to be removed and the trees and vegetation to be planted has been considered by the consent authority, excluding any land to be set aside for the purpose of road access from Sapphire Coast Drive, and
 - (d) the consent authority is satisfied that adequate arrangements have been or will be made to service the development with roads, drainage, a reticulated water supply and effluent disposal, and
 - (e) any proposed building does not exceed 2 storeys in height and the vertical distance between any part of any such building and the natural ground level does not exceed 10 metres.
- (4) A reference in this clause to a building does not include a reference to any of the following:
 - (a) an aerial,

Bega Valley Local Environmental Plan 2002 (Amendment No 4)

Schedule 1 Amendments

-
- (b) a chimney stack,
 - (c) a mast,
 - (d) a pole,
 - (e) a receiving tower,
 - (f) a silo,
 - (g) a transmission tower,
 - (h) a utility installation,
 - (i) a ventilator.

[2] Dictionary

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

Bega Valley Local Environmental Plan 2002 (Amendment No 4)



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 27)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N07/00076/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 27)

Port Stephens Local Environmental Plan 2000 (Amendment No 27)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 27)*.

2 Aims of plan

This plan aims to amend *Port Stephens Local Environmental Plan 2000*:

- (a) to rezone the land to which this plan applies from Zone No 2 (a) (Residential "A" Zone) to Zone No 6 (c) (Special Recreation "C" Zone) to formalise the existing operations of the Nelson Bay RSL Memorial Club and allow tourist-style accommodation, and
- (b) to set height limits for buildings on the land.

3 Land to which plan applies

This plan applies to land situated in the local government area of Port Stephens, being land bounded by Shoal Bay Road, Dixon Drive and Achilles Street, Nelson Bay, as shown edged heavy black and lettered "6 (c)" on Sheet 1 of the map marked "Port Stephens Local Environmental Plan 2000 (Amendment No 27)" deposited in the office of Port Stephens Council.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

Port Stephens Local Environmental Plan 2000 (Amendment No 27)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 54C

Insert after clause 54B:

54C Height of buildings on land bounded by Shoal Bay Road, Dixon Drive and Achilles Street, Nelson Bay

- (1) This clause applies to land bounded by Shoal Bay Road, Dixon Drive and Achilles Street, Nelson Bay, as shown edged heavy black on Sheet 2 of the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 27)” (*the Height of Buildings Map*).
- (2) Despite any other provision of this plan, the height of a building on the land to which this clause applies is not to exceed the maximum height shown for the land (or part of the land) on the Height of Buildings Map

[2] Dictionary

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

Port Stephens Local Environmental Plan 2000 (Amendment No 27)—Sheet 1

Department of Primary Industries

C.B. ALEXANDER FOUNDATION INCORPORATION ACT 1969

Appointment of Member and Chairman to the C.B.
Alexander Foundation

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 3 of the C.B. Alexander Foundation Incorporation Act 1969 and section 43 of the Interpretation Act 1987, do by this instrument:

1. revoke the appointment of Barry Buffier as a member of the C.B. Alexander Foundation and as Chairman of the C.B. Alexander Foundation published in the Government Gazette No. 28 of 25 February 2005 at page 500; and
2. appoint Richard Frederick Sheldrake as a member of the CB Alexander Foundation and as Chairman of the C.B. Alexander Foundation for a term of office commencing on the date of this appointment and expiring on 2 April 2015.

Dated this 29th day of May 2008.

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

C.B. ALEXANDER FOUNDATION INCORPORATION ACT 1969

Appointment of Members to the C.B. Alexander
Foundation

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 3 of the C.B. Alexander Foundation Incorporation Act 1969 and section 43 of the Interpretation Act 1987, do by this instrument:

1. revoke the appointment of David Hunt as a member of the C.B. Alexander Foundation; and
2. appoint Beth McDonald as a member of the C.B. Alexander Foundation for a term of office commencing on the date of this appointment and expiring on 2 April 2015; and
3. appoint Susan Hunt as a member of the C.B. Alexander Foundation for a term of office commencing on the date of this appointment and expiring on 2 April 2015.

Dated this 29th day of May 2008.

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

FISHERIES MANAGEMENT ACT 1994

Section 8 and Section 11 Notification –Fishing Closure
Abalone – Regions 1 and 2

I, DOUG HOCKING, Executive Director, Fisheries, Compliance and Regional Relations, with the delegated authority of the Minister for Primary Industries and the Director-General of the NSW Department of Primary Industries pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”), do by this notification:

1. pursuant to section 11 of the Act, revoke the notification titled “Abalone – Regions 1 and 2” published in

Government Gazette No. 98 of 3 August 2007 at page 5454 (and any notification revived as a result of this revocation);

2. pursuant to section 8 of the Act, prohibit the taking of abalone by the class of persons specified in Column 1 of the Schedule to this notification from the waters described opposite in Column 2 of the Schedule.

This fishing closure is effective from the date of publication of this notification until 30 June 2009 unless sooner amended or revoked.

SCHEDULE

<i>Column 1</i> <i>Class of Persons</i>	<i>Column 2</i> <i>Waters</i>
All commercial fishers	The whole of waters north from Tuross Lake (36° 04' 01.7472" south) to the Queensland border (being, the whole of Regions 1 and 2)
All recreational fishers	The whole of waters between Port Stephens (that is, south of a line drawn east of the point 152° 11' 09.4272" east, 32° 42' 40.032" south) and the middle of Wreck Bay Beach, Jervis Bay (that is, the waters bounded by the points of 150° 37' 30.6192" east, 35° 10' 06.0816" south and 150° 37' 30.6192" east, 35° 12' 59.7960" south) (being, part of Region 1)

In this Schedule, longitude and latitude coordinates are in WGS84 datum.

Dated this 12 day of June 2008.

DOUG HOCKING,
Executive Director
Fisheries, Compliance and Regional Relations
NSW Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T08-0105)

No. 3505, VOLCAN ALUMINA CORPORATION PTY LTD (ACN 130 185 885), area of 883 units, for Group 1 and Group 2, dated 12 June 2008. (Inverell Mining Division).

(T08-0106)

No. 3506, VOLCAN ALUMINA CORPORATION PTY LTD (ACN 130 185 885), area of 336 units, for Group 1 and Group 2, dated 12 June 2008. (Inverell Mining Division).

(T08-0113)

No. 3507, NSW OPALS PTY LTD (ACN 129 874 960), area of 80 units, for Group 7, dated 16 June 2008. (Lightning Ridge Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T08-0021)

No. 3421, now Exploration Licence No. 7147, CAPITAL MINING LIMITED (ACN 104 551 171), Counties of Evelyn, Tongowoko and Yantara, Map Sheet (7338), area of 287 units, for Group 1, dated 30 May 2008, for a term until 30 May 2010.

(T08-0025)

No. 3425, now Exploration Licence No. 7150, OROYA MINING LIMITED (ACN 009 146 794), Counties of Bligh, Lincoln and Wellington, Map Sheets (8732, 8733), area of 70 units, for Group 1, dated 10 June 2008, for a term until 10 June 2010.

(T08-0037)

No. 3437, now Exploration Licence No. 7149, Robert Patrick HEWETT, County of Hawes, Map Sheet (9234), area of 4 units, for Group 1 and Group 6, dated 10 June 2008, for a term until 10 June 2010.

MINERAL CLAIM APPLICATION

(06-57)

Armidale No. 63, now Mineral Claim No. 324 (Act 1992), Keith Eric NOON, Parish of Nundle, County of Parry, area of about 2 hectares, to mine for gold, dated 5 June 2008, for a term until 5 June 2013.

MINING LEASE APPLICATION

(07-4260)

Armidale No. 309, now Mining Lease No. 1620 (Act 1992), WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253), Parish of Tulcumba, County of Nandewar, Map Sheets (8936-1-S, 8936-2-N), area of 365.2 hectares, to mine for coal, dated 10 June 2008, for a term until 10 June 2029. As a result of the grant of this title, Authorisation No. 216, Authorisation No. 406 and Exploration Licence No. 5831 have partly ceased to have effect.

PETROLEUM APPLICATIONS

(07-575)

No. 31, now Petroleum Special Prospecting Authority No. 26, PANGAEA OIL & GAS PTY LIMITED (ACN 068 812 171), area of 58 blocks, for petroleum, dated 6 June 2008, for a term until 6 June 2009. (Coffs Harbour Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(07-576)

No. 32, now Petroleum Special Prospecting Authority No. 27, PANGAEA OIL & GAS PTY LIMITED (ACN 068 812 171), area of 88 blocks, for petroleum, dated 6 June 2008, for a term until 6 June 2009. (Armidale Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

(T08-0007)

No. 98, now Petroleum Exploration Licence No. 458, MACQUARIE ENERGY PTY LTD (ACN 113 972 473), area of 36 blocks, for petroleum, dated 6 June 2008, for a term until 6 June 2011. (Singleton Mining Division). For exact location details refer to the Department's NSW State Map of Petroleum Titles.

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

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

(00-48)

Exploration Licence No. 5755, TRIAKO RESOURCES LIMITED (ACN 008 498 119), area of 7 units. Application for renewal received 16 June 2008.

(03-877)

Exploration Licence No. 6268, SAMS REEF MINING PTY LIMITED (ACN 108 530 712), area of 60 units. Application for renewal received 12 June 2008.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(86-578)

Authorisation No. 385, CUMNOCK NO. 1 COLLIERY PTY LIMITED (ACN 051 932 122), County of Durham, Map Sheets (9033, 9133), area of 736 hectares, for a further term until 2 June 2011. Renewal effective on and from 28 May 2008.

(06-524)

Exploration Licence No. 2378, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Bathurst, Map Sheets (8630, 8730, 8731), area of 38 units, for a further term until 25 February 2010. Renewal effective on and from 10 June 2008.

(T08-2423)

Exploration Licence No. 5714, MALACHITE RESOURCES NL (ACN 075 613 268), County of Buller, Map Sheet (9340), area of 13 units, for a further term until 17 April 2010. Renewal effective on and from 12 June 2008.

(05-225)

Exploration Licence No. 6475, PLATSEARCH NL (ACN 003 254 395), Counties of Farnell and Yancowinna, Map Sheet (7134), area of 51 units, for a further term until 16 November 2009. Renewal effective on and from 16 June 2008.

(05-239)

Exploration Licence No. 6492, GRAYNIC METALS LIMITED (ACN 112 898 825), County of Murchison, Map Sheet (9037), area of 6 units, for a further term until 20 November 2009. Renewal effective on and from 11 June 2008.

(T01-0492)

Mining Lease No. 998 (Act 1973), ARROW GOLD LTD (ACN 103 823 856), Parish of Bergalia, County of Dampier and Parish of Moruya, County of Dampier, Map Sheet (8926-3-S), area of 39.21 hectares, for a further term until 27 July 2024. Renewal effective on and from 6 June 2008.

(T86-0304)

Mining Purposes Lease No. 1295 (Act 1906), UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), Parish of Bouverie, County of Westmoreland, Map Sheet (8829-2-N),

area of 1.3456 hectares, for a further term until 18 July 2029.
Renewal effective on and from 30 November 2007.

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

TRANSFERS

(02-95)

Exploration Licence No. 6017, formerly held by MOLY MINES LIMITED (ACN 103 295 521) has been transferred to MOLY EX PTY LTD (ACN 128 881 121). The transfer was registered on 11 June 2008.

(02-95)

Exploration Licence No. 6083, formerly held by MOLY MINES LIMITED (ACN 103 295 521) has been transferred to MOLY EX PTY LTD (ACN 128 881 121). The transfer was registered on 11 June 2008.

(02-95)

Exploration Licence No. 6390, formerly held by MOLY MINES LIMITED (ACN 103 295 521) has been transferred to MOLY EX PTY LTD (ACN 128 881 121). The transfer was registered on 11 June 2008.

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

NOXIOUS WEEDS ACT 1993

Appointment of Member

to Noxious Weeds Advisory Committee

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 58 of the Noxious Weeds Act 1993 (“the Act”), have determined that Ms Maria WOODS be appointed to the Noxious Weeds Advisory Committee as a community representative, for a term expiring on 30 June 2010.

Dated this 29th day of May 2008.

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

STOCK DISEASES ACT 1923

Appointment Of Inspectors

Notification No: 492

I, RICHARD FREDERICK SHELDRAKE, Director-General of NSW Department of Primary Industries, pursuant to section 6(1) of the Stock Diseases Act 1923, (“the Act”), hereby appoint Bill GIBBS and Geoff Ralph GRAHAM as inspectors for the purposes of the Act.

Dated this 6th day of June 2008.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

THOMAS PATRICK O'CONNOR,
General Manager,
Uralla Shire Council
(by delegation from the Minister for Roads)
Dated: 13 June 2008

SCHEDULE

1. Citation

This Notice may be cited as the Uralla Shire Council 25metre B-Double route Notice No. 02/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This notice remains in force until 27 July 2008 unless it is amended or repealed earlier.

4. Application

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

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Rowan Avenue, Uralla.	New England Highway.	MR 73 (Thunderbolts Way).

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

S. McGRATH,
General Manager,
Singleton Council
(by delegation from the Minister for Roads)
Dated: 10 June 2008

SCHEDULE

1. Citation

This Notice may be cited as the Singleton Council 25 metre B-Double Repeal Notice No. 1/2008.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

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

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25.	Boundary Street, Singleton.	George Street.	Queen Street.

ROADS ACT 1993

Order - Sections 46, 49, 54 and 67

Bega Valley Shire Council area

Declaration as a Controlled Access Road of part of the Princes Highway at Frogs Hollow

I, the Minister for Roads, pursuant to Sections 46, 49, 54 and 67 of the Roads Act, 1993, by this order –

1. dedicate as public road the land described in Schedule 1 under;
2. declare to be a main road the said public road described in Schedule 1 and the public road described in Schedule 2 under;
3. declare to be a controlled access road the said main road described in Schedules 1 and 2;
4. declare that access to the said controlled access road is restricted; and
5. specify in Schedule 3 under, the points along the controlled access road at which access may be gained to or from other public roads.

**HONERIC ROOZENDAAL MLC
MINISTER FOR ROADS**

SCHEDULE 1

ALL those pieces or parcels of land situated in the Bega Valley Shire Council area, Parish of Kameruka and County of Auckland shown as:

Lot 14 Deposited Plan 740849;

Lots 18 to 21 inclusive and Lot 25 Deposited Plan 787822;
and
Lot 19 Deposited Plan 750211.

The above Lots comprise the whole of the land in the correspondingly numbered Certificates of Title and are all shown in the RTA Plan 0001 032 AC 4004.

SCHEDULE 2

ALL those pieces or parcels of public road situated in the Bega Valley Shire Council area, Parish of Kameruka and County of Auckland shown as:

Lots 100 to 103 inclusive in RTA Plan 0001 032 AC 4004.

SCHEDULE 3

Between the points A and B; and

between the points C and D, all shown in RTA Plan 0001 032 AC 4004.

(RTA Papers 1/32.1418 Pt 2)

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

Notice of Compulsory Acquisition of Land at Cecil Hills in the Liverpool City Council area

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

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 Liverpool City Council area, Parish of Cabramatta and County of Cumberland, shown as:

Lot 11 Deposited Plan 1044168, being part of the land in Certificate of Title 999/830610;

Lot 3176 Deposited Plan 839661, being the whole of the land in Certificate of Title 3176/839661;

Lot 6 Deposited Plan 1062502, being part of the land in Certificate of Title 3175/839661;

Lot 5 Deposited Plan 1062502, being part of the land in Certificate of Title 7000/851917; and

Lot 4 Deposited Plan 1062502, being part of the land in Certificate of Title 7074/852378;

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

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

(RTA Papers: FPP 5M1518; RO 259.12315)

Department of Water and Energy

WATER ACT 1912

APPLICATIONS for a licence under Part 5 of the Water Act 1912, as amended, have been received as follows:

Murrumbidgee Valley

Tony John RUTTER and Deanna Dawn RUTTER for a bore licence on Lot 41, DP 1070906, Parish Mate, County Wynyard, for a water supply for irrigation purposes (new licence) (Reference: 40BL191850).

Christopher Troy BRADSHAW, Craig Matthew BRADSHAW and Roy BRADSHAW for a bore licence on Lot 112, DP 751707, Parish Hebden, County Cooper, for a water supply for irrigation purposes (rice, cereals and pasture) (new licence) (Reference: 40BL191851).

Brendan Patrick RYAN, Jann Mary RYAN, Cliff RYAN, Bryan Jeffrey MARTIN and Jocelyn Carol MARTIN for a bore licence on Lot 5, DP 873991, Parish Bedulluck, County Murray, for a water supply for irrigation purposes (vineyard) (application complies with existing embargo – new licence) (Reference: 40BL191853).

Any enquiries regarding the above should be directed to the undersigned on (02) 6953 0700.

Written objections, specifying grounds, must be lodged with the Department of Water and Energy, PO Box 156, Leeton NSW 2705, within 28 days of the date of this publication.

S. F. WEBB,
Licensing Manager

Other Notices

ADOPTION ACT 2000

Accreditation Notice

THIS Accreditation Notice is published in accordance with section 15 of the Adoption Act 2000. Under section 206 of the Adoption Act 2000, the Director-General of the Department of Community Services may delegate the function of accreditation to provide adoption services. The Director-General has delegated this function to me, the Children's Guardian.

In accordance with sections 15 of the Adoption Act 2000, I accredit Sydney Anglican Home Mission Society Council, Anglicare Adoption Services as an adoption agency under the Act and in accordance with section 17(b) of the Adoption Act 2000, subject the accreditation to the conditions specified below.

I authorise Jane Rowan West, Principal Officer of Anglicare Adoption Services at 19A Gibbons Street, Telopea, to undertake the following domestic adoption services for children, including those with special needs, until 30 June 2013:

- (i) the assessment of the suitability of a person or persons to adopt a child;
- (ii) any decision to place a child with a person or persons to adopt the child; and
- (iii) the transfer of the care of the child to the person or persons wishing to adopt the child.

I specify the following conditions:

1. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 1.1, 1.2, 1.3, 1.4 and 1.5 by 1 September 2009.
2. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 1.6, 1.8, 1.9, and 1.11 by 1 September 2010.
3. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 2.1, 2.2, 3.1, 3.2, 3.3 and 3.4 by 1 September 2011.
4. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 4.4, 5.1, 5.2, 5.3, 6.1 and 6.2 by 1 September 2012.
5. This agency is to have access to a panel of consultants. The Principal Officer will consider the advice of the panel/experts and will retain the records of panel discussions.
6. This agency is to provide the Children's Guardian with an annual report by 30 June 2009, and each year following, detailing:
 - the status of cases where adoption action has commenced,
 - the status of cases where adoption action has ceased,
 - the number of cases where adoption action has been finalised,
 - details of recruitment action for special needs placements,
 - the outcome of cases where the panel has been consulted.

7. This agency is to maintain records of practice relevant to the mandatory requirements and applicable Standards showing that the best interests of the child are paramount in adoption proceedings. These records are to be made available to the Children's Guardian for inspection upon request in written form or an electronic format approved by the Children's Guardian.

The Children's Guardian may revoke or vary any condition to which the accreditation of Sydney Anglican Home Mission Society Council, Anglicare Adoption Services is subject and may attach new conditions to the accreditation. The Children's Guardian may revoke or suspend the accreditation of Sydney Anglican Home Mission Society Council, Anglicare Adoption Services if it fails to comply with any of these conditions.

KERRY BOLAND,
Children's Guardian

ADOPTION ACT 2000

Accreditation Notice

THIS Accreditation Notice is published in accordance with section 15 of the Adoption Act 2000. Under section 206 of the Adoption Act 2000, the Director-General of the Department of Community Services may delegate the function of accreditation to provide adoption services. The Director-General has delegated this function to me, the Children's Guardian.

In accordance with sections 15 of the Adoption Act 2000, I accredit Barnardos Australia, Barnardos Find-a-Family Adoption Program as an adoption agency under the Act and in accordance with section 17(b) of the Adoption Act 2000, subject the accreditation to the conditions specified below.

I authorise Lynne Patricia Moggach, Principal Officer of Barnardos Find-a-Family Adoption Program at 60-64 Bay Street, Ultimo, to undertake the following domestic adoption services for children, excluding those with special needs, until 30 June 2013:

- (i) the assessment of the suitability of a person or persons to adopt a child;
- (ii) any decision to place a child with a person or persons to adopt the child; and
- (iii) the transfer of the care of the child to the person or persons wishing to adopt the child.

I specify the following conditions:

1. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 1.1, 1.2, 1.3, 1.4 and 1.5 by 1 October 2009.
2. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 1.6, 1.8, 1.9, and 1.11 by 1 October 2010.
3. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 2.1, 2.2, 3.1, 3.2 and 3.3 by 1 October 2011.
4. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 4.4, 5.1, 5.2, 5.3, 6.1 and 6.2 by 1 October 2012.

5. This agency is to have access to a panel of consultants. The Principal Officer will consider the advice of the panel/experts and will retain the records of panel discussions.
6. This agency is to provide the Children's Guardian with an annual report by 30 June 2009, and each year following, detailing:
 - the status of cases where adoption action has commenced,
 - the status of cases where adoption action has ceased,
 - the number of cases where adoption action has been finalised,
 - the outcome of cases where the panel has been consulted.
7. This agency is to maintain records of practice relevant to the mandatory requirements and applicable Standards showing that the best interests of the child are paramount in adoption proceedings. These records are to be made available to the Children's Guardian for inspection upon request in written form or an electronic format approved by the Children's Guardian.

The Children's Guardian may revoke or vary any condition to which the accreditation of Barnardos Australia, Barnardos Find-a-Family Adoption Program is subject and may attach new conditions to the accreditation. The Children's Guardian may revoke or suspend the accreditation of Barnardos Australia, Barnardos Find-a-Family Adoption Program if it fails to comply with any of these conditions.

KERRYN BOLAND,
Children's Guardian

ADOPTION ACT 2000

Accreditation Notice

THIS Accreditation Notice is published in accordance with section 15 of the Adoption Act 2000. Under section 206 of the Adoption Act 2000, the Director-General of the Department of Community Services may delegate the function of accreditation to provide adoption services. The Director-General has delegated this function to me, the Children's Guardian.

In accordance with sections 15 of the Adoption Act 2000, I accredit Centacare Catholic Community Welfare Services (Sydney), Centacare Adoption Services as an adoption agency under the Act and in accordance with section 17(b) of the Adoption Act 2000, subject the accreditation to the conditions specified below.

I authorise Jodie Maree Mollison, Principal Officer of Centacare Adoption Services at 8 Jacobs Street, Bankstown, to undertake the following domestic adoption services for children, including those with special needs, until 30 June 2013:

- (i) the assessment of the suitability of a person or persons to adopt a child;
- (ii) any decision to place a child with a person or persons to adopt the child; and
- (iii) the transfer of the care of the child to the person or persons wishing to adopt the child.

I specify the following conditions:

1. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 1.1, 1.2, 1.3, 1.4 and 1.5 by 1 November 2009.
2. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 1.6, 1.8, 1.9, and 1.11 by 1 November 2010.
3. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 2.1, 2.2, 3.1, 3.2, 3.3 and 3.4 by 1 November 2011.
4. This agency is to submit indirect evidence of compliance with NSW Adoption Standards 4.4, 5.1, 5.2, 5.3, 6.1 and 6.2 by 1 November 2012.
5. This agency is to have access to a panel of consultants. The Principal Officer will consider the advice of the panel/experts and will retain the records of panel discussions.
6. This agency is to provide the Children's Guardian with an annual report by 30 June 2009, and each year following, detailing:
 - the status of cases where adoption action has commenced,
 - the status of cases where adoption action has ceased,
 - the number of cases where adoption action has been finalised,
 - the outcome of cases where the panel has been consulted.
7. This agency is to maintain records of practice relevant to the mandatory requirements and applicable Standards showing that the best interests of the child are paramount in adoption proceedings. These records are to be made available to the Children's Guardian for inspection upon request in written form or an electronic format approved by the Children's Guardian.

The Children's Guardian may revoke or vary any condition to which the accreditation of Centacare Catholic Community Welfare Services (Sydney), Centacare Adoption Services is subject and may attach new conditions to the accreditation. The Children's Guardian may revoke or suspend the accreditation of Centacare Catholic Community Welfare Services (Sydney), Centacare Adoption Services if it fails to comply with any of these conditions.

KERRYN BOLAND,
Children's Guardian

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given of the making of a Vocational Training Order for the recognised traineeship vocation of Community Pharmacy Operations.

The Order specifies a number of matters in relation to the required training for this vocation, including the term/s of training, competency outcomes and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *New South Wales Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given of the making of a Vocational Training Order for the recognised traineeship vocation of Laboratory Operations.

The Order specifies a number of matters in relation to the required training for this vocation, including the term/s of training, competency outcomes and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *New South Wales Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given of the making of a Vocational Training Order for the recognised traineeship vocation of Wholesale Services.

The Order specifies a number of matters in relation to the required training for this vocation, including the term/s of training, competency outcomes and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *New South Wales Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given of the making of a Vocational Training Order for the recognised traineeship vocation of Media Journalism.

The Order specifies a number of matters in relation to the required training for this vocation, including the term/s of training, competency outcomes and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *New South Wales Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given of the making of a Vocational Training Order for the recognised traineeship vocation of Health Services - Pathology.

The Order specifies a number of matters in relation to the required training for this vocation, including the term/s of training, competency outcomes and course/s of study to be undertaken.

The Order will take effect from the date of publication in the *New South Wales Government Gazette*.

A copy of the Order may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>.

ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE NOTICE that the Company MANLY WARRINGAH MOTOR CYCLE CLUB LIMITED, formerly registered under the provisions of the Corporations Act 2001 is now incorporated under the Associations Incorporation Act 1984 as MANLY WARRINGAH MOTOR CYCLE CLUB INCORPORATED.

Effective 18 June 2008.

KERRI GRANT,
Delegate of Commissioner,
Office of Fair Trading
18 June 2008

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of EAST MAITLAND RUGBY LEAGUE PARENTS & OLD BOYS INCORPORATED (INC988393) cancelled on 22 February 2008, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: The 13th day of June 2008.

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

CASINO CONTROL ACT 1992

Order

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

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

(a) Baccarat sub-rule 7.5 including sub-sections 7.5.1 and 7.5.2 is repealed and in substitution therefor, the following new sub-rule 7.5 is approved:

7.5 Notwithstanding rules 7.4, 12.1.1 and 12.3, a Casino Duty Manager may permit a no bet coup to be dealt at a specific table at the request of a player(s), providing all other players at the table agree to a 'no bet coup' being dealt.

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

Signed at Sydney, this 16th day of May 2008.

BRIAN FARRELL,
Chief Executive

(for and on behalf of the Casino Control Authority)

CORPORATIONS ACT 2001

Notice under Section 601AC(2) of the Corporations Act 2001 as Applied by Section 52 of the Associations Incorporation Act 1984

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

Griffith Community and Regional Transport Service Inc
(In Liquidation) Y1583024.

Dated this 13th day of June 2008.

C. GOWLAND,
Delegate of the Registrar of Cooperatives

DEFAMATION ACT 2005

Order

I, JOHN HATZISTERGOS, M.L.C., Attorney General, in pursuance of section 35 (3) of the Defamation Act 2005, by this order, declare the amount that is to apply for the purposes of section 35 (1) of the Defamation Act 2005 to be \$280,500 from 1 July 2008.

Signed at Sydney, this 12th day of June 2008.

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

ELECTRICITY SUPPLY ACT 1995

GAS SUPPLY ACT 1996

Department of Water and Energy

Public Consultation on Technical and Safety Energy Regulations

NOTICE is given, in accordance with section 5(2)(a) of the Subordinate Legislation Act 1989, of the intention to make three regulations under the Electricity Supply Act 1995 and Gas Supply Act 1996:

- Electricity Supply (Corrosion Protection) Regulation 2008 – the objective of this Regulation is to ensure that corrosion protection measures are in place to protect metallic assets from the harmful effects of accelerated corrosion and loss of structural integrity;
- Electricity Supply (Safety and Network Management) Regulation 2008 – the objective of this Regulation is to ensure operators of electricity networks prepare plans for the safe operation and maintenance of electricity networks; and
- Gas Supply (Safety and Network Management) Regulation 2008 – the objective of this Regulation is to provide for the safe operation of gas networks.

The Regulatory Impact Statements and draft Regulations can be downloaded from www.dwe.nsw.gov.au. Copies may also be inspected or obtained by contacting:

Department of Water and Energy
227 Elizabeth Street, Sydney NSW 2001
Telephone 1300 136 888

Comments or submissions on the proposed regulations are invited and should be received at the above address no later than Wednesday, 23 July 2008.

HEALTH SERVICES ACT 1997

Order Fixing a Scale of Fees in Respect of Ambulance Services

PURSUANT to section 67D of the Health Services Act 1997, I, Dr Richard Matthews, Acting Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, do by this order hereby:

1. revoke the currently applying scale of fees in respect of ambulance services; and
2. fix a scale of fees in respect of ambulance services provided by the Director-General to the extent and in the manner set forth in the following Schedule, with effect on and from 1 July 2008.

Dr RICHARD MATTHEWS,
Acting Director-General

SCHEDULE

1. In this order:

- “primary emergency service” means the provision of ambulance services by road ambulance, fixed wing aircraft or helicopter or a combination of these, from the scene of an accident, illness or injury to a public hospital or other destination nominated by the Ambulance Service of NSW.
- “primary non-emergency service” means an ambulance road service that is booked no later than 6pm on the day prior to service delivery with the service to commence and be completed between the hours of 8am and 6pm on the nominated service delivery date, otherwise the primary emergency service charge will apply. [All services provided by a dedicated Patient Transport vehicle, where available, irrespective of time of booking or time of transport, are classified as “non-emergency services”].
- “inter-hospital emergency service” means the provision of ambulance services by road ambulance, fixed wing aircraft or helicopter or a combination of these, from one public hospital to another public hospital.
- “inter-hospital non-emergency service” means an ambulance road service that is booked no later than 6pm on the day prior to service delivery with the service to commence and be completed between the hours of 8am and 6pm on the nominated service delivery date, otherwise the inter-hospital emergency service charge will apply. [All services provided by a dedicated Patient Transport vehicle, where available, irrespective of time of booking or time of transport, are classified as “non-emergency services”].
- “treat-not-transport service” – means a service where a patient is provided with ambulance services at the scene of an accident, illness or injury and does not require ambulance transport to a health facility or any other destination.

- “standby services” – means a service where an ambulance or ambulances are required to stand by at scenes such as industrial accidents for the purpose of providing services to emergency workers or others at the scene of the incident. Neither transport nor treatment may be required.

Fees

2. The fee for a primary emergency service by road ambulance and/or fixed wing ambulance and/or helicopter shall be charged on a kilometre basis calculated pursuant to clause 8, on the scale of \$568 callout charge, plus an additional charge of \$5.13 for each kilometre or part thereof.
3. The fee for a primary non-emergency service by road ambulance shall be charged on a kilometre basis calculated pursuant to clause 8, on the scale of \$228 callout charge, plus an additional charge of \$1.41 for each kilometre or part thereof.
4. The fee for an inter-hospital emergency service by ambulance shall be charged as follows:
 - road ambulance - on a kilometre basis calculated pursuant to clause 8, on the scale of \$499 callout charge, plus an additional charge of \$4.97 for each kilometre or part thereof.
 - fixed wing ambulance - on a kilometre basis calculated pursuant to clause 8, on the scale of \$3,072 callout charge, plus an additional charge of \$1.44 for each kilometre or part thereof (road travel associated with fixed wing cases is charged at the \$4.97 for each kilometre or part thereof).
 - helicopter - on a time basis calculated pursuant to clause 9 on the scale of \$5,274 charge for the first thirty (30) minutes or part thereof, with any further period charged at a rate of \$115.43 per six (6) minutes or part thereof.

Charges for road or fixed wing transport under this clause shall be paid by the hospital or health service sending the person being transported. However in the case of helicopter transport under this clause, the transport fee shall be apportioned equally between the hospital or health service sending the person being transported and the hospital or health service receiving that person.

5. The fee for an inter-hospital non-emergency service by ambulance shall be charged as follows:-
 - road ambulance - on a kilometre basis calculated pursuant to clause 8, on the scale of \$228 callout charge, plus an additional charge of \$1.41 for each kilometre or part thereof.
6. The fee for a treat-not-transport service shall be calculated in accordance with the primary emergency service fee scale under clause 2.
7. A standby service fee, payable by the owners of premises or vehicles involved in dangerous incidents or events where an ambulance is required to be present (for example at chemical spills or other industrial accidents), shall be calculated in accordance with:
 - the primary emergency service fee scale under clause 2 for the first hour or part thereof; and in addition
 - \$40.90 for every 15 minutes or part thereof after the first hour.

Calculation of Transport Kilometres

8. The total number of kilometres for the provision of services by ambulance (or ambulances) shall be calculated by determining the total number of kilometres that are travelled by road or, in the case of transportation by fixed wing aircraft or helicopter, that would have been travelled by road had no fixed wing aircraft or helicopter been available, in accordance with the distance –
 - (a) from the base ambulance station nearest to the location where the person was picked up/treated by ambulance, to that pick up/treatment location; and
 - (b) from that pick up location (where transport occurs), to the place where that person disembarked from the ambulance (or, where more than one ambulance was used in the transport, disembarked from the last ambulance used in that transport); and
 - (c) from that place of disembarkation/location of treatment, to the base ambulance station referred to in subclause (a).

Calculation of Transport Time for Helicopters (Inter-hospital)

9. The number of minutes for a service by helicopter (other than a primary response service) shall be calculated from the time the helicopter engine or engines are turned on, or, if the engines are already on, the time at which the helicopter is dispatched by an air ambulance controller, to the time the helicopter engine or engines are turned off at the helicopter’s operational base, or the time at which the helicopter is otherwise dispatched by an air ambulance controller or other authority.

Charging criteria

10. Where two or more persons are transported/treated concurrently by the same ambulance or ambulances, each person shall be charged a fee calculated in accordance with clauses 2 (but subject to clause 12), 3 (but subject to clause 13) or 6 as appropriate to the class of the transport used as defined under clause 1.
11. Clause 10 shall not apply when two or more persons are transferred concurrently by ambulance (or ambulances) between any public hospitals in New South Wales as part of an inter-hospital emergency service or an inter-hospital non-emergency service as defined under clause 1, but subject to the operation of clauses 14 and 15.
12. Residents of NSW shall be charged at a rate of 51% of the rate set under this order for a primary emergency service under clause 2, provided that such total fee shall not exceed \$4,752.
13. Residents of NSW shall be charged for primary non-emergency services in accordance with clause 3, provided that such total fee shall not exceed \$4,752.
14. Public hospitals in NSW shall be charged for inter-hospital emergency services in accordance with clause 4, provided that such total fee shall not exceed \$4,665 in relation to road ambulance and fixed wing ambulance transport.
15. Public hospitals in NSW shall be charged for inter-hospital non-emergency services in accordance with clause 5, provided that such total fee shall not exceed \$4,665.

HEALTH SERVICES ACT 1997

Order Amending the Scale of Fees for Hospital and Other Health Services

PURSUANT to section 69 of the Health Services Act 1997, I, Dr Richard Matthews, Acting Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, do by this order hereby amend the currently applying Scale of Fees for hospital services and other health services to the extent and in the manner set forth in the Schedule below to take effect on and from 1 July 2008.

Dr RICHARD MATTHEWS,
Acting Director-General

SCHEDULE

Delete in its entirety "Part 5 – NSW NEWBORN AND PAEDIATRIC EMERGENCY TRANSPORT SERVICES (NETS) CHARGES" and insert instead the following matter:

PART 5 – NSW NEWBORN AND PAEDIATRIC EMERGENCY TRANSPORT SERVICES (NETS) CHARGES

5.1 This Part sets out the charges for services provided by the unit of Sydney West Area Health Service known as NSW newborn and paediatric Emergency Transport Service (NETS). For the purposes of this Part 5 only the following terms are defined:

"inter-hospital emergency service" means the provision of NETS services by road, fixed wing aircraft or helicopter or a combination of these, from a public hospital to another public hospital;

"primary emergency service" means the provision of NETS services by road, fixed wing aircraft or helicopter or a combination of these, from a private hospital to a public hospital or other destination nominated by NETS.

Fees

5.2 The fee for a primary emergency service by road and/or fixed wing service and/or helicopter shall be charged on a kilometre basis calculated pursuant to paragraph 5.4, on the scale of \$568 callout charge, plus an additional charge of \$5.13 for each kilometre or part thereof.

5.3 The fee for an inter-hospital emergency service by NETS shall be charged as follows:

5.3.1 road service - on a kilometre basis calculated pursuant to paragraph 5.4, on the scale of \$499 callout charge, plus an additional charge of \$4.97 for each kilometre or part thereof.

5.3.2 fixed wing service - on a kilometre basis calculated pursuant to paragraph 5.4, on the scale of \$3,072 callout charge, plus an additional charge of \$1.44 for each kilometre or part thereof (road travel associated with fixed wing cases is charged at the rate of \$4.97 for each kilometre or part thereof).

5.3.3 helicopter service - on a time basis calculated pursuant to paragraph 5.5 on the scale of \$5,274 charge for the first thirty (30) minutes or part thereof, with any further period charged at a rate of \$115.43 per six (6) minutes or part thereof.

Charges for road or fixed wing transport under this clause shall be paid by the hospital or health service sending the person being transported. However in the case of helicopter transport under this clause, the transport fee shall be apportioned equally between the hospital or health service sending the person being transported and the hospital or health service receiving that patient.

Calculation of Transport Kilometres

5.4 The total number of kilometres for the provision of NETS services shall be calculated by determining the total number of kilometres that are travelled by road or, in the case of transportation by fixed wing aircraft or helicopter that would have been travelled by road had no fixed wing aircraft or helicopter been available, in accordance with the distance:

5.4.1 from the Westmead Hospital despatch location to the location where the patient was picked up or treated by the NETS service; and

5.4.2 from that pick up location (where transport occurs), to the place where that patient disembarked from the NETS transport; and

5.4.3 from that place of disembarkation (or where no transport occurs, from the treatment location), back to Westmead Hospital.

Calculation of Transport Time for Helicopters (Inter-hospital emergency services only)

5.5 The number of minutes for a NETS service by helicopter for the purposes of clause 5.3.3 shall be calculated from the time the helicopter engine or engines are turned on, or, if the engines are already on, the time at which the helicopter is dispatched by an air ambulance controller, to the time the helicopter engine or engines are turned off at the helicopter's operational base, or the time at which the helicopter is otherwise dispatched by an air ambulance controller or other authority.

Charging Criteria

5.6 Where two or more patients are transported/treated concurrently by the same NETS primary emergency service, each patient shall be charged a fee calculated in accordance with clause 5.2 but subject to the operation of clause 5.8.

5.7 Paragraph 5.6 shall not apply when two or more patients are transferred concurrently by the same NETS service between any public hospitals in New South Wales, as part of an inter-hospital emergency service, but subject to the operation of clauses 5.3 and 5.9.

5.8 Residents of NSW shall be charged at a rate of 51% of the rate for a primary emergency service under clause 5.2 of this order, provided that such total fee shall not exceed \$4,752.

5.9 Public hospitals in NSW shall be charged for inter-hospital emergency services in accordance with clause 5.3 of this order, provided that such total fee shall not exceed \$4,665 in relation to road and fixed wing services transport.

HERITAGE ACT 1977

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

Harry and Penelope Seidler House and Movable Heritage Collection
SHR No. 01793

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

FRANK SARTOR, M.P.,
Minister for Planning

Sydney, 23rd day of May 2008.

SCHEDULE "A"

The item known as "Harry and Penelope Seidler House and Movable Heritage Collection," situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 11, DP 580188, in the Parish of Gordon, County of Cumberland, shown on the plan catalogued HC 2187 in the branch of the Heritage Council of New South Wales.

HUNTER-CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY

Determination Concerning Catchment Contributions
1 July 2008 to 30 June 2009

Schedule 4 of the Catchment Management Authorities Act (2003)

THE Hunter-Central Rivers Catchment Management Authority in pursuance of Schedule 4 of the Catchment Management Authorities Act (2003) and in accordance with the Hunter-Central Rivers Catchment Management Authority Regulation 2005, does hereby make the following determination in respect of the year commencing 1 July 2008:

- a. It proposes to raise \$3,245,640 by way of catchment contribution.
- b. The catchment contribution is to be levied on all rateable land within the Hunter catchment contribution area as delineated by maps held at the authority's offices.
- c. The basis of the catchment contribution is a rate based on land values provided by the appropriate local government councils.
- d. The catchment contribution rate for the year commencing 1 July 2008 will be 0.0109 of a cent in the dollar (land value).

Dated at Paterson, this 26th day of May 2008.

THE COMMON SEAL OF THE HUNTER-CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY was affixed hereto this 26th day of May 2008, pursuant to a resolution of the Authority in the presence of two board members whose signatures appear opposite hereto.

W. E. J. PARADICE,
Chairman

A. BURNS,
Board Member

NATIONAL PARKS AND WILDLIFE ACT 1974

Revocation of Proclamation

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of 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 the Department of Environment and Conservation, by this my Proclamation revoke the lands described as Gleneski Wildlife Refuge and notified in *New South Wales Government Gazette* No. 138 of 11 November 1977.

Signed and sealed at Sydney, this 11th day of June 2008.

MARIE BASHIR, AC, CVO,
Governor

By Her Excellency's Command,

VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

Description

Land District – Wellington; Council – Wellington

County of Bligh, Parish of Yarragal, about 929 hectares, being Lot 1, DP 186624; Lot 1, DP 784596; Lots 1 and 2, DP 827602; Lots 1 and 2, DP 875823 and Lots 72, 73 and 103, DP 750779.

NPWS 02/1647.

NATIONAL PARKS AND WILDLIFE ACT 1974**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition

THE Minister for Climate Change and the Environment, with the approval of Her Excellency the Governor, declares that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the National Parks and Wildlife Act 1974.

The land is, on publication of this notice, vested in the Minister administering the National Parks and Wildlife Act 1974.

VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

SCHEDULE

All that piece or parcel of land situated in the Local Government Area of Kempsey, County of Dudley, Parish of Clybucca, containing an area of 33.4 hectares, comprising Lot 332, DP 1125325.

DECC: 07/19576.

PARKING SPACE LEVY ACT 1992

Section 12A

Notice of Determination of Amount of Levy

I, JOHN ARTHUR WATKINS, M.P., Minister for Transport, in accordance with section 12A of the Parking Space Levy Act 1992, specify that the amount of the levy determined in accordance with section 12 of the Parking Space Levy Act 1992, payable on 1 September 2008 is:

- (a) \$ 950 for each parking space within a Category 1 area for which the levy is payable, or
- (b) \$ 470 for each parking space within a Category 2 area for which the levy is payable.

Dated: Sydney, 12 June 2008.

JOHN WATKINS, M.P.,
Minister for Transport

PASSENGER TRANSPORT ACT 1990

Notification in Respect of Maximum Taxi-cab Fares and Charges – 1 July 2008

IT is hereby notified, in pursuance of section 60A of the Passenger Transport Act 1990, and notwithstanding any previous notification thereunder, or any provision in any licence issued for a taxi-cab, that the maximum fares and other charges payable by hirers in respect of the provision of taxi-cab services in New South Wales shall, except in respect of taxi-cabs licensed to operate in the areas specified in Schedule 3 hereunder, on and from the 1st July 2008, be as follows:

Schedule 1 – URBAN AREAS

Applies to Taxi-cabs licensed to operate in the following areas:

- Sydney Metropolitan Transport District
- Newcastle Transport District
- Wollongong Transport District
- Blue Mountains Local Government Area
- Gosford Local Government Area
- Wyong Local Government Area
- Shellharbour Local Government Area,

and Cams Wharf, Fern Bay, Minmi, Toronto, Williamstown, Medowie, Campvale, Ferodale, Raymond Terrace, Fassifern, Hexham, Maitland, Beresfield, Fullerton Cove, Tomago, Camden, Picton, Thirlmere, Tahmoor and Bargo.

Flag Fall:

\$3.10.

Distance Rate:

\$1.85 per kilometre.

Night-time Surcharge:

A surcharge of 20% of the Distance Rate in respect of a journey commencing between 10 pm and 6 am daily.

Booking Fee:

\$2.00.

Waiting Time:

\$48.00 per hour (80c per minute),
while vehicle speed is less than 26 km/h.

Tolls:

All road, bridge, ferry, tunnel and airport tolls that apply to the journey, and the return toll for a northbound journey over the Sydney Harbour Bridge or through the Sydney Harbour Tunnel.

Maxi-cabs (seating for 6 or more adults, in addition to the driver:

Except in the case of a multiple hiring, up to 150% of the maximum fares and charges (excluding tolls) may be charged if:

- If the maxi-cab is pre-booked, regardless of the number of passengers.
- If the maxi-cab is hired from a taxi zone or street hail, if there are 6 or more passengers.

No more than the maximum fare, if a maxi-cab is hired from a taxi zone or street hail, by up to 5 passengers.

Multiple hirings:

75% of the maximum fare per passenger, for a multiple hiring:

- agreed to with the consent of the driver and all hirers, and
- all hirers commence journey at the same time and travel to destinations in same general direction.

Schedule 2 – COUNTRY AREAS

Applies to Taxi-cabs licensed to operate in the following areas:

All areas of New South Wales, except those specified in Schedule 1 (Urban Areas) and Schedule 3 (Exempted Areas).

Flag Fall:

\$3.60.

Distance Rate:

Tariff 1 - \$1.88 per kilometre, for the first 12 km.

Tariff 2 - \$2.65 per kilometre, in excess of 12 km.

Night-time Surcharge:

A surcharge of 20% of the Distance Rate in respect of a journey commencing between 10 pm and 6 am daily.

Holiday Surcharge:

A surcharge of 20% of the Distance Rate in respect of a journey commencing between 6 am and 10 pm on a Sunday, or a public holiday notified in the *New South Wales Government Gazette*.

Booking Fee:

\$1.10.

Waiting Time:

\$49.00 per hour (81.7c per minute),
while vehicle speed is less than 26 km/h.

Tolls:

All road, bridge, ferry, tunnel and airport tolls that apply to the journey, and the return toll for a northbound journey over the Sydney Harbour Bridge or through the Sydney Harbour Tunnel.

Maxi-cabs (seating for 6 or more adults in addition to the driver):

Except in the case of a multiple hiring, up to 150% of the maximum fares and charges (excluding tolls) may be charged if:

- If the maxi-cab is pre-booked, regardless of the number of passengers.
- If the maxi-cab is hired from a taxi zone or street hail, if there are 6 or more passengers.

No more than the maximum fare, if a maxi-cab is hired from a taxi zone or street hail, by up to 5 passengers.

Multiple hirings:

75% of the maximum fare per passenger, for a multiple hiring:

- agreed to with the consent of the driver and all hirers, and
- all hirers commence journey at the same time and travel to destinations in same general direction.

Schedule 3 – EXEMPTED AREAS

Applies to Taxi-cabs licensed to operate in the following areas:

Moama, Barham, Tocumwal, Mulwala, Barooga and Deniliquin.

JIM GLASSON,
Director General,
Ministry of Transport

STATE RECORDS ACT 1998

PURSUANT to the provisions of section 13 of the State Records Act 1998, the State Records Authority of New South Wales ('State Records'), hereby notifies that it proposes to approve the following records management standard:

Standard on digital recordkeeping.

The standard may be viewed on State Records' website at www.records.nsw.gov.au/recordkeeping. More information may be obtained by contacting Cassie Findlay on (02) 8247 8629 or at cassf@records.nsw.gov.au.

Any person may make a written submission which should be forwarded to:

Director,
State Records,
PO Box 516,
Kingswood NSW 2747.

Or via email to srecords@records.nsw.gov.au.

Submissions must be received by 21 July 2008.

ALAN VENTRESS,
Director

SYDNEY WATER ACT 1994 (NSW)**SYDNEY WATER REGULATION 2006 (NSW)**

Notice of Water Restrictions

HAVING regard to the effects of drought, and it being in the public interest, for the purpose of maintaining the water supply, notice is given in accordance with clause 15 (1) of Part 3 of the Sydney Water Regulation 2006, of the following water restrictions.

The water restrictions which took effect on and from 1 November 2007 are rescinded on and from midnight on 20 June 2008. The water restrictions as contained in this Notice take effect on and from 12.00am on 21 June 2008. The water restrictions listed below remain in force until further notice; apply in the whole of the area of operations of Sydney Water Corporation; apply to all users of water supplied by Sydney Water Corporation and have effect despite the provisions of any contract relating to the supply of water by the Corporation.

Subject to the exclusions below, the following uses of water supplied by Sydney Water Corporation or sourced from a water main owned by Sydney Water Corporation anywhere within its area of operations are not permitted at any time:

- by means of sprinklers or other watering systems;
- by means of hoses for the application of water to lawns, gardens, hard surfaces or for the washing of vehicles;
- by means of unattended hoses or taps except when filling a pool or container;
- by means of fire fighting hoses except for fire fighting purposes or fire service testing.
- the filling of new or renovated pools greater than 10,000 litres capacity without a permit issued by Sydney Water and in accordance with any conditions attached to that permit.

The following uses are excluded from the restrictions:

- watering of lawns and gardens using a hand-held hose or using a drip irrigation system before 10:00am or after 4:00pm on Wednesdays and Sundays;
- use of recycled water from non-potable pipework;
- use of water for washing vehicles at residential premises using a hose fitted with a trigger nozzle or high pressure water cleaning equipment;
- use of water for the cleaning of windows, walls and gutters of residential premises using a hose fitted with a trigger nozzle or high pressure water cleaning equipment;
- use of water for the cleaning of boats and trailers at residential premises, marinas or boat ramps using a hose fitted with a trigger nozzle or high pressure water cleaning equipment
- use of water for the flushing of boat engines;
- use of water for the cleaning of boat bilges by means of a hose fitted with a trigger nozzle or high pressure water cleaning equipment
- the use of water for the maintenance of public health, firefighting and related activities or any other essential or approved purpose.

High pressure water cleaning equipment where used in this Notice means water cleaning equipment with a maximum flow rate of ten litres per minute.

The Minister may grant further exemptions from the above restrictions. Any person wishing to be exempt from the above restrictions should apply by lodging an application with Sydney Water Corporation. Conditions may apply to any exemption granted.

NATHAN REES, M.P.,
Minister for Emergency Services
and Minister for Water

HEALTH SERVICES ACT 1997

ORDER AMENDING THE SCALE OF FEES FOR HOSPITAL AND OTHER HEALTH SERVICES

Pursuant to section 69 of the Health Services Act 1997, I, Dr Richard Matthews, Acting Director-General of the Department of Health, acting as the duly appointed delegate of the Minister for Health, do by this Order hereby amend the currently applying Scale of Fees for hospital services and other health services to the extent and in the manner set forth in the Schedule below, to take effect on and from 1 July 2008.

Signed at Sydney this 13th day of June 2008.

Dr RICHARD MATTHEWS
Acting Director General

SCHEDULE

AMENDMENT OF SCALE OF FEES

The Schedule entitled "Scale of Fees" which is attached to the "ORDER FIXING A SCALE OF FEES FOR HOSPITAL AND OTHER HEALTH SERVICES" and as in effect at the date of this order is amended as follows:

- (a) **delete** from Part 1 in its entirety item 1A. relating to "**ACCOMMODATION CHARGES**", and insert instead the following matter:

1A. ACCOMMODATION CHARGES

In respect of patients admitted to NSW public hospitals and receiving public hospital services pursuant to the Australian Health Care Agreement.

1A.1. Public Patients

	Daily Fee \$
1A.1.1 treated by a doctor nominated by the hospital	Nil
1A.1.2 accommodated in a shared room (single room accommodation without charge may be provided on the grounds of medical need)	Nil

1A.2. Private Patients (Overnight Stay)

	Daily Fee \$
1A.2.1 treated by a doctor nominated by the patient and accommodated in a shared room	287
1A.2.2 treated by a doctor nominated by the patient and accommodated at the patient's request, in a single room or as sole occupant of a shared room.	481

1A.3. Private Patients (Same Day Patient)

	Daily Fee \$
Band 1	207
Band 2	232
Band 3	256
Band 4	287

Note:

These bands are as categorised by the Commonwealth under the National Health Act 1953.

1A.4. Ineligible Patients

	Daily Fee \$
Metropolitan (referral) hospital	
- Critical care patient	2,185
- Inpatient (other than critical care patient)	880
Metropolitan (non-referral) hospital	
- Critical care patient	1,275
- Inpatient (other than critical care patient)	660
Non-Metropolitan hospital	
- Critical care patient	1,010
- Inpatient (other than critical care patient)	610
Psychiatric hospital inpatient	370
Other hospital inpatient	205

With the exception of:

- 1 A visitor to Australia who holds a temporary entry permit, and who has applied for but has not yet been issued with an entry permit granting permanent residence.
- 2 A Norfolk Island resident who is admitted to a public hospital under the Norfolk Island Health Care Scheme (refer item 1A.8.).
- 3 A person who is admitted to a public hospital under the Asylum Seeker Assistance Scheme (refer item 1A.9.).
- 4 Persons entitled to free public hospital treatment under the terms of a Reciprocal Health Care Agreement between Australia and their country.

Note:

For the purposes of Part 1A (in particular 1A.4 and 1A.5) the classification of an individual treating hospital as "Metropolitan (referral)", "Metropolitan (non-referral)", "Non-Metropolitan", "Psychiatric" or "Other" shall be the same as that shown in the "Order Classifying Public Hospitals" made by the Director-General of the Department of Health pursuant to clause 5 of the Workers Compensation (Public Hospital Rates) Order 2004 No. 1 under the Workers Compensation Act 1987 and published in Government Gazette No. 153 of 1 October 2004 at pp.7836-9.

1A.5. Compensable Patients (other than Workers Compensation or Motor Vehicles Compensation)

	Daily Fee \$
Metropolitan (referral) hospital	
- Critical care patient	2,185
- Inpatient (other than critical care patient)	880
Metropolitan (non-referral) hospital	
- Critical care patient	1,275
- Inpatient (other than critical care patient)	660
Non-Metropolitan hospital	
- Critical care patient	1,010
- Inpatient (other than critical care patient)	610
Psychiatric hospital inpatient	370
Other hospital inpatient	205

Note:

These rates do not apply to persons treated pursuant to respective statutory schemes for the purposes of workers' compensation or compensation to persons injured in motor accidents. Those rates are set by separate agreement.

1A.6. Veterans' Affairs Patients

	Daily Fee \$
Veterans' Affairs Patients	Nil

1A.7. Nursing Home Type Patients

1A.7.1 Elect to be treated by hospital nominated doctors –

Shall be charged a patient contribution:

(on a fortnightly basis): not exceeding the equivalent to 87.5% of any Commonwealth Standard Rate Pension and 87.5% of any maximum Rent Assistance payable to a person; or

(on a daily basis, where appropriate): one fourteenth of the fortnightly amount already referred to.

1A.7.2 Elect to be treated by doctor of choice –

Shall be charged on a daily basis, an amount equivalent to the patient contribution calculated on a daily basis in accordance with sub paragraph 1A.7.1, plus an amount determined in writing from time to time by the Minister for Health of the Commonwealth, or the Minister's delegate, pursuant to the National Health Act 1953 of the Commonwealth.

1A.8. Norfolk Island Residents admitted to a public hospital under the Norfolk Island Health Care Scheme

	Daily Fee \$
Accommodation in a shared room	503
Accommodation in a single room	614
Same Day Admission	429
Accommodation as a critical care patient	1,275
Accommodation as a compensable patient	Applicable rates under 1A.5.

1A.9. Patients admitted to a public hospital under the Asylum Seekers Assistance Scheme

	Daily Fee \$
Accommodation in a shared room	503
Accommodation in a single room	614
Same Day Admission	429
Accommodation as a critical care patient	1,275

1A.10. Private, (Private) Same Day Admissions and Ineligible Patients - Charges for the Fitting of Surgically Implanted Prostheses and Medical Devices

The charge for the fitting of any specific surgically implanted prosthesis or medical device item shall be:

- 1A.10.1 where there is a single dollar amount specified for an item, that dollar amount; or
- 1A.10.2 where there is a minimum and maximum benefit dollar amount specified for an item, a dollar amount being the minimum benefit amount, the maximum benefit amount or an amount within that dollar range,

as determined in writing from time to time in respect of that item by the Minister for Health of the Commonwealth, or the Minister's Delegate, pursuant to the National Health Act 1953 of the Commonwealth. Such charges shall take effect on any date determined by the Commonwealth Minister for Health or the Minister's delegate in respect of that item.

- (b) **delete** from Part 1 in its entirety item 1D. relating to “**TREATMENT FEE**”, and insert instead, the following item:

1D. TREATMENT FEES

Treatment fee applicable to ineligible inpatients, other than compensable patients, in addition to the current applicable accommodation charge (refer item 1A.4.), in situations where the ineligible inpatient receives medical treatment under arrangement with a public hospital rather than an individual practitioner.	Daily Fee \$ 235
---	------------------------

with the exception of:

1. A visitor to Australia who holds a temporary entry permit, and who has applied for but has not yet been issued with an entry permit granting permanent residence.
2. A Norfolk Island resident who is admitted to a public hospital under the Norfolk Island Health Care Scheme (refer item 1A.8.).
3. A person who is admitted to a public hospital under the Asylum Seeker Assistance Scheme (refer item 1A.9.)
4. Persons entitled to free public hospital treatment under the terms of a Reciprocal Health Care Agreement between Australia and their country.

Note:

The above daily fee is applicable irrespective of the number of treating practitioners.

- (c) **delete** from “**PART 3 – OTHER CHARGES**” in its entirety item 3A. relating to BRAIN INJURY REHABILITATION SERVICES and insert instead the following matter:

3A. BRAIN INJURY REHABILITATION SERVICES

provided by designated units of public hospitals in respect of compensable patients requiring brain injury rehabilitation services (including diagnostic services)

3A.1. Admitted Patient Services

Category A patient	925
Category B patient	590
Category X patient	1,315

3A.2. Transitional Living Unit

Category A patient	660
Category B patient	325

3A.3. Non Admitted Patient Services (including Outreach)

\$
\$65 per half hour or part thereof

3A.4. Outpatient Medical Clinic Appointments

	Standard Fee \$
Medical Consultation – New (initial assessment)	220
Medical Consultation – Review (follow-up appointment)	110

3A.5. Group Activities

	\$ per half hour or part thereof
Qualified	40
Unqualified	30

Note:

Categories, classifications or descriptions of service referred to in this Part 3A are to be considered the same as those defined or set out in Department of Health Policy Directive PD 2006_048, or as that policy is subsequently amended or revised from time to time.

- (d) **delete** in its entirety **“PART 4 – NON-ADMITTED PATIENT CHARGES”** and insert instead the following matter:

PART 4 - NON-ADMITTED PATIENT CHARGES

For the purposes of Part 4, an “occasion of service”, in relation to a non-admitted patient occasion of service, has the same meaning as it has for the purposes of the NSW Department of Health Reporting System (DOHRS) activity reporting system as amended from time to time.

4A. Ineligible Patients

<u>For each Occasion of Service (excluding physiotherapy services)</u>	\$
Metropolitan - Referral hospital	100
Metropolitan - Non-referral hospital	80
Non metropolitan hospital	65
Psychiatric hospital	65
Other hospital	65

Note:

For the purposes of Part 4 the classification of an individual treating hospital as “Metropolitan (referral)”, “Metropolitan (non-referral)”, “Non-Metropolitan”, “Psychiatric” or “Other” shall be the same as that shown in the “Order Classifying Public Hospitals” made by the Director-General of the Department of Health pursuant to clause 5 of the Workers Compensation (Public Hospital Rates) Order 2004 No. 1 under the Workers Compensation Act 1987 and published in Government Gazette No. 153 of 1 October 2004 at pp.7836-9.

7

<u>Physiotherapy Services</u>	\$
<i>Normal Practice</i>	
Initial consultation & treatment	70.10
Standard consultation and treatment	59.40
Initial consultation & treatment of two distinct areas	105.70
Standard consultation & treatment of two distinct areas	89.60
Complex treatment	118.70
Group/class Intervention (rate per participant)	42.10
<i>Other</i>	
Case conference (rate per hour)	140.20
Report Writing (maximum)	140.20
Travel (per kilometre)	1.30

With the exception of:

1. A visitor to Australia who holds a temporary entry permit, and who has applied for but has not yet been issued with an entry permit granting permanent residence.
2. Persons entitled to free public hospital treatment under the terms of a Reciprocal Health Care Agreement between Australia and their country.

**4B. Compensable Patients
(other than Workers Compensation or Motor Vehicles Compensation) –**

<u>For each Occasion of Service (excluding physiotherapy services)</u>	\$
Metropolitan - Referral hospital	100
Metropolitan - Non-referral hospital	80
Non metropolitan hospital	65
Psychiatric hospital	65
Other hospital	65

<u>Physiotherapy Services</u>	\$
<i>Normal Practice</i>	
Initial consultation & treatment	70.10
Standard consultation and treatment	59.40
Initial consultation & treatment of two distinct areas	105.70
Standard consultation & treatment of two distinct areas	89.60
Complex treatment	118.70
Group/class Intervention (rate per participant)	42.10
<i>Other</i>	
Case conference (rate per hour)	140.20
Report Writing (maximum)	140.20
Travel (per kilometre)	1.30

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The acetylene gas lime slurry exemption 2008

Name

1. This exemption is to be known as 'The acetylene gas lime slurry exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The acetylene gas lime slurry exemption 2008' which commenced 30 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Generator	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 9
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 10

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the lime slurry for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of lime slurry within the definitions of "application to land" in accordance with the Act. The consumer may be the landholder responsible for the land to which lime slurry are applied. Where a person responsible for transporting the lime slurry to the land application site is also the party applying the lime slurry, this person must also meet the responsibilities of the consumer.

Generator means a person who generates, supplies, causes, or permits the supply of lime slurry to a processor.

Lime slurry is the calcium hydroxide residue waste formed from the reaction of calcium carbide and water during the manufacture of acetylene gas.

Processor means a person who processes, mixes, blends, or otherwise incorporates lime slurry into a material for supply to a consumer.

Relevant waste means lime slurry that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the lime slurry on an ongoing and regular basis.

Transport of Dangerous Goods Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (7th edition) approved by the Ministerial Council for Road Transport and published by the Commonwealth Government from time to time.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the lime slurry listed in Column 1 of Table 2 must not exceed any of the following:

7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2.

7.1.2. for characterisation tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and

- 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
- 7.2. The lime slurry can be only be applied to land as a soil amendment material.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:
 - 8.1. Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. The lime slurry must be characterised according to the requirements listed in Column 1 of Table 3. Where there is a change in inputs that is likely to affect the properties in the lime slurry, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
 - 8.3. The lime slurry must be sampled routinely according to the requirements listed in Column 2 of Table 3.
 - 8.4. The generator must ensure that the lime slurry is not a Dangerous Goods Division 4.3 under the *Transport of Dangerous Goods Code*.
 - 8.5. Generators must keep a written record of all characterisation and routine test results for a period of three years.
 - 8.6. Records of the quantity of lime slurry supplied to the processor and the processor's name and address must be kept for a period of three years.
 - 8.7. The generator of lime slurry must provide a written statement of compliance to the processor with each transaction, certifying that the lime slurry complies with the relevant conditions of this exemption.
 - 8.8. The generator of lime slurry must make information on the latest characterisation and routine test results available to the processor.

Processor responsibilities

9. The following conditions must be met by the processor for this exemption to apply:
 - 9.1. Records of the quantity of lime slurry supplied to the consumer and the consumer's name and address must be kept for a period of three years.
 - 9.2. The processor of lime slurry must provide a written statement of compliance to the consumer with each transaction, certifying that the lime slurry complies with the relevant conditions of this exemption.
 - 9.3. The processor of lime slurry must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

10. The following conditions must be met by the consumer for this exemption to apply:
 - 10.1. Application rates must be equal to or less than the agronomic rate for the most limiting factor.
 - 10.2. The lime slurry must be incorporated into the topsoil.
 - 10.3. Records of the quantity of the lime slurry received by the consumer and the suppliers' name and address must be kept for a period of three years.
 - 10.4. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

11. This Notice of Exemption only applies to lime slurry where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.1	Not required	0.2	13.1
2. Cadmium	0.5	0.5	1	13.2
3. Lead	20	20	40	13.2
4. Arsenic	10	Not required	20	13.2
5. Chromium (total)	50	50	100	13.2
6. Copper	25	25	50	13.2
7. Nickel	30	30	60	13.2
8. Selenium	2.5	Not required	5	13.2
9. Zinc	30	Not required	60	13.2

Sampling and testing requirements

12. This Notice of Exemption only applies to lime slurry sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2
Characterisation frequency	Routine sampling frequency
20 composite samples, by taking 1 composite sample from a different batch. This must be repeated every 2 years.	5 composite samples per 6 months.

Test Methods

13. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 13.1. Test methods for measuring the mercury concentration in lime slurry:
- 13.1.1. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 2 (i.e. 0.02 mg/kg dry weight).
- 13.1.2. Report as mg/kg dry weight.

- 13.2. Test methods for measuring chemicals 2 - 9 in lime slurry:
- 13.2.1. Particle size reduction & sample splitting may be required.
 - 13.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 13.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of stated absolute maximum concentration in Table 2, Column 2 (i.e. 2 mg/kg dry weight for lead).
 - 13.2.4. Report as mg/kg dry weight.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The basalt fines exemption 2008

Name

1. This exemption is to be known as 'The basalt fines exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The basalt fines exemption 2008' which commenced 9 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Basalt fines means a material comprising of naturally excavated basalt with a maximum particle size of 9.5 mm, that is derived from the processing of basalt or the recycling of railway ballast.

Characterisation means sampling and testing that must be conducted on the basalt fines for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of basalt fines within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which basalt fines are applied.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of basalt fines that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates basalt fines into a material for supply to a consumer.

Relevant waste means basalt fines that meet the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the basalt fines on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the basalt fines listed in Column 1 of Table 2 must not exceed any of the following:

7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,

7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and

7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.

7.2. The basalt fines can only be applied to land for building or maintaining railway infrastructure, for road making activities, or as a soil amendment material.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:

- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
- 8.2. Where the basalt fines are generated as part of a continuous process, the processor must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
- 8.3. Where the basalt fines are not generated as part of a continuous process, the processor may undertake once-off sampling of a batch, truckload or stockpile of basalt fines according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
- 8.4. Where there is a change in inputs that is likely to affect the properties in the basalt fines, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
- 8.5. Processors must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
- 8.6. Records of the quantity of basalt fines supplied to the consumer and the consumer's name and address must be kept for a period of three years.
- 8.7. The processor of basalt fines must provide a written statement of compliance to the consumer with each transaction, certifying that the basalt fines comply with the relevant conditions of this exemption.
- 8.8. The processor of basalt fines must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the basalt fines received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to basalt fines where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not required	1	12.1
2. Cadmium	0.5	0.5	1	12.2
3. Lead	50	50	100	12.2
4. Arsenic	15	15	30	12.2
5. Chromium (total)	25	Not required	50	12.2
6. Copper	25	Not required	50	12.2
7. Nickel	25	Not required	50	12.2
8. Zinc	75	75	150	12.2
9. Electrical Conductivity	1 dS/m	1 dS/m	2 dS/m	12.3
10. Metal, glass, asphalt, ceramics and slag	2.5%	Not required	5%	12.4
11. Plaster, clay lumps and other friable materials	0.25%	Not required	0.5%	12.4
12. Rubber, plastic, bitumen, paper, cloth, paint, wood and other vegetable matter	0.05%	Not required	0.1%	12.4

Sampling and testing requirements

11. This Notice of Exemption only applies to basalt fines sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every 2 years.	5 composite samples per 4,000 tonnes or 5 composite samples per 3 months.	10 composite samples per 4,000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in basalt fines:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 2 (i.e. 0.1 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 8 in basalt fines:
 - 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 5 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the electrical conductivity in basalt fines:
 - 12.3.1. Sample preparation by mixing 1 part basalt fines with 5 parts distilled water.
 - 12.3.2. Analysis using Method 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.3. Report in deciSiemens per metre (dS/m).
- 12.4. Test method for measuring the attributes 10 - 12 in basalt fines:
 - 12.4.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method) and modified to use a 2.36mm sieve.
 - 12.4.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The biosolids exemption 2008

Name

1. This exemption is to be known as 'The biosolids exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The biosolids exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions set out in this Notice.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Biosolids means the organic product that results from sewage treatment processes (sometimes referred to as sewage sludge) in accordance with the Act.

Biosolids Guidelines means the document entitled *Environmental Guidelines: Use and Disposal of Biosolids Products*, published by the EPA and as in force from time to time.

Consumer means a person who applies, causes, or permits the application to land of biosolids within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which biosolids are applied. Where a person responsible for transporting the biosolids to the land application site is also the party applying the biosolids, this person must also meet the responsibilities of the consumer.

Processor means a person who processes, mixes, blends, or otherwise incorporates biosolids into a material for supply to a consumer.

Relevant waste means biosolids that meets the requirements of Section 7.

General conditions

7. This Notice of Exemption is subject to the following conditions:

- 7.1. The responsible person must not cause or permit the land application of the biosolids where the biosolids do not comply with the requirements of the Biosolids Guidelines.
- 7.2. The biosolids can only be applied to land as a soil amendment material.
- 7.3. The consumer must land apply the biosolids within a reasonable period of time.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
 by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The cement fibre board exemption 2008

Name

1. This exemption is to be known as 'The cement fibre board exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Generator	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39 to 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Cement fibre board means a material comprising of sand, cement, cellulose and water, that is derived from the manufacturing of cement fibre board.

Characterisation means sampling and testing that must be conducted on the cement fibre board for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits:

- a) the application to land of cement fibre board within the definitions of "application to land" in accordance with the Act, or
- b) the use of cement fibre board in connection with a process involving thermal treatment.

Generator means a person who generates, supplies, causes, or permits the supply of cement fibre board to a consumer.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of cement fibre board that is not repeated, reproduced and does not form part of an ongoing process.

Relevant waste means cement fibre board that meets the conditions of Section 7.

Routine sampling means sampling and testing that must be conducted on the cement fibre board on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the cement fibre board listed in Column 1 of Table 2 must not exceed any of the following:

- 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
- 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
- 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.

7.2. The cement fibre board can only be:

- 7.2.1. applied to land when incorporated within road making material, or

- 7.2.2. used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of building products.

Generator responsibilities

8. The following conditions must be met by the generator for this exemption to apply:

- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
- 8.2. Where the cement fibre board is generated as part of a continuous process, the generator must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
- 8.3. Where the cement fibre board is not generated as part of a continuous process, the generator may undertake once-off sampling of a batch, truckload or stockpile of cement fibre board according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
- 8.4. Where there is a change in inputs that is likely to affect the properties in the cement fibre board, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
- 8.5. Generators must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
- 8.6. Records of the quantity of cement fibre board supplied to the consumer and the consumer's name and address must be kept for a period of three years.
- 8.7. The generator of cement fibre board must provide a written statement of compliance to the consumer with each transaction, certifying that the cement fibre board complies with the relevant conditions of this exemption.
- 8.8. The generator of cement fibre board must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the cement fibre board received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The consumer must utilise the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to cement fibre board where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not required	1	12.1
2. Cadmium	0.5	0.5	1	12.2
3. Lead	10	Not required	20	12.2
4. Arsenic	10	10	20	12.2
5. Chromium (total)	50	50	100	12.2
6. Copper	20	20	40	12.2
7. Molybdenum	5	Not required	10	12.2
8. Nickel	30	30	60	12.2
9. Selenium	5	Not required	10	12.2
10. Zinc	100	100	200	12.2
11. Total Chlorine	0.05%	Not required	0.1%	12.3
12. Total Fluorine	200	Not required	400	12.3
13. Moisture content	10%	Not required	20%	12.3
14. Total Organic Carbon	5%	Not required	10%	12.4
15. Electrical Conductivity	1 dS/cm	1 dS/cm	2 dS/cm	12.5
16. pH *	8 to 11	Not required	7 to 12	12.5

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the cement fibre board.

Sampling and testing requirements

11. This Notice of Exemption only applies to cement fibre board sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch or stockpile. This must be repeated every 2 years.	5 composite samples per 10,000 tonnes or 5 composite samples per 6 months.	10 composite samples per 4,000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in cement fibre board:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated maximum concentration in Table 2, Column 2 (i.e. 0.025 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 10 in cement fibre board:
 - 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of stated maximum concentration in Table 2, Column 2 (i.e. 1 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the attributes 11 - 13 in cement fibre board:
 - 12.3.1. Australian Standard 1038 Coal and coke (or an equivalent analytical method).
 - 12.3.2. Report total chlorine as %.
 - 12.3.3. Report total fluorine as mg/kg dry weight fluorine.
 - 12.3.4. Report moisture content as %.
- 12.4. Test methods for measuring the total organic carbon content of cement fibre board:
 - 12.4.1. Method 105 (Organic Carbon) and using a 2 gram sample. *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.4.2. Reporting as % total organic carbon.
- 12.5. Test methods for measuring the electrical conductivity and pH in cement fibre board:
 - 12.5.1. Sample preparation by mixing 1 part cement fibre board with 5 parts distilled water.
 - 12.5.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.5.3. Report electrical conductivity in deciSiemens per metre (dS/m).

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The effluent exemption 2008

Name

1. This exemption is to be known as 'The effluent exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The effluent exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions set out in this Notice.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Consumer means a person who applies, causes, or permits the application to land of effluent within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which effluent is applied. Where a person responsible for transporting the effluent to the land application site is also the party applying the effluent, this person must also meet the responsibilities of the consumer.

Effluent means:

- (a) waste water from sewage treatment systems (including the treatment works, pumping stations, sewage overflow structures and the reticulation system), or
- (b) waste water from collection or treatment systems that are ancillary to processing industries involving livestock, agriculture, wood, paper or food, being waste water that is conveyed from the place of generation by means of a pipe, canal or conventional method used in irrigation (but not by means of a tanker or truck), or
- (c) waste water from collection or treatment systems that are ancillary to intensive livestock, aquaculture or mariculture, being waste water that is released by means of a pipe, canal or other conventional method used in irrigation as part of day to day farming operations, in accordance with the Act.

Processor means a person who generates, supplies, causes, or permits the supply of effluent to a consumer, or who processes, mixes, blends, or otherwise incorporates effluent into a material for supply to a consumer.

Relevant waste means effluent that meets the requirements of Section 7.

General conditions

7. This Notice of Exemption is subject to the following conditions:
- 7.1. The effluent can only be applied to land for the purposes of irrigation or as a soil amendment material.
 - 7.2. The consumer must land apply the effluent within a reasonable period of time.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
 by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The excavated natural material exemption 2008

Name

1. This exemption is to be known as 'The excavated natural material exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the excavated natural material for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of excavated natural material within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which excavated natural material is applied.

Excavated natural material is naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:

- a) been excavated from the ground, and
- b) contains at least 98% (by weight) natural material, and
- c) does not meet the definition of Virgin Excavated Natural Material in the Act.

Excavated Natural Material does not include material that has been processed or contains acid sulphate soils (ASS) or potential acid sulphate soils (PASS).

Processor means a person who generates, processes, mixes, blends, or otherwise incorporates excavated natural material into a material for supply to a consumer.

Relevant waste means the waste excavated natural material that meets the requirements of Section 7.

Validation means ensuring that test results comply with the conditions of this exemption prior to supply to a consumer.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the excavated natural material listed in Column 1 of Table 2 must not exceed any of the following:

- 7.1.1. the absolute maximum concentration or other value listed in Column 3 of Table 2,
- 7.1.2. for characterisation tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and

7.2. The excavated natural material can only be applied to land as engineering fill or used in earthworks.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:
- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. Where the excavated natural material is generated as part of a continuous process, the processor must undertake characterisation sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
 - 8.3. Where there is a change in inputs that is likely to affect the properties in the excavated natural material, characterisation must be repeated.
 - 8.4. The excavated natural material must be appropriately stored until the characterisation test results are validated, i.e., obtained and assessed as compliant with this exemption.
 - 8.5. Processors must keep a written record of all characterisation test results for a period of three years.
 - 8.6. The processor of excavated natural material must provide a written statement of compliance to the consumer with each transaction, certifying that the excavated natural material complies with the relevant conditions of this exemption.
 - 8.7. The processor of excavated natural material must make information on the latest characterisation test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:
- 9.1. Records of the quantity of the excavated natural material received by the consumer and the suppliers' name and address must be kept for a period of three years.
 - 9.2. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to excavated natural material where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2 and Column 3 of Table 2, when analysed according to test methods specified in Column 4 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	1	12.1
2. Cadmium	0.5	1	12.2
3. Lead	50	100	12.2
4. Arsenic	20	40	12.2
5. Chromium (total)	50	100	12.2
6. Copper	50	100	12.2
7. Nickel	30	60	12.2
8. Zinc	100	200	12.2
9. Electrical Conductivity	1.5 dS/m	3 dS/m	12.3
10. pH *	7 to 9	6.5 to 10	12.3
11. Total Polycyclic Aromatic Hydrocarbons (PAHs)	20	40	12.4
12. Benzo(a)pyrene	0.5	1	12.4
13. Total Petroleum Hydrocarbons (TPHs)	250	500	12.5
14. Total Chlorinated Hydrocarbons	0.5	1	12.6
15. Rubber, plastic, bitumen, paper, cloth, paint, wood and other vegetable matter	0.05%	0.10%	12.7

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the excavated natural material.

Sampling and testing requirements

11. This Notice of Exemption only applies to excavated natural material sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2
Characterisation frequency	Validation
10 composite samples per 4,000 tonnes.	Required

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in excavated natural material:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 0.05 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 8 in excavated natural material:
 - 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 10 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring electrical conductivity and pH in excavated natural material:
 - 12.3.1. Sample preparation by mixing 1 part excavated natural material with 5 parts distilled water.
 - 12.3.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.3. Report electrical conductivity in deciSiemens per metre (dS/m).
- 12.4. Test method for measuring PAHs and benzo(a)pyrene in excavated natural material:
 - 12.4.1. Analysis using USEPA SW-846 Method 8100 Polynuclear aromatic hydrocarbons (or an equivalent analytical method).
 - 12.4.2. Calculate the sum of all 16 PAHs for total PAHs.
 - 12.4.3. Report total PAHs as mg/kg dry weight.
 - 12.4.4. Report benzo(a)pyrene as mg/kg.
- 12.5. Test method for measuring TPHs in excavated natural material:
 - 12.5.1. Method 506 (Petroleum Hydrocarbons). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.5.2. Report as mg/kg dry weight.

- 12.6. Test methods for measuring total chlorinated hydrocarbons in excavated natural material:
- 12.6.1. Analysis using USEPA SW-846 Method 8021B Aromatic and halogenated volatiles by gas chromatography using photoionization and/or electrolytic conductivity detectors (or an equivalent analytical method).
 - 12.6.2. Calculate the total sum of carbon tetrachloride, chlorobenzene, chloroform, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethene (2 isomers), dichloromethane (methylene chloride), 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, 1,2,4-trichlorobenzene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene, vinyl chloride and hexachlorobutadiene concentrations.
 - 12.6.3. Report total chlorinated hydrocarbons as mg/kg.
- 12.7. Test method for measuring 15 in excavated natural material:
- 12.7.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method).
 - 12.7.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The food waste compost exemption 2008

Name

1. This exemption is to be known as 'The food waste compost exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The food waste compost exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions set out in this Notice.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

ARMCANZ means the *Australian Guidelines for Sewerage Systems - Biosolids Management*, published in 1995 by the ARMCANZ Water Technology Committee, Canberra and updated from time to time.

Composting means a process whereby the food waste and/or raw mulch, source separated garden organics, forestry and sawmill residues and urban wood residues, undergoes:

- (a) Pasteurisation, and
- (b) A period of not less than 6 weeks of composting plus curing.

Consumer means a person who applies, causes, or permits the application to land of food waste compost within the definitions of "application to land" in accordance with the Act. The consumer may be the landholder responsible for the land to which food waste compost is applied.

Engineered wood products means engineered or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

Food waste means waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste, animal waste or dissolved air flotation (DAF) sludges. This includes waste from the kerbside collection of source separated food waste.

Food waste compost means food waste that has undergone composting in combination with any of the following:

- (a) raw mulch,
- (b) source separated garden organics,
- (c) forestry and sawmill residues, and
- (d) urban wood residues.

Forestry and sawmill residues are untreated and uncontaminated plant materials from forestry operations such as logging, silviculture and sawmilling. Forestry and sawmill residues include materials such as bark, woodchip, sawdust and wood fibre that are collected as a source separated material stream for processing.

Pasteurisation means a process whereby the food waste and/or raw mulch, source separated garden organics, forestry and sawmill residues and urban wood residues, are treated to significantly reduce the numbers of plant and animal pathogens and plant propagules. It must undergo:

- (a) Appropriate turning of outer material to the inside of the windrow so that the whole mass is subjected to a minimum of 3 turns with the internal temperature reaching a minimum of 55°C for 3 consecutive days before each turn, or
- (b) An alternative process that guarantees the same level of pathogen reduction as required by ARMCANZ, and the elimination of plant propagules.

Preservative treated and coated wood residues means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

Processor means a person who processes, mixes, blends, or otherwise incorporates food waste compost into a material for supply to a consumer.

Raw mulch is any compostable organic plant material that is applied to land as a recycled organic product without having been subjected to an effective pasteurisation or composting process. Such materials may be shredded and/or screened to a preferred particle size grading for particular applications. Raw mulches include materials such as horticultural barks, leaf mulch and wood chip mulch produced from source separated garden organics, forestry and sawmill residues and urban wood residues.

Relevant waste means food waste compost that meets the requirements of Section 7.

Source separated garden organics means garden vegetation and plant materials that are segregated at the point of generation and are collected as a separate material stream for processing. Source separated garden organics includes material from Council garden waste collections and public drop-off collections and can include materials such as branches, grass, leaves, plant trimmings, tree stumps, bark, and the like.

Urban wood residues means untreated and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues includes materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets but does not include preservative treated and coated wood residues or engineered wood products..

General conditions

7. This Notice of Exemption is subject to the following conditions:
 - 7.1. The food waste compost can only be applied to land as compost, a soil amendment material or for the purpose of biofiltration.
 - 7.2. The processor of food waste compost must provide a written statement of compliance to the consumer with each transaction, certifying that the food waste compost complies with the relevant conditions of this exemption.
 - 7.3. The consumer must land apply the food waste compost within a reasonable period of time.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The food waste exemption 2008

Name

1. This exemption is to be known as 'The food waste exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The food waste exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until 1 November 2008 unless revoked at an earlier date by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions set out in this Notice.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Consumer means a person who applies, causes, or permits the application to land of food waste within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which food waste is applied. Where a person responsible for transporting the food waste to the land application site is also the party applying the food waste, this person must also meet the responsibilities of the consumer.

Food waste means waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste or animal waste.

Processor means a person who generates, supplies, causes, or permits the supply of food waste to a consumer, or who processes, mixes, blends, or otherwise incorporates food waste into a material for supply to a consumer.

Relevant waste means the food waste that meets the requirements of Section 7.

General conditions

7. This Notice of Exemption is subject to the following conditions:

- 7.1. The food waste can only be applied to land as a soil amendment material.
- 7.2. The consumer must land apply the food waste within a reasonable period of time.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
 by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The recovered railway ballast exemption 2008

Name

1. This exemption is to be known as 'The recovered railway ballast exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The recovered railway ballast exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the recovered railway ballast for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of recovered railway ballast within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which recovered railway ballast is applied.

Processor means a person who generates, supplies, causes, or permits the supply of recovered railway ballast to a consumer, or who processes, mixes, blends, or otherwise incorporates recovered railway ballast into a material for supply to a consumer.

Recovered railway ballast means free draining coarse natural aggregate of high strength and a minimum particle size of 9.5 mm.

Relevant waste means the recovered railway ballast that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the recovered railway ballast on an ongoing and regular basis.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of recovered railway ballast that is not repeated, reproduced and does not form part of a continuous process.

General Conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the recovered railway ballast listed in Column 1 of Table 2 must not exceed any of the following:

- 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
- 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
- 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.

- 7.2. The recovered railway ballast can only be applied to land for building or maintaining railway infrastructure or for road making activities.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:

- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
- 8.2. Where the recovered railway ballast is generated as part of a continuous process, the processor must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
- 8.3. Where the recovered railway ballast is not generated as part of a continuous process, the processor may undertake once-off sampling of a batch, truckload or stockpile of recovered railway ballast according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
- 8.4. Where there is a change in inputs that is likely to affect the properties in the recovered railway ballast, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
- 8.5. Processors must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
- 8.6. Records of the quantity of recovered railway ballast supplied to the consumer and the consumer's name and address must be kept for a period of three years.
- 8.7. The processor of recovered railway ballast must provide a written statement of compliance to the consumer with each transaction, certifying that the recovered railway ballast complies with the relevant conditions of this exemption.
- 8.8. The processor of recovered railway ballast must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the recovered railway ballast received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to recovered railway ballast where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not required	1	12.1
2. Cadmium	0.5	0.5	1	12.2
3. Lead	50	50	100	12.2
4. Arsenic	15	15	30	12.2
5. Chromium (total)	25	Not required	50	12.2
6. Copper	25	Not required	50	12.2
7. Nickel	25	Not required	50	12.2
8. Zinc	75	75	150	12.2
9. Electrical Conductivity	1 dS/m	1 dS/m	2 dS/m	12.3
10. Metal, glass, asphalt, ceramics and slag	2.5%	Not required	5%	12.4
11. Plaster, clay lumps and other friable materials	0.25%	Not required	0.5%	12.4
12. Rubber, plastic, bitumen, paper, cloth, paint, wood and other vegetable matter	0.05%	Not required	0.1%	12.4

Sampling and testing requirements

11. This Notice of Exemption only applies to recovered railway ballast sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every 2 years.	5 composite samples per 4000 tonnes or 5 composite samples per 3 months.	10 composite samples per 4000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in recovered railway ballast:
- 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 0.2 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 8 in recovered railway ballast require:
- 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3, (i.e. 10 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the electrical conductivity in recovered railway ballast:
- 12.3.1. Sample preparation by mixing 1 part recovered railway ballast with 5 parts distilled water.
 - 12.3.2. Analysis using Method 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.3. Report in deciSiemens per metre (dS/m).
- 12.4. Test method for measuring the attributes 10 - 12 in recovered railway ballast:
- 12.4.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method), for the materials listed in 10 - 12 of Column 1, Table 2. For recovered railway ballast with an average particle size between 50 and 100 mm, use a 20 kg sample. For recovered railway ballast with an average particle size greater than 100 mm, use a 50 kg sample.
 - 12.4.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The raw mulch exemption 2008

Name

1. This exemption is to be known as 'The raw mulch exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The raw mulch exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions set out in this Notice.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Consumer means a person who applies, causes, or permits the application to land of raw mulch within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which raw mulch is applied.

Engineered wood products means engineered or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

Forestry and sawmill residues means untreated and uncontaminated plant materials from forestry operations such as logging, silviculture and sawmilling. Forestry and sawmill residues include materials such as bark, woodchip, sawdust and wood fibre that are collected as a source separated material stream for processing.

Preservative treated and coated wood residues means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

Processor means a person who generates, supplies, causes, or permits the supply of raw mulch to a consumer, or who processes, mixes, blends, or otherwise incorporates raw mulch into a material for supply to a consumer.

Raw mulch means any compostable organic plant material that is applied to land as a recycled organic product without having been subjected to an effective pasteurisation or composting process. Such materials may be shredded and/or screened to a preferred particle size grading for particular applications. Raw mulches include materials such as horticultural barks, leaf mulch and wood chip mulch produced from source separated garden organics, forestry and sawmill residues and urban wood residues.

Relevant waste means raw mulch that meets the requirements of Section 7.

Source separated garden organics means garden vegetation and plant materials that are segregated at the point of generation and are collected as a separate material stream for processing. Source separated garden organics includes material from Council garden waste collections and public drop-off collections and can include materials such as branches, grass, leaves, plant trimmings, tree stumps, bark, and the like.

Urban wood residues means untreated and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing.

Urban wood residues includes materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets but does not include preservative treated or coated wood residues or engineered wood products.

General conditions

7. This Notice of Exemption is subject to the following conditions:
 - 7.1. The raw mulch can only be applied to land for the purposes of filtration or as a soil amendment material or used either singularly or in any combination as input material(s) to a composting process.
 - 7.2. The consumer must land apply the raw mulch within a reasonable period of time.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The recovered aggregate exemption 2008

Name

1. This exemption is to be known as 'The recovered aggregate exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The recovered aggregate exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the recovered aggregate for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of recovered aggregate within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which recovered aggregate is applied.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of recovered aggregate that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates recovered aggregate into a material for supply to a consumer.

Recovered aggregate means material comprising of concrete, brick, ceramics and asphalt processed into an engineered material. This does not include asphalt that contains coal tar.

Relevant waste means recovered aggregate that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the recovered aggregate on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:

- 7.1. The chemical concentration or other attribute of the recovered aggregate listed in Column 1 of Table 2 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,
 - 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
 - 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.

- 7.2. The recovered aggregate can only be applied to land for road making activities, building, landscaping and construction works. This approval does not apply to any of the following applications:
 - 7.2.1. Construction of dams or related water storage infrastructure,
 - 7.2.2. Mine site rehabilitation,
 - 7.2.3. Quarry rehabilitation,
 - 7.2.4. Sand dredge pond rehabilitation,
 - 7.2.5. Back-filling of quarry voids,
 - 7.2.6. Raising or reshaping of land used for agricultural purposes, and
 - 7.2.7. Construction of roads on private land unless:
 - (a) the relevant waste is applied to land to the minimum extent necessary for the construction of a road, and
 - (b) a development consent for the development has been granted under the relevant Environmental Planning Instrument (EPI), or
 - (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
 - (d) the works undertaken are either exempt or complying development.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:
 - 8.1. The processor must implement procedures to minimise the potential to receive or process waste containing asbestos. These procedures must be formally documented and the records of compliance must be kept for a period of three years.
 - 8.2. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.3. Where the recovered aggregate is generated as part of a continuous process, the processor must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
 - 8.4. Where the recovered aggregate is not generated as part of a continuous process, the processor may undertake once-off sampling of a batch, truckload or stockpile of recovered aggregate according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
 - 8.5. Where there is a change in inputs that is likely to affect the properties in the recovered aggregate, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
 - 8.6. Processors must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
 - 8.7. Records of the quantity of recovered aggregate supplied to the consumer and either the consumer's name and address or the registration details of the vehicle used to transport the recovered aggregate, must be kept for a period of three years.
 - 8.8. The processor of recovered aggregate must provide a written statement of compliance to the consumer with each transaction, certifying that the recovered aggregate complies with the relevant conditions of this exemption.
 - 8.9. The processor of recovered aggregate must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the recovered aggregate received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to recovered aggregate where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not required	1	12.1
2. Cadmium	0.5	0.5	1	12.2
3. Lead	50	50	100	12.2
4. Arsenic	15	Not required	30	12.2
5. Chromium (total)	40	40	80	12.2
6. Copper	40	40	80	12.2
7. Nickel	25	Not required	50	12.2
8. Zinc	150	150	300	12.2
9. Electrical Conductivity	1 dS/m	1 dS/m	2 dS/m	12.3
10. Metal	1%	1%	2%	12.4
11. Plaster	0.25%	0.25%	0.5%	12.4
12. Rubber, plastic, paper, cloth, paint, wood and other vegetable matter	0.1%	0.1%	0.2%	12.4

Sampling and testing requirements

11. This Notice of Exemption only applies to recovered aggregate sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every year.	5 composite samples per 4000 tonnes or 5 composite samples per 3 months.	10 composite samples per 4000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in recovered aggregate:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 0.05 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 8 in recovered aggregate:
 - 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3, (i.e. 10 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the electrical conductivity in recovered aggregate:
 - 12.3.1. Sample preparation by mixing 1 part recovered aggregate with 5 parts distilled water.
 - 12.3.2. Analysis using Method 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.3. Report in deciSiemens per metre (dS/m).

- 12.4. Test method for measuring the attributes 10 - 12 in recovered aggregate:
- 12.4.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Aggregate (or an equivalent method), for the materials listed in 10 - 12 of Column 1, Table 2.
 - 12.4.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The recovered fines from construction and demolition waste processing exemption 2008

Name

1. This exemption is to be known as 'The recovered fines from construction and demolition waste processing exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The recovered fines from construction and demolition waste processing exemption 2008' which commenced 9 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until 1 February 2009 unless revoked at an earlier date by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):

- 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
- 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:

- 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the recovered fines for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of recovered fines within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which recovered fines are applied.

NA means not applicable.

Processor means a person who processes, mixes, blends, or otherwise incorporates recovered fines into a material for supply to a consumer.

Recovered fines means a soil or sand substitute with a maximum particle size of 9.5 mm that is derived from the processing of mixed construction and demolition waste including residues from the processing of skip bin waste.

Relevant waste means recovered fines that meet the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the recovered fines on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the recovered fines listed in Column 1 of Table 2 must not exceed any of the following:

7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2.

7.2. The recovered fines can only be applied to land for the purposes of construction or landscaping. This approval does not apply to any of the following applications:

7.2.1. Construction of dams or related water storage infrastructure,

7.2.2. Mine site rehabilitation,

7.2.3. Quarry rehabilitation,

7.2.4. Sand dredge pond rehabilitation,

7.2.5. Back-filling of quarry voids,

7.2.6. Raising or reshaping of land used for agricultural purposes, and

7.2.7. Construction of roads on private land unless:

- (a) the relevant waste is applied to land to the minimum extent necessary for the construction of a road, and
- (b) a development consent for the development has been granted under the relevant Environmental Planning Instrument (EPI), or
- (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
- (d) the works undertaken are either exempt or complying development.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:

- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
- 8.2. The recovered fines must be sampled according to the requirements listed Column 1 and Column 2 of Table 3.
- 8.3. Where there is a change in inputs that is likely to affect the properties of the recovered fines, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
- 8.4. Processors must keep a written record of all characterisation and routine test results for a period of three years.
- 8.5. Records of the quantity of recovered fines supplied to the consumer and either the consumer's name and address or the registration details of the vehicle used to transport the recovered fines, must be kept for a period of three years.
- 8.6. The processor of recovered fines must provide a written statement of compliance to the consumer with each transaction, certifying that the recovered fines comply with the relevant conditions of this exemption.
- 8.7. The processor of recovered fines must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the recovered fines received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The relevant waste must not be applied in or beneath water including groundwater.
- 9.3. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to recovered fines where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	NA	NA	1.5	12.1
2. Cadmium	NA	NA	1.5	12.2
3. Lead	NA	NA	200	12.2
4. Arsenic	NA	NA	30	12.2
5. Chromium (total)	NA	NA	100	12.2
6. Copper	NA	NA	150	12.2
7. Nickel	NA	NA	60	12.2
8. Zinc	NA	NA	400	12.2
9. Total Organic Carbon	NA	NA	10%	12.3
10. Electrical Conductivity	NA	NA	3 dS/m	12.4
11. pH *	NA	NA	6.5 - 10.0	12.4
12. Total Polycyclic Aromatic Hydrocarbons (PAHs)	NA	NA	40	12.5
13. Benzo(a)pyrene	NA	NA	1	12.5
14. Total Petroleum Hydrocarbons (TPHs) C ₆ - C ₉	NA	NA	80	12.6
15. Total Petroleum Hydrocarbons (TPHs) C ₁₀ - C ₃₆	NA	NA	800	12.6
16. Total Chlorinated Hydrocarbons	NA	NA	1	12.7
17. Total Organochlorine Pesticides	NA	NA	1	12.8
18. Total Polychlorinated Biphenyls (PCBs)	NA	NA	1	12.9
19. Glass, metal and rigid plastics	NA	NA	0.1%	12.10
20. Plastics - light flexible film	NA	NA	0.1%	12.10
21. Proportion (by weight) retained on a 0.425 mm sieve	NA	NA	90%	12.11

*Note: The ranges given for pH are for the minimum and maximum acceptable pH values in the recovered fines.

Sampling and testing requirements

11. This Notice of Exemption only applies to recovered fines sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2
Characterisation frequency	Routine sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. Characterisation must be completed within the first 6 months following gazettal.	5 composite samples per 1000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in recovered fines:
 - 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 0.3 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 8 in recovered fines:
 - 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digestion using USEPA SW-846 Method 3051A Microwave assisted digestion of sediments, sludges, soils, and oils (or an equivalent analytical method).
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 4 (i.e. 20 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the total organic carbon content in recovered fines:
 - 12.3.1. Method 105 (Organic Carbon). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.2. Reporting as % total organic carbon.
- 12.4. Test methods for measuring the electrical conductivity and pH in recovered fines:
 - 12.4.1. Sample preparation by mixing 1 part recovered fines with 5 parts distilled water.
 - 12.4.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of

- Site Contamination) Measure 1999 (or an equivalent analytical method).
- 12.4.3. Report electrical conductivity in deciSiemens per metre (dS/m).
- 12.5. Test method for measuring PAHs and benzo(a)pyrene in recovered fines:
- 12.5.1. Analysis using USEPA SW-846 Method 8100 Polynuclear aromatic hydrocarbons (or an equivalent analytical method).
- 12.5.2. Calculate the sum of all 16 PAHs for total PAHs.
- 12.5.3. Report total PAHs as mg/kg dry weight.
- 12.5.4. Report benzo(a)pyrene as mg/kg.
- 12.6. Test method for measuring TPHs in recovered fines:
- 12.6.1. Method 506 (Petroleum Hydrocarbons). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
- 12.6.2. Report C₆ – C₉ as mg/kg.
- 12.6.3. Report C₁₀ – C₃₆ as mg/kg.
- 12.7. Test methods for measuring total chlorinated hydrocarbons in recovered fines:
- 12.7.1. Analysis using USEPA SW-846 Method 8021B Aromatic and halogenated volatiles by gas chromatography using photoionization and/or electrolytic conductivity detectors (or an equivalent analytical method).
- 12.7.2. Calculate the total sum of carbon tetrachloride, chlorobenzene, chloroform, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethene, dichloromethane (methylene chloride), 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, 1,2,4-trichlorobenzene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene, vinyl chloride and hexachlorobutadiene concentrations.
- 12.7.3. Report total chlorinated hydrocarbons as mg/kg.
- 12.8. Test methods for measuring total organochlorine pesticides in recovered fines:
- 12.8.1. Analysis using USEPA SW-846 Method 8081B Organochlorine pesticides by gas chromatography (or an equivalent analytical method).
- 12.8.2. Calculate the total sum of aldrin, alpha BHC, beta BHC, gamma BHC (lindane), delta BHC, chlordane, DDT, DDD, DDE, dieldrin, endrin, endrin aldehyde, heptachlor, heptachlor epoxide, hexachlorobenzene, methoxychlor and endosulfan (includes endosulfan I, endosulfan II and endosulfan sulphate).
- 12.8.3. Report total organochlorine pesticides as mg/kg.
- 12.9. Test methods for measuring the PCBs in recovered fines:
- 12.9.1. USEPA SW-846 Method 8082A Polychlorinated Biphenyls (PCBs) by gas chromatography (or an equivalent analytical method).
- 12.9.2. Calculate the total sum of Aroclor 1016 (CAS Registry No. 12674-11-2), Aroclor 1221 (CAS Registry No. 11104-28-2), Aroclor 1232 (CAS Registry No. 11141-16-5), Aroclor 1242 (CAS Registry No. 53469-21-9), Aroclor 1248 (CAS Registry No. 12672-29-6), Aroclor 1254 (CAS Registry No. 11097-69-1), Aroclor 1260 (CAS Registry No. 11096-82-5).

- 12.9.3. Report total PCBs as mg/kg.
- 12.10. Test method for measuring 19 - 20 in recovered fines:
 - 12.10.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method), using a 2.36 mm sieve for 19 of Column 1, Table 2.
 - 12.10.2. Report as %.
- 12.11. Test method for measuring 21 in recovered fines:
 - 12.11.1. NSW Roads & Traffic Authority Test Method T106 Coarse particle distribution in road construction materials (by dry sieving) and T107 Fine particle distribution in road construction materials (or an equivalent method).
 - 12.11.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The recovered glass sand exemption 2008

Name

1. This exemption is to be known as 'The recovered glass sand exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The recovered glass sand exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the recovered glass sand for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of recovered glass sand within the definitions of "application to land" in accordance with the Act. The consumer may be the landholder responsible for the land to which recovered glass sand is applied. Where a person responsible for transporting the recovered glass sand to the land application site is also the party applying the recovered glass sand, this person must also meet the responsibilities of the consumer.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of recovered glass sand that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes recovered glass into recovered glass sand for supply to a consumer.

Recovered glass means glass sourced from the collection of domestic or commercial waste. This includes glass collected from domestic commingled recycling collections. Glass recovered from the sorting or processing of mixed municipal or commercial and industrial sources is excluded.

Recovered glass sand means recovered glass that has been processed to produce a 'sand-like' glass material with a particle size diameter generally less than 5 mm, and that contains at least 98% glass.

Relevant waste means recovered glass sand that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the recovered glass sand on an ongoing and regular basis.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the recovered glass sand listed in Column 1 of Table 2 must not exceed any of the following:

7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,

- 7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and
- 7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.
- 7.2. The recovered glass sand can only be applied to land for the purposes of pipe bedding, drainage or for road making activities.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:

- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
- 8.2. Where the recovered glass sand is generated as part of a continuous process, the processor must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
- 8.3. Where the recovered glass sand is not generated as part of a continuous process, the processor may undertake once-off sampling of a batch, truckload or stockpile of recovered glass sand according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
- 8.4. Where there is a change in inputs that is likely to affect the properties of the recovered glass sand, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
- 8.5. Processors must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
- 8.6. Records of the quantity of recovered glass sand supplied to the consumer and the consumer's name and address must be kept for a period of three years.
- 8.7. The processor of recovered glass sand must provide a written statement of compliance to the consumer with each transaction, certifying that the recovered glass sand complies with the relevant conditions of this exemption.
- 8.8. The processor of recovered glass sand must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the recovered glass sand received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to recovered glass sand where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	Not required	1	12.1
2. Cadmium	0.5	0.5	1	12.2
3. Lead	25	25	50	12.2
4. Arsenic	10	Not required	20	12.2
5. Chromium (total)	100	Not required	200	12.2
6. Copper	25	Not required	50	12.2
7. Molybdenum	5	Not required	10	12.2
8. Nickel	10	Not required	20	12.2
9. Zinc	25	25	50	12.2
10. Total Organic Carbon	0.5%	Not required	1.0%	12.3
11. Electrical Conductivity	0.5 dS/m	0.5 dS/m	1 dS/m	12.4
12. Metals	0.5%	0.5%	1%	12.5
13. Plaster, clay lumps and other friable materials	0.25%	0.25%	0.50%	12.5
15. Rubber, plastic, bitumen, paper, cloth, paint, wood and other vegetable matter	0.25%	0.25%	0.50%	12.5

Sampling and testing requirements

11. This Notice of Exemption only applies to recovered glass sand sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every 2 years.	5 composite samples per 4000 tonnes or 5 composite samples per 3 months.	10 composite samples per 4000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in recovered glass sand:
- 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 0.2 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 9 in recovered glass sand:
- 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3, (i.e. 5 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the total organic carbon content in recovered glass sand:
- 12.3.1. Method 105 (Organic Carbon) and using a 2 gram sample. *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.2. Reporting as % total organic carbon.
- 12.4. Test methods for measuring the electrical conductivity in recovered glass sand:
- 12.4.1. Sample preparation by mixing 1 part recovered glass sand with 5 parts distilled water.
 - 12.4.2. Analysis using Method 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.4.3. Report in deciSiemens per metre (dS/m).
- 12.5. Test method for measuring 12 - 15 in recovered glass sand:
- 12.5.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method) and modified to use a 2.36mm sieve, for the materials listed in 12 - 15 of Column 1, Table 2.
 - 12.5.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The stormwater exemption 2008

Name

1. This exemption is to be known as 'The stormwater exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The stormwater exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions set out in this Notice.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Consumer means a person who applies, causes, or permits the application to land of stormwater within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which stormwater is applied.

Processor means a person who generates, supplies, causes, or permits the supply of stormwater to a consumer, or who processes, mixes, blends, or otherwise incorporates stormwater into a material for supply to a consumer.

Relevant waste means stormwater that is applied to land.

Stormwater means rainfall that runs off all urban surfaces such as roofs, pavements, carparks, roads, gardens and vegetated open spaces.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
 by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The treated grease trap waste exemption 2008

Name

1. This exemption is to be known as 'The treated grease trap waste exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The treated grease trap waste exemption 2008' which commenced 2 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Consumer means a person who applies, causes, or permits the application to land of treated grease trap waste within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which treated grease trap waste is applied. Where a person responsible for transporting the treated grease trap waste to the land application site is also the party applying the treated grease trap waste, this person must also meet the responsibilities of the consumer.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis. The size of each sub-sample must be in proportion with the size of the load from which it is collected.

Grease trap waste means any grease, oils, solids, water or other matter resulting only from the preparation or manufacturing of food that is collected in a grease trap in the usual course of the operation of the grease trap. This definition includes dissolved air flotation (DAF) units used to treat grease trap waste, but does not include grease trap waste collected from grease traps in hospitals and shopping centres other than those solely from the preparation of food.

NA means not applicable.

Once-off sampling means sampling and testing that must be conducted only once on each individual truckload of treated grease trap waste. It is conducted where routine sampling is not applicable.

Processor means a person who treats grease trap waste, and/or mixes, blends, or otherwise incorporates treated grease trap waste into a material for land application. The processor will generally be the supplier, transporter, treatment facility, or consumer of the waste.

Relevant waste means treated grease trap waste that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the treated grease trap waste on an ongoing and regular basis.

Treated grease trap waste means grease trap waste that has undergone treatment according to the following specifications:

- a) screening to remove physical contaminants,
- b) leaving the grease trap waste to settle by operation of gravity for at least 4 hours, so that the floating fats and oils, the aqueous liquid waste and the settleable portions of the grease trap waste separate, and
- c) the floating layer must either be removed or be incorporated into the bottom settled layer following saponification by the addition of lime.

General conditions

7. This Notice of Exemption is subject to the following conditions:
 - 7.1. The chemical concentration or other attribute of the treated grease trap waste listed in Column 1 of Table 5 must not exceed any of the following:
 - 7.1.1. the absolute maximum concentration or other value listed in Column 3 of Table 5,
 - 7.1.2. for routine or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 5.
 - 7.2. The treated grease trap waste can only be applied to land as a soil amendment material.

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:
 - 8.1. Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
 - 8.2. The treated grease trap waste must be sampled according to the requirements listed in Column 1 of Table 6.
 - 8.3. The processor may undertake once-off sampling of individual truckloads of treated grease trap waste according to the requirements listed in Column 2 of Table 6, for the range of chemicals and other attributes listed in Column 1 of Table 5. No other routine testing is then required. Once-off sampling will apply where the volume of treated grease trap waste received at a site is insufficient to satisfy the requirements of routine sampling.
 - 8.4. The processor must keep a written record of all routine test results and/or once-off test results for a period of three years.
 - 8.5. Records of the quantity of treated grease trap waste supplied to the consumer and the consumer's name and address must be kept for a period of three years.
 - 8.6. The processor of treated grease trap waste must provide a written statement of compliance to the consumer with each transaction, certifying that the treated grease trap waste complies with the relevant conditions of this exemption.
 - 8.7. The processor of treated grease trap waste must make information on the latest routine test results and/or once off test results available to the consumer. This must include information on the electrical conductivity, pH, oil and grease, total nitrogen and moisture content as tested in the relevant waste.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:
 - 9.1. Records of the quantity of the treated grease trap waste received by the consumer, the suppliers' name and address, the application area, application rate and information on the routine test results and/or once-off test results must be kept for a period of three years.
 - 9.2. The application rate must not exceed 100 t/ha (wet weight) in a 6 month period at a given location where the oil and grease content is 50% or greater. Where the oil and grease content of the treated grease trap waste is known to

- be less than Column 1 of Table 2, the application rate may be increased to the maximum application rate (wet weight) in Column 2 of Table 2.
- 9.3. The treated grease trap waste must be injected between 10 cm and 30 cm below the soil surface at the time of the application.
 - 9.4. The treated grease trap waste must not flow across the surface of the land.
 - 9.5. The treated grease trap waste must not be applied to land where the site characteristics specified in Column 1 of Table 3 do not meet the requirements in Column 2 of Table 3. The treated grease trap waste must not be applied to land where the site characteristics specified in Column 1 of Table 3 do not meet the requirements in Column 2 of Table 3.
 - 9.6. The treated grease trap waste must not be applied to land that is within the buffer zones for the protected areas specified in Table 4.
 - 9.7. The consumer must ensure that they do not cause or permit the emission of any offensive odour from the premises when applying treated grease trap waste to land.
 - 9.8. Livestock must not be allowed to graze on land within the application area until at least 30 days after the application of treated grease trap waste to the application area.

Table 2

Column 1	Column 2
Oil and grease content (%)	Maximum application rate (wet t/ha)
<50	120
<40	150
<30	200
<20	300
<10	600

Table 3

Column 1	Column 2
Site Characteristic	Requirement
Slope	< 10%
Drainage	No application of wastes permitted in: - Waterlogged soil; and/or - Slow or highly permeable soil
Depth to bedrock	> 60 cm
Surface rock outcrop	< 10%

Table 4

Column 1	Column 2	Column 3	Column 4
Protected Area	Minimum width of Buffer Zones (m)		
	Flat (< 3% or 2° slope)	Downslope (> 3% or 2° slope)	Upslope
Surface waters	50	100	5
Farm dams	20	30	5
Drinking water bores	250	250	250
Other bores	50	50	50

Farm driveways and fence lines	5	5	5
Native forests and other significant vegetation types	10	10	5
Animal enclosures	25	50	25
Occupied dwelling	50	100	50
Residential zone	250	500	250

Chemical and other material property requirements

10. This Notice of Exemption only applies to treated grease trap waste where the chemical and other attributes listed in Column 1 of Table 5 comply with the chemical concentrations and other values listed in Column 2 and Column 3 of Table 5, when analysed according to test methods specified in Column 4 of Table 5. Note that while limits are not included for electrical conductivity, pH, oil and grease, nitrogen, and moisture content, these must be tested in each sample and records kept of results.

Table 5

Column 1	Column 2	Column 3	Column 4
Chemicals and other attributes	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	1	12.1
2. Cadmium	0.5	1	12.2
3. Lead	50	100	12.2
4. Arsenic	10	20	12.2
5. Chromium (total)	50	100	12.2
6. Copper	150	250	12.2
7. Nickel	30	60	12.2
8. Selenium	2.5	5	12.2
9. Zinc	200	350	12.2
10. Boron	30	60	12.3
11. Electrical Conductivity	NA	NA	12.4
12. pH	NA	NA	12.4
13. Oil and grease	NA	NA	12.5
14. Nitrogen (total)	NA	NA	12.6
15. Moisture content	NA	NA	12.7

Sampling and testing requirements

11. This Notice of Exemption only applies to treated grease trap waste sampled according to the requirements in Table 6.

Table 6

Column 1	Column 2
Routine sampling frequency	Once-off sampling frequency
<ul style="list-style-type: none"> • 1 individual sample per day for 1 week (5 samples) to produce a composite sample. Repeat each week (i.e. equates to 4 composite samples per month), and • 5 individual samples per month selected at random to produce a composite sample (i.e. 1 composite sample per month). 	<ul style="list-style-type: none"> • 1 composite sample per truckload

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 5 must be measured in accordance with the test methods specified below.

- 12.1. Test method for measuring the mercury concentration in treated grease trap waste:
- 12.1.1. USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 5, Column 3, (i.e. 0.2 mg/kg dry weight).
- 12.1.2. Report as mg/kg dry weight.
- 12.2. Test methods for measuring chemicals 2 - 9 in treated grease trap waste:
- 12.2.1. Sample preparation by digestion using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils (or an equivalent method).
- 12.2.2. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 5, Column 3 (i.e. 10 mg/kg dry weight for lead).
- 12.2.3. Report as mg/kg dry weight.
- 12.3. Test method for measuring the boron concentration in treated grease trap waste:
- 12.3.1. Water soluble boron using a calcium chloride extractable method. Rayment, G.E. and Higginson, F.R. 1992. Method 12C1 or 12C2. *In* Australian laboratory handbook of soil and water chemical methods, Inkata Press, Australia (or an equivalent analytical method with a detection limit for hot water soluble boron or calcium chloride extractable boron < 10% of stated total concentration).
- 12.3.2. Report as mg/kg dry weight.
- 12.4. Test methods for measuring the electrical conductivity and pH in treated grease trap waste:
- 12.4.1. Sample preparation by mixing 1 part treated grease trap waste with 5 parts distilled water.

- 12.4.2. Analysis using Method 103 (pH) and 104 (Electrical Conductivity). In Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
- 12.4.3. Report electrical conductivity in deciSiemens per metre (dS/m).
- 12.5. Test method for measuring the oil and grease content in treated grease trap waste:
- 12.5.1. USEPA SW-846 Method 9071B n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples (or an equivalent analytical method). Note that the Soxhlet extraction may need to be repeated for samples containing large quantities of oil and grease.
- 12.5.2. Report oil and grease in mg/kg dry weight.
- 12.6. Test method for measuring nitrogen in treated grease trap waste:
- 12.6.1. Total nitrogen – semimicro Kjeldahl. Rayment, G.E. and Higginson, F.R. 1992. Method 7A1 or 7A2. *In* Australian laboratory handbook of soil and water chemical methods, Inkata Press, Australia (or an equivalent analytical method).
- 12.6.2. Report nitrogen in % dry weight.
- 12.7. Test method for measuring the moisture content in treated grease trap waste:
- 12.7.1. USEPA SW-846 Method 9001 Determination of water in waste materials by quantitative calcium hydride reaction (or an equivalent analytical method).
- 12.7.2. Report moisture content in % w/w.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

It is recommended that an appropriate rate of nitrogenous fertiliser be added concurrently where the C:N ratio of the applied treated grease trap waste or blended material is high (>25).

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A

The waste tyre civil engineering exemption 2008

Name

1. This exemption is to be known as 'The waste tyre civil engineering exemption 2008'.

Commencement

2. This exemption commences on 20 June 2008. 'The waste tyre civil engineering exemption 2008' which commenced 9 May 2008 is revoked from 20 June 2008.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the Government Gazette.

Legislation

4. Under the *Protection of the Environment Operations (Waste) Regulation 2005* (the Regulation):
 - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
 - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied or used as a fuel:
 - the provisions of sections 47 to 49 and 88 of the *Protection of the Environment Operations Act 1997* (the Act),
 - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
 - the provisions of Part 3 and clauses 45 and 47 of the Regulation.

Exemption

5. In this Notice of Exemption:
 - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only in relation to activities involving the relevant waste and only where the responsible person complies with the conditions referred to in Column 3 of the table.

However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.

- 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

Column 1	Column 2	Column 3
Responsible person	Provisions from which the responsible person is exempt	Conditions to be met by the responsible person
Processor	section 48 of the Act in respect of clause 39 of Schedule 1 to the Act	all requirements specified in section 7 and 8
Consumer	section 48 of the Act in respect of clauses 34, 39, 41 and 42 of Schedule 1 to the Act section 88 of the Act clause 47 of the Regulation	all requirements specified in section 7 and 9

This Notice of Exemption is a general exemption for the purposes of clause 51(3) of the Regulation.

Definitions

6. In this Notice of Exemption:

Characterisation means sampling and testing that must be conducted on the waste tyre for the range of chemicals and other attributes listed in Column 1 of Table 2.

Composite sample means a sample that combines 5 discrete sub-samples into a single sample for the purpose of analysis.

Consumer means a person who applies, causes, or permits the application to land of waste tyre within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which waste tyre is applied. Where a person responsible for transporting the waste tyre to the land application site is also the party applying the waste tyre, this person must also meet the responsibilities of the consumer.

Once-off sampling means sampling and testing that must be conducted only once on a batch, truckload or stockpile of waste tyre that is not repeated, reproduced and does not form part of a continuous process.

Processor means a person who processes, mixes, blends, or otherwise incorporates waste tyre into a material for supply to a consumer.

Relevant waste means waste tyre that meets the requirements of Section 7.

Routine sampling means sampling and testing that must be conducted on the waste tyre on an ongoing and regular basis.

Waste tyre means used, rejected or unwanted tyres, including shredded tyres, tyre pieces, or tyre crumb, and contains at least 98% tyre material.

General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The chemical concentration or other attribute of the waste tyre listed in Column 1 of Table 2 must not exceed any of the following:

7.1.1. the absolute maximum concentration or other value listed in Column 4 of Table 2,

7.1.2. for characterisation or once-off tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 2 of Table 2, and

7.1.3. for routine tests, the maximum average (based on the arithmetic mean) concentration or other value listed in Column 3 of Table 2.

7.2. The waste tyre can only be applied to land for use in civil engineering structures and road making activities (using industry recognised standards such as the Building Code of Australia).

Processor responsibilities

8. The following conditions must be met by the processor for this exemption to apply:

- 8.1. Sampling must be undertaken in accordance with Australian Standard 1141 Methods for sampling and testing aggregates (or equivalent). Sampling and information on sample storage and preparation must be detailed in a written sampling plan.
- 8.2. Where the waste tyre is generated as part of a continuous process, the processor must undertake characterisation and routine sampling according to the requirements listed in Column 1 and Column 2 of Table 3.
- 8.3. Where the waste tyre is not generated as part of a continuous process, the processor may undertake once-off sampling of a batch, truckload or stockpile of waste tyre according to the requirements listed in Column 3 of Table 3, for the range of chemicals and other attributes listed in Column 1 of Table 2.
- 8.4. Where there is a change in inputs that is likely to affect the properties in the waste tyre, characterisation must be repeated. Characterisation samples can be used for routine testing and subsequent calculations.
- 8.5. Processors must keep a written record of all characterisation, routine and/or once-off test results for a period of three years.
- 8.6. Records of the quantity of waste tyre supplied to the consumer and the consumer's name and address must be kept for a period of three years.
- 8.7. The processor of waste tyre must provide a written statement of compliance to the consumer with each transaction, certifying that the waste tyre complies with the relevant conditions of this exemption.
- 8.8. The processor of waste tyre must make information on the latest characterisation and routine test results available to the consumer.

Consumer responsibilities

9. The following conditions must be met by the consumer for this exemption to apply:

- 9.1. Records of the quantity of the waste tyre received by the consumer and the suppliers' name and address must be kept for a period of three years.
- 9.2. The waste tyre must not be applied in or beneath water, including groundwater.
- 9.3. The consumer must land apply the relevant waste within a reasonable period of time.

Chemical and other material property requirements

10. This Notice of Exemption only applies to waste tyre where the chemical and other attributes listed in Column 1 of Table 2 comply with the chemical concentrations and other values listed in Column 2, Column 3 and Column 4 of Table 2, when analysed according to test methods specified in Column 5 of Table 2.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Chemicals and other attributes	Maximum average concentration for characterisation (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)	Test method specified within Section
1. Mercury	0.5	0.5	1	12.1
2. Cadmium	0.5	0.5	1	12.2
3. Lead	25	25	50	12.2
4. Copper	25	25	50	12.2
5. Nickel	25	25	50	12.2
6. Zinc	1.5%	1.5%	3.0%	12.2
7. Electrical Conductivity	0.5 dS/m	0.5 dS/m	1 dS/m	12.3
8. Plaster, clay lumps and other friable material	0.1%	0.1%	0.2%	12.4
9. Plastic, bitumen, paper, cloth, paint, wood and other vegetable matter	0.05%	0.05%	0.1%	12.4

Sampling and testing requirements

11. This Notice of Exemption only applies to waste tyre sampled according to the requirements in Table 3.

Table 3

Column 1	Column 2	Column 3
Characterisation frequency	Routine sampling frequency	Once-off sampling frequency
20 composite samples, by taking 1 composite sample from a different batch, truckload or stockpile. This must be repeated every 2 years.	5 composite samples per 4,000 tonnes or 5 composite samples per 6 months.	10 composite samples per 4,000 tonnes.

Test methods

12. All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities, or equivalent. All chemicals and other attributes listed in Column 1 of Table 2 must be measured in accordance with the test methods specified below:

- 12.1. Test methods for measuring the mercury concentration in waste tyre:
- 12.1.1. Particle size reduction & sample splitting may be required.
 - 12.1.2. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 0.2 mg/kg dry weight).
 - 12.1.3. Report as mg/kg dry weight.

- 12.2. Test methods for measuring chemicals 2 - 6 in waste tyre:
- 12.2.1. Particle size reduction & sample splitting may be required.
 - 12.2.2. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 12.2.3. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of the stated absolute maximum concentration in Table 2, Column 3 (i.e. 2.5 mg/kg dry weight for lead).
 - 12.2.4. Report as mg/kg dry weight.
- 12.3. Test methods for measuring the electrical conductivity in waste tyre:
- 12.3.1. Sample preparation by mixing 1 part waste tyre with 5 parts distilled water.
 - 12.3.2. Analysis using Method 104 (Electrical Conductivity). *In* Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 12.3.3. Report electrical conductivity in deciSiemens per metre (dS/m).
- 12.4. Test methods for measuring 8 - 9 in waste tyre:
- 12.4.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Concrete (or an equivalent method).
 - 12.4.2. Report as %.

Exemption Granted

Mark Gorta
Manager, Waste Management Section
Environment Protection Authority
by delegation

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: www.environment.nsw.gov.au

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (s142A) or water (s120), or does not meet the special requirements for asbestos waste (clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however, neither this exemption nor these conditions guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the exempted material is fit for the purpose the material is proposed to be used and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Material Safety Data Sheet (MSDS).

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

STATE WATER CORPORATION ACT 2004

State Water Corporation Operating Licence 2008 - 2013
Renewal Under Section 14

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 14 of the State Water Corporation Act 2004, hereby renew the Operating Licence of State Water Corporation for a term of five years commencing 24 June 2008, in the form set out below.

Signed at Sydney, this 18th day of June 2008.

MARIE BASHIR,
Governor of New South Wales

Operating Licence

State Water Corporation Operating Licence
2008-2013

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State Water Corporation Operating Licence 2008-2013

1 Information about the Licence**1.1 Purpose of the Licence**

The purpose of the Licence is to set out the terms and conditions under which State Water is to:

- (a) meet the objectives and other requirements imposed on it in the Act;
- (b) provide, construct, operate, manage and maintain efficient, co-ordinated and commercially viable systems and services for capturing, storing and releasing water;
- (c) recognise the rights given to Customers and the community by the Licence;
- (d) be subject to audits of compliance with the Licence;
- (e) undertake the Functions of the Minister administering the *Water Management Act 2000* under that Act or the *Water Act 1912* or the Ministerial Corporation under any Act or law conferred on State Water by the Licence; and
- (f) comply with the quality and performance standards in the Licence.

Note: The Licence is granted pursuant to section 11 (1) of the Act.

1.2 Term of the Licence

1.2.1 The Licence is renewed for a term of 5 years from the Commencement Date.

1.2.2 Notwithstanding the expiry of the term, the Governor may renew the Licence in accordance with the Act.

Note: Section 14 of the Act allows the Governor to renew the Licence for a maximum of 5 years at a time.

1.3 Mid Term Review

1.3.1 On or about 1 January 2011, a Mid Term Review of the Licence or any part of the Licence may be undertaken if there is a change in regulation or public policy or any other event which, in the reasonable opinion of IPART, may have a significant impact on the operation of the Licence or any part of the Licence.

1.3.2 A Mid Term Review must be undertaken of the Licence, or any part of the Licence, if requested by the Minister.

1.3.3 The Mid Term Review is to be undertaken by IPART.

1.3.4 IPART must engage in Public Consultation as part of the Mid Term Review.

State Water Corporation Operating Licence 2008-2013

- 1.3.5 IPART must report to the Minister on the following:
- (a) the findings of the Mid Term Review;
 - (b) any recommendations for amendment to the Licence; and
 - (c) any recommendations for amendment to any law that impacts upon the operation of the Licence.
- 1.3.6 The Minister may accept or reject any recommendation made by IPART.
- 1.3.7 If any recommendation made by IPART and accepted by the Minister requires an amendment to the Licence, the recommendation is of no force or effect unless the Licence is relevantly amended under section 13 of the Act.
- 1.3.8 Any recommendation made by IPART that is not accepted by the Minister is of no force or effect.

1.4 End of Term Review

- 1.4.1 On or about 1 July 2012, an End of Term Review of the Licence must be undertaken:
- (a) to determine whether the Licence is fulfilling its objectives;
 - (b) in relation to any matter required to be reviewed by the Licence; and
 - (c) to determine the terms of any renewal of the Licence.
- 1.4.2 The End of Term Review is to be undertaken by IPART, unless the Minister otherwise determines.
- 1.4.3 The person undertaking the End of Term review must engage in Public Consultation as part of the review.
- 1.4.4 The person undertaking the End of Term Review is to report to the Minister within 12 months of commencing the End of Term Review on the following:
- (a) the findings of the End of Term Review;
 - (b) any recommendations for amendments to the Licence, including any additional terms to be included in any renewal of the Licence; and
 - (c) any recommendations for amendments to any law that impacts upon the Licence.

State Water Corporation Operating Licence 2008-2013

- 1.4.5 The Minister may accept or reject any recommendation made by the person undertaking the review.
- 1.4.6 If any recommendation made by the person undertaking the review and accepted by the Minister requires an amendment to the Licence, the recommendation is of no force or effect unless the licence is relevantly amended in accordance with section 13 of the Act.
- 1.4.7 Any recommendation made by the person undertaking the review that is not accepted by the Minister has no force or effect.

1.5 Amendment of the Licence

- 1.5.1 Subject to the Act and clause 1.5.2, the Licence may be amended by the Governor by publication of notice of the amendment in the Gazette.
- 1.5.2 Before notice of an amendment to the Licence is published in the Gazette, the Minister must give State Water reasonable notice of the proposed amendment to enable it to comply with the amendments (if relevant) upon their commencement.

1.6 Contravention of the Licence

- 1.6.1 If the Minister is of the opinion that State Water has contravened the Licence, the Minister may take action against State Water under the Act.

Note: Section 16 of the Act provides that, where the Minister is of the opinion that State Water has contravened the Licence, the Minister may:

- (a) *serve a notice on State Water requiring it to rectify the contravention; or*
- (b) *in addition to or instead of the notice to rectify, the Governor may direct that State Water is to pay a monetary penalty of an amount to be determined by the Governor.*

- 1.6.2 If State Water knowingly contravenes the Licence, IPART may take action against State Water under the Act.

Note: Section 17 of the Act provides that, where State Water knowingly contravenes the Licence, IPART may require State Water to undertake remedial action or may impose a monetary penalty not exceeding \$10,000 for the first day on which the contravention occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

1.7 Cancellation of the Licence

The Licence may be cancelled by the Governor in the circumstances described in the Act.

State Water Corporation Operating Licence 2008-2013

Note: Section 19 of the Act sets out the circumstances in which the Licence may be cancelled by the Governor. These include:

- (a) *where State Water ceases, otherwise than as authorised by the Licence, to carry out its Functions in accordance with the Licence in its area of operations for any reason; or*
- (b) *where State Water is, in the Minister's opinion, in material default in compliance with the Licence viewed in terms of the operation of the Licence as a whole and has not, within the time specified by the Minister in a rectification notice (including a notice under s16(1) of the Act) either rectified the default or shown cause why the operating licence should not be cancelled; or*
- (c) *where State Water has been convicted on more than three occasions within a period of 12 months of offences that are punishable by a fine of at least \$10,000 or, if State Water were a natural person, imprisonment for 12 months or more.*

1.8 Availability of the Licence

State Water must make the Licence available to the public.

2 State Water's Responsibilities

2.1 Responsibility of State Water under the Licence and other laws

2.1.1 State Water must comply with the Licence and all applicable laws.

Note: State Water has obligations under a number of laws including:

- (a) *State Water Corporation Act 2004;*
- (b) *Water Management Act 2000;*
- (c) *Water Act 1912;*
- (d) *Protection of the Environment Operations Act 1997;*
- (e) *Independent Pricing and Regulatory Tribunal Act 1992;*
- (f) *Environmental Planning and Assessment Act 1979;*
- (g) *State Owned Corporations Act 1989;*
- (h) *Dams Safety Act 1978;*
- (i) *Fisheries Management Act 1994;*
- (j) *Public Health Act 1991;*
- (k) *Fluoridation of Public Water Supplies Act 1957; and*
- (l) *Water Act 2007 (Cth).*

2.2 Objectives of State Water under the Act

2.2.1 State Water's principal objectives are to capture, store and release water in an efficient, effective, safe and financially responsible manner.

State Water Corporation Operating Licence 2008-2013

- 2.2.2 State Water's other objectives (each of which are of equal importance, but not as important as its principal objectives) are:
- (a) to be a successful business and to that end:
 - (i) to operate at least as efficiently as any comparable business; and
 - (ii) to maximise the net worth of the State's investment in State Water;
 - (b) to exhibit a sense of social responsibility by having regard to the interests of the community in which State Water operates;
 - (c) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6(2) of the *Protection of the Environment Administration Act 1991*; and
 - (d) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.

2.3 Memoranda of Understanding

- 2.3.1 State Water must use its best endeavours to maintain a Memorandum of Understanding (MoU) with each of the Directors-General of DWE, DPI and DECC for the term of the Licence.
- 2.3.2 The purpose of the MoUs is to form the basis for co-operative relationships between the parties to each MoU, in particular:
- (a) the MoU with DWE is to:
 - (i) recognise the roles of DWE in regulating water access, use and management and State Water in releasing water and managing assets; and
 - (ii) address the co-ordination of Functions and associated responsibilities between DWE and State Water in undertaking their respective roles;
 - (b) the MoU with DPI is to:
 - (i) recognise the role of DPI as the agency responsible for fisheries management in the State; and
 - (ii) address the impact of State Water's operations and information sharing arrangements on the aquatic habitat and fish passage;

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- (c) the MoU with DECC is to:
 - (i) recognise the role of DECC as the agency responsible for environmental protection and conservation of natural and cultural heritage; and
 - (ii) address the impact of State Water's operations and information sharing arrangements on river health and water quality.
- 2.3.3 Clause 2.3.1 does not limit the persons or regulatory agencies with whom State Water may enter into a MoU.
- 2.3.4 State Water must make available to the public the MoUs referred to in clause 2.3.1.
- 2.3.5 State Water must, by no later than 1 September each year, report to IPART on its performance against, and compliance with, the MoUs referred to in clause 2.3.1 for the preceding financial year, including such relevant information as may be required by IPART to be included in the report.
- 2.3.6 State Water must make available to the public the report referred to in clause 2.3.5.

2.4 Functions of State Water arising from other legislation

Note: Section 6 of the Act specifies the principal Functions of State Water as follows:

- (a) *to capture and store water and to release water:*
 - (i) *to persons entitled to take the water, including release to regional towns;*
 - (ii) *for the purposes of flood management; and*
 - (iii) *for any other lawful purpose, including the release of environmental water;*
- (b) *to construct, maintain and operate water management works;*
- (c) *any other Functions conferred or imposed on it by the operating licence or by or under this or any other Act or law.*

In addition, under section 12 of the Act the Licence may confer on State Water specified Functions of the Minister administering the Water Management Act 2000 under that Act or the Water Act 1912 or the Ministerial Corporation under any Act or law. Functions conferred on State Water may also be exercised by the Minister or Ministerial Corporation unless these Functions are exclusively conferred on State Water. The Functions conferred under this clause are not conferred exclusively.

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- 2.4.1 The following Functions under the specified sections of the *Water Management Act 2000* are conferred on State Water by the Licence:
- (a) granting consents to temporary water transfers under sections 71T and 71V;
 - (b) debiting and crediting of water accounts under sections 76, 85 and 85A, subject to the condition that State Water provide water account information to DWE;
 - (c) suspending access licences under section 78 and suspending approvals under section 109 in relation to a failure to pay any fees, charges or civil penalties imposed by State Water;
 - (d) debiting water from water accounts and/or imposing civil penalties under section 85B, subject to the condition that State Water provide 14 days written notification of any proposed action to the Executive Director, Water Legal and Compliance of DWE or the Deputy Director General, Water Management of DWE prior to taking that action;
 - (e) imposing and recovering fees and charges under section 114 consistent with any relevant determination in relation to the price of Bulk Water made by IPART or any other pricing authority vested with the power to determine water prices for State Water;
 - (f) directing temporary water restrictions under section 323 where water restrictions are required as a result of an emergency works failure. In such cases, State Water must notify in writing to the Executive Director, Water Legal and Compliance of DWE or the Deputy Director General, Water Management of DWE as soon as practicable after making any direction;
 - (g) issuing directions concerning the production of information under section 324 to require production of information related to metering;
 - (h) issuing directions concerning the waste of water under section 325, subject to any requirement approved by the Minister;
 - (i) issuing directions concerning unusable Water Management Works under section 330, subject to any requirement approved by the Minister;
 - (j) issuing directions to protect water sources under section 326, subject to any requirement approved by the Minister;

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- (k) issuing directions to stop work where unlawful activity is occurring under section 327, subject to any requirement approved by the Minister;
- (l) issuing directions to holders of basic landholder rights under section 328, subject to any requirement approved by the Minister;
- (m) issuing directions for temporary stop work orders under section 329, subject to any requirement approved by the Minister;
- (n) ordering landholders to take specified measures to prevent damage to water management works by straying stock under section 331, subject to any requirement approved by the Minister;
- (o) taking remedial measures when a person fails to comply with directions, under section 334, subject to any requirement approved by the Minister;
- (p) applying to the Land and Environment Court for an injunction under section 335, subject to any requirement approved by the Minister;
- (q) issuing certificates under section 362B, subject to any requirement approved by the Minister;
- (r) recovering fees, charges and civil penalties under sections 362A and 362C, subject to any requirement approved by the Minister; and
- (s) approving the form of an application for an assignment dealing with an access licence under section 71L, subject to any requirement approved by the Minister.

2.4.2 The following Functions under the specified sections of the *Water Act* 1912 are conferred on State Water by the Licence in relation to State Water's operations on the Belubula, Brogo and Peel Rivers, the Border Rivers, the Lowbidgee Area, and Iron Pot Creek:

- (a) receiving water orders under section 20AF;
- (b) approving or refusing temporary transfers under Division 4C of Part 2, including taking action under section 20XA;
- (c) imposing and recovering charges in respect of any entitlement under sections 22C, 117B or 194;
- (d) suspending any licence or entitlement under sections 22C(9) or 117B (8);

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- (e) waiving or remitting State Water's charges under sections 22C(10) or 117B;
- (f) suspending or revoking licences under sections 17A(1), (2) and (3);
- (g) suspending or revoking an authority granted to enable the taking of water from a river or lake for the purposes of a joint water supply scheme under sections 20H(1), (2) and (3);
- (h) suspending, modifying or revoking a group licence granted to a board of management elected under the *Private Irrigation Districts Act 1973* under sections 20S(1), (2) and (3);
- (i) giving a direction to remove the whole or part of a water work under section 21 B(1)(b);
- (j) entering any land to take levels, make surveys and marks, fix pegs and stakes and inspect any water works under section 22(1);
- (k) entering land and removing any dam, weir or other work that unlawfully obstructs a water flow or preventing or stopping any unlawful diversion of water from a river or lake under sections 22(3)(a) and (b);
- (l) issuing a written enforcement order directing a water management authority to do, or cease doing, such things as specified in the order under section 192; and
- (m) fixing water management charges under section 194 by reference to costs recoverable under subsection 194(2)(c).

2.4.3 The following Functions specified under the specified sections of the *New South Wales – Queensland Border Rivers Act 1947* are conferred on State Water by the Licence, subject to any requirement approved by the Minister or the Border Rivers Commission:

- (a) constructing, maintaining, operating and controlling relevant works in New South Wales under section 14; and
- (b) exercising the powers and obligations of a "Controlling Authority" under section 20.

2.4.4 State Water must exercise any Functions conferred on it in clauses 2.4.1, 2.4.2 and 2.4.3 consistently with the *Water Management Act 2000*, the *Water Act 1912*, the *New South Wales – Queensland Border Rivers Act 1947*, the Licence and any relevant Water Management Plan.

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3 Asset Management**3.1 Asset Management Obligation**

State Water must ensure that its Assets are managed in a manner consistent with:

- (a) its obligations in the Licence and all applicable laws, policies and guidelines with which State Water must comply, including the requirements of the NSW Dams Safety Committee;
- (b) the principles of the NSW Government's Strategic Management Framework and the NSW Government's Total Asset Management (TAM) Policy and Guidelines;
- (c) achieving the lowest cost of service delivery across the whole life of the Assets; and
- (d) identifying business risks related to the Assets and managing them to a commercially acceptable level.

3.2 Reporting on the Asset Management System

3.2.1 At least once during the Licence, at a time agreed with IPART, State Water must report to IPART on the state of each group of Assets managed by State Water.

3.2.2 The report under clause 3.2.1 must include the following information:

- (a) a description of the processes, practices, systems and plans State Water uses in managing the Assets;
- (b) a description of each group of Assets;
- (c) an assessment of the expected capability of the Assets to deliver the services required to be delivered by State Water and meet the existing obligations of State Water, consistent with the Licence and all applicable laws with which State Water must comply;
- (d) an assessment of the major issues or constraints on current and future performance of the Assets;
- (e) the strategies and expected costs of future investments in the Assets;
- (f) progress in implementing any recommended improvements in processes, practices, systems and plans for the management of the Assets; and
- (g) such other information reasonably required by IPART.

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3.3 Auditing the Asset Management System

- 3.3.1 At least once during the term of the Licence, IPART must (at any time it decides) conduct an audit of State Water's compliance with this clause 3. The audit may form part of an Annual Audit or be conducted separately from an Annual Audit, at the discretion of IPART.
- 3.3.2 In addition, IPART may at any time audit State Water's compliance with this clause 3 for the purpose of:
- (a) investigating and reporting on, or reviewing the pricing of State Water's services under the *Independent Pricing and Regulatory Tribunal Act 1992*; or
 - (b) investigating compliance by State Water with specific areas of State Water's management of its Assets.
- 3.3.3 Any audit undertaken under this clause 3.3 must comply with the audit scope and audit specifications determined by IPART.
- 3.3.4 The provisions of clause 11 apply to an audit under this clause 3 as if the audit under clause 3 was an Annual Audit under clause 11.1 or an Additional Audit under clause 11.4.

3.4 Augmentation of Water Management Works

When considering any augmentation of a Water Management Work, State Water must consider any additional scope for cost effective demand management strategies by Customers.

4 Customers' rights and consultation**4.1 Community Consultative Committee**

- 4.1.1 State Water must continue to consult regularly with the state-wide community consultative committee established under clause 4.1.1 of the Previous Licence (the CCC) to enable community involvement in issues relevant to the performance of State Water's obligations under the Licence, except in relation to the Fish River Scheme.
- 4.1.2 State Water must appoint the members of the CCC consistently with the Licence. The membership of the CCC must include one representative from each of the following:
- (a) Customers (excluding Fish River Customers);
 - (b) environment groups;
 - (c) basic water right holders;

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- (d) regional business and consumer groups;
- (e) Catchment Management Authorities; and
- (f) local government.

4.1.3 The term of a member of the CCC will expire two years after his or her appointment. A member will be eligible for re-appointment for one further consecutive term.

4.1.4 State Water must provide the CCC with information within its possession or under its control necessary to enable the CCC to discharge the tasks assigned to it, other than information or documents over which State Water or another person claims confidentiality or privilege.

4.2 Valley based customer service committees (excluding Fish River customers)

4.2.1 State Water must continue to consult regularly with the valley based customer service committees established under clause 4.2.1 of the Previous Licence (together the **CSCs**) to enable Customer involvement in issues relevant to the performance of State Water's obligations to Customers under the Licence, or the customer service charter referred to in clause 4.3. For the purposes of this clause 4.2, Customer does not include a Fish River Customer. The membership of the CSCs must also include a representative of DECC or its nominee to represent the public interest in the provision of water for environmental purposes and representatives from Unregulated River water users, Ground Water users and the relevant Catchment Management Authority.

4.2.2 State Water must provide the CSCs with information within its possession or under its control necessary to enable each CSC to discharge the tasks assigned to that CSC, other than information or documents over which State Water or another person claims confidentiality or privilege.

4.3 Customer Service Charter (excluding Fish River)

4.3.1 State Water must, in consultation with the CSCs, continue to have in place a customer service charter (the **Charter**).

4.3.2 The Charter must set out the mutual responsibilities or obligations of State Water and its Customers (excluding Fish River Customers) consistently with the Licence, the Act, the *Water Management Act 2000* and the *Water Act 1912*.

4.3.3 State Water must make the Charter available to the public.

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- 4.3.4 Following the release of the Annual Audit Report, State Water must, in consultation with the members of the CSCs, review, and if necessary update, the Charter in light of the Annual Audit Report.
- 4.3.5 State Water must by no later than 1 September each year, for the preceding financial year, report to IPART on its overall performance against its obligations under the Charter and where appropriate State Water is also to report on its performance against its obligations under the Charter in relation to each Valley.
- 4.3.6 State Water must make available to the public a copy of the report referred to in clause 4.3.5.

4.4 Fish River Customer Council

- 4.4.1 State Water must regularly consult with the Fish River Customer Council to enable Fish River Customer involvement in issues relevant to the performance of State Water of its obligations to Fish River Customers under the Licence and any Customer Contract.
- 4.4.2 State Water must appoint the members of the Fish River Customer Council consistently with the Licence. The membership of the Fish River Customer Council must include one representative from each of the following:
- (a) Lithgow City Council;
 - (b) Oberon Council;
 - (c) Delta Electricity; and
 - (d) Sydney Catchment Authority.
- 4.4.3 State Water must provide the Fish River Customer Council with information within its possession or under its control necessary to enable the Fish River Customer Council to discharge the tasks assigned to it, other than information or documents over which State Water or another person claims confidentiality or privilege.

4.5 Customer Contracts (Fish River customers only)

- 4.5.1 State Water must use its best endeavours to enter into agreements with its Fish River Customers during the term of the Licence, in relation to the arrangements to apply to the supply of water by the operation of the Fish River Scheme.
- 4.5.2 The terms of the arrangements must, as a minimum, include:
- (a) the standard of the quality of water supplied;

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- (b) the continuity of water supplied (i.e. interruption, disconnection and reconnection to supply);
- (c) the metering arrangements;
- (d) the costs to be paid by Fish River Customers for the supply of water and other services to them; and
- (e) any other terms agreed between State Water and its Fish River Customers.

4.6 Code of Practice and Procedure on Debt Management

- 4.6.1 State Water must maintain a code of practice and procedure on debt management (the **Code**).
- 4.6.2 The Code must:
 - (a) provide for deferred payment or payment by instalment options; and
 - (b) require that State Water provide a point of contact, notified on bills, for customers in financial hardship.
- 4.6.3 A copy of the Code must be made available to the public.
- 4.6.4 State Water must report to IPART and the Minister quarterly, no later than one month following the end of each quarter, commencing 1 July 2008, on:
 - (a) the number of requests by Customers for assistance with paying Bulk Water bills under the Code, including which valleys they are located in; and
 - (b) the number of Customers in receipt of assistance with paying Bulk Water bills under the Code, including which valleys they are located in.
- 4.6.5 The report referred to in clause 4.6.4 must detail the types of assistance under the Code that have been requested by, and provided to, Customers.

5 Complaint and Dispute Resolution**5.1 Internal Dispute Resolution Process**

- 5.1.1 State Water must have in place internal complaints handling procedures for receiving, responding to and resolving complaints by Customers and the community against State Water.

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- 5.1.2 The internal complaints handling procedures of State Water must be based on the Australian Standard *AS ISO 10002-2006 Customer satisfaction – Guidelines for complaints handling in organisations*.
- 5.1.3 State Water must make information concerning its internal complaint handling procedures available to the public.
- 5.1.4 By no later than 1 September each year, State Water must report to IPART on an exception basis, for the immediately preceding financial year on the following details concerning Complaints made against State Water which are handled by its internal complaint handling procedures:
- (a) the total number of Complaints;
 - (b) the number of Complaints received by the category of Complaint;
 - (c) the number and type of Complaints resolved or not resolved in sufficient detail and using sufficient classifications to enable IPART to gain a reasonable understanding of how and how well those Complaints were resolved, or why the Complaint was not resolved, as the case may be; and
 - (d) any problems of a systemic nature arising from Complaints.
- 5.1.5 State Water must make a copy of the report referred to in clause 5.1.4 available to the public within one month of providing it to IPART.

5.2 External Dispute Resolution Scheme

- 5.2.1 State Water must continue to have in place a dispute resolution scheme (the **Scheme**) incorporating a Dispute Resolution Body or be a member of an industry based dispute resolution scheme incorporating a Dispute Resolution Body (an **Industry Scheme**) to resolve disputes between State Water and its Customers.

Note: The Dispute Resolution Body that forms part of the Industry Scheme of which State Water is a member at the Commencement Date of the Licence is EWON – the Energy and Water Industry Ombudsman of New South Wales.

- 5.2.2 The Scheme established by State Water or an Industry Scheme of which State Water is a member is subject to the Minister's approval.
- 5.2.3 The Dispute Resolution Body (whether under the Scheme or an Industry Scheme) is to hear disputes and Complaints made by Customers in relation to:
- (a) Water Delivery;

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- (b) Customer accounts;
 - (c) State Water's responsibilities in relation to the communication of water availability and access notifications; and
 - (d) the exercise by State Water of the Functions conferred under clause 2.4 of the Licence.
- 5.2.4 The Scheme or Industry Scheme must comply with the minimum standards, so far as applicable, specified in *AS 4608-2004 - Dispute management systems*.
- 5.2.5 The Scheme or Industry Scheme must have the following features:
- (a) the decision-making process of the Dispute Resolution Body and administration of the Scheme or Industry Scheme is to be independent from State Water;
 - (b) State Water must agree to abide by the decisions of the Dispute Resolution Body in relation to disputes referred to it for resolution;
 - (c) the Scheme or Industry Scheme must adopt informal proceedings which discourage an adversarial approach;
 - (d) decisions of the Dispute Resolution Body should observe the principles of procedural fairness, be based upon the information before it, and apply that information to specific criteria;
 - (e) the Scheme or Industry Scheme is to operate efficiently by:
 - (i) keeping track of disputes referred to it;
 - (ii) ensuring complaints are dealt with by the appropriate process;
 - (iii) the Dispute Resolution Body regularly reviewing the operation of the Scheme or Industry Scheme; and
 - (f) the Scheme or Industry Scheme is to be provided by State Water to Customers free of charge.
- 5.2.6 State Water must prepare a pamphlet that explains how the Scheme or Industry Scheme operates and how it can be accessed. State Water must make this pamphlet available to the public.
- 5.2.7 State Water must report to IPART by no later than 1 September each year, for the preceding financial year, on the Scheme or Industry Scheme based on information available to State Water and information reasonably able to be obtained from the Dispute Resolution Body. Where considered appropriate by State Water and the Dispute Resolution Body, confidentiality arrangements are to be made so as not

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to disclose the Customer's identity in such reports. The report must take into account any issues raised by the Dispute Resolution Body and must contain the following information:

- (a) the number and types of Complaints received by the Dispute Resolution Body, classified in accordance with the Dispute Resolution Body's reporting arrangements;
- (b) information on any determinations made by the Dispute Resolution Body; and
- (c) any other relevant information required by IPART to be included in the report.

5.2.8 State Water must make a copy of the report referred to in clause 5.2.7 available to the public.

5.3 Complaints to other bodies

5.3.1 State Water must report to IPART by no later than 1 September each year, for the preceding financial year, on complaints made against State Water to a court or tribunal such as the Land and Environment Court or Consumer Trader and Tenancy Tribunal (based on information reasonably obtained from these bodies and State Water itself as a party to the complaint), and the report to IPART must contain the following information:

- (a) the number and types of complaints received by such other bodies;
- (b) the outcome of the complaints;
- (c) how the complaints were resolved;
- (d) any problems of a systemic nature arising from the complaints; and
- (e) any other relevant information required by IPART to be included in the report.

5.3.2 State Water must report to IPART by no later than 1 September each year, for the preceding financial year, on any civil actions brought against State Water in a court (based on information available from the courts and State Water itself as a party to the civil action) where the civil action claims loss, damage or other relief against State Water. The report to IPART shall contain the following information:

- (a) the number and types of civil actions commenced;
- (b) the outcome of the civil actions;
- (c) how the civil actions were resolved;

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- (d) any problems of a systemic nature arising from the civil actions; and
- (e) any other relevant information required by IPART to be included in the report.

6 Water Delivery Operations

6.1 Water Infrastructure Operations

- 6.1.1 State Water must operate its Assets in accordance with any relevant Water Management Work Approval or Water Sharing Plan that may be issued by DWE.
- 6.1.2 When operating its Assets State Water must:
 - (a) ensure that releases of water are consistent with any Works Approval;
 - (b) operate its Assets efficiently and effectively;
 - (c) undertake periodic maintenance rehabilitation and replacement work;
 - (d) undertake enhancement and development projects; and
 - (e) implement flood planning and other operations instigated by the Dam Safety Committee.

6.2 Management of Allocated Water

State Water:

- (a) is accountable for the management and delivery of water allocated to Customers;
- (b) must manage water orders with a view to ensuring Customer access to water and the equitable delivery of water when physical supply constraints occur, or are likely to occur;
- (c) must process Temporary Water Transfers within a Valley promptly and efficiently; and
- (d) must monitor and maintain a water allocation account for each Water Licence issued to each Customer.

6.3 Water conservation

State Water must take such steps as are reasonably practicable to conserve water and to minimise losses that result from its operations.

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6.4 Supply constraints

State Water must endeavour to manage its water release Functions under clause 1.1(b) and other operations to ensure the timely availability of water taking into account physical supply constraints.

6.5 Water metering

6.5.1 State Water must read Customer meters and audit the compliance of meters against any Commonwealth or State metering standard adopted by the Government.

6.5.2 State Water must report to IPART by no later than 1 September each year on what action it has undertaken over the preceding financial year to address the issue of metering accuracy (for example, the number or percentage of Customer meters State Water has audited or calibrated) and its findings in carrying out this action.

6.5.3 State Water must, by no later than 31 March 2009, submit to IPART, for IPART's approval, proposed performance measures with respect to State Water's performance in ensuring compliance with metering conditions as imposed by Water Management Works Approvals.

6.5.4 State Water must comply for the term of the Licence with the performance measures approved by IPART under clause 6.5.3 with respect to State Water's performance in ensuring metering accuracy.

6.5.5 State Water must maintain record systems that are sufficient to enable it to measure accurately its performance against the performance measures approved under clause 6.5.3.

6.5.6 State Water must report to IPART by no later than 1 September each year on its performance against the performance measures approved under clause 6.5.3 for the preceding financial year, including analysis of any systemic problems.

6.5.7 As part of its report, State Water must provide IPART with physical and electronic access to the records kept by State Water that enable it to prepare the report under clause 6.5.6.

6.5.8 State Water must make a copy of the report referred to in clause 6.5.6 available to the public.

6.6 Water balances

6.6.1 State Water must prepare by no later than 1 September each year, draft annual water balances, and by 1 December each year, final water

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balances, each in the form of the template at Table 5-1 of the final report by Sinclair Knight Merz entitled "State Water Operating Licence – Water Balance Template" dated 30 March 2005 and in accordance with the requirements of that report.

Note: A copy of this report can be found on IPART's website at www.ipart.nsw.gov.au.

- 6.6.2 State Water may, in preparing the annual water balances referred to in clause 6.6.1, deviate from this template provided that it has obtained the prior written approval of IPART to do so.
- 6.6.3 State Water must make the annual water balances referred to in clause 6.6.1 available to the public.

6.7 Fish River water balance and system yield

- 6.7.1 In relation to the Fish River Scheme, State Water must:
- (a) prepare by no later than 1 September each year, draft annual water balances for the Fish River Scheme, and by 1 December each year, final water balances, each in the form of the template at Table 4-2 of the final report by Sinclair Knight Merz entitled "Outcomes of consultation on performance standards and indicators for the Fish River Water Supply Scheme" dated 11 March 2005 and in accordance with the requirements of that report; and
- Note: A copy of this report can be found on IPART's website at www.ipart.nsw.gov.au.*
- (b) report to IPART, at least once during the term of the Licence, on system yield at a specified level of reliability of supply to be determined by State Water in consultation with the Fish River Customer Council. For the purpose of this clause 6.7, "system yield" is the average annual volume of water that can be supplied by the water supply system, subject to system inflows, an adopted set of operational rules (including the release of environmental water) and a typical demand pattern, without violating a given level of service standard. "Reliability of supply" is the proportion of time that a supply system is expected to be able to meet demand, often expressed as the probability that restrictions of any given severity will not be imposed in a given year or month.
- 6.7.2 State Water may, in preparing the annual water balance referred to in clause 6.7.1(a), deviate from the template referred to in that clause provided that it has obtained the prior written approval of IPART to do so.

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- 6.7.3 State Water must make the annual water balance referred to in clause 6.7.1(a) available to the public.

7 The Environment

Note: State Water must conduct its operations in compliance with requirements of the Water Management Act 2000, the State Water Management Outcomes Plan and the Water Management Plans established under that Act.

7.1 Environment Management Plan

- 7.1.1 At least once during the term of the Licence, prior to 30 November 2010, State Water must review and update its document entitled *Environment Management Plan 2006-2011* (the **Environment Management Plan**).

Note: The Environment Management Plan was developed during the term of the Previous Licence and remains in force until 2011. The latest version was last updated in June 2007.

- 7.1.2 In undertaking this review State Water must consult with:

- (a) DECC;
- (b) DWE;
- (c) DPI;
- (d) IPART; and
- (e) peak environmental non-government organisations;

for the purpose of considering the views of those organisations consulted, including whether they seek amendments to the Environment Management Plan.

- 7.1.3 State Water must engage in Public Consultation when conducting this review.

- 7.1.4 The Environment Management Plan may be developed for all of State Water's operations (including the Fish River Scheme) or alternatively State Water may develop separate plans for the Fish River Scheme and the rest of its operations, in which the provisions of this clause 7 will apply to each Environment Management Plan prepared.

- 7.1.5 The Environment Management Plan must:

- (a) include details of State Water's program for addressing its environmental impacts and achieving environmental improvements, including (but not limited to):
 - (i) management and mitigation of riverbank and bed erosion;

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- (ii) management and mitigation of water quality issues associated with storage and release (including mitigation of thermal impacts);
 - (iii) management and mitigation of barriers to fish passage;
 - (iv) an algal management strategy;
 - (v) energy management and consumption; and
 - (vi) waste management and minimization;
- (b) adopt Ecologically Sustainable Development principles;
 - (c) be integrated into State Water's business plans;
 - (d) include indicators to measure the environmental impact of State Water's Asset operations and maintenance; and
 - (e) incorporate environmental improvement targets and timetables for State Water to achieve those targets over the term of the Environment Management Plan.
- 7.1.6 The Environment Management Plan must be provided to IPART on its completion and made available to the public.
- 7.1.7 State Water must, by no later than 1 September each year, or an alternative later date specified by IPART, for the preceding financial year, report to IPART on its environmental performance including its performance against or compliance with:
- (a) its Environment Management Plan;
 - (b) any environmental provisions of each Water Management Plan and the State Water Management Outcomes Plan issued under the *Water Management Act 2000* where applicable to State Water;
 - (c) any environmental regulatory requirements applicable to State Water, including those under the Water Management Work Approval(s) issued under the *Water Management Act 2000* and the *Fisheries Management Act 1994*; and
 - (d) the environmental provisions of any MoUs referred to in clause 2.3 including any performance standards and indicators established under these MoUs.
- 7.1.8 State Water must make available to the public the report referred to in clause 7.1.7.

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8 Performance Indicators

- 8.1 State Water must maintain record systems that are sufficient to enable it to measure accurately its performance against:
- (a) the performance indicators set out in Schedule 1;
 - (b) any system performance indicators specified in any instruments that give effect to the National Water Initiative; and
 - (c) any service quality and system indicators in any other instrument determined by IPART.
- 8.2 State Water must report to IPART, by no later than 1 September each year on its performance against the performance indicators specified under clauses 8.1 (a), (b) and (c) for the preceding financial year, including an analysis of any systemic problems.
- 8.3 As part of its report, State Water must provide IPART with physical and electronic access to the records kept by State Water that enable it to prepare the report under clause 8.2.
- 8.4 State Water must make a copy of the report referred to in clause 8.2 available to the public.

9 Pricing

State Water must apply the level of fees, charges and other amounts payable for its services subject to the terms of the Licence, the Act and the maximum prices and methodologies for State Water's monopoly services as determined from time to time by IPART or any other pricing authority vested with the power to determine water prices for State Water.

Note: Part 3 of the Act governs the nature of fees and charges which may be imposed by State Water. Under the terms of the Independent Pricing and Regulatory Tribunal Act 1992, State Water is a government agency for which IPART has standing reference to conduct investigations and report on the determination of pricing for monopoly services supplied and pricing policies.

10 Licence Authorisations and Area of Operations**10.1 What the Licence authorises and regulates**

- 10.1.1 The Licence is granted to enable and require State Water to provide, construct, operate, manage and maintain efficient, coordinated and commercially viable systems and services to capture, store and release water.

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10.1.2 State Water must ensure that its systems and services meet the performance standards, including without limitation the performance indicators, specified or required to be developed under the Licence in relation to Water Delivery and any other applicable requirements set out in the Licence.

10.2 Powers not limited

The Licence does not restrict State Water's power to carry out any Functions conferred or imposed under any applicable law.

10.3 Operating guidelines

State Water must take into account any policies or guidelines made and issued by the Government as required for the purposes of meeting its obligations under the Licence.

10.4 Area of Operations

10.4.1 The Licence enables State Water to exercise its Functions in, or in respect of, an area in or outside, the Area of Operations as provided by Schedule 2.

10.4.2 The Licence authorises State Water to exercise its Functions within the area of operations of:

- (a) Sydney Water Corporation;
- (b) Sydney Catchment Authority;
- (c) Hunter Water Corporation; or
- (d) a Water Supply Authority;

subject to State Water obtaining the written agreement of the relevant body.

Note: the Area of Operations for State Water and the capacity for the Licence to authorise the exercise of Functions within, and outside of, that Area of Operations is prescribed by section 15 of the Act.

10.5 Non-exclusive licence

The Licence does not prohibit a person from supplying water (whether Bulk Water or otherwise) to a person (including a person that is a Customer) in the Area of Operations, if it is lawful to do so.

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11 Operational Audits of the Licence**11.1 Commission of audits**

- 11.1.1 IPART must initiate an audit of State Water's operations as soon as practicable after 30 June, each year covering the immediately preceding financial year (an **Annual Audit**) as required by this clause 11.
- 11.1.2 Each Annual Audit must be conducted by IPART or by a person appointed by IPART whom IPART considers is suitably qualified to perform the Annual Audit. Neither State Water nor any of its Subsidiaries may conduct the Annual Audit.
- 11.1.3 As part of an Annual Audit, IPART must invite members of the public to make submissions to it. IPART may also undertake any other public consultation it considers appropriate.
- 11.1.4 IPART may include in its Annual Audit any or all of the matters referred to in clauses 3.3 or 11.2 and where in any Annual Audit a matter is not made the subject of that Annual Audit, IPART may require State Water to provide IPART with a report on the matter not included in the Annual Audit.

11.2 What the audit is to report on

- 11.2.1 IPART or the person undertaking the Annual Audit must investigate and prepare a report (an **Annual Audit Report**) on any or all of the following:
- (a) compliance by State Water with its obligations in each of clauses 2, 3, 4, 5, 6, 7, 8 and 9 (and any Schedules referred to in those clauses) of the Licence; and
 - (b) any other matter required by the Licence, the Act or administrative direction assessed and considered as part of the Annual Audit.
- 11.2.2 IPART must ensure each Annual Audit Report addresses the matters in clause 11.2.1 (and the matters in clause 3 if the audit referred to in clause 3.3 is conducted as part of that Annual Audit) and must advise the Minister of the following matters:
- (a) any failure by State Water to meet operational standards or any other requirements imposed on State Water under the Licence;
 - (b) areas in which State Water's performance under the Licence may be improved;
 - (c) any changes to the Licence that IPART considers necessary;

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- (d) any penalties or remedial action required as a result of State Water's performance under the Licence;
- (e) whether the Minister should recommend that State Water's Licence be cancelled by the Governor under section 19 of the Act for reasons identified in the report; and
- (f) any other matter relating to the Annual Audit or State Water's Functions that it considers appropriate.

11.2.3 In any year during the term of the Licence in which IPART does not undertake an Annual Audit for the purposes of this clause, IPART is to report to the Minister on State Water's compliance with the Licence.

11.3 Reporting of Audit

11.3.1 Unless otherwise directed by the Minister, IPART must make the Annual Audit Report available to the public within 1 month after its receipt by the Minister.

11.3.2 If the Annual Audit Report has identified areas of non-compliance with the Licence, State Water must, when requested by the Minister in writing, and within any timeframe specified in the request, furnish a document to the Minister which:

- (a) sets out the reasons for the non-compliance;
- (b) identifies the measures that State Water will take to address the non-compliance; and
- (c) provides such other advice or information concerning the non-compliance as is requested by the Minister.

11.3.3 If the Annual Audit Report has identified areas of non-compliance with the Licence, in addition to any other action that is taken or required to be taken, the Minister may require State Water to promptly advertise and notify Customers of the areas in which its performance has not complied, the reasons why and the measures that will be taken to address the non-compliance. Such advertisements and notices are to be in a form reasonably acceptable to IPART.

Note: See clause 1.6 (Contravention of Licence).

11.4 Additional Audits

11.4.1 IPART must initiate a further audit of State Water in addition to the Annual Audit (an **Additional Audit**) if required by the Minister.

11.4.2 An Additional Audit may address one or more of the matters in clauses 3 or 11.2.1 of the Licence or any other matter required by the Minister.

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- 11.4.3 The provisions of this clause 11 applying to an Annual Audit will apply equally to any Additional Audits or any audit conducted under clause 3 to the extent those provisions are relevant.

11.5 Provision of information

- 11.5.1 State Water must provide IPART, and the person appointed by IPART under clauses 3 or 11, with all information within its possession or under its control necessary to the conduct of any audit or any Additional Audit, including whatever information is requested by IPART or the person appointed by IPART.
- 11.5.2 The information sought under clause 11.5.1 must be made available within a reasonable time of it being requested.
- 11.5.3 For the purposes of any audit (including any Annual Audit or any Additional Audit or any audit under clause 3.3) on being required by IPART, State Water must, within a reasonable time, permit IPART or its appointee to:
- (a) have access to any works, premises or offices occupied by State Water;
 - (b) carry out inspections, measurements and tests on, or in relation to, any such works, premises or offices;
 - (c) take on to or into any such premises, works or offices any other persons or equipment as necessary for the purposes of performing the audit or verifying the report;
 - (d) inspect and make copies of, and take extracts from, any books and records of State Water that are maintained in relation to the performance of State Water's obligations in accordance with the Licence; and
 - (e) discuss matters relevant to the audit with State Water's employees.
- 11.5.4 If State Water contracts out any of its activities to third parties (including a Subsidiary) it must take all reasonable steps to ensure that, if required by IPART, any such third parties do things specified in this clause 11 that extend to State Water as if that third party were State Water.
- 11.5.5 For the purpose of an audit, or a report to IPART under clause 11.1.4, State Water or a Subsidiary must provide information required by IPART to IPART or the person appointed by IPART notwithstanding any claim of confidentiality or privilege in respect of that information. If such claim of confidentiality or privilege is made, IPART or the person appointed by IPART may enter into reasonable arrangements with State Water or a

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Subsidiary to ensure that the confidential or privileged information remains confidential or privileged.

12 Notices

Any notice or other communication under the Licence between IPART and State Water must be made in writing and addressed as follows:

State Water
The Chief Executive Officer
State Water Corporation
PO Box 1018
DUBBO NSW 2830

IPART
The Chief Executive Officer
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

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13 Definitions and Interpretation

13.1 Definitions

In the Licence:

Act means the *State Water Corporation Act 2004*.

Additional Audit has the meaning given to it in clause 11.4.

Annual Audit has the meaning given to it in clause 11.1.

Annual Audit Report has the meaning given to it in clause 11.2.

Area of Operations means the area of operations of State Water within the meaning of section 15 of the Act, a description of which is set out in Schedule 2.

Asset includes any structure, plant, equipment, corporate and business system of State Water which causes, allows or assists the performance of its Functions and objectives under the Act and the Licence.

Authorised Users means the holders of basic rights and access licences under the *Water Management Act 2000* and *Water Act 1912*.

Border Rivers means "Carrier Rivers" within the meaning of the Schedule to the *New South Wales- Queensland Border Rivers Act 1947*.

Border Rivers Commission means the body of that name constituted under the *New South Wales- Queensland Border Rivers Act 1947*.

Bulk Water means water delivered to meet the needs of the environment and Authorised Users.

Catchment Management Authority means those authorities listed in Schedule 1 of the *Catchment Management Authorities Act 2003*.

Commencement Date is the date specified by the Governor and published in the Gazette as the date of commencement of the Licence.

Complaint means a contact between any person and State Water in which the person expresses dissatisfaction with State Water's products, services, infrastructure, policy, actions or proposed actions or failure by State Water, its employees or contractors to act.

Customer means any person authorised under the *Water Management Act 2000* or the *Water Act 1912* to take and use water and to whom State Water makes available water by the operation of any of its works or to whom State Water provides a service and includes Fish River Customers.

Customer Contract means any agreement entered into between State Water (or its predecessor) and a Fish River Customer.

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Dams Safety Committee means the committee constituted under section 7 of the *Dams Safety Act 1978*.

DECC means the Department of Environment and Climate Change.

Dispute Resolution Body means a reputable person possessing qualifications and experience in dispute resolution by way of mediation or otherwise and includes a person who carries out investigative functions in the nature of an ombudsman.

DPI means the Department of Primary Industries.

DWE means the Department of Water and Energy.

End of Term Review means the review described by clause 1.4.

Ecologically Sustainable Development has the same meaning given to that expression in the *Protection of the Environment Administration Act 1991*.

Fish River Customer means any person to whom State Water makes available water by the operation of the Fish River Scheme.

Fish River Scheme means the Fish River water supply scheme as defined in the Act.

Functions include a power, authority or duty.

Gazette means the New South Wales Government Gazette.

Government means the Government of the State.

Ground Water means water accessed from an aquifer or other below-ground water source.

Hunter Water Corporation has the meaning given to it under the *Hunter Water Act 1991*.

IPART means the Independent Pricing and Regulatory Tribunal of NSW constituted by the *Independent Pricing and Regulatory Tribunal Act 1992*.

Licence means this operating licence granted under Section 11 of the Act to State Water or any renewal of it, as in force for the time being.

Lowbidgee Area means the floodplain of the Murrumbidgee River located between the towns of Maude and Balranald.

Mid Term Review means the review described by clause 1.3

Minister means the Minister for Water.

Ministerial Corporation means the Water Administration Ministerial Corporation constituted by the *Water Management Act 2000*.

National Water Initiative means the national water policy reform initiative as embodied in the *Intergovernmental Agreement on a National*

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Water Initiative made between the Commonwealth of Australia and the States and Territories of Australia.

Previous Licence means the operating licence for State Water that commenced on 24 June 2005.

Public Consultation has the meaning given to it in clause 13.2.4.

State means the State of New South Wales.

State Water means the State Water Corporation constituted by the Act.

State Water Management Outcomes Plan means the State Water Management Outcomes Plan established under section 6(1) of the *Water Management Act 2000*.

Subsidiary means a company under the control of State Water that meets the definition of a "subsidiary" under section 46 of the *Corporations Act 2001*.

Sydney Catchment Authority has the meaning given to it under the *Sydney Water Catchment Management Act 1998*.

Sydney Water Corporation has the meaning given to it under the *Sydney Water Act 1994*.

Temporary Water Transfer means a temporary assignment of a water allocation under sections 71T and 71V of the *Water Management Act 2000*.

Unregulated River has the meaning given to that term under the *Water Management Act 2000*.

Valley means a river valley.

Water Allocation Account has the meaning given to it under the *Water Management Act 2000* or means an account for a water access licence set up under the administrative procedures implemented under the *Water Act 1912*.

Water Delivery means the water management service provided by State Water, which involves the operation of State Water's Water Management Works and its internal procedures, including the management of Water Allocation Accounts, to enable State Water to satisfy Water Orders, Customer Contracts and environmental requirements.

Water Licence means a licence issued under the *Water Management Act 2000* or the *Water Act 1912*.

Water Management Plan has the meaning given to it under the *Water Management Act 2000*.

Water Management Work has the meaning given to it under the *Water Management Act 2000*.

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Water Management Work Approval has the meaning given to it under the *Water Management Act 2000*.

Water Order means a request by a State Water customer, made in accordance with the relevant mandatory conditions imposed on the relevant water access licence, to take water under the *Water Management Act 2000* or under section 20AF of the *Water Act 1912*.

Water Sharing Plan means a plan devised by the Department of Water and Energy under the *Water Management Act 2000* establishing rules for the allocation of water between the environmental needs of the river or aquifer and water users, and between different types of water users.

Water Supply Authority means a body listed under Schedule 3 of the *Water Management Act 2000*.

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13.2 Interpretation

- 13.2.1 In the Licence, unless the contrary intention appears:
- (a) the word person includes an individual, a body corporate, an unincorporated body or other entity and one or more of each of them;
 - (b) headings are for convenience only and do not affect the interpretation of the Licence;
 - (c) notes do not form part of the Licence but may be used to assist in the interpretation if there is an ambiguity;
 - (d) words importing the singular include the plural and vice versa;
 - (e) a reference to a law or legislation (including the Act) includes regulations made under the law or legislation;
 - (f) a reference to regulations includes ordinances, codes, licences, orders, permits and directions;
 - (g) a reference to a law or regulations in the Licence includes consolidations, amendments, variations, re-enactments, or replacements of any of them;
 - (h) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation), replacements and assigns;
 - (i) a reference to an officer includes a reference to the officer which replaces it or which substantially succeeds to its powers or functions;
 - (j) a reference to a body, whether statutory or not:
 - (i) which ceases to exist; or
 - (ii) whose powers or functions are transferred to another body, is a reference to the body which replaces it or which substantially succeeds to its powers or functions;
 - (k) a reference to a year means a calendar year that ends on 31 December. "Yearly" has a corresponding meaning;
 - (l) a reference to a financial year means a period of 12 months commencing on 1 July and ending on the next following 30 June; and
 - (m) a reference to a clause or Schedule is to a clause or Schedule to the Licence.

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- 13.2.2 Terms defined in the Act, *Water Act 1912*, *Water Management Act 2000* and *New South Wales – Queensland Border Rivers Act 1947* have the same meaning in the Licence, unless a contrary definition is specified in the Licence.
- 13.2.3 Whenever the Licence requires State Water to make something “available to the public”, State Water must:
- (a) publish the document on its Internet website and make it available to download free of charge;
 - (b) make the document available at its offices for viewing by any person, free of charge; and
 - (c) make the document available at its offices for collection by any person, for which State Water may charge a reasonable cost;
- 13.2.4 If the Licence requires that something undergo Public Consultation, it requires as a minimum that:
- (a) notice of that thing and the nature and timing of the consultation be:
 - (i) advertised in a major daily newspaper circulating in the Area of Operations;
 - (ii) communicated to government agencies, organisations and persons to whom it would reasonably be expected notice should be given;
 - (iii) displayed on State Water’s website;
 - (iv) given to the Customer or community committees or councils referred to in clause 4;
 - (v) given to IPART; and
 - (b) submissions be sought from the public and that these submissions be considered by the person conducting the review.
- 13.2.5 If any part of the Licence is prohibited, void, voidable, illegal or unenforceable, then that part is severed from the Licence but without affecting the continued operation of the remainder of the Licence.
- 13.2.6 A reference in the Licence to any organisation, association, society, group or body shall, in the event of it ceasing to exist or being reconstituted, renamed or replaced or if its Functions are transferred to any other entity, body or group, refer respectively to any such entity, body or group, established or constituted in lieu thereof or succeeding to similar Functions.

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- 13.2.7 A reference in the Licence to a document is a reference to the document as amended, revised or replaced.
- 13.2.8 Except where a contrary intention appears in the Licence, where there is disagreement between State Water and IPART as to the proper interpretation of any term of the Licence, the matter must be referred to the Minister for resolution by the Minister.

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SCHEDULE 1**Performance Indicators****Part A – State Water performance indicators (excluding Fish River Scheme Indicators)****1. Water Delivery**

- (a) percentage of Customers contacted within one working day of a non-complying water order being placed;

Note: A “non-complying water order” is an order which does not comply with licence conditions or which contains insufficient information for State Water to supply water.

- (b) percentage of complying water orders identified as being delivered outside of ± 1 day of the scheduled day of delivery, as measured by customer complaints;

Note: A “complying water order” is an order which complies with the conditions of a water licence and which contains sufficient information for State Water to supply water and “scheduled day of delivery” is per period of the required notice specified in works approvals, licences or entitlements.

- (c) percentage of water orders rescheduled in consultation with Customers within one working day of a known shortage or delivery delay;

Note: This indicator should be calculated as a percentage of the total number of water orders rescheduled due to a known shortage or delivery delay.

- (d) percentage of time that daily minimum flow targets are met;

Note: “Daily minimum flow targets” are those specified in relevant Water Management Plans or by the Minister for Natural Resources or by the Ministerial Corporation; and

- (e) percentage of complying intra-valley transfers processed within four working days of State Water’s receipt of correctly completed application form and fee;

Note: “intra-valley transfer” means the transfer of allocated

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water from one licence to another licence within a Valley and includes transfers under the Water Management Act 2000 and the Water Act 1912.

2. Policing Functions

- (a) liaise with DWE to determine the volume of water taken in excess of access licence conditions under the *Water Management Act 2000* (in mega litres (ML)) and number of licences and licence breaches involved; and report to IPART the data so determined;
- (b) value of penalties imposed by State Water for taking of water in excess of licence conditions under the *Water Management Act 2000* or the *Water Act 1912*;
- (c) volume of penalties imposed by State Water for taking water in excess of access licence conditions under the *Water Management Act 2000* (in ML);
- (d) number of water supply works audited for compliance with metering conditions and the proportion of those works that comply with metering conditions;
- (e) number of "alleged breach reports" forwarded to the Department of Water and Energy;
- (f) number of licences and entitlements suspended under the *Water Management Act 2000* or the *Water Act 1912*; and
- (g) number of approvals suspended under the *Water Management Act 2000*.

Part B - Fish River Scheme Indicators**1. Asset Management**

- (a) the average response time for unplanned supply interruptions;
- (b) number of planned water supply interruptions;
- (c) number of unplanned water supply interruptions;
- (d) average duration of planned water supply interruptions;
- (e) average duration of unplanned water supply interruptions.

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Note: An “unplanned water supply interruption” is an interruption to water supply to a Customer where the Customer has not received at least 24 hours notice of the interruption from State Water. It also includes situations where the duration of a planned interruption exceeds that which was originally notified to the Customer – in which circumstances, the length of the entire interruption is counted as an unplanned supply interruption. A “planned water supply interruption” is an interruption to water supply where the Customer has received at least 24 hours notice of the interruption and the duration of the interruption does not exceed that which was originally notified to the Customer.

2. Water Delivery

Percentage of time that daily minimum flow targets are met.

Note: “Daily minimum flow targets” are those specified in relevant Water Management Plans or by the Minister or by the Ministerial Corporation or as advised in writing by DWE.

3. Water Quality

Percentage of treated water samples that comply with *Australian Drinking Water Guidelines* (2004) at the Fish River Scheme’s water sampling locations for e-coli, colour, turbidity, iron, manganese, aluminium and pH.

Note: The guideline value for turbidity is to be the value for public health rather than the aesthetic value (ie % of samples above 1 Nephelometric Turbidity Unit) and the “Fish River Scheme’s water sampling locations” are those identified in the letter from State Water to IPART dated 29 April 2005.

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SCHEDULE 2**Area of Operations**

Area of Operations of State Water means the area of operations of State Water within the meaning of section 15 of the Act.

As at the Commencement Date, section 15 of the Act provides:

- “(1) The area of operations of the Corporation is the whole of the State, other than the following areas:
 - (a) the area of operations of Sydney Water Corporation within the meaning of the *Sydney Water Act 1994*,
 - (b) the area of operations of Sydney Catchment Authority within the meaning of the *Sydney Water Catchment Management Act 1998*,
 - (c) the area of operations of Hunter Water Corporation within the meaning of the *Hunter Water Act 1991*,
 - (d) the area of operations of a water supply authority.
- (2) Despite subsection (1) (b) and (d), the area of operations of the Corporation includes the area of operations of the Corporation in its capacity as a water supply authority in relation to the Fish River water supply scheme.
- (3) Despite subsection (1), the operating licence may authorise the Corporation to carry out any of its Functions:
 - (a) outside the State, or
 - (b) in any of the areas referred to in subsection (1) (a)–(d) with the agreement of Sydney Water Corporation, Sydney Catchment Authority, Hunter Water Corporation or the water supply authority, respectively (the **relevant body**).
- (4) If, under subsection (3) (b), the Corporation is to carry out its Functions in more than one of the areas referred to in subsection (1) (a)–(d), the Corporation is to obtain the agreement of each relevant body in relation to the exercise of those Functions.
- (5) Nothing in this Act affects the area of operations of Sydney Water Corporation, Sydney Catchment Authority or Hunter Water Corporation.
- (6) In this section, a reference to the **area of operations** of a water supply authority means the area of operations prescribed for that water supply authority by regulations made under section 289 (1) of the *Water Management Act 2000*”



Independent Pricing and Regulatory Tribunal

Prices for Sydney Water Corporation's water, sewerage, stormwater and other services

**Final Determination No. 1, 2008
From 1 July 2008 to 30 June 2012**

Reference no. 07/317

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Preliminary

1. Background

- (1) Section 12 of the *Independent Pricing and Regulatory Tribunal Act 1992* (**IPART Act**) provides that IPART will conduct investigations and make reports to the Minister on the determination of the pricing for a specified government monopoly service referred to IPART by the Minister.
- (2) Sydney Water Corporation (the **Corporation**) is listed as a government agency for the purposes of schedule 1 of the IPART Act. The services of the Corporation declared as monopoly services under the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* (**Order**) are:
 - (a) water supply services;
 - (b) sewerage services;
 - (c) stormwater drainage services;
 - (d) trade waste services;
 - (e) services supplied in connection with the provision or upgrading of water supply and sewerage facilities for new developments and, if required, drainage facilities for such developments;
 - (f) ancillary and miscellaneous customer services for which no alternative supply exists and which relate to the supply of services of a kind referred to in paragraphs (a) to (e);
 - (g) other water supply, sewerage and drainage services for which no alternative supply exists,(together the **Monopoly Services**)
- (3) In September 2005, IPART issued Determination No 5, 2005 which was a pricing determination for the Monopoly Services for the period from 1 October 2005 to 30 June 2009. Determination No 5, 2005 was

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conducted pursuant to IPART's standing reference under section 11 of the IPART Act.

- (4) On 13 June 2007, IPART received a letter from the Premier requesting IPART to make a new price determination for the Corporation's monopoly services pursuant to section 12 of the IPART Act. The Premier requested that, in making the new determination, the matters to be considered by IPART should include:
 - (a) all aspects of the Corporation's revenue and expenditure;
 - (b) the effects of climatic conditions on the Corporation's revenue position since Determination No 5, 2005;
 - (c) the desalination project being undertaken by the Corporation;
 - (d) recycling projects, including the Western Sydney Recycled Water Initiative Replacement Flows Project and Camellia Recycled Water Project;
 - (e) extension of the Water Savings Fund as part of the Climate Change Fund; and
 - (f) extensions to existing rebates.
- (5) On 5 July 2007, IPART received a letter from the Minister for Water Utilities directing IPART under section 16A of the IPART Act to include in the new price determination an amount representing the efficient cost of complying with the requirements imposed on the Corporation to arrange for:
 - (a) the construction of a desalination plant on the Kurnell Peninsula (and associated infrastructure) for the supply of an annual average production of up to 250 mega-litres of drinking water per day (scaleable to 500 mega-litres per day); and
 - (b) the construction of distribution pipelines capable of delivering 500 mega-litres per day across Botany Bay.
- (6) On 23 August 2007, IPART received a letter from the Minister for Water Utilities directing IPART under section 16A of the IPART Act to include in the new price determination an amount representing the efficient cost of complying with the direction to the Corporation to construct, operate and undertake the Western Sydney Recycled Water Initiative Replacement Flows Project, consisting of:

- (a) an Advanced Water Treatment Plant with interconnecting systems from Penrith, St Marys and Quakers Hill Sewage Treatment Plants;
 - (b) associated infrastructure and a pipeline from the treatment plant; and
 - (c) a pilot plant at St Mary's Sewage Treatment Plant and associated infrastructure.
- (7) On 20 March 2008, IPART received a letter from the Minister for Water Utilities directing IPART under section 16A of the IPART Act to include in the new price determination an amount representing the efficient cost of complying with the direction to the Corporation to undertake the Rosehill (Camelia) Recycled Water Project, which includes:
 - (a) entering into agreements for the supply of recycled water to foundation customers;
 - (b) purchasing recycled water from a private recycled water supplier for supply to customers; and
 - (c) arranging for the private recycled water supplier to finance, construct, operate and maintain recycled water infrastructure, initially capable of supplying around 4.3 billion litres of recycled water per year, and the necessary distribution pipelines.
- (8) In investigating and reporting on the pricing of the Corporation's Monopoly Services, IPART has had regard to a broad range of matters, including:
 - (a) the issues requested by the Premier;
 - (b) the issues directed by the Minister for Water Utilities; and
 - (c) the criteria set out in section 15(1) of the IPART Act.
- (9) In accordance with section 13A of the IPART Act, IPART has fixed a maximum price for the Corporation's Monopoly Services or has established a methodology for fixing the maximum price. Certain prices in this determination have been set using a methodology to allow the incorporation of future changes to the price of water supplied to the Corporation by the Sydney Catchment Authority. Reasons for the use of a methodology, as required by the IPART Act, are set out in Schedule 9.

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- (10) Under section 18(2) of the IPART Act, the Corporation may not fix a price below that determined by IPART without the approval of the Treasurer.

2. Application of this determination

- (1) This determination fixes the maximum prices or sets a methodology for fixing the maximum prices that the Corporation may charge for the Monopoly Services specified in this determination.
- (2) This determination commences on the later of 1 July 2008 and the date that it is published in the NSW Government Gazette (**Commencement Date**).
- (3) The maximum prices in this determination apply from the Commencement Date to 30 June 2012. The maximum prices in this determination prevailing at 30 June 2012 continue to apply beyond 30 June 2012 until this determination is replaced.

3. Replacement of Determination No. 5 of 2005 and Determination No. 9 of 2006

Subject to clause 2.4(b) of schedule 8, this determination replaces Determination No. 5 of 2005 and Determination No. 9 of 2006 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 5 of 2005 or Determination No. 9 of 2006 prior to their replacement.

4. Monitoring

IPART may monitor the performance of the Corporation for the purposes of:

- (a) establishing and reporting on the level of compliance by the Corporation with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Monopoly Services supplied by the Corporation.

5. Climate Change Fund

The Corporation has been required to make a net contribution of \$15 million per annum to the Climate Change Fund established by the *Energy and Utilities Administration Act 1987*. Any further contribution that is made by the Corporation to the Climate Change Fund will (subject to any legal or

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regulatory requirements applying to that contribution), be taken as falling outside the scope of this determination.

6. Schedules

Schedules 1-7 (inclusive) and the Tables in those schedules set out the maximum prices that the Corporation may charge for the Monopoly Services specified in the schedules.

7. Definitions and Interpretation

Definitions and interpretation provisions used in this determination are set out in schedule 8.

Schedule 1 – Water Supply Services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (a) of the Order (water supply services), (other than those set out in schedule 7).

2. Categories for pricing purposes

Prices for water supply services have been determined for 4 categories:

- (a) Metered Properties;
- (b) Metered Standpipes;
- (c) Unmetered Properties; and
- (d) Properties not connected to the Water Supply System.

3. Charges for water supply services to Metered Properties

3.1 Metered Residential Properties – Filtered Water

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) **from the Commencement Date to 30 June 2009:**
 - (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1 (with that Metered Residential Property taken to have a 20mm Meter size regardless of its actual Meter size), corresponding to the applicable Period in that table; and

q = the number of quarters in that Period; and

- (ii) the water usage charge calculated as follows:
- (A) **for each kL of water used up to and including the Tier 1 Water Consumption** - the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used up to and including the Tier 1 Water Consumption for the corresponding Meter Reading Period and the applicable Period in that table;
- (B) **for each kL of water used in excess of the Tier 1 Water Consumption** - the tier 2 water usage charge in Table 2, multiplied by each kL of Filtered Water used in excess of the Tier 1 Water Consumption for the corresponding Meter Reading Period and the applicable Period in that table.
- (b) **for each Period from 1 July 2009 to 30 June 2012:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

SC = the water service charge in Table 1 (with that Metered Residential Property taken to have a 20mm Meter size regardless of its actual Meter size), corresponding to the applicable Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the water usage charge calculated as follows:
- (A) **for each kL of water used up to and including the Tier 1 Water Consumption** - the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used up to and including the Tier 1 Water Consumption for the corresponding Meter Reading Period and the applicable Period in that table;

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- (B) for each kL of water used in excess of the Tier 1 Water Consumption - the tier 2 water usage charge in Table 2 or \$1.83/kL (whichever is greater), multiplied by each kL of Filtered Water used in excess of the Tier 1 Water Consumption for the corresponding Meter Reading Period and the applicable Period in that table.

3.2 Metered Residential Properties – Unfiltered Water

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) from the Commencement Date to 30 June 2009:

- (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1 (with that Metered Residential Property taken to have a 20mm Meter size regardless of its actual Meter size), corresponding to the applicable Period in that table; and

q = the number of quarters in that Period; and

- (ii) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

- (b) for each Period from 1 July 2009 to 30 June 2012:

- (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P'_{SCA}}{q}$$

Where:

SC = the water service charge in Table 1 (with that Metered Residential Property taken to have a 20mm Meter size regardless of its actual Meter size), corresponding to the applicable Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

3.3 Metered Non Residential Property – Filtered Water

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Non Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) **from the Commencement Date to 30 June 2009:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table; and

q = the number of quarters in that Period; and

- (ii) the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

- (b) **for each Period from 1 July 2009 to 30 June 2012:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table;

q = the number of quarters in that Period; and

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ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

3.4 Metered Non Residential Property – Unfiltered Water

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Non Residential Property connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) **from the Commencement Date to 30 June 2009:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table; and

q = the number of quarters in that Period; and

- (ii) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

- (b) **for each Period from 1 July 2009 to 30 June 2012:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

4. Charges for water supply services to Metered Standpipes

4.1 Filtered Water

The maximum price that may be levied by the Corporation for the provision of Filtered Water to a Metered Standpipe connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) **from the Commencement Date to 30 June 2009:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table; and

q = the number of quarters in that Period; and

- (ii) the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

- (b) **for each Period from 1 July 2009 to 30 June 2012:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

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SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

4.2 Unfiltered Water

The maximum price that may be levied by the Corporation for the provision of Unfiltered Water to a Metered Standpipe connected to the Water Supply System for a Billing Cycle is the sum of the following:

- (a) **from the Commencement Date to 30 June 2009:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table; and

q = the number of quarters in that Period; and

- (ii) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

- (b) **for each Period from 1 July 2009 to 30 June 2012:**

- (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

SC = the water service charge in Table 1 for each Meter, corresponding to the applicable Meter size and Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table.

5. Charges for water supply services to Unmetered Properties

5.1 Unmetered Residential Property

The maximum price that may be levied by the Corporation for water supply services to an Unmetered Residential Property connected to the Water Supply System for a Billing Cycle is the water service charge calculated as follows:

- (a) **from the Commencement Date to 30 June 2009:**

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 4, corresponding to the applicable Period in that table; and

q = the number of quarters in that Period.

- (b) **for each Period from 1 July 2009 to 30 June 2012:**

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

SC = the water service charge in Table 4, corresponding to the applicable Period in that table;

Schedule 1 – Water Supply Services

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8).

5.2 Unmetered Non Residential Property

The maximum price that may be levied by the Corporation for water supply services to an Unmetered Non Residential Property for a Billing Cycle is the water service charge calculated as follows:

(a) **from the Commencement Date to 30 June 2009:**

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 5, corresponding to the applicable Period in that table; and

q = the number of quarters in that Period.

(b) **for each Period from 1 July 2009 to 30 June 2012:**

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

SC = the water service charge in Table 5, corresponding to the applicable Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8).

6. Charges for water supply services to a Property not connected to the Water Supply System

The maximum water service charge and water usage charge that may be levied by the Corporation for a Property not connected and which remains not connected to the Water Supply System is zero for the period from the Commencement Date until the date that this determination ceases to apply.

7. Levying water supply charges on Multi Premises

7.1 Water supply charges for Multi Premises

- (1) Clause 7 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are to be levied on persons who own, control or occupy those Multi Premises.
- (2) Clause 3 of this schedule does not apply to Metered Properties if this clause 7 is capable of applying to those Metered Properties.

7.2 Strata Title Lot and Community Development Lot

- (1) For a Strata Title Building or a Community Parcel:
 - (a) which is connected to the Water Supply System; and
 - (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation for the provision of water supply services for a Billing Cycle is:

 - (c) the water service charge calculated as follows:
 - (i) **from the Commencement Date to 30 June 2009:**

$$\frac{SC}{q} \times \frac{1}{n}$$

(the resultant amount being the **Multi Water Service Charge**),

Where:

SC = the water service charge in Table 1 for each Common Water Meter (corresponding to the applicable Meter size and Period in that table);

q = the number of quarters in that Period; and

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n = the number of Strata Title Lots within that Strata Title Building or the number of Community Development Lots within that Community Parcel (as the case may be).

(ii) for each Period from 1 July 2009 to 30 June 2012:

$$\left(\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q} \right) \times \frac{1}{n}$$

(the resultant amount being the **Multi Water Service Charge**),

Where:

SC = the water service charge in Table 1 for each Common Water Meter (corresponding to the applicable Meter size and Period in that table);

q = the number of quarters in that Period;

n = the number of Strata Title Lots within that Strata Title Building or the number of Community Development Lots within that Community Parcel (as the case may be);

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (d) the tier 1 water usage charge in Table 2, multiplied by each kL of Filtered Water used during the Meter Reading Period, corresponding to the applicable Period in that table (**Multi Tier 1 Water Usage Charge**); and
- (e) the water usage charge in Table 3, multiplied by each kL of Unfiltered Water used for the corresponding Meter Reading Period and the applicable Period in that table (**Multi Unfiltered Water Usage Charge**).
- (2) The relevant Multi Water Service Charge is to be levied on each Strata Title Lot (within that Strata Title Building) or Community Development Lot (within that Community Parcel) (as the case may be).
- (3) The Multi Tier 1 Water Usage Charge and the Multi Unfiltered Water Usage Charge are to be levied on the Owners Corporation of that Strata Title Building or the owner of that Community Parcel (as the case may be).

7.3 Company Title Building

For a Company Title Building:

- (a) which is connected to the Water Supply System; and
- (b) which has a Common Water Meter or multiple Common Water Meters,

the maximum price that may be levied by the Corporation on the owner of that Company Title Building for the provision of water supply services to that Company Title Building for a Billing Cycle is the sum of the following:

- (c) **from the Commencement Date to 30 June 2009:**
 - (i) the water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the water service charge in Table 1, for each Common Water Meter, corresponding to the applicable Meter size and Period in that table; and

q = the number of quarters in that Period; and

- (ii) the tier 1 water usage charge for Filtered Water in Table 2, corresponding to the applicable Period in that table, multiplied by each kL of Filtered Water used during the Meter Reading Period; and
 - (iii) the water usage charge for Unfiltered Water in Table 3, corresponding to the applicable Period in that table, multiplied by each kL of Unfiltered Water used during the Meter Reading Period.
- (d) **for each Period from 1 July 2009 to 30 June 2012:**
 - (i) the water service charge calculated as follows:

$$\frac{SC}{q} + \frac{\Delta P_{SCA}^t}{q}$$

Where:

Schedule 1 – Water Supply Services

SC = the water service charge in Table 1, for each Common Water Meter, corresponding to the applicable Meter size and Period in that table;

q = the number of quarters in that Period; and

ΔP_{SCA}^t = the adjustment to the water service charge to reflect the change in the price of water supplied by the Sydney Catchment Authority to the Corporation (as defined in clause 1.3 of Schedule 8); and

- (ii) the tier 1 water usage charge for Filtered Water in Table 2, corresponding to the applicable Period in that table, multiplied by each kL of Filtered Water used during the Meter Reading Period; and
- (iii) the water usage charge for Unfiltered Water in Table 3, corresponding to the applicable Period in that table, multiplied by each kL of Unfiltered Water used during the Meter Reading Period.

7.4 Multi Premises (other than a Multi Premises levied under clause 7.2 or 7.3 of this schedule)

For a Multi Premises (other than a Multi Premises levied under clause 7.2 or 7.3 of this schedule) which:

- (a) is connected to the Water Supply System; and
- (b) has a Common Water Meter or multiple Common Water Meters,

the maximum price for the provision of water supply services under this schedule is to be levied by the Corporation based on its usual practice at the Commencement Date.

7.5 Strata Title Lot, Company Title Dwelling or Community Development Lot with its own Meter within a Multi Premises

For the avoidance of doubt, a Strata Title Lot, a Company Title Dwelling or a Community Development Lot (as the case may be) with its own Meter within a Multi Premises are each deemed to be a single Property for the purposes of levying water charges under this schedule and clause 3 (and not clause 7) of this schedule is to apply to that Strata Title Lot, Company Title Dwelling or Community Development Lot (as the case may be).

Tables 1, 2, 3, 4 and 5

Table 1 Water service charge for Metered Properties

Charge	Commencement Date to 30 June 2009 (\$)	1 July 2009 to 30 June 2010 (\$)	1 July 2010 to 30 June 2011 (\$)	1 July 2011 to 30 June 2012 (\$)
Metered Residential Properties – water service charge	75.70	$90.96 \times (1+\Delta\text{CPI}_1)$	$105.86 \times (1+\Delta\text{CPI}_2)$	$116.39 \times (1+\Delta\text{CPI}_3)$
Metered Non Residential Properties and Multi Premises (which are Residential Properties with a Meter) – water service charge based on Meter size				
20mm	75.70	$90.96 \times (1+\Delta\text{CPI}_1)$	$105.86 \times (1+\Delta\text{CPI}_2)$	$116.39 \times (1+\Delta\text{CPI}_3)$
25mm	118.28	$142.13 \times (1+\Delta\text{CPI}_1)$	$165.41 \times (1+\Delta\text{CPI}_2)$	$181.86 \times (1+\Delta\text{CPI}_3)$
30mm	170.33	$204.66 \times (1+\Delta\text{CPI}_1)$	$238.19 \times (1+\Delta\text{CPI}_2)$	$261.88 \times (1+\Delta\text{CPI}_3)$
32mm	193.79	$232.86 \times (1+\Delta\text{CPI}_1)$	$271.00 \times (1+\Delta\text{CPI}_2)$	$297.96 \times (1+\Delta\text{CPI}_3)$
40mm	302.80	$363.84 \times (1+\Delta\text{CPI}_1)$	$423.44 \times (1+\Delta\text{CPI}_2)$	$465.56 \times (1+\Delta\text{CPI}_3)$
50mm	473.13	$568.50 \times (1+\Delta\text{CPI}_1)$	$661.63 \times (1+\Delta\text{CPI}_2)$	$727.44 \times (1+\Delta\text{CPI}_3)$
65mm	799.58	$960.77 \times (1+\Delta\text{CPI}_1)$	$1,118.15 \times (1+\Delta\text{CPI}_2)$	$1,229.37 \times (1+\Delta\text{CPI}_3)$
80mm	1,211.20	$1,455.36 \times (1+\Delta\text{CPI}_1)$	$1,693.76 \times (1+\Delta\text{CPI}_2)$	$1,862.24 \times (1+\Delta\text{CPI}_3)$
100mm	1,892.50	$2,274.00 \times (1+\Delta\text{CPI}_1)$	$2,646.50 \times (1+\Delta\text{CPI}_2)$	$2,909.75 \times (1+\Delta\text{CPI}_3)$
150mm	4,258.13	$5,116.50 \times (1+\Delta\text{CPI}_1)$	$5,954.63 \times (1+\Delta\text{CPI}_2)$	$6,546.94 \times (1+\Delta\text{CPI}_3)$
200mm	7,570.00	$9,096.00 \times (1+\Delta\text{CPI}_1)$	$10,586.00 \times (1+\Delta\text{CPI}_2)$	$11,639.00 \times (1+\Delta\text{CPI}_3)$
For Meter sizes not specified above, the following formula applies		$(\text{Meter size})^2 \times 20\text{mm charge}/400$		

Tables 1, 2, 3, 4 and 5

Table 2 Water usage charge for Filtered Water to Metered Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$/kL)	(\$/kL)	(\$/kL)	(\$/kL)
Tier 1 water usage charge	1.61	$1.80 \times (1 + \Delta\text{CPI}_1)$	$1.90 \times (1 + \Delta\text{CPI}_2)$	$1.93 \times (1 + \Delta\text{CPI}_3)$
Tier 2 water usage charge	1.83	$1.80 \times (1 + \Delta\text{CPI}_1)$	$1.90 \times (1 + \Delta\text{CPI}_2)$	$1.93 \times (1 + \Delta\text{CPI}_3)$

Table 3 Water usage charges for Unfiltered Water to Metered Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$/kL)	(\$/kL)	(\$/kL)	(\$/kL)
Unfiltered Water – water usage charge	1.31	$1.50 \times (1 + \Delta\text{CPI}_1)$	$1.60 \times (1 + \Delta\text{CPI}_2)$	$1.63 \times (1 + \Delta\text{CPI}_3)$

Table 4 Water service charge for Unmetered Residential Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Water service charge	397.70	$450.96 \times (1 + \Delta\text{CPI}_1)$	$485.86 \times (1 + \Delta\text{CPI}_2)$	$502.39 \times (1 + \Delta\text{CPI}_3)$

Table 5 Water service charge for Unmetered Non-Residential Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Water service charge	268.90	$306.96 \times (1 + \Delta\text{CPI}_1)$	$333.86 \times (1 + \Delta\text{CPI}_2)$	$347.99 \times (1 + \Delta\text{CPI}_3)$

Schedule 2 – Sewerage services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (b) of the Order (sewerage services), (other than those set out in schedule 7).

2. Categories for pricing purposes

Prices for sewerage services have been determined for 5 categories:

- (a) Residential Properties connected to the Sewerage System;
- (b) Non Residential Properties connected to the Sewerage System;
- (c) Properties not connected to the Sewerage System;
- (d) Blue Mountains septic pump out services; and
- (e) Exempt Land connected to the Sewerage System.

3. Charges for sewerage services to Residential Properties

The maximum price that may be levied by the Corporation for sewerage services to a Residential Property connected to the Sewerage System for a Billing Cycle is:

$$\frac{SC}{q}$$

Where:

SC = the sewerage service charge in Table 6 corresponding to the applicable Period in that table; and

q = the number of quarters in that Period.

Schedule 2 – Sewerage services

4. Charges for sewerage services to Non Residential Properties

4.1 The maximum price that may be levied by the Corporation for sewerage services to a Non Residential Property that is connected to the Sewerage System for a Billing Cycle is the sum of the following:

(a) the sewerage service charge equal to the higher of:

(i) the sewerage service charge calculated as follows:

$$\frac{SC}{q} \times DF$$

Where:

SC = the sewerage service charge in Table 7 corresponding to the applicable Period and Meter size in that table;

q = the number of quarters in that Period; and

DF = the relevant Discharge Factor; and

(ii) the sewerage service charge calculated as follows:

$$\frac{SC_{cl4.2}}{q} \times DF_{100\%}$$

Where:

SC_{cl4.2} = the sewerage service charge calculated under clause 4.2 of this schedule;

q = the number of quarters in that Period; and

DF_{100%} = a Discharge Factor of 100%; and

(b) the sewerage usage charge calculated as follows:

$$[(W \times DF) - DA] \times UC$$

Where:

W = the water used (in kL) by that Non Residential Property for the Meter Reading Period;

DF = the Discharge Factor for that Non Residential Property;

DA = the Discharge Allowance for that Non Residential Property;

UC = the sewerage usage charge in Table 8 for the Meter Reading Period (corresponding to the applicable Period in that table and the volume of sewage discharged); and

volume of sewage discharged means the resulting volume determined by multiplying W and DF in this clause 4.1(b).

Where (W x DF) is less than DA, the sewerage usage charge will be zero.

- 4.2 For the purposes of clause 4.1(a) of this schedule, if a Non Residential Property:
- (a) has a resulting charge that is less than a charge for a 20mm Meter with a Discharge Factor of 100%; or
 - (b) does not have a Meter,

then the sewerage service charge levied on that Non Residential Property is taken to be a sewerage service charge for a Meter size of 20mm and a Discharge Factor of 100%.

5. Charges for sewerage services to Properties not connected to the Sewerage System

The maximum price that may be levied by the Corporation for sewerage services (other than the Blue Mountains Septic Services) to a Property not connected to the Sewerage System is zero for the period from the Commencement Date until the date that this determination ceases to apply.

6. Charges for Blue Mountains Septic Services

The maximum price that may be levied by the Corporation for Blue Mountains Septic Services for a Billing Cycle is the sum of the following:

- (a) the septic pump out service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the septic pump out service charge in Table 9 corresponding to the applicable Period in that table;

q = the number of quarters in that Period; and

Schedule 2 – Sewerage services

- (b) the septic pump out usage charge in Table 10, multiplied by each kL of effluent removed, for the Meter Reading Period corresponding to the applicable Period in that table.

7. Charges for sewerage services to Exempt Land

The maximum price that may be levied by the Corporation for sewerage services to Exempt Land that is connected to the Sewerage System is the charge per water closet or urinal closet in Table 11, corresponding to the applicable Period in that table.

8. Levying sewerage service charges on Multi Premises

8.1 Sewerage service charges on Multi Premises

- (1) Clause 8 of this schedule prescribes how the maximum prices in this schedule are to be levied on Multi Premises, specifically how they are to be levied on persons who own, control or occupy those Multi Premises.
- (2) Clauses 3 and 4 of this schedule do not apply to Properties connected to the Sewerage System if this clause 8 is capable of applying to those Properties.

8.2 Strata Title Building (Residential Property)

- (1) For a Strata Title Building:
- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters, or is not serviced by a Meter; and
- (c) where the majority of the Strata Title Lots (within that Strata Title Building) are Residential Properties,

the maximum price that may be levied by the Corporation for the provision of sewerage services for a Billing Cycle is:

$$\frac{SC}{q}$$

Where:

SC = the sewerage service charge in Table 12 corresponding to the applicable Period in that table; and

q = the number of quarters in that Period,

(Residential Strata Sewerage Service Charge).

- (2) The Residential Strata Sewerage Service Charge is to be levied on each Strata Title Lot.

8.3 Strata Title Building (Non Residential Property)

- (1) For a Strata Title Building:
- (a) which is connected to the Sewerage System; and
 - (b) which has a Common Water Meter or multiple Common Water Meters or is not serviced by a Meter; and
 - (c) where the majority of the Strata Title Lots (within that Strata Title Building) are Non Residential Properties,

the maximum price that may be levied by the Corporation for the provision of sewerage services for a Billing Cycle is:

- (d) the sewerage service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the sewerage service charge in Table 12 (corresponding to the applicable Period in that table); and

q = the number of quarters in that Period; and

(Non Residential Strata Sewerage Service Charge); and

- (e) the sewerage usage charge calculated as follows:

$$[(W \times DF) - DA] \times UC$$

(the resulting amount being the **Strata Sewerage Usage Charge**)

Where:

W = the water used (in kL) by that Strata Title Building;

DF = the Discharge Factor for that Strata Title Building;

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DA = the Discharge Allowance determined in accordance with clause 8.3.4;

UC = the sewerage usage charge in Table 8 for the Meter Reading Period (corresponding to the applicable Period in that table and the volume of sewage discharged); and

volume of sewage discharged means the resulting volume determined by multiplying W and DF in this clause 8.3.1(e).

Where (W x DF) is less than DA, the sewerage usage charge will be zero.

- (2) The Non Residential Strata Sewerage Service Charge is to be levied on each Strata Title Lot.
- (3) The Strata Sewerage Usage Charge is to be levied on the Owners Corporation of that Strata Title Building.
- (4) For the purpose of clause 8.3.1(e), the 'Discharge Allowance' in Table 8 is increased by multiplying the Discharge Allowance by the number of Strata Title Lots in that Strata Title Building.

8.4 Multi Premises (Residential Property) other than a Strata Title Building

For a Multi Premises (which is not a Strata Title Building) and:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters or is not serviced by a Meter; and
- (c) where the majority of the Properties within that Multi Premises are Residential Properties,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of sewerage services to that Multi Premises for a Billing Cycle is the sewerage service charge calculated as follows:

$$\frac{SC}{q} \times n$$

Where:

SC = the sewerage service charge in Table 12 corresponding to the applicable Period in that table;

n = the number of Properties within that Multi Premises; and

q = the number of quarters in that Period.

8.5 Multi Premises (Non Residential Property) other than a Strata Title Building

For a Multi Premises (which is not a Strata Title Building) and:

- (a) which is connected to the Sewerage System; and
- (b) which has a Common Water Meter or multiple Common Water Meters or is not serviced by a Meter; and
- (c) where the majority of the Properties within that Multi Premises are Non Residential Properties,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for the provision of sewerage services to that Multi Premises for a Billing Cycle is the sum of the following:

- (d) the sewerage service charge equal to the higher of:
 - (i) the sewerage service charge calculated as follows:

$$\frac{SC}{q} \times DF$$

Where:

SC = the sewerage service charge in Table 7 for each Common Water Meter corresponding to the applicable Period and Meter size in that table;

q = the number of quarters in that Period; and

DF = the relevant Discharge Factor; and

- (ii) the sewerage service charge calculated as follows:

$$\frac{SC_{cl8.6}}{q} \times DF_{100\%}$$

Where:

SC_{cl8.6} = the sewerage service charge calculated under clause 8.6 of this schedule;

q = the number of quarters in that Period; and

DF_{100%} = a Discharge Factor of 100%; and

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- (e) the sewerage usage charge calculated as follows:

$$[(W \times DF) - DA] \times UC$$

Where:

W = the water used (in kL) by that Multi Premises;

DF = the Discharge Factor for that Multi Premises;

DA = the Discharge Allowance for that Multi Premises;

UC = the sewerage usage charge in Table 8 for the Meter Reading Period corresponding to the applicable Period in that table and the volume of sewage discharged; and

volume of sewage discharged means the resulting volume determined by multiplying **W** and **DF** in this clause 8.5(e).

Where $(W \times DF)$ is less than **DA**, the sewerage usage charge will be zero.

- 8.6 For the purposes of clause 8.5(d) of this schedule, if a Multi Premises:

- (a) has a resulting charge that is less than a charge for a 20mm Meter with a Discharge Factor of 100%; or
- (b) does not have a Meter,

then the sewerage service charge levied on that Multi Premises is taken to be a sewerage service charge for a Meter size of 20mm and a Discharge Factor of 100%.

Tables 6, 7, 8, 9, 10, 11 and 12

Table 6 Sewerage service charge for Residential Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Sewerage service charge – Residential Properties	480.31	$482.30 \times (1 + \Delta CPI_1)$	$488.38 \times (1 + \Delta CPI_2)$	$494.99 \times (1 + \Delta CPI_3)$

Tables 6, 7, 8, 9, 10, 11 and 12

Table 7 Sewerage service charge for Non Residential Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Meter size				
20mm	480.31	482.30 x (1+ Δ CPI ₁)	488.38 x (1+ Δ CPI ₂)	494.99 x (1+ Δ CPI ₃)
25mm	750.48	753.59 x (1+ Δ CPI ₁)	763.09 x (1+ Δ CPI ₂)	773.42 x (1+ Δ CPI ₃)
30mm	1,080.70	1,085.18 x (1+ Δ CPI ₁)	1,098.86 x (1+ Δ CPI ₂)	1,113.73 x (1+ Δ CPI ₃)
32mm	1,229.59	1,234.69 x (1+ Δ CPI ₁)	1,250.25 x (1+ Δ CPI ₂)	1,267.17 x (1+ Δ CPI ₃)
40mm	1,921.24	1,929.20 x (1+ Δ CPI ₁)	1,953.52 x (1+ Δ CPI ₂)	1,979.96 x (1+ Δ CPI ₃)
50mm	3,001.94	3,014.38 x (1+ Δ CPI ₁)	3,052.38 x (1+ Δ CPI ₂)	3,093.69 x (1+ Δ CPI ₃)
65mm	5,073.27	5,094.29 x (1+ Δ CPI ₁)	5,158.51 x (1+ Δ CPI ₂)	5,228.33 x (1+ Δ CPI ₃)
80mm	7,684.96	7,716.80 x (1+ Δ CPI ₁)	7,814.08 x (1+ Δ CPI ₂)	7,919.84 x (1+ Δ CPI ₃)
100mm	12,007.75	12,057.50 x (1+ Δ CPI ₁)	12,209.50 x (1+ Δ CPI ₂)	12,374.75 x (1+ Δ CPI ₃)
150mm	27,017.44	27,129.38 x (1+ Δ CPI ₁)	27,471.38 x (1+ Δ CPI ₂)	27,843.19 x (1+ Δ CPI ₃)
200mm	48,031.00	48,230.00 x (1+ Δ CPI ₁)	48,838.00 x (1+ Δ CPI ₂)	49,499.00 x (1+ Δ CPI ₃)
For Meter sizes not specified above, the following formula applies		(Meter size) ² x 20mm charge/400		

Note: The prices in Table 7 assume the application of a Discharge Factor of 100%. The relevant Discharge Factor may vary from case to case, as determined by the Corporation. A pro rata adjustment shall be made where the df% is less than or greater than 100%.

Tables 6, 7, 8, 9, 10, 11 and 12

Table 8 Sewerage usage charge for Non Residential Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$/kL)	(\$/kL)	(\$/kL)	(\$/kL)
Sewerage usage charge				
volume of sewage discharged \leq Discharge Allowance	0	0	0	0
volume of sewage discharged $>$ Discharge Allowance	1.37	$1.37 \times (1 + \Delta CPI_1)$	$1.37 \times (1 + \Delta CPI_2)$	$1.37 \times (1 + \Delta CPI_3)$

Note: Please refer to the relevant clause 4.1(b) or clause 8.3.1(e) or clause 8.5(e) for the calculation of "volume of sewage discharged".

Table 9 Blue Mountains Septic Pump Out service charge

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Septic pump out service charge	559.43	$559.43 \times (1 + \Delta CPI_1)$	$559.43 \times (1 + \Delta CPI_2)$	$559.43 \times (1 + \Delta CPI_3)$

Table 10 Blue Mountains Septic Pump Out usage charge

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$/kL)	(\$/kL)	(\$/kL)	(\$/kL)
Septic pump out usage charge ≤ 100 kL of effluent removed per annum	0	0	0	0
Septic pump out usage charge > 100 kL of effluent removed per annum	13.43	$13.43 \times (1 + \Delta CPI_1)$	$13.43 \times (1 + \Delta CPI_2)$	$13.43 \times (1 + \Delta CPI_3)$

Tables 6, 7, 8, 9, 10, 11 and 12

Table 11 Sewerage charge for Exempt Land

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Per water closet or urinal closet	90.02	$90.02 \times (1 + \Delta CPI_1)$	$90.02 \times (1 + \Delta CPI_2)$	$90.02 \times (1 + \Delta CPI_3)$

Table 12 Sewerage service charge to a Multi Premises with a Common Water Meter or not serviced by a Meter

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Sewerage service charge	480.31	$482.30 \times (1 + \Delta CPI_1)$	$488.38 \times (1 + \Delta CPI_2)$	$494.99 \times (1 + \Delta CPI_3)$

Schedule 3 – Stormwater drainage services

1. Application

- 1.1 This schedule sets the maximum prices that the Corporation may charge for services under paragraph (c) of the Order (stormwater drainage services).
- 1.2 Clauses 3 and 4 of this schedule do not apply to Properties if clause 5 is capable of applying to those Properties and is so applied.

2. Categories for pricing purposes

Prices for stormwater drainage services have been determined for 2 categories:

- (a) Residential Properties and Vacant Land; and
- (b) Non Residential Properties,

that are within a Stormwater Drainage Area.

3. Charges for stormwater drainage to Residential Properties and Vacant Land

The maximum price that may be levied by the Corporation for stormwater drainage services to a Residential Property or Vacant Land, (each within a Stormwater Drainage Area) for a Billing Cycle is:

$$\frac{SC}{q}$$

Where:

SC = the stormwater drainage service charge in Table 13, corresponding to the applicable Period in that table; and

q = the number of quarters in that Period.

Schedule 3 – Stormwater drainage services

4. Charges for stormwater drainage to Non Residential Properties

The maximum price that may be levied by the Corporation for stormwater drainage services to a Non Residential Property that is within a Stormwater Drainage Area for a Billing Cycle is:

$$\frac{SC}{q}$$

Where:

SC = the stormwater drainage service charge in Table 14, corresponding to the applicable Period in that table; and

q = the number of quarters in that Period.

5. Multi Premises which is not a Strata Title Building, Company Title Building or Community Parcel

For a Multi Premises which:

(a) is not a Strata Title Building, a Company Title Building or a Community Parcel; and

(b) is within a Stormwater Drainage Area,

the maximum price that may be levied by the Corporation on the owner of that Multi Premises for stormwater drainage services for a Billing Cycle is the sum of the following:

(1) **for all the Non Residential Properties** within that Multi Premises:

$$\frac{SC}{q}$$

Where:

SC = the stormwater drainage service charge in Table 14 corresponding to the applicable Period in that table; and

q = the number of quarters in that Period; and

(2) **for all the Residential Properties** within that Multi Premises:

$$\frac{SC}{q} \times n$$

Where:

SC = the stormwater drainage service charge in Table 13 corresponding to the applicable Period in that table;

q = the number of quarters in that Period; and

n = the total number of Residential Properties within that Multi Premises.

Tables 13 and 14

Table 13 Stormwater drainage service charge for Residential Properties and Vacant Land

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Stormwater drainage service charge	45.03	$45.03 \times (1 + \Delta CPI_1)$	$45.03 \times (1 + \Delta CPI_2)$	$45.03 \times (1 + \Delta CPI_3)$

Table 14 Stormwater drainage service charge for Non Residential Properties

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Stormwater drainage service charge	117.19	$117.19 \times (1 + \Delta CPI_1)$	$117.19 \times (1 + \Delta CPI_2)$	$117.19 \times (1 + \Delta CPI_3)$

Schedule 4 - Rouse Hill Development Area

1. Categories for pricing purposes

- 1.1 This schedule sets the maximum prices that the Corporation may charge the Properties in the Rouse Hill Development Area for services under paragraph (g) of the Order, specifically Recycled Water services.
- 1.2 The maximum prices in this schedule are in addition to the prices applying to the Properties in the Rouse Hill Development Area under schedules 1, 2, 3, 5, 6 and 7.

2. Categories for pricing purposes

The prices in this schedule have been determined only for Properties in the Rouse Hill Development Area.

3. Charges to Properties in the Rouse Hill Development Area.

The maximum price that may be levied by the Corporation for the provision of Recycled Water and drainage services to the Properties in the Rouse Hill Development Area for a Billing Cycle is the sum of the following:

- (a) the Recycled Water service charge calculated as follows:

$$\frac{SC}{q}$$

Where:

SC = the Recycled Water service charge in Table 15, corresponding to the applicable Meter size and Period in that table; and

q = the number of quarters in that Period; and

- (b) the Recycled Water usage charge in Table 16 multiplied by each kL of Recycled Water used for the Meter Reading Period, corresponding to the applicable Period in that table;
- (c) the river management charge (drainage) calculated as follows:

Schedule 4 - Rouse Hill Development Area

$$\frac{RMC}{q}$$

Where:

RMC = the river management charge (drainage) in Table 17, corresponding to the applicable Period and the relevant land size in that table; and

q = the number of quarters in that Period.

Tables 15, 16 and 17

Tables 15, 16 and 17

Table 15 Recycled Water service charge

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
Recycled Water service charge – Meter size				
20mm	10.93	$10.93 \times (1 + \Delta CPI_1)$	$10.93 \times (1 + \Delta CPI_2)$	$10.93 \times (1 + \Delta CPI_3)$
For properties with Meter size >20mm the formula to apply is		$(\text{nominal diameter})^2 \times (\text{charge for 20mm Meter})/400$		

Table 16 Recycled Water usage charge

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$/kL)	(\$/kL)	(\$/kL)	(\$/kL)
Recycled Water usage charge	1.29	$1.44 \times (1 + \Delta CPI_1)$	$1.52 \times (1 + \Delta CPI_2)$	$1.54 \times (1 + \Delta CPI_3)$

Table 17 River management charge (drainage)

Charge	Commencement Date to 30 June 2009	1 July 2009 to 30 June 2010	1 July 2010 to 30 June 2011	1 July 2011 to 30 June 2012
	(\$)	(\$)	(\$)	(\$)
River management charge (drainage)				
Non Residential Properties with land size \leq 1000m ² and Residential Properties	117.97	$117.97 \times (1 + \Delta CPI_1)$	$117.97 \times (1 + \Delta CPI_2)$	$117.97 \times (1 + \Delta CPI_3)$
Non Residential Properties with land size > 1000m ²	$117.97 \times ((\text{land area m}^2)/1000)$	$117.97 \times ((\text{land area m}^2)/1000) \times (1 + \Delta CPI_1)$	$117.97 \times ((\text{land area m}^2)/1000) \times (1 + \Delta CPI_2)$	$117.97 \times ((\text{land area m}^2)/1000) \times (1 + \Delta CPI_3)$

Schedule 5 – Trade waste services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (d) of the Order (trade waste services).

2. Categories for pricing purposes

Prices for trade waste services have been determined for 2 categories:

- (a) Industrial Customers that discharge trade waste into the Sewerage System; and
- (b) Commercial Customers that discharge trade waste into the Sewerage System.

3. Charges for trade waste services to Industrial Customers

3.1 The maximum price that may be levied by the Corporation for trade waste services to Industrial Customers for each Billing Cycle is the sum of the following:

- (a) **from the Commencement Date to 30 June 2009:**
 - (i) the industrial agreement charge in Table 18, corresponding to the applicable risk index determined by the Corporation; and
 - (ii) the charge in Table 19 and the charge corresponding to the threat level (determined by the Corporation) in Table 20 for the total mass of waste substances discharged that are in excess of the domestic equivalent for waste substance concentrations; and
- (b) **for each Period from 1 July 2009 to 30 June 2012:**
 - (i) the industrial agreement charge in Table 18, corresponding to the applicable risk index determined by the Corporation, as varied under clause 5 of this schedule; and

- (ii) the charge in Table 19 and the charge corresponding to the threat level (determined by the Corporation) in Table 20 for the total mass of waste substances discharged that are in excess of the domestic equivalent for waste substance concentrations, as varied under clause 5 of this schedule.
- 3.2 For the purpose of clauses 3.1(a)(ii) and 3.1(b)(ii) of this schedule, a reference to “domestic equivalent for waste substance concentrations” is a reference to average concentrations of that substance over time and/or volume of discharge, determined in accordance with the Trade Waste Policy.
- 3.3 The maximum price that may be levied by the Corporation for the total waste substance concentrations in excess of the acceptance standard in Tables 19 and 20 is:
 - (a) **from the Commencement Date to 30 June 2009** - the corresponding charge in those tables; and
 - (b) **for each Period from 1 July 2009 to 30 June 2012** - the corresponding charge in those tables, as varied under clause 5 of this schedule,

doubled and applied to the entire mass of the substance discharged that is in excess of the domestic equivalent (rather than only to the amount that is in excess of the acceptance standard), excluding sulphate.
- 3.4 If the Corporation determines that a substance is either a critical substance or an over capacity substance, in accordance with the Trade Waste Policy, then:
 - (a) **from the Commencement Date to 30 June 2009** - the charges in Tables 19 and 20; and
 - (b) **for each Period from 1 July 2009 to 30 June 2012** - the charges in Tables 19 and 20, as varied under clause 5 of this schedule,

are to be multiplied by the charging rate multiplier in Table 21, and applied to so much of the mass of the substance that is 1.5 times in excess of the Industrial Customer's long term average daily mass (LTADM), as defined in the Corporation's Trade Waste Policy. This is in addition to the charges that apply to the mass of the substance that is equal to or less than the customer's LTADM.
- 3.5 For the avoidance of doubt, where applicable, both of clauses 3.3 and 3.4 of this schedule may apply to determine the charge payable for a particular substance.

4. Charges for trade waste services to Commercial Customers

- 4.1 The maximum price that may be levied by the Corporation for trade waste services to Commercial Customers is the sum of the following:
 - (a) **from the Commencement Date to 30 June 2009:**

Schedule 5 – Trade waste services

- (i) the commercial agreement charge in Table 22;
 - (ii) the volumetric charge equal to the higher of:
 - (A) the minimum annual charge in Table 23; and
 - (B) the volumetric charge in Table 23, corresponding to the applicable charging code determined in accordance with the Trade Waste Policy; and
 - (iii) the wastesafe charge in Table 24; and
- (b) **for each Period from 1 July 2009 to 30 June 2012:**
- (i) the commercial agreement charge as in Table 22, as varied under clause 5 of this schedule;
 - (ii) the volumetric charge equal to the higher of:
 - (A) the minimum annual charge in Table 23, as varied under clause 5 of this schedule; and
 - (B) the volumetric charge in Table 23, as varied under clause 5 of this schedule, corresponding to the applicable charging code determined in accordance with the Trade Waste Policy; and
 - (iii) the wastesafe charge in Table 24, as varied under clause 5 of this schedule.

5. Variation of charges

Each charge in Tables 18, 19, 20, 22, 23 and 24 (inclusive) is varied as follows:

- (a) **from 1 July 2009 to 30 June 2010** - that charge is to be multiplied by $(1+\Delta\text{CPI}_1)$;
- (b) **from 1 July 2010 to 30 June 2011** - that charge is to be multiplied by $(1+\Delta\text{CPI}_2)$; and
- (c) **from 1 July 2011 to 30 June 2012** - that charge is to be multiplied by $(1+\Delta\text{CPI}_3)$.

Tables 18, 19, 20, 21, 22, 23 and 24

Table 18 Industrial agreement charge

Risk Index	Commencement Date to 30 June 2009			
	Standard (\$ per quarter)	With direct electronic reporting (DER) (\$ per quarter)	With on-line monitoring (OLM) (\$ per quarter)	With DER and OLM (\$ per quarter)
1	5,903.23	5,312.90	4,722.59	4,132.26
2	5,328.85	4,795.97	4,263.08	3,730.19
3	2,488.93	2,239.68	1,991.15	1,742.25
4	1,404.00	1,263.60	1,123.20	982.80
5	542.44	488.19	433.96	379.71
6	191.43	172.36	153.16	134.00
7	127.62	114.86	102.10	89.32

Tables 18, 19, 20, 21, 22, 23 and 24

Table 19 Acceptance standards and quality charges for domestic substances

Substance	Acceptance standard	Domestic equivalent	Charges	
	(mg/L)	(mg/L)	Commencement Date to 30 June 2009	(\$/kg)
Suspended solids	600	200		0.814
BOD – to primary STP	See notes 2 and 3	230	0.114+[0.0169x (BOD mg/L) / 600]	
BOD – to secondary/tertiary STP	See notes 2 and 3	230	0.641+[0.0169x (BOD mg/L) / 600]	
Grease	Primary 110	50		1.147
	Secondary/tertiary 200			
Ammonia (as N)	100	35		1.902
Nitrogen (inland only)	150	50		0.161
	See note 4			
Phosphorus (inland only)	50	10		1.272
	See note 4			
Sulphate (SO ₄)	2,000	50	0.126x[SO ₄ mg/L]/2000	
Total dissolved solids (ocean systems, no discharge limitation)	10,000	450		0.0055
Total dissolved solids (inland systems and ocean systems, with discharge limitation)	Determined by system	450		0.0055
Total Dissolved Solids (inland and ocean systems, with advanced treatment to remove TDS)	Determined by system	450	0.164 x fraction of average dry weather flow treated	

Note:

1. The mass of any substance (with the exception of sulphate (SO₄)) discharged at a concentration which exceeds the nominated acceptance standard will be charged at double the rate for the entire mass for non-domestic substances (including any critical substance charges), and for the mass above domestic equivalent for domestic substances. Concentration is determined by daily composite sampling by either the customer or Sydney Water. Customers who enter into an approved water conservation program may be eligible for flat rate BOD and sulfate charges and will not incur the doubling of the charging rate if certain acceptance standards are exceeded.
2. The oxygen demand of effluent is specified in terms of BOD₅. Where a reliable correlation can be shown to exist between BOD and another test, Sydney Water may be prepared to accept results based on this alternative test.
3. Acceptance standards for BOD and total dissolved solids are to be determined by the transportation and treatment capacity of the receiving system and the end use of sewage treatment products.
4. Nitrogen and phosphorus limits do not apply where a sewage treatment plant (to which the customer's sewerage system is connected) discharges directly to the ocean.

Tables 18, 19, 20, 21, 22, 23 and 24

Table 20 Threat level based on the acceptance standards and associated charges for non domestic substances

Threat level	Acceptance standard (mg/L)	Charge Commencement Date to 30 June 2009 (\$/lg)
0	Provisional	0
1	10,000	0.005
2	5,000	0.01
3	1,000	0.07
4	500	0.12
5	300	0.23
6	100	0.64
7	50	1.27
8	30	2.11
9	20	3.16
10	10	6.38
11	5	12.75
12	3	21.04
13	2	31.87
14	1	63.81
15	0.5	127.63
16	0.1	638.16
17	0.05	1,276.37
18	0.03	2,105.97
19	0.01	6,381.45
20	0.005	12,762.89
21	0.0001	638,144.51

Table 21 Charges for critical substances over capacity substances

Substance status	Charging rate multiplier
Critical	2
Over capacity	3

Table 22 Commercial agreement charge

Charge	Commencement Date to 30 June 2009 (\$/quarter)
Commercial agreement charge	
First process	19.12
Each additional process	6.37

Tables 18, 19, 20, 21, 22, 23 and 24

Table 23 Volumetric charge for Commercial Customers

Charging code	Volumetric charge (\$/kL)	Charging code	Volumetric charge (\$/kL)
A	0.00	K	3.54
B	0.00	L	5.91
C	0.02	M	8.27
D	0.05	N	11.81
E	0.11	O	14.18
F	0.35	P	17.74
G	0.59	Q	23.65
H	0.82	R	35.47
I	1.18	S	59.11
J	2.35		

Where the volume of trade wastewater is assessed, a minimum annual charge (all codes) of \$64.22 applies

Table 24 Wastesafe charge for Commercial Customers

Charge	Commencement Date to 30 June 2009 (\$/L)
Wastesafe charge	0.118

Schedule 6 – Ancillary and miscellaneous customer services

1. Application

This schedule sets the maximum prices that the Corporation may charge for services under paragraph (f) of the Order (ancillary and miscellaneous customer services for which no alternative supply exists).

2. Charges for ancillary and miscellaneous services

2.1 The maximum charge that may be levied by the Corporation for an ancillary and miscellaneous service in Table 25 is:

- (a) **from the Commencement Date to 30 June 2009** - the corresponding charge in Table 25;
- (b) **from 1 July 2009 to 30 June 2010** - the corresponding charge in Table 25 multiplied by $(1+\Delta\text{CPI}_1)$;
- (c) **from 1 July 2010 to 30 June 2011** - the corresponding charge in Table 25 multiplied by $(1+\Delta\text{CPI}_2)$; and
- (d) **from 1 July 2011 to 30 June 2012** - the corresponding charge in Table 25 multiplied by $(1+\Delta\text{CPI}_3)$.

2.2 A reference in Table 25 to "NA" means that the Corporation does not provide the relevant service.

Table 25

Table 25

Table 25 Charges for ancillary and miscellaneous services

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2009 (\$)
1	Conveyancing Certificate	
	a) Over the Counter	19.10
	b) Electronic	7.65
2	Property Sewerage Diagram-up to and including A4 size- (where available) (Diagram showing the location of the house-service line, building and sewer for a property)	
	a) Certified	NA
	b) Uncertified	
	i. Over the Counter	22.00
	ii. Electronic	11.00
3	Service Location Diagram (Location of sewer and/or Water Mains in relation to a property's boundaries)	
	a) Over the Counter	22.00
	b) Electronic	11.00
4	Special Meter Reading Statement	28.50
5	Billing Record Search Statement – up to and including 5 years.	36.00
6	Building over or Adjacent to Sewer Advice (Statement of Approval Status for existing Building Over or Adjacent to a Sewer)	32.00
7	Water Reconnection	
	a) During business hours	33.00
	b) Outside business hours (if requested)	146.50
8	Workshop Test of Water Meter (Removal and full mechanical test of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter. This involves dismantling and inspection of meter)	

Table 25

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2009 (\$)
	components)	
	20mm	181.00
	25mm	181.00
	32mm	181.00
	40mm	181.00
	50mm	181.00
	60mm	NA
	80mm	181.00
	100mm	NA
	150mm	NA
	Strip test	
	20mm	NA
	>20mm	NA
9	Water main disconnection	
	a) Application for Disconnection-(all sizes)	79.00
	b) Physical Disconnection	NA
10	Application for Water Service Connection-(up to and including 25mm) (This covers the administration fee only. There will be a separate charge payable to the utility if they also perform the physical connection)	38.00
11	Application for Water Service Connection-(32-65mm) (This covers administration and system capacity analysis as required)	247.00
12	Application for Water Service Connection-(80mm or greater) (This covers administration and system capacity analysis as required)	270.00
13	Application to assess a Water main Adjustment (Moving a fitting and/or adjusting a section of water main up to and including 25 metres in length) This covers preliminary advice as to the feasibility of the project and will result in either:	
	1. A rejection of the project in which cases the fee covers the associated investigation costs	NA
	Or	
	2. Conditional approval in which case the fee covers the administrative costs associated with the investigation and record amendment.	NA

Table 25

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2009 (\$)
14	Standpipe Hire	
	Security Bond (25mm)	NA
	Security Bond (63mm)	NA
15	Standpipe Hire	
	Annual Fee	see meter size price for Metered Non Residential Properties in table 1 of schedule 1
	(20mm)	
	(32mm)	
	(50mm)	
	Quarterly Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
	Monthly Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
	Tri-annual Fee	
	(20mm)	NA
	(32mm)	NA
	(50mm)	NA
16	Standpipe Water Usage Fee	see water usage price in table 2 of schedule 1
17	Backflow Prevention Device Application and Registration Fee (This fee is for initial registration of the backflow device)	NA
18	Backflow Prevention Application Device Annual Administration Fee (This fee is for the maintenance of records including logging of inspection reports)	NA
19	Major Works Inspections Fee. (This fee is for the inspection, for the purposes of approval of water and sewer mains, constructed by others, that are longer than 25 metres and/or greater than 2 metres in depth)	

Table 25

No.	Ancillary and miscellaneous services	Charges from Commencement Date to 30 June 2009 (\$)	
		Fixed charges (\$)	Hourly charges (\$)
	Water Mains (\$ per Metre)		NA
	Gravity Sewer Mains (\$per Metre)		NA
	Rising Sewer Mains (\$per Metre)		NA
	Reinspection		
20	Statement of Available Pressure and Flow		175.00
No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2009	
		Fixed charges (\$)	Hourly charges (\$)
21	Diagram Discrepancy – known as HS85 Application for Sydney Water to undertake a Property Sewerage Diagram estimation for a property where no diagram currently exists	142.00	NA
22	Request for Asset Construction Details Detailed map of Sydney Water assets indicating water, sewer and drainage.	76.50	NA
23	Sydney Water Supply System Diagram Large Hydra Plan showing water, sewer and drainage assets, covering a large area in a single plot.	33.00	115.00 plus 1.10 per lot for water, 1.37 for water and sewerage.
24	Building Plan Approval Approval of building/development plans certifying that the proposed construction does not adversely impact on Sydney Water's assets.	25.00	NA
25	Water main Adjustment Application Application for Sydney Water to investigate the feasibility of relocating or adjusting an existing water main.	170.00	NA
26	Water main Fitting Adjustment Application Application for an Accredited Supplier to lower or raise an existing water main fitting.	111.50	NA
27	Pump Application – Water Application for approval of an installation of a pump on the domestic or fire service, serving a property.	143.00	NA

Table 25

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2009	
		Fixed charges (\$)	Hourly charges (\$)
28	Extended Private Service Application Application for Sydney Water to investigate the feasibility of permitting an extended private water service to provide a point of connection.	110.00	NA
29	Sewer Junction Connection Application Application for an Accredited Supplier to insert a junction into Sydney Water's sewer line.	132.00	NA
30	Sewer Sideline Connection Application Application for an Accredited Supplier to extend a junction to provide a suitable point of connection.	132.00	NA
31	Sewer main Adjustment Application Application for Sydney Water to investigate the feasibility of relocating or adjusting a sewer main.	170.00	NA
32	Vent Shaft Adjustment Application Application for Sydney Water to investigate the feasibility of relocating or disusing a sewer vent shaft and an Accredited Supplier to undertake the work.	233.00	NA
33	Disuse of Sewer Application Application for a Sydney Water to investigate the feasibility to disuse an existing Sydney Water sewer.	146.00	NA
34(a)	Plumbing and Drainage Inspection Application Application for Sydney Water to inspect any new sewer or drainage connections. This includes the drawing up of property sewerage diagrams on completion.	64.50	NA
34(b)	Plumbing and Drainage Inspection Fee Fee per inspection for Sydney Water to inspect any new sewer or drainage connections. NB: Application fee also applies.	79.00	NA
34(c)	Plumbing and Drainage Re-inspection Fee Fee per re-inspection for Sydney Water to inspect any sewer or drainage connections. NB: Application fee does not apply.	79.00	NA
35	Connection to Stormwater Channel Approval Application	279.00	NA

Table 25

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2009	
		Fixed charges (\$)	Hourly charges (\$)
	Application for approval to connect to Sydney Water's stormwater channel greater than 300mm.		
36	Inspection of Break In Stormwater Channel Application Application for an inspection of a connection to Sydney Water's stormwater channel greater than 300mm	223.00	NA
37	Inspection of Drainage Lines Application Application for an inspection of drainage lines from stormwater connection to silt arrestor and updating of records.	122.00	NA
38	Review of Hydraulic Plans Application for Sydney Water to examine hydraulic drawings to determine if internal drainage meets plumbing regulations. Water and fire hydraulics to be submitted and examined individually.	47.00	115.00
39(a)	Subdivider/Developer Compliance Certificate (also known as a Section 73) Application for a subdivider/developer compliance certificate stating whether a proposed development complies with Section 73 of the Sydney Water Act (1994). In addition, developer charges and various requirements may apply.	355.00	NA
39(b)	Feasibility application Lodgement of an application for an indication of potential servicing requirements. This also includes an indication on developer charges for a development proposal. Formerly included in subdivider development application.	355.00	NA
39(c)	Road Closure Application Lodgement of an application for a permanent road closure. Formerly included in subdivider development application	215.00	NA
40	Developer Investigation Fee Investigation of expanding reticulation systems to cater for developments requirements and to safeguard Sydney Water's assets.	see service 39	115.00
41	Design and Construct Contract Administration Performance of various activities to ensure the quality of the work under contract during the development and	NA	115.00

Table 25

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2009	
		Fixed charges (\$)	Hourly charges (\$)
	to safeguard Sydney Water's assets.		
42	Minor Extension Approval Application (changed name to Water and Sewer Extension Application) Application for approval to undertake a minor extension of an existing service or for expanding reticulation systems for a development.	197.00	NA
43	Hydrant Resealing Charge levied on the property owner to reseal a fire hydrant to prevent illegal use of unmetered water.	18.50	NA
44	Dishonoured or Declined Payment Fee Fee for dishonoured reversal/payment processing where a financial institute declined a payment to Sydney Water.	20.00	NA
45(a)	Cancellation of Plumbers Permit Application for Sydney Water to cancel a plumber's permit where both parties sign the application	NA	NA
45(b)	Cancellation of Plumbers Permit Application for Sydney Water to cancel a plumber's permit where only one signatory is received.	57.00	NA
46	Plumbing and Drainage Quality Assurance Application New charge which is expected to be utilised when Sydney Water's Quality Assurance audit role becomes effective. With Sydney Water's Plumbing and Drainage inspectors moving towards a Quality Assurance role.	164.00	NA
47	Hourly Rate – Technical Services Hourly rate for provision of expertise and technical services	NA	115.00
48(a)	Trade waste miscellaneous charges Industrial and commercial trade waste inspections		
	- with one Sydney Water representative	NA	65.50
	- with two Sydney Water representative	NA	131.00
	Minimum increment	33.00	NA
48(b)	Trade waste application fees for industrial customers only		
	-Standard	262.00	NA

Table 25

No.	Ancillary and miscellaneous services	Commencement Date to 30 June 2009	
		Fixed charges (\$)	Hourly charges (\$)
	- Non Standard – where an assessment of pollutants is not covered in the Corporation's Trade Waste Policy, that assessment will be charged at the standard hourly rate plus analytical costs incurred by the Corporation in assessing the wastewater to be discharged, up to a maximum of \$20,000	NA	118.00
	- Variation	315.00	NA
48(c)	Product authorisation / assessment Applicable to commercial customers only		
	- Application fee	236.00	NA
	- Assessment fee	NA	115.00
48(d)	Sale of trade waste data	NA	115.00
49	Alternative Water Inspection Fee Alternative Water Inspection application for Sydney Water to review the proposed connection to an alternative water source i.e. bore water, grey water. This includes updating the sewerage service diagram on completion.	230.00	NA
50	Hourly Rate – Civil Maintenance	NA	82.00

Schedule 7 – Minor Service Extensions

1. Application

This schedule sets the maximum prices that the Corporation may charge for certain services under paragraph (a) of the Order (water supply services) and paragraph (b) of the Order (sewerage services).

2. Prices for minor service extensions

- 2.1 The maximum price that the Corporation may charge for the provision of water and sewerage services that constitute a Minor Service Extension is the price calculated under clause 3 of this schedule.
- 2.2 The price calculated under clause 3 of this schedule may only be levied by the Corporation on a Property after the Application Date corresponding to that Property.

3. Calculating the price

- 3.1 The maximum price for the services described in clause 2.1 of this schedule, when the Connection Date is the same as the Availability Date, is the price determined by the following formula:

$$P0 = \left[\frac{PV(K) - PV(R - C)}{PV(S)} \right]$$

- 3.2 The maximum price for the services described in clause 2.1, when the Connection Date is within the Year following the Availability Date, is the price determined by the following formula:

$$P1 = P0 \times (\theta CPI_B)$$

- 3.3 The maximum price for the services described in clause 2.1 of this schedule, when clauses 3.1 and 3.2 of this schedule do not apply, is the price determined by the following formula:

$$Pt = P0 \times [(\theta CPI_A) \times \dots \times (\theta CPI_B)]$$

3.4 In clauses 3.1, 3.2 and 3.3 of this schedule:

P0 is the price per Equivalent Tenement that the Corporation may levy under clause 2.2 of this schedule calculated on the Availability Date.

P1 is the price per Equivalent Tenement that the Corporation may levy under clause 2.2 of this schedule when the Connection Date is within the Year following the Availability Date.

Pt is the price per Equivalent Tenement that the Corporation may levy under clause 2.2 of this schedule when clauses 3.1 and 3.2 of this schedule do not apply.

PV means:

- (a) when applied to *K* or (*R-C*), the present value of *K* or (*R-C*) (as the case may be), applying a discount rate of 7 per cent;
- (b) when applied to *S*, the present value of *S* (over the same period as that used to calculate *R*), applying a discount rate of 7 per cent.

K is the total capital cost of the Minor Service Extension to which this schedule applies.

R is the estimated future revenue to be derived in a given Year from the provision of a Minor Service Extension to the owners of the Properties capable of being connected to the Water Supply System or Sewerage System, following a Minor Service Extension.

C is the estimated future operating, maintenance and administration costs expected to be spent on customers serviced by the Minor Service Extension.

S is so much of Equivalent Tenement that the Corporation estimates is attributable to connections in each of the Years, following a Minor Service Extension.

Equivalent Tenement means a measure of the demand (as determined by the Corporation) that will be placed on its Water Supply System or Sewerage System by a Property being connected to those systems following a Minor Service Extension expressed as a unit of the additional demand placed on those systems above the demand placed by an average Residential Property (where 'average Residential Property' is determined by the Corporation from time to time).

Year means a period of twelve months commencing 1 July and ending on 30 June in the ensuing calendar year.

θCPI_A is:

- (a) the sum of the CPIs for each of the four quarters in the Year immediately following the Availability Date

divided by

- (b) the sum of the CPIs for each of the four quarters in the Year of the Availability Date.

θCPI_B is:

- (a) the sum of the CPIs for each of the four quarters in the Year immediately preceding the Connection Date

divided by

- (b) the sum of the CPIs for each of the four quarters in the Year immediately preceding the earliest quarter in paragraph (a).

"..." denotes:

- (a) the number of Years between the Year following the Availability Date and the Connection Date; and
- (b) that in each of the Years in paragraph (a) there is to be applied an index which is:

- (i) the sum of the CPIs for each of the four quarters of that Year;

divided by

- (ii) the sum of the CPIs for each of the four quarters of the Year immediately preceding the Year in paragraph (i).

- 3.5 For example, if the proposed Availability Date for a Property is January 2008, and the Connection Date for that Property is May 2012, the charge under clause 2.2 of this schedule is calculated by applying the formula in clause 3.3 of this schedule as follows:

$$P_{example} = \text{Connection price}_{2008} \times (\theta CPI_{2009}) \times (\theta CPI_{2010}) \times (\theta CPI_{2011})$$

Where:

$P_{example}$ means the price that may be levied by the Corporation in this example,

$\text{Connection price}_{2008}$ means the price for connection at the Availability

Date, which is the amount derived from $\left[\frac{PV(K) - PV(R - C)}{PV(S)} \right]$

$$\theta\text{CPI}_{2009} = \left(\frac{\text{CPI}_{\text{Sept}2008} + \text{CPI}_{\text{Dec}2008} + \text{CPI}_{\text{Mar}2009} + \text{CPI}_{\text{Jun}2009}}{\text{CPI}_{\text{Sept}2007} + \text{CPI}_{\text{Dec}2007} + \text{CPI}_{\text{Mar}2008} + \text{CPI}_{\text{Jun}2008}} \right)$$

$$\theta\text{CPI}_{2010} = \left(\frac{\text{CPI}_{\text{Sept}2009} + \text{CPI}_{\text{Dec}2009} + \text{CPI}_{\text{Mar}2010} + \text{CPI}_{\text{Jun}2010}}{\text{CPI}_{\text{Sept}2008} + \text{CPI}_{\text{Dec}2008} + \text{CPI}_{\text{Mar}2009} + \text{CPI}_{\text{Jun}2009}} \right)$$

$$\theta\text{CPI}_{2011} = \left(\frac{\text{CPI}_{\text{Sept}2010} + \text{CPI}_{\text{Dec}2010} + \text{CPI}_{\text{Mar}2011} + \text{CPI}_{\text{Jun}2011}}{\text{CPI}_{\text{Sept}2009} + \text{CPI}_{\text{Dec}2009} + \text{CPI}_{\text{Mar}2010} + \text{CPI}_{\text{Jun}2010}} \right)$$

Assume in this example PV(S) is calculated in the following way:

The Corporation estimates that the total Equivalent Tenements for the minor service extension is 20. S is so much of the 20 Equivalent Tenements that the Corporation estimates is attributable to connections in each of the following Years.

If 10 Equivalent Tenements were expected to connect to the system in the first Year it became available, 4 in the next and the remaining 6 in the third, then applying a discount rate of 7 per cent:

$$PV(S) = 10 + \frac{4}{1.07} + \frac{6}{1.07^2} \approx 18.99$$

Schedule 8 – Definitions and Interpretations

1. Definitions

1.1 General definitions

Application Date is the date on which a person applies in writing to the Corporation for a Minor Service Extension.

Availability Date is the date on which a Property is capable of being connected to the Water Supply System and/or Sewerage System, following a Minor Service Extension, irrespective of whether the Property is connected on that date.

Billing Cycle means each quarter during a Period.

Blue Mountains Septic Service means the service provided by the Corporation, of pumping out effluent from Properties with septic tanks, within the Blue Mountains City Council Area.

Commencement Date means the Commencement Date defined in clause 2 of section 2 (Application of this determination) of this determination.

Commercial Customer has the meaning given to that term in the Trade Waste Policy.

Common Water Meter means a Meter which is connected or available for connection to Multi Premises, where the Meter measures the water usage to that Multi Premises but not to each relevant Property located on or within that Multi Premises.

Community Development Lot has the meaning given to that term under the *Community Land Development Act 1989*.

Community Parcel has the meaning given to that term under the *Community Land Development Act 1989*.

Company Title Building means a building owned by a company where the issued shares of the company entitle the legal owner to exclusive occupation of a specified Company Title Dwelling within that building.

Company Title Dwelling means a dwelling within a Company Title Building.

Connection Date means the date on which a Property is connected to the Water Supply System and/or Sewerage System, following a Minor Service Extension.

Corporation means the Corporation as defined in clause 2 of section 1 (Background) of this determination, constituted under the Sydney Water Act 1994.

Determination No 5, 2005 means IPART's Determination No 5, 2005 entitled 'Sydney Water Corporation'.

Determination No 9, 2006 means IPART's Determination No 9, 2006 entitled 'Rouse Hill Recycled Water Charges'.

Discharge Allowance means 1.37kL per day multiplied by the number of days in the relevant Meter Reading Period.

DF% or **Discharge Factor** means the ratio, expressed as a percentage, of the amount of waste water the Corporation determines is discharged from a Property into the Sewerage System, to the water, determined by a Meter, entering that Property.

Exempt Land means land described in part 1, schedule 2 of the *Sydney Water Act, 1994*.

Filtered Water means water that has been treated at a water filtration plant.

GST means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act, 1999*.

Industrial Customer has the meaning given to that term in the Trade Waste Policy.

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

kL means kilolitre or one thousand litres.

Local Government Act means the *Local Government Act 1993 (NSW)*.

Meter means an apparatus for the measurement of water.

Metered Non Residential Property means a Non Residential Property that is serviced by a Meter.

Metered Property means a Metered Residential Property or a Metered Non Residential Property.

Meter Reading Period means a period equal to the number of days between:

- (a) the date on which the Meter was last read (or taken to have been read by the Corporation); and
- (b) the date on which the Meter was read (or taken to have been read by the Corporation) immediately preceding the date in paragraph (a).

Metered Residential Property means a Residential Property that is serviced by a Meter.

Metered Standpipe means a metered device for connecting to the Water Supply System to enable water to be extracted.

Minor Service Extension means a service provided by the Corporation to extend the Sewerage System and/or the Water Supply System to Properties which are not connected to the Sewerage System and the Water Supply System and where the owners of those Properties (which are capable of being connected) request to be connected to the Sewerage System and/or the Water Supply System.

Monopoly Services means the Monopoly Services defined in clause 2 of section 1 (Background) of this determination.

Multi Premises means a premises where there are two or more Properties, excluding premises where there are hotels, motels, guest houses or backpacker hostels (each as defined in the Local Government Act) located on it.

Non Residential Property means a Property that is not a Residential Property or Vacant Land.

Order means the Order defined in clause 1(b) of section 1 (Background) of this determination and published in Government Gazette No. 18, on 14 February 1997.

Operating Licence means the Corporation's operating licence in force under part 5 of the *Sydney Water Act, 1994*.

Owners Corporation has the meaning given to that term under the *Strata Schemes Management Act 1996*.

Period means the Commencement Date to 30 June 2009, 1 July 2009 to 30 June 2010, 1 July 2010 to 30 June 2011 or 1 July 2011 to 30 June 2012 (as the case may be).

Property includes:

- (a) a Strata Title Lot;
- (b) a Company Title Dwelling;
- (c) a Community Development Lot;

- (d) a building or part of a building occupied or available for occupation;
or
- (e) land.

Rateable Land has the meaning given to that term under the Local Government Act.

Recycled Water means water that has been treated to enable its use for certain industrial, commercial, and/or household applications, but does not or is not intended to meet the standards for drinking water required by the National Health and Medical Research Council's Australian Drinking Water Guidelines.

Residential Property means a Property where:

- (a) in the case of that Property being Rateable Land, that Property is categorised as residential under section 516 of the Local Government Act; or
- (b) in the case of that Property not being Rateable Land, the dominant use of that Property is residential, applying the classifications in section 516 of the Local Government Act.

Rouse Hill Development Area means that area in the map bounded by the broken line in Attachment A excluding that area described as "Kellyville existing residential area" and the "cemetery".

SCA means the Sydney Catchment Authority.

Sewerage System means the sewerage system of the Corporation.

Stormwater Drainage Area has the meaning given to that term under the *Sydney Water Act 1994*.

Strata Title Building means a building that is subject to a strata scheme under the *Strata Schemes (Freehold Development) Act 1973*.

Strata Title Lot means a lot as defined under the *Strata Schemes (Freehold Development) Act 1973*.

Tier 1 Water Consumption means 1.096kL per day multiplied by the number of days in the relevant Meter Reading Period.

Trade Waste Policy means the Corporation's *Trade Waste Policy (2007)* as amended from time to time.

Unfiltered Water means water that has been chemically treated but not treated at a water filtration plant.

Unmetered Non Residential Property means a Non Residential Property that is not serviced by a Meter.

Unmetered Property means an Unmetered Residential Property or an Unmetered Non Residential Property.

Unmetered Residential Property means a Residential Property that is not serviced by a Meter

Vacant Land means land with no capital improvements and no connection to the Water Supply System.

Water Supply System means the water supply system of the Corporation.

1.2 Consumer Price Index

- (a) CPI means the consumer price index All Groups index number for the weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by IPART

$$(b) \Delta CPI_1 = \left(\frac{CPI_{Jun2008} + CPI_{Sep2008} + CPI_{Dec2008} + CPI_{Mar2009}}{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}} \right) - 1$$

$$\Delta CPI_2 = \left(\frac{CPI_{Jun2009} + CPI_{Sep2009} + CPI_{Dec2009} + CPI_{Mar2010}}{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}} \right) - 1$$

$$\Delta CPI_3 = \left(\frac{CPI_{Jun2010} + CPI_{Sep2010} + CPI_{Dec2010} + CPI_{Mar2011}}{CPI_{Jun2007} + CPI_{Sep2007} + CPI_{Dec2007} + CPI_{Mar2008}} \right) - 1$$

each as calculated by IPART and notified in writing by IPART to the Corporation.

- (c) The subtext (for example $CPI_{Jun, year\ n}$) when used in relation to paragraph (b) above means the CPI for the June quarter and year in which the calculation was made and (for example, $CPI_{Jun\ year\ n-1}$) means the CPI for the June quarter in the year immediately preceding June, year_n.

1.3 Adjustment to service charges to reflect changes in the price of water supplied by the Sydney Catchment Authority to the Corporation

$\Delta P'_{SCA}$ = the corresponding formula below for the relevant period, such that:

Schedule 8 – Definitions and Interpretations

- (a) for the period 1 July 2009 to 30 June 2010, $\Delta P_{SCA}^t = \Delta P_{SCA}^{2009/10}$;
- (b) for the period 1 July 2010 to 30 June 2011, $\Delta P_{SCA}^t = \Delta P_{SCA}^{2010/11}$; and
- (c) for the period 1 July 2011 to 30 June 2012, $\Delta P_{SCA}^t = \Delta P_{SCA}^{2011/12}$.

$$\Delta P_{SCA}^{2009/10} = \left(\frac{(P_{vSCA(2009/10)} \times ML_{a(2009/10)} + P_{fSCA(2009/10)}) - (P_{vSCA(2008/09)} \times ML_{d(2009/10)} + P_{fSCA(2008/09)})}{20mmEq_{(2009/10)}} \right) \times \left(\frac{A^2}{400} \right)$$

$$\Delta P_{SCA}^{2010/11} = \left(\frac{(P_{vSCA(2010/11)} \times ML_{b(2010/11)} + P_{fSCA(2010/11)}) - (P_{vSCA(2008/09)} \times ML_{e(2010/11)} + P_{fSCA(2008/09)})}{20mmEq_{(2010/11)}} \right) \times \left(\frac{A^2}{400} \right)$$

$$\Delta P_{SCA}^{2011/12} = \left(\frac{(P_{vSCA(2011/12)} \times ML_{c(2011/12)} + P_{fSCA(2011/12)}) - (P_{vSCA(2008/09)} \times ML_{f(2011/12)} + P_{fSCA(2008/09)})}{20mmEq_{(2011/12)}} \right) \times \left(\frac{A^2}{400} \right)$$

Where

P_{vSCA} = the volumetric charge (per megalitre) which IPART determines that the SCA may charge the Corporation in the relevant period.¹

P_{fSCA} = the fixed charge which IPART determines that the SCA may charge the Corporation in the relevant period.²

ML_a , ML_b and ML_c = IPART's estimate of the number of megalitres of water that the Corporation will purchase from the SCA in the relevant period. These are the following amounts:³

¹ IPART determined the volumetric charge for the SCA for the period from 1 July 2008 to 30 June 2009 in Determination No. 7 of 2005. IPART should issue a new determination in 2009 with values for the remaining periods from 1 July 2009 to 30 June 2012.

² IPART determined the fixed charge for the SCA for the period from 1 July 2008 to 30 June 2009 in Determination No. 7 of 2005. IPART should issue a new determination in 2009 with values for the remaining periods from 1 July 2009 to 30 June 2012.

$ML_{a(2009/10)}$ = IPART's estimate of the number of megalitres of water that the Corporation will purchase from the SCA for the period 1 July 2009 to 30 June 2010 (to be determined by IPART and notified in writing by IPART to the Corporation)

$ML_{b(2010/11)}$ = IPART's estimate of the number of megalitres of water that the Corporation will purchase from the SCA for the period 1 July 2010 to 30 June 2011 (to be determined by IPART and notified in writing by IPART to the Corporation)

$ML_{c(2011/12)}$ = IPART's estimate of the number of megalitres of water that the Corporation will purchase from the SCA for the period 1 July 2011 to 30 June 2012 (to be determined by IPART and notified in writing by IPART to the Corporation)

ML_d , ML_e and ML_f = As at the date of this determination, IPART's current estimate of the number of megalitres of water that the Corporation will purchase from the SCA in the relevant period. These have been determined as the following amounts:

$$ML_{d(2009/10)} = 514,414$$

$$ML_{e(2010/11)} = 452,832$$

$$ML_{f(2011/12)} = 443,215$$

$20mmEq$ = IPART's estimate of the number of 20mm equivalent water meters in the relevant period. These have been determined as the following amounts:

$$20mmEq_{(2009/10)} = 1,631,715$$

$$20mmEq_{(2010/11)} = 1,653,011$$

$$20mmEq_{(2011/12)} = 1,674,264$$

A = the size of the water connection to the property in millimetres.

³ IPART estimated the number of megalitres of water that the Corporation will purchase from the SCA for the period from 1 July 2008 to 30 June 2009 for its Report Nos. 5, 6 and 7, 2005 entitled *Sydney Water Corporation, Hunter Water Corporation, Sydney Catchment Authority – Prices of Water Supply, Wastewater and Stormwater Services*. IPART should issue a new report in relation to the SCA in 2009 with estimates for the remaining periods from 1 July 2009 to 30 June 2012.

1.4 A worked example of the adjustment to service charges to reflect changes in the price of water supplied by the Sydney Catchment Authority to the Corporation

Assume for the purpose of this worked example only that:

- (a) the volumetric charge (per megalitre) which IPART determines that the SCA may charge the Corporation for the period 1 July 2011 to 30 June 2012 is \$300/ML;
- (b) the volumetric charge (per megalitre) which IPART determines that the SCA may charge the Corporation for the period 1 July 2008 to 30 June 2009 is \$210/ML;
- (c) the fixed charge which IPART determines that the SCA may charge the Corporation for the period 1 July 2011 to 30 June 2012 in 2011/12 is \$62m;
- (d) the fixed charge which IPART determines that the SCA may charge the Corporation for the period 1 July 2008 to 30 June 2009 is \$54m;
- (e) IPART's current estimate (as at the date of this determination) of the number of megalitres of water that the Corporation will purchase from the SCA for the period 1 July 2011 to 30 June 2012 is 443,215 ML;
- (f) IPART's estimate (as determined by IPART and notified by IPART to the Corporation) of the number of megalitres of water that the Corporation will purchase from the SCA for the period 1 July 2011 to 30 June 2012 is 450,000 ML;
- (g) IPART's estimate of the number of 20mm equivalent water meters for the period 1 July 2011 to 30 June 2012 is 1,674,264; and
- (h) the property has a 30mm connection.

Then

$$\Delta P_{SCA}^{2011/12} = \left(\frac{(P_{vSCA(2011/12)} \times ML_{c(2011/12)} + P_{fSCA(2011/12)}) - (P_{vSCA(2008/09)} \times ML_{f(2011/12)} + P_{fSCA(2008/09)})}{20mmEq_{(2011/12)}} \right) \times \left(\frac{A^2}{400} \right)$$

and

$$\Delta P_{SCA}^{2011/12} = \left(\frac{(300 \times 450,000 + 62m) - (210 \times 443,215 + 54m)}{1,674,264} \right) \times \left(\frac{30^2}{400} \right)$$

therefore

$$\Delta P_{SCA}^{2011/12} = \$67.09$$

2. Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute;
- (e) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation), replacements and assigns;
- (f) a reference to an officer includes a reference to the officer which replaces it or which substantially succeeds to its powers or functions;
- (g) a reference to a body, whether statutory or not:
 - (i) which ceases to exist; or
 - (ii) whose powers or functions are transferred to another body,is a reference to the body which replaces it or which substantially succeeds to its powers or functions;
- (h) a reference to a "quarter" is a reference to a consecutive period of three months ending on 31 March, 30 June, 30 September or 31 December, as the case may be;
- (i) where a Period consists of less than four quarters, that Period is deemed to have four quarters for the purposes of calculating prices in this determination.

2.2 Explanatory notes, examples and clarification notice

- (a) Explanatory notes and examples do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error in or to clarify any part of this

determination as if that clarification notice formed part of this determination.

2.3 Prices exclusive of GST

Prices or charges specified in this determination do not include GST.

2.4 Billing

- (a) For the avoidance of doubt nothing in this determination affects when the Corporation may issue a bill to a customer for prices or charges under this determination.
- (b) If a Meter Reading Period commences before the Commencement Date and ends after the Commencement Date, the water usage charge or sewerage usage charge applying to the whole of that Meter Reading Period is the charge calculated under Determination No 5 of 2005 or Determination No 9 of 2006, prior to that determination being replaced by this determination.
- (c) Subject to clause 2.4(b) above, if a Meter Reading Period traverses more than one Period, the Corporation must levy any charge applying in this determination on a pro-rata basis.

2.5 Apparatus for checking quantity of water used

For the purposes of this determination, where an apparatus is used by the Corporation to check on the quantity of water used recorded by a Meter, that apparatus will not fall within the definition of a 'Meter'.

Schedule 9 – Statement of reasons why the Tribunal has chosen to set a methodology for fixing a maximum price

Schedule 9 – Statement of reasons why the Tribunal has chosen to set a methodology for fixing a maximum price

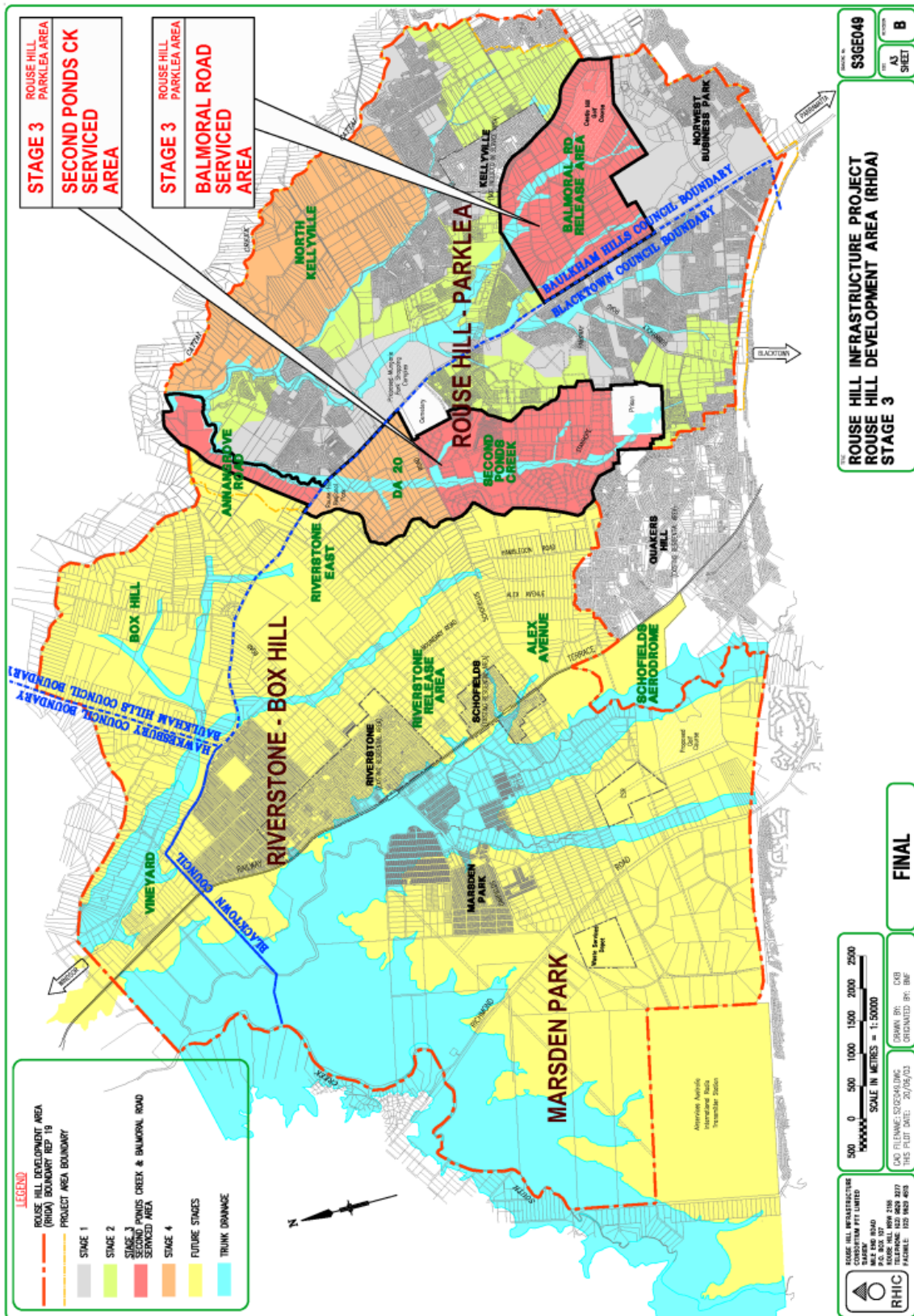
Under section 13A of the IPART Act, the Tribunal may set maximum prices or may determine a methodology for setting maximum prices.

In this determination, the Tribunal has employed a methodology for fixing the maximum prices that the Corporation may charge as service charges for water supply services in Schedule 1. The methodology allows an adjustment to service charges to reflect changes to the price the Corporation pays to the Sydney Catchment Authority (**SCA**) for water.

The current determination in respect of the prices charged by SCA (Determination 7 of 2005 entitled “Sydney Catchment Authority”) expires on 30 June 2009. The Tribunal will issue a new determination in respect of the price charged by the Sydney Catchment Authority to take effect from 1 July 2009 (**2009 SCA Determination**). Until the 2009 SCA Determination is issued, prices for water supplied to the Corporation by SCA are only known for the period ending on 30 June 2009. The methodology adopted by the Tribunal in Schedule 1 of the present determination permits an adjustment of water prices to reflect changes to the price of water supplied by SCA under the 2009 SCA Determination.

The Tribunal has adopted this approach to ensure that the prices charged to consumers by the Corporation reflect the actual price that it pays SCA for water.

Attachment A Rouse Hill Development Area



PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

COFFS HARBOUR CITY COUNCIL

Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named roads as follows:

<i>Location</i>	<i>New Name</i>
New road off Lyons Road, Bonville.	Farrell Close, extension of Rutland Street.

STEPHEN SAWTELL, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450.

[3970]

EUROBODALLA SHIRE COUNCIL

Roads Act, 1993

Revocation of Road Widening Order

NOTICE is hereby given that Eurobodalla Shire Council in pursuance of section 27(b) of the Roads Act 1993 and with consent of the Minister for Local Government revokes the Road Widening Order that appeared in *New South Wales Government Gazette* No. 56 on 14 March 1952, over land adjoining the Princes Highway at Bodalla. J. F. LEVY, General Manager, Eurobodalla Shire Council, PO Box 99, Moruya NSW 2537.

[3971]

LAKE MACQUARIE CITY COUNCIL

Renaming of Roads

NOTICE is given by Council in pursuance of section 162.1 of the Roads Act 1993, as amended, Council has renamed the following roads:

<i>Location/Description</i>	<i>New Road Names</i>
Renaming of road commonly known as Off Mount Nellinda Road, commencing at the eastern most corner of Lot 2, DP 837616 through to the western boundary of the road on the southern side of Lot 2051 DP 787718.	Valley Crest Road, Cooranbong.

Renaming of Maclayski Drive.	Grand Valley Way, Rankin Park.
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No objections to the proposed names were received within the advertising period. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906 Hunter Region Main Centre NSW 2310.

[3973]

PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993 – Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Port Macquarie-Hastings Council in pursuance of section 10(1) of the Roads Act 1993, dedicates the land as described in the Schedule below as public road. DAVID MEAD, General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lot 101, Deposited Plan 1048116, Parish Korie, County Macquarie, being land at the intersection of Beechwood and High Streets, Wauchope. [3974]

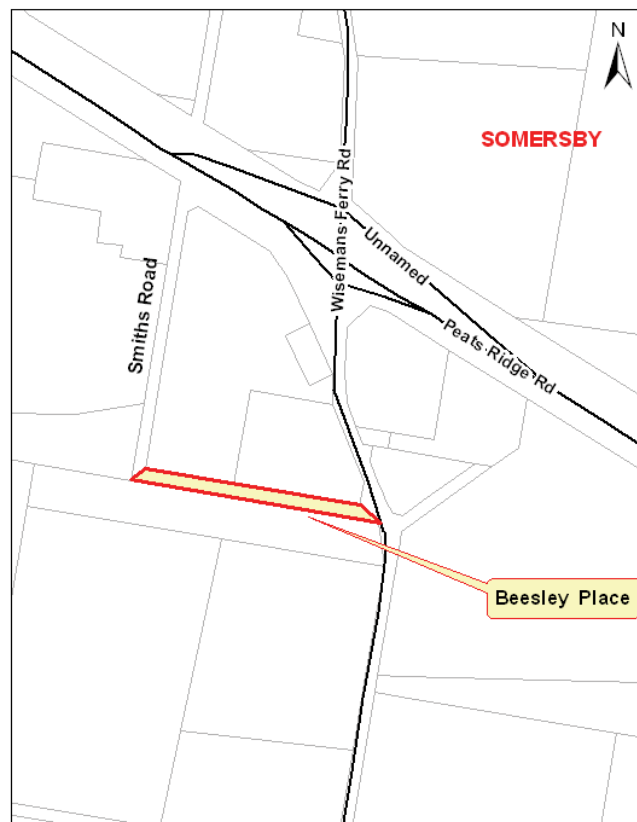
GOSFORD CITY COUNCIL

Roads Act 1993

Renaming section of public road Smiths Road to Beesley Place

NOTICE is hereby Given that Council has named public road in Somersby, Beesley Place. Authorised by Council Resolution on 25 July 2006. P. WILSON, General Manager, Gosford City Council, PO Box 21, Gosford NSW 2250.

New Road Name in Somersby Beesley Place



[3972]

RIVERINA WATER COUNTY COUNCIL

Local Government Act 1993, Section 553

Extension of Watermains

NOTICE is hereby given pursuant to section 553 of the Local Government Act 1993, that Riverina Water County Council's water mains have been extended to service the lands described hereunder:

Wagga Wagga

Redbank Road, Stage 2 – Olearia Street: from Gregadoo Road, south for a distance of 694 metres.

Drawing No.: 1-3113-2.

Mar 2008.

Wells Street, North Wagga – From corner of Henry Street, north for a distance of 90 metres.

Drawing No.: 1-3122.
Jan 2008.

Osterley Street – Osterley Street: from hydrant in front of Lot 18, southwest for a distance of 244 metres. Larra Street: from Osterley St, east for a distance of 77 metres.

Drawing No.: 1-2876.
Jan 2008.

Malaleuca Drive – From hydrant in front of Lot No. 9, south for a distance of 165 metres. Hazelwood Drive: from Malaleuca Drive, east for a distance of 252 metres. Quandong Place: from Hazelwood Street, north for a distance of 74 metres, then east for 207 metres, then south for 110 metres.

Drawing No.: 1-2715.
Jan 2008.

Butterbush Subdivision – Butterbush Road: from stop valve in front of Lot 3, east for a distance of 640 metres.

Drawing No.: 1-2985.
Feb 2008.

Lloyd, Stage 4 – Deakin Avenue: from hydrant in front of Lot 410, west for a distance of 291 metres. Florey Street: from Deakin Street, south for a distance of 73 metres. Greenway Street: from Deakin Street, south for a distance of 73 metres. Bonner Street: from Deakin Street, south for a distance of 53 metres. Hudson Drive: from Deakin Street, north for a distance of 138 metres. Unnamed street: from Hudson Street west for a distance of 65 metres.

Drawing No.: 1-3044.
Mar 2008.

Rural

Keightley Street, Henty – From Comer Street, west for a distance of 33 metres.

Drawing No.: 3-1358.
Jan 2008.

Walbundrie Road, Walla Walla – From existing main in China Town Lane, west for a distance of 345 metres, then northwest for 92 metres, then southwest for 233 metres. Walbundrie Road: northwest for a distance of 530 metres.

Drawing No.: 3-1698.
Feb 2008.

Spaul Street, Uranquinty – From hydrant in front of Lot 15, north around cul de sac for a distance of 57 metres.

Drawing No.: 3-232.
Feb 2008.

The owners of all lands within the prescribed distance will be liable for water supply charges as from the expiration of twenty-one (21 days) after the publication of this notice, or the date of connection of the properties to the water main, whichever is the earlier date. G.W. PIEPER, General Manager, Riverina Water County Council, PO Box 456, Wagga Wagga NSW 2650. [3975]

TWEED SHIRE COUNCIL

Roads Act 1993

Notice of Revocation of Road Widening Order

THE Tweed Shire Council declares, with the approval of the Minister for Local Government, that the road widening order described in the Schedule below, is hereby revoked in accordance with the provisions of the Roads Act 1993. Dated at Murwillumbah, 18 June 2008. MIKE RAYNER, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Road Widening Order published in the *New South Wales Government Gazette* No. 48 of 21 March 1975, over private land known as Lot 1 in DP 120220. [3976]

LIVERPOOL PLAINS SHIRE COUNCIL

Local Government Act 1993

Notice of Proposal to Sell Land for Overdue Rates and Charges

NOTICE is hereby given to the persons named hereunder that the Liverpool Plains Shire Council has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder (of which the persons named hereunder appear to be the owners or in which they appear to have an interest) and on which the amount of rates and charges stated in each case as at 28 May 2008, is due:

No.	Owners or persons having interest in land	Description of land Lot, DP, Street etc	Amount of Rates (including extra charges) overdue for more than five (5) years	Amount of all other rates (including extra charges) due and in arrears	TOTAL (Interest calculated to 28th May, 2008)
	A	B	C	D	E
1	Estate V. D. Sampson.	Lot 19, DP 5838, 7 Allen Street, Quirindi, Parish Coeypolly, County Buckland.	2,854.50	6,681.20	9,535.70

No.	<i>Owners or persons having interest in land</i> A	<i>Description of land Lot, DP, Street etc</i> B	<i>Amount of Rates (including extra charges) overdue for more than five (5) years</i> C	<i>Amount of all other rates (including extra charges) due and in arrears</i> D	<i>TOTAL (Interest calculated to 28th May, 2008)</i> E
2	Nungaroo Local Aboriginal Land Council.	Section 1, Lot 5, DP 2868, 10 Fern Street Quirindi, Parish Coeypolly, County Buckland.	1,602.49	5,809.84	7,412.33
3	G. G. Zylmans and Y. Van Der Kooi.	Lot C, DP 152787.	4,351.16	3,494.36	7,845.52

In default of payment to Liverpool Plains Shire Council of the amount stated in Column E above and any other rates (including extra charges) becoming due and payable after publication of this notice or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered for sale by Public Auction by Julie Green Real Estate Pty Ltd Quirindi at the Council Chambers situated at 60 Station Street, Quirindi on Saturday, 20 September, 2008, at 10.00am. Any personal information submitted to Liverpool Plains Shire Council will be dealt with according to the Privacy and Personal Information Protection Act 1998, the Freedom of Information Act 1993 and the Local Government Act 1993. Payments made to Council must be by way of legal tender and made such that the funds are irrevocably cleared to the Liverpool Plains Shire Council by the time and date set for the auction. Dated: 17 June 2008. ROBERT HUNT, General Manager, Liverpool Plains Shire Council, PO Box 152, Quirindi NSW 2343. tel.: (02) 6746 1755 [3977]

ESTATE NOTICES

IN the Supreme Court of New South Wales, Equity Division.—
Notice of intended distribution of estate.—Any person having any claim upon the estate of VALERIE DYCE, late of 11 Hurlingham Avenue, Burradoo, in the State of New South Wales, who died on 22 February 2008, must send particulars of the claim to the executor, c.o. Lobban McNally Lawyers, 65 York Street, Sydney NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 28 May 2008. LOBBAN McNALLY LAWYERS, Level 3, 65 York Street, Sydney NSW 2000, tel.: (02) 9299 8438. [3978]