



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 70
Friday, 8 July 2011

Published under authority by Government Advertising

LEGISLATION

Online notification of the making of statutory instruments

Week beginning 27 June 2011

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

Proclamations commencing Acts

Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13 (2011-311) — published LW 1 July 2011

Destination NSW Act 2011 No 21 (2011-312) — published LW 1 July 2011

Health Services Amendment (Local Health Districts and Boards) Act 2011 No 4 (2011-313) — published LW 1 July 2011

Infrastructure NSW Act 2011 No 23 (2011-314) — published LW 1 July 2011

Lobbying of Government Officials Act 2011 No 5 (2011-337) — published LW 1 July 2011

Regulations and other statutory instruments

Children's Court Amendment (Children's Court Clinic) Regulation 2011 (2011-315) — published LW 1 July 2011

Children's Court Amendment (Children's Court Clinic) Rule 2011 (2011-316) — published LW 1 July 2011

Contract Cleaning Industry (Portable Long Service Leave Scheme) (Levy Determinations) Order 2011 (2011-317) — published LW 1 July 2011

Contract Cleaning Industry (Portable Long Service Leave Scheme) Regulation 2011 (2011-318) — published LW 1 July 2011

Criminal Case Conferencing Trial Amendment (Extension) Regulation 2011 (2011-307) — published LW 30 June 2011

Criminal Procedure Amendment (Briefs of Evidence) Regulation 2011 (2011-308) — published LW 30 June 2011

Driving Instructors Amendment (Fees) Regulation 2011 (2011-319) — published LW 1 July 2011

Electricity Supply (General) Amendment (Solar Bonus Savings) Regulation 2011 (2011-343) — published LW 1 July 2011

Health Services Amendment (First SCHN Board) Regulation 2011 (2011-320) — published LW 1 July 2011

Jury Amendment (Attendance and Refreshment Allowances) Regulation 2011 (2011-338) — published LW 1 July 2011

- Photo Card Amendment (Fee and Penalty Notice Offences) Regulation 2011 (2011-321) — published LW 1 July 2011
- Public Authorities (Financial Arrangements) Amendment (Department of Finance and Services) Regulation 2011 (2011-322) — published LW 1 July 2011
- Public Sector Employment and Management (Miscellaneous) Order 2011 (2011-345) — published LW 1 July 2011
- Road Transport (Driver Licensing) Amendment (Fees) Regulation 2011 (2011-323) — published LW 1 July 2011
- Road Transport (Driver Licensing) Amendment (Release of Photographs to Identity Security Strike Team) Regulation 2011 (2011-324) — published LW 1 July 2011
- Road Transport (Safety and Traffic Management) Amendment (Tow-away Charge) Regulation 2011 (2011-326) — published LW 1 July 2011
- Road Transport (Vehicle Registration) Amendment (Fees and Heavy Vehicle Registration Charges) Regulation 2011 (2011-327) — published LW 1 July 2011
- Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2011 (2011-325) — published LW 1 July 2011
- Roads Amendment (Penalty Notice Offences) Regulation 2011 (2011-328) — published LW 1 July 2011
- Tow Truck Industry Amendment (Maximum Fees) Regulation 2011 (2011-329) — published LW 1 July 2011
- Victims Support and Rehabilitation (Compensation Levy) Notice 2011 (2011-344) — published LW 1 July 2011
- Water Management (General) Amendment (Aquifer Interference) Regulation 2011 (2011-309) — published LW 30 June 2011
- Water Sharing Plan for the Lachlan Regulated River Water Source Amendment Order 2011 (2011-339) — published LW 1 July 2011
- Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order 2011 (2011-340) — published LW 1 July 2011

Environmental Planning Instruments

- Blue Mountains Local Environmental Plan 2005 (Amendment No 21) (2011-330) — published LW 1 July 2011
- Byron Local Environmental Plan 1988 (Amendment No 147) (2011-331) — published LW 1 July 2011
- Dungog Local Environmental Plan 2006 (Amendment No 16) (2011-332) — published LW 1 July 2011
- Muswellbrook Local Environmental Plan 2009 (Amendment No 5) (2011-333) — published LW 1 July 2011
- Parramatta City Centre Local Environmental Plan 2007 (Amendment No 4) (2011-334) — published LW 1 July 2011
- Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 4) (2011-310) — published LW 30 June 2011
- Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011 (2011-335) — published LW 1 July 2011
- Wollongong Local Environmental Plan 2009 (Amendment No 9) (2011-336) — published LW 1 July 2011

Other Legislation



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

Pterostylis ventricosa (D.L. Jones) G.N. Backh.

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

Dated, this 10th day of June 2011.

Dr Richard Major
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

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

* *Pterostylis vernalis* (D.L. Jones) G.N. Backh.

This Notice commences on the day on which it is published in the Gazette.
Dated, this 10th day of June 2011.

Dr Richard Major
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

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



New South Wales

Notice of Determination

under the

Threatened Species Conservation Act 1995

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

- (a) Omit the matter relating to Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions and insert instead:

Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (b) Omit the matter relating to Grey Box—Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion and insert instead:

Grey Box—Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (c) Omit the matter relating to Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions and insert instead:

Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

Notice of Determination

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- (d) Omit the matter relating to Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions and insert instead:

Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (e) Omit the matter relating to Hunter Valley Weeping Myall Woodland of the Sydney Basin Bioregion and insert instead:

* Hunter Valley Weeping Myall Woodland of the Sydney Basin Bioregion (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (f) Omit the matter relating to Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penepplain, Nandewar and Brigalow Belt South Bioregions and insert instead:

Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Penepplain, Nandewar and Brigalow Belt South Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (g) Omit the matter relating to Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penepplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions and insert instead:

Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penepplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (h) Omit the matter relating to Ribbon Gum—Mountain Gum—Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion and insert instead:

Ribbon Gum—Mountain Gum—Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion (as described in the determination of the Scientific Committee under Division 5 of Part 2)

Notice of Determination

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- (i) Omit the matter relating to River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions and insert instead:

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

- (j) Omit the matter relating to Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions and insert instead:

Sandhill Pine Woodland in the Riverina, Murray-Darling Depression and NSW South Western Slopes Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (k) Omit the matter relating to Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion and insert instead:

Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (l) Omit the matter relating to Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions and insert instead:

Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (as described in the determination of the Scientific Committee under Division 5 of Part 2)

- (m) Omit the matter relating to Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions and insert instead:

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

Notice of Determination

This Notice commences on the day on which it is published in the Gazette.
Dated, this 10th day of June 2008.

Dr Richard Major
Chairperson of the Scientific Committee

Copies of determination

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

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

THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions (as described in the final determination to list the ecological community) which was published in the *New South Wales Government Gazette* No. 129 dated 21 October 2005 (pages 8866 and 8920 to 8923) and in the *New South Wales Government Gazette* No. 137 dated 4 November 2005 (pages 9314 to 9317). Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct minor errors or omissions in the Determination in relation to the Thackway and Cresswell (1995) reference and species names.

The Scientific Committee has found that:

1. Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with coastal sand plains of marine or aeolian origin. It occurs on deep, freely draining to damp sandy soils on flat to moderate slopes within a few kilometres of the sea and at altitudes below 100 m. Bangalay Sand Forest is characterised by the assemblage of species listed in paragraph 2 and typically comprises a relatively dense or open tree canopy, an understorey of mesophyllous or sclerophyllous small trees and shrubs, and a variable groundcover dominated by sedges, grasses or ferns.
2. Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions is characterised by the following assemblage of species:

<i>Acacia longifolia</i>	<i>Acacia sophorae</i>
<i>Acmena smithii</i>	<i>Allocasuarina littoralis</i>
<i>Astroloma pinifolium</i>	<i>Banksia integrifolia</i> subsp. <i>integrifolia</i>
<i>Banksia serrata</i>	<i>Billardiera scandens</i>
<i>Breynia oblongifolia</i>	<i>Cassytha pubescens</i>
<i>Carex longebrachiata</i>	<i>Casuarina glauca</i>
<i>Commelina cyanea</i>	<i>Desmodium gunnii</i>
<i>Dianella caerulea</i> var. <i>caerulea</i>	<i>Dianella crinoides</i>
<i>Dichondra repens</i>	<i>Echinopogon ovatus</i>
<i>Entolasia marginata</i>	<i>Eucalyptus botryoides</i>
<i>Eucalyptus pilularis</i>	<i>Geranium potentilloides</i>
<i>Glycine clandestina</i>	<i>Gonocarpus teucrioides</i>
<i>Hardenbergia violacea</i>	<i>Hibbertia scandens</i>
<i>Imperata cylindrica</i> var. <i>major</i>	<i>Isolepis nodosa</i>
<i>Kennedia rubicunda</i>	<i>Lagenifera stipitata</i>
<i>Lepidosperma concavum</i>	<i>Leptospermum laevigatum</i>
<i>Lomandra longifolia</i>	<i>Marsdenia rostrata</i>
<i>Microlaena stipoides</i> var. <i>stipoides</i>	<i>Monotoca elliptica</i>
<i>Notelaea longifolia</i>	<i>Oplismenus imbecillus</i>
<i>Parsonsia straminea</i>	<i>Pittosporum revolutum</i>
<i>Pittosporum undulatum</i>	<i>Pratia purpurascens</i>
<i>Pteridium esculentum</i>	<i>Ricinocarpus pinifolius</i>
<i>Rubus parvifolius</i>	<i>Solanum pungetium</i>
<i>Stephania japonica</i> var. <i>discolor</i>	<i>Stellaria flaccida</i>
<i>Themeda australis</i>	<i>Viola hederacea</i>

3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, land clearing and fire) history. The number and relative abundance of species will change with time since fire, and may also change in response to changes in fire frequency or grazing regime. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is mainly of vascular plant species, however the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

4. Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions typically has a dense to open tree canopy, approximately 5 – 20 m tall, depending on exposure and disturbance history. The most common tree species include *Eucalyptus botryoides* (Bangalay) and *Banksia integrifolia* subsp. *integrifolia* (Coast Banksia), while *Eucalyptus pilularis* (Blackbutt) and *Acmena smithii* (Lilly Pilly) may occur in more sheltered situations, and *Casuarina glauca* (Swamp Oak) may occur on dunes exposed to salt-bearing sea breezes or where Bangalay Sand Forest adjoins Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions, as listed under the Threatened Species Conservation Act 1995. The open shrub stratum may be dominated by sclerophyllous species, such as *Banksia serrata* (Old Man Banksia), *Leptospermum laevigatum* (Coast Teatree) and *Monotoca elliptica*, or mesophyllous, species, such as *Breynia oblongifolia* (Coffee Bush) and *Pittosporum undulatum* (Sweet Pittosporum), or a combination of both. Shrubs may vary in height from one to ten metres tall. The groundcover varies from open to dense, and may be sparse where the tree canopy is dense or where there is a thick litter of leaves and branches. Dominant species include *Dianella* spp. (Blue Flax Lilies), *Lepidosperma concavum*, *Lomandra longifolia* (Spiny-headed Matrush), *Pteridium esculentum* (Bracken), and the grasses *Imperata cylindrica* var. *major* (Blady Grass), *Microlaena stipoides* var. *stipoides* (Weeping Grass) and *Themeda australis* (Kangaroo Grass), while herbs, such as *Desmodium gunnii*, *Dichondra repens* (Kidney Weed), *Pratia purpurascens* (Whiteroot) and *Viola hederacea* (Ivy-leaved Violet), are scattered amongst the larger plants. Vines of *Glycine clandestina*, *Hardenbergia violacea* (False Sarsparilla), *Kennedia rubicunda* (Running Postman), *Marsdenia rostrata* (Common Milk Vine) and *Stephania japonica* var. *discolor* (Snake Vine) scramble through the groundcover and occasionally over shrubs or tree trunks.
5. Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions is currently known from parts of the Local Government Areas of Sutherland, Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995).
6. A number of vegetation surveys and mapping studies have been carried out across the range of Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions. In the Sydney-South Coast region, this community includes 'Ecotonal Coastal Hind Dune Swamp Oak-Bangalay Shrub Forest' (ecosystem 27) excluding those stands that are dominated by *Casuarina glauca* and 'Coastal Sands Shrub/Fern Forest' (ecosystem 28) of Thomas *et al.* (2000); 'Littoral Thicket' (map unit 63) and part of 'Coastal Sand Forest' (map unit 64) of Tindall *et al.* (2004); 'Coastal Sand Bangalay-Blackbutt Forest' (map unit 25) of NPWS (2002); and 'Dry Dune Shrub Forest' of Keith and Bedward (1999). Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions is included within the 'South Coast Sands Dry Sclerophyll Forests' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Bangalay Sand Forest within and beyond these surveyed areas.
7. Near its northern limit in the Bundeena area, Bangalay Sand Forest co-occurs with Kurnell Dune Forest in the Sutherland Shire and City of Rockdale, which is listed as an Endangered Ecological Community in Part 3 of Schedule 1 of the Act. In this area, Bangalay Sand Forest is generally restricted to foredunes and hind dunes of beaches, while Kurnell Dune Forest generally occurs on sheltered sand flats further from the immediate influence of the sea. Characteristic species of Kurnell Dune Forest, such as *Angophora costata*, *Banksia ericifolia*, *Cupaniopsis anacardioides*, *Endiandra sieberi*, *Eucalyptus robusta* and *Maclura cochinchinensis*, are not common components of Bangalay Sand Forest. However, the two communities may intergrade where they co-occur. This Determination and the Determination of Kurnell Dune Forest collectively encompass all intermediate stands of vegetation between the two communities.
8. Another Endangered Ecological Community, Umina Coastal Sandplain Woodland in the Sydney Basin bioregion, occupies a similar sandplain habitat to the north of Sydney. However, this community occupies podsolised sands that are rich in iron (Burges & Drover 1952), as distinct from the humic podsols that characterise Bangalay Sand Forest, and is dominated by *Angophora floribunda* with *E. paniculata*, while *E. botryoides* predominates only in the vicinity of the beach. In addition, Umina Coastal Sandplain Woodland includes a greater diversity of mesic understorey species and *Acacia* species than Bangalay Sand Forest.
9. Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions is threatened by land clearing; degradation and disturbance associated with heavy recreational use; frequent burning; rubbish dumping; and weed invasion. These threats are generally associated with existing and proposed urban development along the coast. However, areas of Bangalay Sand Forest within conservation reserves, including Royal, Seven Mile Beach, Conjola, Meroo, Murramarang, Eurobodalla and Biamanga National Parks, are exposed to degradation by visitor overuse due to their proximity to popular beaches and camping areas.
10. Available vegetation mapping indicates that Bangalay Sand Forest has suffered substantial levels of clearing. The coastline between Gerroa and Bermagui includes an estimated area of about 3450 ha, representing one-quarter of the estimated pre-1750 distribution of the community (ecosystems 27 and 28 of Thomas *et al.* 2000). Similarly, Tindall *et al.* (2004) map about 2200 ha of Littoral Thicket, representing about one-third of its estimated pre-European distribution between Sydney and Moruya. South of Bermagui, Keith & Bedward (1999) mapped a further 650 ha, representing less than two-fifths of the estimated pre-1750 distribution. However, recent reconnaissance suggests that these studies may have over-estimated the remaining area of Bangalay Sand Forest (J. Miles, pers. comm.). North of Gerroa, only small fragments of the community persist, for example, on Minnamurra Spit (Mills 2000), around Primbee and Windang (NPWS 2002), Bundeena and Taren Point. Overall, these estimates indicate large reductions in the geographic distribution of the community. Clearing of native vegetation is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).

11. Some areas of Bangalay Sand Forest are exposed to frequent burning, particularly around camping areas, towns and other sources of ignition. High frequency fire alters species composition by favouring fire-tolerant rhizomatous grasses, sedges and ferns at the expense of woody plants that are slow to regenerate after fire (Keith 1996). Elimination of woody species by frequent burning is likely to be accelerated by grazing. These processes of degradation represent large reductions in the ecological function of the community. High frequency fire resulting in disruption of life cycle processes in plants and animals and loss of vegetation structure and composition is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
12. Weed invasion occurs where Bangalay Sand Forest is exposed to disturbance and degradation. Common weed species include *Asparagus* spp., *Chrysanthemoides monilifera* subsp. *rotundata* (Bitou Bush), introduced forms of *Cynodon dactylon* (Couch), *Cirsium vulgare* (Spear Thistle), *Conyza bonariensis* (Fleabane), *Hypochaeris radicata* (Cats Ear), *Ipomoea* spp. (Morning Glory spp.), *Lantana camara*, *Pennisetum clandestinum* (Kikuyu). These and other weed species may achieve considerable abundance within stands of Bangalay Sand Forest, indicating a large reduction in ecological function of the community. Invasion of native plant communities by exotic perennial grasses is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
13. Additions to the coastal reserve system and land use zoning have protected some stands of Bangalay Sand Forest from clearing. However, pressures associated with increasing human populations and recreational activity on the coast continue to intensify, especially where stands of the community occur in the vicinity of coastal villages and urban centres, and where new reserves involve the establishment of camping areas and other visitor infrastructure. Disturbance associated with increased human access contributes particularly to habitat degradation, increased frequencies of bushfire ignitions, and weed invasion, posing major threats even on land managed for conservation. In addition to the processes outlined above, activities such as illegal fire wood collection by campers and coastal residents may threaten habitat for vertebrate and invertebrate fauna and disrupt nutrient and carbon cycling. Removal of dead wood and dead trees is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995). These processes may result in a large reduction in ecological function of the community.
14. In view of the above, the Scientific Committee is of the opinion that Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions it is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival cease to operate.

DR RICHARD MAJOR,
Chairperson,
Scientific Committee

References:

- Burges A, Drover, DP (1952) The rate of podzol development in sands of the Woy Woy district, N. S. W. *Australian Journal of Botany* **1**, 83-95.
- Keith DA (1996) Fire-driven mechanisms of extinction in vascular plants: a review of empirical and theoretical evidence in Australian vegetation. *Proceedings of the Linnean Society of New South Wales* **116**, 37-78.
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- Mills K (2000) Rural lands study City of Shellharbour. Nature conservation study. Shellharbour City Council.
- Tindall D, Pennay C, Tozer MG, Turner K, Keith DA (2004) 'Native vegetation map report series. No. 4. Araluen, Batemans Bay, Braidwood, Burragorang, Goulburn, Jervis Bay, Katoomba, Kiama, Moss Vale, Penrith, Port Hacking, Sydney, Taralga, Ulladulla, Wollongong.' NSW Department of Environment and Conservation and NSW Department of Infrastructure, Planning and Natural Resources, Sydney.
- Thackway R, Cresswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Version 4.0 Australian Nature Conservation Agency: Canberra).
- Thomas V, Gellie N, Harrison T (2000) 'Forest ecosystem classification and mapping for the southern Comprehensive Regional Assessment.' NSW National Parks and Wildlife Service, Queanbeyan.

THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Grey Box - Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Grey Box - Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion (as described in the final determination to list the ecological community) which was published on pages 4682 to 4688 in the *New South Wales Government Gazette* No. 109 dated 31 July 2009. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Grey Box - Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion is the name given to the ecological community characterised by the species listed in paragraph 2, and which at maturity typically has a tall open canopy of eucalypts with a structurally complex understorey including rainforest trees and shrubs, vines, ferns and herbs. Structural characteristics of the community may vary, depending on the intensity and nature of past disturbances including fire, logging and partial clearing.
2. Grey Box - Grey Gum Wet Sclerophyll Forest is characterised by the following assemblage of species:

<i>Abutilon oxycarpum</i>	<i>Acacia irrorata</i>
<i>Acacia maidenii</i>	<i>Acronychia oblongifolia</i>
<i>Alchornea ilicifolia</i>	<i>Alectryon subcinereus</i>
<i>Alectryon tomentosus</i>	<i>Alphitonia excelsa</i>
<i>Alyxia ruscifolia</i>	<i>Araucaria cunninghamii</i>
<i>Arytera divaricata</i>	<i>Breynia oblongifolia</i>
<i>Bridelia exaltata</i>	<i>Celastrus subspicatus</i>
<i>Cissus antarctica</i>	<i>Cordyline petiolaris</i>
<i>Croton insularis</i>	<i>Croton verreauxii</i>
<i>Cupaniopsis parvifolia</i>	<i>Cyperus gracilis</i>
<i>Derris involuta</i>	<i>Dianella caerulea</i>
<i>Diospyros australis</i>	<i>Diospyros pentamera</i>
<i>Doodia aspera</i>	<i>Drypetes deplanchei</i>
<i>Elaeodendron australe</i>	<i>Eucalyptus biturbinata</i>
<i>Eucalyptus moluccana</i>	<i>Eucalyptus propinqua</i>
<i>Eucalyptus siderophloia</i>	<i>Euroschinus falcatus</i>
<i>Gahnia aspera</i>	<i>Geijera latifolia</i>
<i>Geitonoplesium cymosum</i>	<i>Gossia bidwillii</i>
<i>Guioa semiglaucous</i>	<i>Hibiscus heterophyllus</i>
<i>Imperata cylindrica</i>	<i>Jagera pseudorhus</i>
<i>Jasminum volubile</i>	<i>Lepidosperma laterale</i>
<i>Lomandra longifolia</i>	<i>Lophostemon confertus</i>
<i>Maclura cochinchinensis</i>	<i>Mallotus philippensis</i>
<i>Maytenus bilocularis</i>	<i>Melaleuca salicina</i>
<i>Myrsine variabilis</i>	<i>Notelaea longifolia</i>
<i>Ottochloa gracillima</i>	<i>Pandorea pandorana</i>
<i>Pellaea falcata</i>	<i>Pittosporum multiflorum</i>
<i>Pittosporum revolutum</i>	<i>Polyscias elegans</i>
<i>Psychotria daphnoides</i>	<i>Psydrax odorata</i> subsp. <i>buxifolia</i>
<i>Pyrrosia rupestris</i>	<i>Rauwenhoffia leichhardtii</i>
<i>Smilax australis</i>	<i>Solanum stelligerum</i>
<i>Tetrastigma nitens</i>	

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance (including fire) history. The number of species, and the above ground relative abundance of species will change with time since fire, and may also change in response to changes in fire regime (including changes in fire frequency). At any one time, above ground individuals of

some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

4. Grey Box - Grey Gum Wet Sclerophyll Forest is typically dominated by an open tree canopy of *Eucalyptus moluccana* (Grey Box) and *Eucalyptus propinqua* (Grey Gum) and, less commonly, *Eucalyptus biturbinata* (Grey Gum), *Eucalyptus siderophloia* (Grey Ironbark) and *Araucaria cunninghamii* (Hoop Pine). Some botanists apply the name *Eucalyptus punctata* in a broad sense to include *E. biturbinata*. The understorey typically includes a diverse and prominent stratum of rainforest trees and shrubs including *Maytenus bilocularis* (Orangebark), *Guioa semiglaucula* (Guioa), *Mallotus philippensis* (Red Kamala), *Psychotria daphnoides* (Smooth Psychotria), *Notelaea longifolia* (Large Mock-olive) and *Polyscias elegans* (Celery Wood). Vines, including *Cissus antarctica* (Water Vine), *Derris involuta* (Native Derris), *Smilax australis* (Austral Sarsaparilla), *Celastrus subspicatus* (Large-leaved Staff Vine), *Pandorea pandorana* (Wonga Vine) and *Geitonoplesium cymosum* (Scrambling Lily) commonly grow over and amongst the understorey shrubs and trees. The groundcover comprises graminoid herbs, including *Cyperus gracilis* (Slender Flat-sedge), *Gahnia aspera* (Red-fruited Saw Sedge), *Ottochloa gracillima* (Ottochloa) and *Lomandra longifolia* (Spiny-headed Matrush), and ferns, including *Doodia aspera* (Rasp Fern). Mature stands of the community are typically tall open-forest or open-forest with a structurally complex, multi-stratum understorey, while regrowth stands or recently disturbed stands may take on the structure of low closed forest or scrub, or may have simplified understorey structure, depending on the nature of the disturbance and the time elapsed since.
5. A number of threatened species occur within, or may use habitat resources associated with Grey Box - Grey Gum Wet Sclerophyll Forest. These include the following:

FLORA

<i>Clematis fawcettii</i>	Northern Clematis	Vulnerable
<i>Corchorus cunninghamii</i>	Native Jute	Endangered
<i>Marsdenia longiloba</i>		Endangered
<i>Rhynchosia acuminatissima</i>	Pointed Trefoil	Vulnerable
<i>Tinospora smilacina</i>	Tinospora Vine	Endangered

FAUNA

<i>Mixophyes iteratus</i>	Giant Barred Frog	Endangered
<i>Hoplocephalus stephensii</i>	Stephens' Banded Snake	Vulnerable
<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	Vulnerable
<i>Coracina lineata</i>	Barred Cuckoo-shrike	Vulnerable
<i>Ninox connivens</i>	Barking Owl	Vulnerable
<i>Ninox strenua</i>	Powerful Owl	Vulnerable
<i>Petaurus australis</i>	Yellow-bellied Glider	Vulnerable
<i>Petaurus norfolcensis</i>	Squirrel Glider	Vulnerable
<i>Ptilinopus magnificus</i>	Wompoo Fruit-dove	Vulnerable
<i>Ptilinopus regina</i>	Rose-crowned Fruit-Dove	Vulnerable
<i>Pyrrholaemus sagittatus</i>	Speckled Warbler	Vulnerable
<i>Tyto novaehollandiae</i>	Masked Owl	Vulnerable
<i>Tyto tenebricosa</i>	Sooty Owl	Vulnerable
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	Vulnerable
<i>Kerivoula papuensis</i>	Golden-tipped Bat	Vulnerable
<i>Macropus dorsalis</i>	Black-striped Wallaby	Endangered
<i>Miniopterus australis</i>	Little Bentwing-bat	Vulnerable
<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	Vulnerable
<i>Myotis adversus</i>	Large-footed Myotis	Vulnerable
<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	Vulnerable
<i>Phascolarctos cinereus</i>	Koala	Vulnerable
<i>Potorous tridactylus</i>	Long-nosed Potoroo	Vulnerable
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Vulnerable
<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	Vulnerable

6. Grey Box - Grey Gum Wet Sclerophyll Forest typically occurs on the escarpment slopes and foothills of north-eastern NSW, most commonly between 200 and 500 m elevation, where mean annual rainfall exceeds approximately 1000 mm and has a summer maximum (DECC 2008). Soils that support the community are relatively fertile and derived from a range of igneous (including acid volcanic, basic volcanic and intrusive igneous) or fine-grained sedimentary rocks.
7. Grey Box - Grey Gum Wet Sclerophyll Forest is currently known from the local government areas of Kyogle and Tenterfield, but may occur elsewhere within the NSW North Coast bioregion (*sensu* Thackway and Cresswell 1995).
8. Grey Box - Grey Gum Wet Sclerophyll Forest includes 'Grey Box - Northern Grey Gum' (Forest Type 81) of Baur (1989) and 'Grey Box - Northern Grey Gum' (Forest Ecosystem 62) of NPWS (1999). It belongs to the North Coast Wet Sclerophyll Forests vegetation class of Keith (2004).
9. All known records of Grey Box - Grey Gum Wet Sclerophyll Forest occur within three locations in north-eastern NSW: the vicinity of Bald Knob State Forest to the west and north-west of Woodenbong; Unumgar State Forest and Mt Lindesay State Forest (east of Woodenbong); and the Mallanganee district to the south-east of Bonalbo. Mapping by NPWS (1999) indicates that the community is scattered amongst these locations in patches totalling approximately 510 ha. Based on a grid scale of 4 km² (IUCN 2008), its area of occupancy is estimated to be 68 km². All records of the community fall within a total extent of occurrence estimated to be approximately 500 km². All of these estimates indicate that the community has a highly restricted distribution.
10. Since European settlement, and relative to the longevity of its dominant trees, which live for several hundred years, Grey Box - Grey Gum Wet Sclerophyll Forest has undergone a large reduction in geographic distribution. NPWS (1999) estimated that approximately 69% of its former extent has been cleared. This large reduction is evident from relic trees of characteristic species that remain in otherwise cleared landscapes within the community's extent of occurrence (DECC 2008). Grey Box - Grey Gum Wet Sclerophyll Forest continues to be threatened by small-scale clearing, particularly where it occurs on fertile soils that are suitable for agriculture. 'Clearing of native vegetation' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.
11. Grey Box - Grey Gum Wet Sclerophyll Forest has undergone changes in structure, including loss of hollow-bearing trees, as a consequence of timber harvesting. Much of the community is currently in a state of regrowth after past logging activity. DECC (2008) estimates that over half of the remaining areas exhibit moderately high to very high levels of disturbance. The upper stratum is nearly always dominated by regrowth trees with very few mature or senescent trees remaining in the areas surveyed. Most of the remaining stands are within State Forests that may be prone to future logging operations. The loss of hollow-bearing trees, which provide important fauna habitat, and other structural changes associated with timber harvesting and partial clearing activities are indicative of a large reduction in ecological function of the community. 'Loss of hollow-bearing trees' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.
12. Grey Box - Grey Gum Wet Sclerophyll Forest is also potentially threatened by grazing and inappropriate fire regimes. Cattle grazing is practiced in large areas of freehold and leasehold eucalypt forest in north-east NSW, including Grey Box - Grey Gum Wet Sclerophyll Forest. Frequent burning of the understorey is carried out as part of forest management for both cattle production and timber production. There is evidence that such burning and grazing practices result in a large reduction in ecological function associated with changes in the structure, diversity and composition of a range of eucalypt forest communities in northern NSW (York 1999, 2000; Andrew *et al.* 2000; Henderson and Keith 2002; Harris *et al.* 2003; York and Tarnawski 2004; Tasker and Bradstock 2006). 'High frequency fire resulting in disruption of life cycle processes in plants and animals and loss of vegetation structure and composition' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.
13. Clearing activity, grazing, frequent burning and other disturbances accelerate the invasion of weeds into Grey Box - Grey Gum Wet Sclerophyll Forest. The most significant of these is *Lantana camara* (Lantana) which was recorded in 19 of 20 documented vegetation sites of Grey Box - Grey Gum Wet Sclerophyll Forest (DECC 2008). Lantana dominated the mid stratum at many of these sites. Infestations of this species have been identified as one of several factors implicated in widespread forest eucalypt dieback in eastern NSW (Wardell-Johnson *et al.* 2006). The invasion and establishment of exotic species in Grey Box - Grey Gum Wet Sclerophyll Forest results in a large reduction in the ecological function of the community. 'Invasion, establishment and spread of Lantana (*Lantana camara* L. *sens. lat.*)' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.
14. Grey Box - Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion is not eligible to be listed as a critically endangered ecological community.
15. Grey Box - Grey Gum Wet Sclerophyll Forest in the NSW North Coast Bioregion is eligible to be listed as an Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

Clause 25

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in geographic distribution.

Clause 26

The ecological community's geographic distribution is estimated or inferred to be:

(b) highly restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

(b) a large reduction in ecological function,

as indicated by any of the following:

(d) change in community structure

(g) invasion and establishment of exotic species

(h) degradation of habitat.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Grey Box - Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions (as described in the final determination to list the ecological community) which was published on pages 1912 to 1916 in the *New South Wales Government Gazette* No. 56 dated 23 April 2010. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct minor errors or omissions in the Determination in relation to the Thackway and Cresswell (1995) reference and species names.

The Scientific Committee has found that:

1. Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions is the name given to the ecological community that generally occurs on floodplains and associated floodplain rises along the Hunter River and tributaries and is characterised by the assemblage of species in paragraph 2. The community typically forms a tall woodland. All sites are within the NSW North Coast and Sydney Basin Bioregions. Those sites within the NSW North Coast Bioregion are in the southern part of the bioregion. Bioregions are defined in Thackway and Cresswell (1995).

2. Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions is characterised by the following assemblage of species:

<i>Alternanthera denticulata</i>	<i>Amaranthus macrocarpus</i> var. <i>macrocarpus</i>
<i>Angophora floribunda</i>	<i>Aristida ramosa</i>
<i>Austrodanthonia fulva</i>	<i>Austrostipa verticillata</i>
<i>Brachychiton populneus</i> subsp. <i>populneus</i>	<i>Calotis lappulacea</i>
<i>Carex inversa</i>	<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>
<i>Cheilanthes austrotenuifolia</i>	<i>Chrysocephalum apiculatum</i>
<i>Commelina cyanea</i>	<i>Cynodon dactylon</i>
<i>Cynoglossum australe</i>	<i>Cyperus fluvius</i>
<i>Cyperus gracilis</i>	<i>Dichondra repens</i>
<i>Echinopogon caespitosus</i> var. <i>caespitosus</i>	<i>Einadia hastata</i>
<i>Eindadia trigonos</i> subsp. <i>trigonos</i>	<i>Eucalyptus camaldulensis</i>
<i>Eucalyptus melliodora</i>	<i>Eucalyptus tereticornis</i>
<i>Geranium solanderi</i> var. <i>solanderi</i>	<i>Glycine tabacina</i>
<i>Lepidium pseudohyssopifolium</i>	<i>Marsilea drummondii</i>
<i>Melia azedarach</i>	<i>Microlaena stipoides</i> var. <i>stipoides</i>
<i>Notelaea microcarpa</i> var. <i>microcarpa</i>	<i>Oxalis exilis</i>
<i>Plantago debilis</i>	<i>Pratia concolor</i>
<i>Pratia purpurascens</i>	<i>Rumex brownii</i>
<i>Urtica incisa</i>	

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall, flooding or drought condition and by its disturbance (including fire and grazing) history. The number of species, and the above ground relative abundance of species will change with time since disturbance, and may also change in response to changes in disturbance regime (including changes in flood frequency). At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
4. Hunter Floodplain Red Gum Woodland typically forms a tall to very tall (18-35 m) woodland. Stands on major floodplains are generally dominated by *Eucalyptus camaldulensis* (River Red Gum) in combinations with *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus melliodora* (Yellow Box) and *Angophora floribunda* (Rough-barked Apple). Within the community stands of *Casuarina cunninghamiana* subsp. *cunninghamiana* (River Oak) and *Casuarina glauca* (Swamp Oak) can form a part of this community. Dominant groundcovers include *Cynodon dactylon* (Couch), *Alternanthera denticulata* (Lesser Joyweed), *Austrostipa verticillata* (Slender Bamboo Grass), *Dichondra repens* (Kidney Weed), *Lepidium pseudohyssopifolium* (Peppercress), *Pratia concolor* (Poison Pratia), *Urtica incisa* (Stinging Nettle), *Einadia hastata* (Berry Saltbush), *Amaranthus macrocarpus* var. *macrocarpus*

(Dwarf Amaranth), *Cyperus fulvus* (Sticky Sedge), *Cynoglossum australe* (Australian Hound's Tongue), *Cyperus gracilis*, (Sedge), *Glycine tabacina* (Variable Glycine), *Geranium solanderi* var. *solanderi* (Native Geranium) and *Microlaena stipoides* var. *stipoides* (Weeping Rice Grass).

5. Hunter Floodplain Red Gum Woodland generally occurs on floodplains and floodplain rises. Hunter Floodplain Red Gum Woodland has been described by Peake (2006) and Umwelt (2008) and, in part, by NSW NPWS (2000). Hill (2003) describes the same community as Central Hunter Riparian Forest.
6. Hunter Floodplain Red Gum Woodland has been recorded from the local government areas of Maitland, Mid-Western, Muswellbrook, Singleton, and Upper Hunter but may occur elsewhere within the NSW North Coast and Sydney Basin Bioregions (*sensu* Thackway and Cresswell 1995).
7. Hunter Floodplain Red Gum Woodland occupies an area of less than 500 km² based on 2 x 2 km grid cells, the scale of assessment recommended for species by IUCN (2008). Mapped occurrences of the community include a few remnants greater than 10 ha and many small remnants less than 10 ha indicating severe fragmentation (Peake 2006). Within the Central Hunter Valley it is estimated that the geographic distribution of the community has been reduced by more than 90% of its pre-European extent (Peake 2006).
8. Hunter Floodplain Red Gum Woodland is known to contain an endangered population of *Eucalyptus camaldulensis* listed under the Threatened Species Conservation Act 1995.
9. Threats to Hunter Floodplain Red Gum Woodland include changed hydrology associated with climate change, clearing, fertilizer application, flood mitigation, herbicide application, trampling and grazing by cattle, and weed invasion. The community is also vulnerable to stochastic events due to its highly fragmented distribution and the small size of remnant patches. These threats are escalating and are intensified by the absence of regular flooding to stimulate the recruitment of *Eucalyptus camaldulensis* (Murray Darling Basin Commission 2003). The introduction of *Eucalyptus camaldulensis* cultivars not native to the Hunter Valley and hybrids may also threaten the genetic integrity of native River Red Gums (Meddings *et al.* 2003; Potts *et al.* 2003). Removal of the native understorey for dairying and cropping has resulted in the invasion of weed species and changed community structure. These weed species include *Pennisetum clandestinum* (Kikuyu), *Galenia pubescens* (Galenia), *Ehrharta erecta* (Panic Veldtgrass), *Axonopus affinis* (Carpet Grass), *Alternanthera pungens* (Khaki Weed) and *Ricinus communis* (Caster Oil Plant). The presence of weeds, grazing and fertilizer application is limiting the recruitment of understorey plants and tree species. 'Anthropogenic climate change', 'Clearing of native vegetation', 'Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands', 'Invasion of native plant communities by exotic perennial grasses', and 'Invasion and establishment of exotic vines and scramblers' are listed as Key Threatening Processes under the Threatened Species Conservation Act 1995. 'Degradation of native riparian vegetation along NSW water courses' is listed as a Key Threatening Process under the Fisheries Management Act 1994. Collectively, the effects of these threats indicate a large reduction in the ecological function of the community.
10. Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions is eligible to be listed as an Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing a high risk of extinction in New South Wales in the immediate future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

Clause 25

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in geographic distribution.

Clause 26

The ecological community's geographic distribution is estimated or inferred to be:

- (b) highly restricted, and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in ecological function,
as indicated by any of the following:
 - (g) invasion and establishment of exotic species
 - (h) degradation of habitat
 - (i) fragmentation of habitat.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions (as described in the final determination to list the ecological community) which was published on pages 4689 to 4693 in the *New South Wales Government Gazette* No. 109 dated 31 July 2009. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions is the name given to the ecological community mainly occurring on Carboniferous sediments on rocky slopes and characterised by the assemblage of species in paragraph 2. The community typically forms a low closed forest dominated by trees with shrubs and vines. All sites are within the NSW North Coast and Sydney Basin Bioregions. Those sites within the NSW North Coast Bioregion are in the southern part of the bioregion. Bioregions are defined in Thackway and Cresswell (1995).
2. Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions is characterised by the following assemblage of species:

<i>Acacia implexa</i>	<i>Eucalyptus albens</i>
<i>Alectryon oleifolius</i> subsp. <i>elongatus</i>	<i>Galium propinquum</i>
<i>Alectryon subcinereus</i>	<i>Geijera parviflora</i>
<i>Austrodanthonia fulva</i>	<i>Macrozamia concinna</i>
<i>Austrostipa verticillata</i>	<i>Marsdenia flavescens</i>
<i>Beyeria viscosa</i>	<i>Melia azedarach</i> var. <i>australasica</i>
<i>Brachychiton populneus</i> subsp. <i>populneus</i>	<i>Notelaea microcarpa</i> var. <i>microcarpa</i>
<i>Breynia oblongifolia</i>	<i>Olearia elliptica</i> subsp. <i>elliptica</i>
<i>Callitris glaucophylla</i>	<i>Pandorea pandorana</i> subsp. <i>pandorana</i>
<i>Canthium odoratum</i>	<i>Parsonsia eucalyptophylla</i>
<i>Cheilanthes sieberi</i>	<i>Parsonsia lanceolata</i>
<i>Cissus opaca</i>	<i>Pellaea falcata</i>
<i>Clematis glycinoides</i>	<i>Rapanea variabilis</i>
<i>Clerodendrum tomentosum</i>	<i>Rhagodia parabolica</i>
<i>Cynodon dactylon</i>	<i>Solanum brownii</i>
<i>Dichondra repens</i>	<i>Spartothamnella juncea</i>
<i>Einadia hastata</i>	<i>Stellaria flaccida</i>
<i>Elaeodendron australe</i> var. <i>australe</i>	<i>Tylophora grandiflora</i>
<i>Elaeodendron australe</i> var. <i>elongatus</i>	<i>Urtica incisa</i>

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance (including fire) history. The number of species, and the above ground relative abundance of species will change with time since fire, and may also change in response to changes in fire regime (including changes in fire frequency). At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
4. Hunter Valley Vine Thicket typically forms a low forest, usually less than 10 m tall, with a closed canopy dominated by trees, with shrubs and vines. The canopy may include the two varieties of *Elaeodendron australe* (Red Olive Plum), *Geijera parviflora* (Wilga), *Notelaea microcarpa* var. *microcarpa* (Native Olive) and *Alectryon oleifolius* subsp. *elongatus* (Western Rosewood). Emergent eucalypts are common and include *Eucalyptus albens* (White Box), *E. dawsonii* (Slaty Box) and *E. crebra* (Narrow-leaved Ironbark). A shrub stratum is usually present and includes *Olearia elliptica* subsp. *elliptica* (Sticky Daisy Bush) and *Rhagodia parabolica* (Mealy Saltbush). Vines dominate the canopy and include *Cissus opaca* (Small-leaved Water Vine), *Marsdenia flavescens* (Hairy Milk Vine), *Parsonsia eucalyptophylla* (Gargaloo) and *Pandorea pandorana* subsp. *pandorana* (Wonga Vine). Ground cover is generally sparse and includes *Urtica incisa* (Stinging Nettle) and *Austrostipa verticillata* (Slender Bamboo Grass).

5. Hunter Valley Vine Thicket mainly occurs on rocky slopes on Carboniferous strata often on limestone. Hunter Valley Vine Thicket has been described by Peake (2006) and Curran (2006) and Curran *et al.* (2008). It falls broadly within the rainforest classification *Alliance VIII, Sub-Alliance 32 Notelaea microcarpa-Ehretia membranifolia-Geijera parviflora* of Floyd (1990). It shares some characteristics with, but is not part of two Endangered Ecological Communities listed under the Threatened Species Conservation Act 1995: *Cadellia pentastylis* (Ooline) community in the Nandewar and Brigalow Belt South Bioregions, and Semi-evergreen Vine Thicket in the Brigalow Belt South and Nandewar Bioregions.
6. Hunter Valley Vine Thicket has been recorded from the local government areas of Muswellbrook, Singleton, and Upper Hunter but may occur elsewhere within the Sydney Basin Bioregion and NSW North Coast Bioregion (*sensu* Thackway and Cresswell 1995).
7. Hunter Valley Vine Thicket has a highly restricted geographic distribution. Its area of occupancy is estimated to be approximately 52 km² based on 2 x 2 km grids, the scale recommended for assessment of species distributions by IUCN (2008). Within these grids, the community occurs mostly as patches less than 10 ha in extent and a few somewhat larger patches exceeding 100 ha, which are estimated to represent approximately 85% of the pre-European distribution of the community (Peake 2006). The only stand known to occur in a conservation reserve is at Mt Dangar within the Goulburn River National Park.
8. Some stands of Hunter Valley Vine Thicket contain an endangered population of *Cymbidium canaliculatum*, and the endangered species *Senecio linearifolius* var. *dangarensis*, both listed under the Threatened Species Conservation Act 1995.
9. Threats to Hunter Valley Vine Thicket include clearing and track building, frequent fire, trampling and grazing by cattle, and weed invasion. The community is threatened by stochastic events due to its fragmented distribution and the small size of remnant patches. These threats are escalating and are intensified by the absence of a buffer around forest margins (Turner and Vernon 1994). The largest area of Hunter Valley Vine Thicket at Brushy Hill has been fragmented by construction and maintenance of a track and a pipeline. This has also allowed the incursion of livestock and the invasion of exotic species. Invasion by the exotic thicket-forming shrub Lantana (*Lantana camara*) has been demonstrated to increase following disturbances associated with fire or grazing (Gentle and Duggin 1997a). Lantana (*Lantana camara*) occurs in and around many stands and poses a threat through structural alteration, invasion and allelopathic suppression of rainforest seedlings (Gentle and Duggin 1997b). African Olive (*Olea europea* subsp. *cuspidata*) also poses a significant threat through invasion (Peake 2006). 'Clearing of native vegetation', 'Invasion and establishment of exotic vines and scramblers', and 'Invasion, establishment and spread of Lantana (*Lantana camara* L. *sens. lat.*)' are listed as Key Threatening Processes under the Threatened Species Conservation Act 1995.
10. Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions is not eligible to be listed as a critically endangered ecological community.
11. Hunter Valley Vine Thicket in the NSW North Coast and Sydney Basin Bioregions is eligible to be listed as an Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

Clause 26

The ecological community's geographic distribution is estimated or inferred to be:

- (b) highly restricted, and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in ecological function, as indicated by any of the following:
 - (d) change in community structure
 - (e) change in species composition
 - (f) disruption of ecological processes
 - (g) invasion and establishment of exotic species
 - (h) degradation of habitat
 - (i) fragmentation of habitat.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion (as described in the final determination to list the ecological community) which was published on pages 9754 to 9756 in the *New South Wales Government Gazette* No. 142 dated 25 November 2005. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is the name given to the ecological community associated with heavy clay soils on depositional landforms in the south-western part of the Hunter River valley floor. Mean annual rainfall within the current known range of the ecological community varies from about 550 to 650 mm. Hunter Valley Weeping Myall Woodland is characterised by the assemblage of species listed in paragraph 2 and typically comprises a relatively dense or open tree canopy up to about 15 m tall, sometimes with an open understorey of semi-sclerophyllous shrubs, and a variable groundcover dominated by grasses or herbs. In disturbed stands the canopy may consist of either scattered trees or dense regrowth and the understorey may comprise relatively few native species above ground.
2. The Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is characterised by following assemblage of species:

<i>Acacia homalophylla</i> - <i>A. melvillei</i> complex	<i>Acacia pendula</i>
<i>Acacia salicina</i>	<i>Austrodanthonia fulva</i>
<i>Canthium buxifolium</i>	<i>Chrysocephalum apiculatum</i>
<i>Dodonaea viscosa</i>	<i>Einadia nutans</i> subsp. <i>nutans</i>
<i>Enchylaena tomentosa</i>	<i>Eucalyptus crebra</i>
<i>Geijera parviflora</i>	<i>Maireana microphylla</i>
<i>Notelaea microphylla</i> var. <i>microphylla</i>	<i>Ptilotus semilanatus</i>
<i>Sarcostemma australe</i>	<i>Senna zygophylla</i>
<i>Spartothamnella juncea</i>	<i>Themeda australis</i>
3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, flooding, land clearing and fire) history. The number and relative abundance of species will change with time since fire, and may also change in response to changes in fire frequency or grazing regime. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plants, however the community also includes micro-organisms, fungi, cryptogamic plants and both vertebrate and invertebrate fauna. These components of the community are poorly documented.
4. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion typically has a dense to open tree canopy up to about 15 m tall, depending on disturbance and regrowth history (Peake 2005). The most common tree is *Acacia pendula* (Weeping Myall), which may occur with *Eucalyptus crebra* (Narrow-leaved Ironbark), *A. salicina* (Cooba) and/or trees within the *A. homalophylla* – *A. melvillei* complex. Understorey shrubs may include *Canthium buxifolium* (Stiff Canthium), *Dodonaea viscosa* (Sticky Hopbush), *Geijera parviflora* (Wilga), *Notelaea microphylla* var. *microphylla* (Native Olive) and *Senna zygophylla* (Silver Cassia). However, the shrub stratum is absent from some stands. The groundcover varies from dense to sparse, and is comprised of grasses such as *Austrodanthonia fulva* (a wallaby grass) and *Themeda australis* (Kangaroo Grass), and low shrubs and herbs such as *Chrysocephalum apiculatum* (Common Everlasting), *Einadia nutans* subsp. *nutans* (Climbing Saltbush), *Enchylaena tomentosa* (Ruby Saltbush), *Maireana microphylla* (Eastern Cotton Bush) and *Ptilotus semilanatus*.
5. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is currently known from parts of the Muswellbrook and Singleton Local Government Areas, but may occur elsewhere in the bioregion. It may also occur in the Upper Hunter Local Government Area within the Brigalow Belt South bioregion, although its presence has not yet been confirmed there. Bioregions are defined in Thackway and Cresswell (1995).
6. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion was described in Peake's (2005) vegetation survey of the central Hunter valley. A number of vegetation surveys and mapping studies carried out in the surrounding regions have not detected the community. These include surveys of the Lower Hunter – Central Coast (NPWS 2000), Maitland Local Government Area (Hill 2003), Myanbat Military Area (Thomas 1998), and Yengo (Bell *et al.* 1993), Wollemi (Bell 1998) and Goulburn River national parks (Hill 2000). Hunter Valley Weeping Myall Woodland of

the Sydney Basin bioregion is included within the 'Western Vine Thickets' vegetation class of Keith (2004). It also contains a number of species that are characteristic of the 'Riverine Plain Woodlands' vegetation class, including the dominant tree species, *Acacia pendula*. However, Hunter Valley Weeping Myall Woodland occurs well outside the distribution of other communities that typify both of these classes of vegetation (Keith 2004).

7. Hunter Valley Weeping Myall Woodland is of conservation significance because it represents a disjunct coastal example of vegetation that is found principally on the western slopes of Great Dividing Range. Taxa such as *Acacia pendula*, *A. homalophylla*-*A. melvillei* complex, *Geijera parviflora*, *Enchylaena tomentosa*, *Maireana microphylla* and *Ptilotus semilanatus* are typical of the inland flora of southeastern Australia. The community also provides habitat for *Acacia pendula* population in the Hunter catchment, listed as an Endangered Population on Schedule 1 of the Threatened Species Conservation Act (1995).
8. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion occurs within a region in which native vegetation has been extensively cleared and persists only as very small remnants of less than one-hectare or as isolated trees. It is threatened by small-scale vegetation clearing, fragmentation, small-scale disturbance to soils and groundcover, grazing and weed invasion. The total remaining area of Hunter Valley Weeping Myall Woodland is estimated to be less than ten hectares (Peake 2005). The community is likely to be at risk from stochastic events due to its small patch sizes and restricted range. Most examples of the community are grazed or affected by severe disturbance to the groundcover, and many of the constituent species exhibit poor recruitment (Peake 2005). In addition, invasion by pasture and roadside weeds and *Asparagus asparagoides* (Bridal Creeper) pose significant threats throughout the range of the community. Collectively, these processes indicate a continuing decline in the distribution and ecological function of the community. Clearing of native vegetation is listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
9. Hunter Valley Weeping Myall Woodland in the Sydney Basin bioregion is not currently known to be represented within any conservation reserves.
10. In view of the above, the Scientific Committee is of the opinion that Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is likely to become extinct in nature in NSW unless the circumstances and factors threatening its survival cease to operate.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions (as described in the final determination to list the ecological community) which was published on pages 2453 to 2460 in the *New South Wales Government Gazette* No. 58 dated 27 April 2007. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions is the name given to the ecological community found on relatively fertile soils of the western slopes and plains of NSW in which *Eucalyptus microcarpa* (Inland Grey Box) is the most characteristic species. The community generally occurs where average rainfall is 375–800 mm pa (Moore 1953, Beadle 1981, Botanic Gardens Trust 2005) and the mean maximum annual temperature is 22–26°C (Botanic Gardens Trust 2005). In NSW the community principally occurs within the Riverina and South West Slopes Bioregions and is also found in portions of the Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions. Bioregions are defined in Thackway and Cresswell (1995).
2. Inland Grey Box Woodland includes those woodlands in which the most characteristic tree species – *Eucalyptus microcarpa* – is often found in association with *Eucalyptus populnea* subsp. *bimbil* (Bimbil Box), *Callitris glaucophylla* (White Cypress-pine), *Brachychiton populneus* (Kurrajong), *Allocasuarina luehmannii* (Buloke) or *Eucalyptus melliodora* (Yellow Box), and sometimes with *Eucalyptus albens* (White Box).

Shrubs are typically sparse or absent, although this component can be diverse and may be locally common, especially in drier western portions of the community (Prober and Thiele 2004). A variable ground layer of grass and herbaceous species is present at most sites. At severely disturbed sites the ground layer may be absent. The community generally occurs as an open woodland 15–25 m tall but in some locations the overstorey may be absent as a result of past clearing or thinning, leaving only an understorey. Beadle (1948) commented that in its pristine state the overstorey density of this community was sometimes high, approaching a forest structure in southern portions of its range.

3. Inland Grey Box Woodland is characterised by the following assemblage of species:

<i>Abutilon otocarpum</i>	<i>Acacia buxifolia</i>
<i>Acacia hakeoides</i>	<i>Acacia homalophylla</i>
<i>Alectryon oleifolius</i>	<i>Allocasuarina luehmannii</i>
<i>Angophora floribunda</i>	<i>Atriplex semibaccata</i>
<i>Austrodanthonia auriculata</i>	<i>Austrodanthonia caespitosa</i>
<i>Austrodanthonia setacea</i>	<i>Austrostipa scabra</i> subsp. <i>falcata</i>
<i>Brachychiton populneus</i>	<i>Bursaria spinosa</i>
<i>Callitris endlicheri</i>	<i>Callitris glaucophylla</i>
<i>Calotis cuneifolia</i>	<i>Carex inversa</i>
<i>Cassinia arcuata</i>	<i>Casuarina cristata</i>
<i>Casuarina pauper</i>	<i>Chamaesyce drummondii</i>
<i>Chloris truncata</i>	<i>Crassula sieberiana</i>
<i>Dodonea viscosa</i> subsp. <i>cuneata</i>	<i>Einadia nutans</i>
<i>Enchylaena tomentosa</i>	<i>Enteropogon acicularis</i>
<i>Eremophila debilis</i>	<i>Eremophila deserti</i>
<i>Eucalyptus albens</i>	<i>Eucalyptus camaldulensis</i>
<i>Eucalyptus conica</i>	<i>Eucalyptus largiflorens</i>
<i>Eucalyptus melliodora</i>	<i>Eucalyptus microcarpa</i>
<i>Eucalyptus pilligaensis</i>	<i>Eucalyptus populnea</i> subsp. <i>bimbil</i>
<i>Geijera parviflora</i>	<i>Glycine clandestina</i>
<i>Goodenia pinnatifida</i>	<i>Hardenbergia violacea</i>
<i>Hibbertia obtusifolia</i>	<i>Indigofera australis</i>
<i>Jacksonia scoparia</i>	<i>Lomandra filiformis</i>
<i>Maireana enchylaenoides</i>	<i>Maireana microphylla</i>

<i>Microlaena stipoides</i>	<i>Microseris lanceolata</i>
<i>Myoporum montanum</i>	<i>Myoporum platycarpum</i>
<i>Oxalis perennans</i>	<i>Paspalidium jubiflorum</i>
<i>Pittosporum angustifolium</i>	<i>Plantago debilis</i>
<i>Podolepis jaceoides</i>	<i>Pterostylis longifolia</i>
<i>Ptilotus obovatus</i>	<i>Rumex brownii</i>
<i>Sclerolaena birchii</i>	<i>Sclerolaena muricata</i>
<i>Senna aciphylla</i>	<i>Senna artemisioides</i>
<i>Sida corrugata</i>	<i>Solanum parvifolium</i>
<i>Tricoryne elatior</i>	<i>Vittadinia dissecta</i>
<i>Vittadinia gracilis</i>	<i>Wahlenbergia communis</i>
<i>Wahlenbergia luteola</i>	<i>Walwhalleya subxerophilum</i>
<i>Xerochrysum viscosa</i>	<i>Zieria cytisoides</i>

- The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in very low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance history. The number of species, and the above-ground relative abundance of species will change with time since fire, and may also change in response to fire intensity and frequency. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. Further examples are provided below, but the full complement of species in the community is incompletely documented.
- Inland Grey Box Woodland may be found in the local government areas of Albury, Berrigan, Bland, Blayney, Boorowa, Cabonne, Carrathool, Conargo, Coolamon, Cootamundra, Corowa, Cowra, Deniliquin, Dubbo, Forbes, Gilgandra, Greater Hume, Griffith, Gundagai, Gunnedah, Gwyder, Inverell, Jerilderie, Junee, Lachlan, Leeton, Liverpool Plains, Lockhart, Mid-western Regional, Murray, Murrumbidgee, Narrabri, Narrandera, Narromine, Parkes, Temora, Upper Lachlan, Urana, Wagga Wagga, Wakool, Warrumbungle, Weddin, Wellington and Young. Inland Grey Box Woodland may occur elsewhere in the nominated bioregions. Bioregions are defined in Thackway and Cresswell (1995).
- In their detailed assessment of grassy box woodlands in central NSW, Prober and Thiele (2004) identified a correlation between *Eucalyptus microcarpa* communities and “soils of Tertiary and Quaternary alluvial (or occasionally colluvial or eluvial) origin, largely corresponding with the Red Brown Earths as described in Beadle (1948) and Moore (1953).” This ecological attribute helps distinguish between Inland Grey Box Woodlands and the White Box Yellow Box Blakely’s Red Gum Woodland which is listed as an Endangered Ecological Community. The latter community generally occurs further east and typically occupies a wide variety of alluvial and non-alluvial soils (Prober and Thiele 2004).
- Gradients in floristic diversity found across Inland Grey Box Woodland are also related to climatic differences as rainfall declines to the west and temperature increases to the west and north. Inland Grey Box Woodland can, in some regions, be differentiated from *Eucalyptus albens*–*E. melliodora* communities by grass species. *Themeda australis* and *Poa sieberiana* characterise the latter community whereas *Austrostipa scabra*, *Austrodanthonia* spp. and *Enteropogon* spp. are more typically associated with *Eucalyptus microcarpa*, although disturbance weakens this correlation (Prober and Thiele 2004). Chenopods and other shrubs are more common in the western than eastern portions of Inland Grey Box Woodland, and diversity of canopy species decreases with latitude (Keith 2004)
- Inland Grey Box Woodland includes several closely related associations. Both Beadle (1948) and Moore (1953) included the *Eucalyptus microcarpa* community within their ‘Tall Woodland *Eucalyptus woollsiana*’ associations. Specht *et al.* (1995) identified ‘T362: *Eucalyptus microcarpa*’ on western slopes of southern NSW which represents part of the nominated community. In the Riverina the community was identified by Porteners (1993) as ‘Map Unit 24: Grey Box Woodland’, and this name was continued in Todd (2003). White *et al.* (2002) identified a somewhat broader vegetation unit in the Riverina, typically dominated by *Eucalyptus microcarpa*, as ‘Temperate Plains Grassy Woodland’. Seddon *et al.* (2002) described ‘Community B: Grey Box–White Cypress-pine Woodland’ in the Little River Catchment. In the Forbes–Lake Cargelligo area, Sivertsen and Metcalfe (1995) described three ‘Box Woodlands’ (P3, P4 and F3) in which *Eucalyptus microcarpa* was a characteristic species along with *E. populnea* and *Callitris glaucophylla*. They later distinguished ‘P13 Grey Box Woodlands’ from two ‘Poplar Box Woodlands’ (P4 and P16) in their assessments north of the Lachlan River (Metcalfe *et al.* 2003). In the vicinity of Dubbo, Kerr *et al.* (2003) described the broad vegetation class of ‘Grey Box/Pilliga Box/Poplar Box woodland on undulating rises and flats,’ with *Eucalyptus microcarpa* becoming less prevalent to the north. On a statewide scale, Benson *et al.* (2006) described six communities as fitting within the definition of Inland Grey Box Woodland (ID76, ID80, ID81, ID82, ID110 and ID237). The nominated community belongs to ‘Floodplain Transition Woodlands’ vegetation class of Keith (2004) which also includes the *Eucalyptus conica* (Fuzzy Box) and *E. pilligaensis* (Pilliga Box) woodland communities where *E. microcarpa* rarely occurs.

9. Two woodland communities that are listed as Endangered Ecological Communities under the Threatened Species Conservation Act adjoin and intergrade with Inland Grey Box Woodland:
- Fuzzy Box on alluvials of the NSW South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions
 - White Box Yellow Box Blakely's Red Gum Woodland

Woodlands of *Eucalyptus pilligaensis* and *E. populnea*, and those of *E. moluccana* (Coastal Grey Box) in the Sydney Basin Bioregion are also related. Inland Grey Box Woodland can grade into inland riverine forests of *Eucalyptus camaldulensis* (River Red Gum) and *E. largiflorens* (Black Box) along inland rivers and floodplains. These later communities are not covered by this Determination.

10. Fauna species found in some stands of Inland Grey Box Woodland that are listed under the Threatened Species Conservation Act include:
- *Aprasia parapulchella* – Pink-tailed Legless Lizard
 - *Burhinus grallarius* – Bush Stone-curlew
 - *Lathamus discolor* – Swift Parrot
 - *Melithreptus gularis gularis* – Black-chinned Honeyeater
 - *Neophema pulchella* – Turquoise Parrot
 - *Ninox connivens* – Barking Owl
 - *Petaurus norfolcensis* – Squirrel Glider
 - *Phascogale tapoatafa* – Brush-tailed Phascogale
 - *Polytelis swainsonii* – Superb Parrot
 - *Pomatostomus temporalis temporalis* – Grey-crowned Babbler
 - *Pyrrholaemus sagittata* – Speckled Warbler
 - *Stagonopleura guttata* – Diamond Firetail
 - *Vespadelus troughtoni* – Eastern Cave Bat

Flora species found in some stands of Inland Grey Box Woodland that are listed under the Threatened Species Conservation Act include:

- *Austrostipa wakoolica* – A spear-grass
 - *Dichanthium setosum* – A bluegrass
 - *Diuris tricolor* (syn. *D. sheaffiana*) – Pine Donkey Orchid
 - *Swainsona sericea* – Silky Swainson-pea
11. Grassy box woodlands of NSW were rapidly targeted for agriculture development and extensively cleared or degraded (Benson 1991) so that by 1948 few remnants existed and those were often degraded by grazing (Beadle 1948). Inland Grey Box Woodland has been greatly reduced in area, highly fragmented and greatly disturbed by clearing, cropping, grazing, introduction of exotic species and addition of fertiliser. Areal reductions of Inland Grey Box Woodland have been independently documented by several authors for regional portions of this community. For example, Austin *et al.* (2000) found the community had been reduced to 3% of its original extent in the central Lachlan region. Kerr *et al.* (2003) estimated that of 116 000 ha of a broader community (including some *Eucalyptus pilligaensis* and *E. populnea* woodland) in the vicinity of Dubbo, only 16% remains. In the Riverina and Cobarr Penneplain Bioregions, Todd (2003) reported that 762 000 ha of Inland Grey Box Woodland has been reduced by 97% to 20 000 ha of remnants. Of the estimated 9600 ha of Grey Box–White Cypress-pine Woodland in the Little River Catchment, less than 250 ha (2%) remains (Seddon *et al.* 2002). On the basis of regional estimates, 67–92% of the pre-European extent of Inland Grey Box sub-communities have been cleared (Benson *et al.* 2006). A cumulative assessment of these regional values indicates an overall decline of 85% from 1 532 000 ha to 236 000 ha. The various regional values and the cumulative estimate indicate a reduction of a least 70% in the geographic distribution. This large reduction of the community has occurred in the past 150 years and clearing continues to affect areas of the community. 'Clearing of native vegetation' is listed as a Key Threatening Process under the Threatened Species Conservation Act.
12. Some remnants of the community survive with trees partly or wholly removed. Conversely, often the remnants of the community survive with trees largely intact but with the shrub or ground layers degraded to varying degrees through grazing or pasture modification. Some species that are part of the community appear intolerant to heavy grazing by domestic stock and are confined to the least disturbed remnants (Prober and Thiele 2004). Remnants are subject to various processes of degradation that have led to a large reduction in ecological function including:
- Continuing small scale clearing for cropping, pasture improvement or other developments;
 - Firewood cutting, increased livestock grazing, stubble burning, weed invasion, inappropriate fire regimes, soil disturbance and increased nutrient loads;
 - Degradation of the landscape in which remnants occur including soil acidification, salinisation, extensive erosion scalding and loss of connectivity.

A number of Key Threatening Processes listed under the Threatened Species Conservation Act adversely affect areas of Inland Grey Box Woodland. These include:

- Removal of dead wood and dead trees
 - Invasion of native plant communities by exotic perennial grasses
 - Predation by the European Red Fox, *Vulpes vulpes*
 - Predation by the Feral Cat, *Felis catus*
 - Competition from feral honey bees, *Apis mellifera*
 - Competition and grazing by the feral European Rabbit, *Oryctolagus cuniculus*
13. Some remnants are highly degraded, with weedy understoreys and only a few hardy natives remaining. A number of less degraded remnants have survived in Travelling Stock Routes, cemeteries and reserves. Understorey species composition may differ markedly between these sites because of past and present management practices. In some instances intentional introduction of non-indigenous species has occurred in these reserves. Some remnants of the community that consist of only an intact overstorey or an intact understorey still have high conservation value due to the flora and fauna they support. Other sites may be important examples of specific faunal habitat, have significant occurrences of particular species, comprise portions of vegetation corridors or have the potential for rehabilitation. The conservation value of remnants may be independent of remnant size. Disturbed remnants are considered to form part of the community including remnants where the understorey, overstorey or both would, under appropriate management, respond to assisted natural regeneration from the soil seed bank.
14. The community is poorly represented in conservation reserves and, even then, is almost invariably found in small patches left after surrounding fertile land has been cleared for agriculture. Examples of Inland Grey Box Woodland are found in Buckingbong Flora Reserve (FR), Cocopara National Park (NP), Cocopara Nature Reserve (NR), Coolbaggie NR, Gubbata NR, Nangar NP, Pucawan NR, Round Hill NR, Strahorn FR, The Rock NR, Warrumbungle NP, Weddin Mountains NP, Wiesners Swamp NR, Wilbertroy FR, Wogoon NR and Wongarbon NR.
15. Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions is eligible to be listed as an endangered ecological community as, in the opinion of the Scientific Committee, it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

Clause 25

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in geographic distribution.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (b) a large reduction in ecological function,
as indicated by any of the following:
- (d) change in community structure
 - (e) change in species composition
 - (f) disruption of ecological processes
 - (g) invasion and establishment of exotic species
 - (h) degradation of habitat
 - (i) fragmentation of habitat.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penepplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penepplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions (as described in the final determination to list the ecological community) which was published in the NSW Government Gazette No. 90 dated 15 July 2005 (pages 3732 to 3739) and in the *New South Wales Government Gazette* No. 92 dated 22 July 2005 (pages 3798 to 3805). Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penepplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions is the name given to the ecological community that is scattered across the eastern parts of alluvial plains of the Murray-Darling river system. Typically, the ecological community occurs on red-brown earths and heavy textured grey and brown alluvial soils within a climatic belt receiving between 375 and 500 mm mean annual rainfall. The structure of the community varies from low woodland and low open woodland to low sparse woodland or open shrubland, depending on site quality and disturbance history. The tree layer grows up to a height of about 10 metres and invariably includes *Acacia pendula* (Weeping Myall or Boree) as one of the dominant species or the only tree species present. The understorey includes an open layer of chenopod shrubs and other woody plant species and an open to continuous groundcover of grasses and herbs. The structure and composition of the community varies, particularly with latitude, as chenopod shrubs are more prominent south of the Lachlan River district, while other woody species and summer grasses are more common further north. In some areas the shrub stratum may have been reduced or eliminated by clearing or heavy grazing.

The community is characterised by the following assemblage of species:

<i>Acacia homalophylla</i>	<i>Acacia oswaldii</i>
<i>Acacia pendula</i>	<i>Acacia victoriae</i>
<i>Alectryon oleifolius</i>	<i>Alternanthera denticulata</i>
<i>Amaranthus macrocarpus</i>	<i>Amyema quandang</i>
<i>Apophyllum anomalum</i>	<i>Arthropodium minus</i>
<i>Asperula conferta</i>	<i>Astrebla lappacea</i>
<i>Astrebla pectinata</i>	<i>Atalaya hemiglauca</i>
<i>Atriplex leptocarpa</i>	<i>Atriplex nummularia</i>
<i>Atriplex semibaccata</i>	<i>Atriplex spinibractea</i>
<i>Austrodanthonia caespitosa</i>	<i>Austrodanthonia setacea</i>
<i>Austrostipa aristiglumis</i>	<i>Austrostipa scabra</i>
<i>Boerhavia dominii</i>	<i>Brachyscome lineariloba</i>
<i>Calocephalus sonderi</i>	<i>Calotis hispidula</i>
<i>Calotis scabiosifolia</i>	<i>Capparis lasiantha</i>
<i>Capparis mitchellii</i>	<i>Casuarina cristata</i>
<i>Centipeda cunninghamii</i>	<i>Chloris truncata</i>
<i>Chrysocephalum apiculatum</i>	<i>Convolvulus erubescens</i>
<i>Dactyloctenium radulans</i>	<i>Daucus glochidiatus</i>
<i>Dichanthium sericeum</i>	<i>Diplachne fusca</i>
<i>Einadia nutans</i>	<i>Enchylaena tomentosa</i>
<i>Enteropogon acicularis</i>	<i>Eragrostis parviflora</i>
<i>Eremophila bignoniiflora</i>	<i>Eremophila maculata</i>
<i>Eriochloa</i> sp.	<i>Exocarpos aphyllus</i>
<i>Goodenia glauca</i>	<i>Goodenia pusilliflora</i>
<i>Homopholis proluta</i>	<i>Hypoxis pusilla</i>
<i>Iseilema membranaceum</i>	<i>Isoetopsis graminifolia</i>
<i>Ixiolaena leptolepis</i>	<i>Maireana aphylla</i>
<i>Maireana ciliata</i>	<i>Maireana decalvans</i>
<i>Maireana excavata</i>	<i>Maireana pentagona</i>

<i>Marsilea drummondii</i>	<i>Myoporum montanum</i>
<i>Myriocephalus rhizocephalus</i>	<i>Nitraria billardierei</i>
<i>Oxalis perennans</i>	<i>Panicum decompositum</i>
<i>Plantago varia</i> [complex]	<i>Poa fordeana</i>
<i>Portulaca oleracea</i>	<i>Rhagodia spinescens</i>
<i>Rhodanthe corymbiflora</i>	<i>Rhodanthe floribunda</i>
<i>Rhodanthe pygmaea</i>	<i>Salsola kali</i>
<i>Sclerolaena brachyptera</i>	<i>Sclerolaena muricata</i>
<i>Sclerolaena stelligera</i>	<i>Sida corrugata</i>
<i>Sida trichopoda</i>	<i>Solanum esuriale</i>
<i>Sporobolus caroli</i>	<i>Swainsona procumbens</i>
<i>Teucrium racemosum</i>	<i>Tribulus terrestris</i>
<i>Triptilodiscus pygmaeus</i>	<i>Vittadinia cuneata</i>

- The total flora list for the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of the site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
- Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions is known from parts of the Local Government Areas of Berrigan, Bland, Bogan, Carrathool, Conargo, Coolamon, Coonamble, Corowa, Forbes, Gilgandra, Griffith, Gwydir, Inverell, Jerilderee, Lachlan, Leeton, Lockhart, Moree Plains, Murray, Murrumbidgee, Narrabri, Narranderra, Narromine, Parkes, Urana, Wagga Wagga and Warren, and but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995).
- Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions has an open to sparse tree canopy up to 10 metres tall dominated by *Acacia pendula* (Myall or Boree), which may occur in pure stands, particularly south of the mid-Lachlan River district, or in combination with other trees such as *Casuarina cristata*, *Acacia homalophylla* (Yarran), *A. oswaldii* (Miljee), *Alectryon oleifolius* (Rosewood), *Apophyllum anomalum* (Warrior bush) and *Capparis* spp. The mistletoe, *Amyema quandang*, is common on the branches of *Acacia pendula* throughout. The shrub layer varies substantially with latitude and grazing history (Beadle 1948), and may be virtually absent in some stands. *Atriplex nummularia* (Old man saltbush) was historically one of the dominant understorey shrubs in the south, but is now uncommon in the community (Moore 1953). Other chenopod shrubs, such as *Atriplex semibaccata* (Creeping saltbush), *Enchylaena tomentosa* (Ruby saltbush), *Maireana aphylla* (Cotton bush), *M. decalvens* (Black cotton bush), *M. excavata*, *M. pentagona* (Hairy bluebush), *Rhagodia spinescens* (Thorny saltbush) and *Sclerolaena muricata* (Black rolypoly), are among the most frequent shrubs in the understorey of Myall Woodland south of the mid Lachlan district. Further north, non-chenopod shrubs, such as *Eremophila maculata* (Spotted fuchsia), *Apophyllum anomalum* (Warrior bush) and *Atalaya hemiglauca* (Whitewood) become more prominent components of the community, although some chenopods may still be common. The ground layer includes a diversity of grasses and forbs, and varies in cover depending on grazing regime and occurrence of recent rain. *Chloris truncata* (Windmill grass), *Einadia nutans* (Climbing saltbush), *Enteropogon acicularis* (Curly windmill grass), *Rhodanthe corymbiflora* (Small white sunray), *Solanum esuriale* (Quena) and *Sporobolus caroli* (Fairy grass), are frequent throughout the range of the community. *Astrebla* spp. (Mitchell grasses), *Austrostipa aristiglumis* (Plains grass), *Dichanthium sericeum* (Queensland bluegrass) and *Panicum decompositum* (Native millet) frequently occur in Myall Woodland north from the mid-Lachlan River district, while *Austroanthonia* spp. (White-top or Wallaby grasses), *Austrostipa scabra* (Rough speargrass), and herbs such as *Chrysocephalum apiculatum* (Common everlasting), *Goodenia pusilliflora*, *Myriocephalus rhizocephalus* (Woolly-heads) and *Swainsona* spp. (Bladder peas), are more prominent in the south.
- A number of vegetation surveys and mapping studies have been conducted across the range of Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions. In western New South Wales, the community includes the 'Acacia pendula Associates' of Beadle (1948). On the Moree floodplain, the community includes Map unit 7 'Myall/Rosewood Woodlands on Elevated Floodplain' of White (2000) and Map unit 4(b) 'Myall woodlands' of DLWC (2002a). In the Lachlan-Macquarie district of central NSW, the community includes the 'Acacia pendula-Atriplex nummularia Alliance' of Biddiscombe (1963), Map unit R5 'Myall Woodlands' of Sivertsen and Metcalfe (1995) and Metcalfe *et al.* (2003), Floristic Groups '65 *Eremophila mitchellii*/*Acacia oswaldii*/*A. pendula*', '66 Outlier *Acacia homalophylla*', '67 *Sclerolaena muricata*/*Acacia pendula*' and '68 *Acacia pendula*' of Austin *et al.* (2000), Map units ALP3 'Acacia woodlands of the stagnant alluvial plains: *Acacia pendula*' and ALP4 'Acacia woodlands of the stagnant alluvial

- plains: *Acacia homalophylla*’ of DLWC (2002b), and Broad Vegetation Type 5 ‘Myall open-woodland on loamy-clay plains’ of Kerr *et al.* (2003). In the Riverina district, the community includes the ‘*Acacia pendula*-*Atriplex nummularia* alliance’ of Moore (1953), Map unit 25 ‘*Acacia pendula* woodland’ of Porteners (1993), Map Unit 4a ‘Open Boree Woodland/Grassland’ of Roberts and Roberts (2001), Broad Vegetation Type 6 ‘Boree woodland’ of Miles (2001), Map unit 12 ‘*Acacia pendula* with an herbaceous understorey’ of DLWC (2002c) and ‘Parna Plains Grassland and Woodland’ of White *et al.* (2002). Myall Woodland belongs to the ‘Riverine Plain Woodlands’ vegetation class of Keith (2004).
6. Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions has been substantially reduced and modified by clearing and grazing over the past 160 years. The extent of Myall Woodland has not been mapped across its entire range. However, Riverine Plain Woodlands (which include Myall Woodland), are currently estimated to cover 1000-2000 km², representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Myall Woodland is likely to be smaller and is likely to represent much less than 30% of its original range. In the Moree district, White (2001) estimated that 91 km² of Myall/Rosewood Woodlands on Elevated Floodplain remained, representing 8.5% of its estimated pre-clearing distribution. In the lower Macquarie-Castlereagh region, Kerr *et al.* (2003) estimated that 93% of Myall open woodland had been cleared, leaving less than 300 km² extant. In the Riverina, NSW NPWS (2003) estimated that 94% of Myall Woodland had been cleared, leaving approximately 780 km². In the Murray valley, which partly overlaps the Riverina region, Miles (2001) estimated that 190 km² of Boree Woodland remained, representing only 4% of the pre-clearing distribution.
 7. In many areas of the Riverina, Myall Woodland has been eliminated and replaced by a grassland of *Chloris*, *Austrodanthonia* and *Austrostipa*, that lacks the woody components of the original woodland vegetation (Beadle 1948, Moore 1953, Porteners 1993, Benson *et al.* 1997, Keith 2004). In some areas, *Acacia pendula* persists as small, scattered individuals suppressed by grazing. Moore (1953) had considerable difficulty in finding any stands that had not been considerably modified by grazing or clearing, but established the formerly extensive distribution of Myall Woodland in the Riverina from accounts in historical journals and land surveys. Beadle (1948) and Moore (1953) both interviewed local farmers who described a major decline in dominant woody species, particularly *Acacia pendula* and *Atriplex nummularia*, during droughts of the late nineteenth century when trees were cut for emergency fodder and there was sustained overgrazing by sheep and rabbits. There was also a substantial trade in Myall as firewood (Williams 1962). High levels of grazing also led to the replacement of tall perennial tussock grasses with short perennial grasses and unpalatable annual herbs (Beadle 1948), as well as introduction of exotic herbs and grasses such as *Bromus* spp., *Erodium* spp., *Lepidium africanum*, *Medicago* spp., *Sisymbrium* spp. and *Trifolium* spp. Introduced shrubs, notably *Lycium ferocissimum* (African boxthorn) have also invaded some areas occupied by the community. Extant remnants of Myall Woodland are therefore in various states of modification that reflect their history of tree removal and grazing.
 8. Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions continues to be threatened by clearing and fragmentation associated with cropping, overgrazing by feral and domestic animals, pest outbreaks and weed invasion. In the northern Wheatbelt, for example, the remaining area of Myall Woodland declined by 10% between 1985 and 2000, and more than 90% of the remaining area was in patches less than 10 km² (Cox *et al.* 2001). Clearing of native vegetation is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
 9. The dominant species in Myall Woodland, *Acacia pendula*, is subject to herbivory by the processionary caterpillar *Ochrogaster lunifer* (Bag-shelter moth) (NSW Dept. of Agriculture 1960). These caterpillars may cause complete defoliation of the trees. Cunningham *et al.* (1981) state that “the severity of defoliation varies from year to year, as does the tree’s reaction. Those stripped of their leaves take a considerable time to recover and in some instances at least, death of the tree occurs as a direct result of caterpillar attacks.” The impacts of *O. lunifer* are a particular concern to landholders in districts where remnants of Myall Woodland have survived past clearing pressures and where stocking rates are maintained at low levels with the aim of conserving the community.
 10. Only a small area of Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions is represented within existing conservation reserves. In the Riverina district, Oolambeyan National Park contains approximately 700 hectares in varying states of recovery, and a further 10 hectares are found in Lake Urana Nature Reserve. Outside the Riverina district, less than 5 ha of Myall Woodland is represented in Macquarie Marshes Nature Reserve.
 11. In view of the above the Scientific Committee is of the opinion that Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Peneplain, Murray-Darling Depression, Riverina and NSW South western Slopes bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr RICHARD MAJOR,
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Scientific Committee

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THREATENED SPECIES CONSERVATION ACT

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion (as described in the final determination to list the ecological community) which was published in the *New South Wales Government Gazette* No. 129 dated 21 October 2005 (pages 8872 and 8919 to 8920) and in the *New South Wales Government Gazette* No. 137 dated 4 November 2005 (pages 9318 to 9320). Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion is the name given to the ecological community characterised by the assemblage of species listed in paragraph 2 that typically occurs at elevations of 700 - 1500 m, and is mainly confined to the high undulating basalt plateau with deep, chocolate or krasnozem loam soils (Benson and Ashby 2000). The structure of the community is typically open forest 20 – 30 m tall, although it may assume the structure of woodland, sometimes less than 12 m tall, in exposed sites or where subject to past clearing or thinning. The understorey contains a sparse stratum of shrubs and a continuous groundcover composed mostly of grasses and herbs.
2. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion is characterised by the following assemblage of species:

<i>Acacia dealbata</i>	<i>Acaena agnipila</i>
<i>Acaena novae-zelandiae</i>	<i>Ajuga australis</i>
<i>Ammobium alatum</i>	<i>Asperula conferta</i>
<i>Brachyscome nova-anglica</i>	<i>Bracteantha bracteata</i>
<i>Bulbine bulbosa</i>	<i>Craspedia variabilis</i>
<i>Cullen tenax</i>	<i>Cynoglossum australe</i>
<i>Desmodium varians</i>	<i>Dichelachne micrantha</i>
<i>Dichondra repens</i>	<i>Dichopogon fimbriatus</i>
<i>Diuris abbreviata</i>	<i>Elymus scaber</i>
<i>Epilobium billardierianum</i>	<i>Eucalyptus dalrympleana</i> subsp. <i>heptantha</i>
<i>Eucalyptus pauciflora</i>	<i>Eucalyptus stellulata</i>
<i>Eucalyptus viminalis</i>	<i>Euchiton gymnocephalus</i>
<i>Exocarpos cupressiformis</i>	<i>Galium ciliare</i>
<i>Geranium solanderi</i>	<i>Glycine clandestina</i>
<i>Hybanthus monopetalus</i>	<i>Hydrocotyle laxiflora</i>
<i>Hypericum gramineum</i>	<i>Lachnagrostis filiformis</i>
<i>Lomandra longifolia</i>	<i>Luzula densiflora</i>
<i>Pimelea linifolia</i>	<i>Poa labillardierei</i> var. <i>labillardierei</i>
<i>Poa sieberiana</i> var. <i>sieberiana</i>	<i>Poranthera microphylla</i>
<i>Pteridium esculentum</i>	<i>Pultenaea microphylla</i>
<i>Ranunculus lappaceus</i>	<i>Rubus parvifolius</i>
<i>Rumex brownii</i>	<i>Scleranthus biflorus</i>
<i>Senecio bipinnatisectus</i>	<i>Senecio diaschides</i>
<i>Senecio</i> sp. E	<i>Stellaria pungens</i>
<i>Themeda australis</i>	<i>Thesium australe</i>
<i>Veronica calycina</i>	<i>Viola betonicifolia</i>
<i>Wahlenbergia stricta</i> subsp. <i>stricta</i>	

3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, land clearing and fire) history. The number and relative abundance of species will change with time since fire, and may also change in response to changes in fire regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks

or lignotubers. The list of species given above is mainly of vascular plant species, however the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

4. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion is characterised by a tree layer usually c. 20 m tall, reaching up to 30 m in resource-rich sites, but considerably shorter than 20m on exposed or damp sites or where past clearing has removed mature trees. Common overstorey species include *Eucalyptus viminalis* (Ribbon Gum), *E. dalrympleana* subsp. *heptantha* (Mountain Gum), *E. pauciflora* (Snow Gum or White Sallee) and occasionally *E. stellulata* (Black Sallee). The understorey comprises a sparse layer of shrubs including *Acacia dealbata*, *Pultenaea microphylla* and *Pimelea linifolia* and a dense to very dense grassy ground cover dominated by *Poa sieberiana* var. *sieberiana*, *Plabillardieri* var. *labillardieri*, *Themeda australis* and *Elymus scaber* with herbs such as *Acaena* spp. *Ammobium alatum*, *Asperula conferta*, *Geranium solanderi*, *Ranunculus lappaceus* and numerous other species (Benson and Ashby 2000).
5. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion provides important habitat for the nationally vulnerable plant species *Thesium australe*, commonly known as 'Austral Toadflax' (Benson and Ashby 2000).
6. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion is currently known from parts of the Local Government Areas of Armidale Dumaresq, Bellingen, Clarence Valley, Glen Innes Severn, Guyra, Inverell, Tenterfield, Uralla and Walcha but may occur elsewhere in this bioregion. Bioregions are defined in Thackway and Cresswell (1995).
7. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion includes Communities 6 and 7 of Benson and Ashby (2000) and Tableland Grasslands and Woodlands on Basaltic Soils (Vegetation Type 1b, *Eucalyptus viminalis*) of Clarke *et al.* (1995). There may be additional occurrences of the community within and beyond these surveyed areas. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland belongs to the Tableland Clay Grassy Woodlands vegetation class (Keith 2004).
8. Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion may co-occur with White Box Yellow Box Blakely's Red Gum Woodland, also listed under the *Threatened Species Conservation Act (1995)*. The two Endangered Ecological Communities may intergrade where they adjoin and in intermediate habitats such as occur in the vicinity of Armidale. All intermediate assemblages are collectively included within the two communities.
9. The extent of Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion prior to European settlement has not been mapped across its entire range. However, in the Guyra District, Benson and Ashby (2000) estimate that 85% of their Map Units 6 and 7 have been cleared, leaving less than 8500 ha, of which less than half still retains a largely native understorey. This indicates a large reduction in geographic distribution of the community. Throughout the range of this community most of the understorey is highly modified, with many weeds present and a reduced native species richness (J. T. Hunter pers. comm.). An unknown area persists as native grassland where the woody component of the community has been eliminated by clearing. Of the area still wooded, much is regrowth after clearing or has had its understorey adversely affected by grazing or weed invasion.
10. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, high grazing pressure, inappropriate fire regimes and invasion by introduced taxa (Benson and Ashby 2000, Keith 2004). Common introduced taxa include *Hypochaeris radicata*, *Trifolium repens*, *Cirsium vulgare*, *Taraxacum officinale*, *Arenaria leptoclados* and *Petrorhagia nanteuillii* (Benson and Ashby 2000). Exotic perennial grasses such as *Eragrostis curvula* and *Andropogon virginicus* also threaten the community at higher altitudes (J. T. Hunter pers. comm.). Grazing pressure within remnant stands may be intense at certain times and high frequency (in some cases, annual) fires are a common management practice, leading to reduced understorey diversity. Most remnants are in poor condition, with some of the best examples now found along roadsides where they are often susceptible to gradual attrition due to road maintenance activities (J. T. Hunter pers. comm.). Collectively these processes represent a large reduction in the ecological function of the community. Clearing of native vegetation, High frequency fire resulting in disruption of life cycle processes in plants and animals and loss of vegetation structure and composition and Invasion of native plant communities by exotic perennial grasses are listed as Key Threatening Processes under the NSW Threatened Species Conservation Act 1995.
11. The community is poorly represented in conservation reserves with only 17 ha represented in Little Llangothlin Nature Reserve (Benson and Ashby 200).
12. In view of the above, the Scientific Committee is of the opinion that Ribbon Gum - Mountain Gum - Snow Gum Grassy Forest/Woodland of the New England Tableland Bioregion is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival cease to operate.

DR RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the final determination to list the ecological community) which was published on pages 9420 to 9426 in the *New South Wales Government Gazette* No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with silts, clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). River-Flat Eucalypt Forest on Coastal Floodplains generally occurs below 50 m elevation, but may occur on localised river flats up to 250 m above sea level in the NSW North Coast, Sydney Basin and South East Corner bioregions. Bioregions are defined in Thackway and Cresswell (1995). The structure of the community may vary from tall open forests to woodlands, although partial clearing may have reduced the canopy to scattered trees. Typically these forests and woodlands form mosaics with other floodplain forest communities and treeless wetlands, and often they fringe treeless floodplain lagoons or wetlands with semi-permanent standing water (e.g. Goodrick 1970).

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

<i>Acacia floribunda</i>	<i>Acacia parramattensis</i>
<i>Acmena smithii</i>	<i>Adiantum aethiopicum</i>
<i>Angophora floribunda</i>	<i>Angophora subvelutina</i>
<i>Austrostipa ramosissima</i>	<i>Backhousia myrtifolia</i>
<i>Breynia oblongifolia</i>	<i>Bursaria spinosa</i>
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	<i>Casuarina glauca</i>
<i>Cayratia clematidea</i>	<i>Centella asiatica</i>
<i>Cheilanthes sieberi</i> subsp. <i>sieberi</i>	<i>Clematis aristata</i>
<i>Clematis glycinoides</i>	<i>Commelina cyanea</i>
<i>Cymbopogon refractus</i>	<i>Desmodium varians</i>
<i>Dichelachne micrantha</i>	<i>Dichondra repens</i>
<i>Digitaria parviflora</i>	<i>Doodia aspera</i>
<i>Echinopogon caespitosus</i> var. <i>caespitosus</i>	<i>Echinopogon ovatus</i>
<i>Einadia hastata</i>	<i>Einadia trigonos</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>
<i>Eragrostis leptostachya</i>	<i>Eucalyptus amplifolia</i>
<i>Eucalyptus baueriana</i>	<i>Eucalyptus benthamii</i>
<i>Eucalyptus botryoides</i>	<i>Eucalyptus elata</i>
<i>Eucalyptus grandis</i>	<i>Eucalyptus longifolia</i>
<i>Eucalyptus moluccana</i>	<i>Eucalyptus ovata</i>
<i>Eucalyptus saligna</i>	<i>Eucalyptus tereticornis</i>
<i>Eucalyptus viminalis</i>	<i>Euchiton sphaericus</i>
<i>Eustrephus latifolius</i>	<i>Galium propinquum</i>
<i>Geitonoplesium cymosum</i>	<i>Geranium solanderi</i>
<i>Glycine clandestina</i>	<i>Glycine microphylla</i>
<i>Glycine tabacina</i>	<i>Hardenbergia violacea</i>
<i>Hydrocotyle peduncularis</i>	<i>Hymenanchera dentata</i>
<i>Hypolepis muelleri</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Livistona australis</i>	<i>Lomandra filiformis</i>

<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i> subsp. <i>multiflora</i>
<i>Melaleuca decora</i>	<i>Melaleuca linariifolia</i>
<i>Melaleuca styphelioides</i>	<i>Melia azedarach</i>
<i>Microlaena stipoides</i> var. <i>stipoides</i>	<i>Opercularia diphylla</i>
<i>Oplismenus aemulus</i>	<i>Oxalis perennans</i>
<i>Ozothamnus diosmifolius</i>	<i>Pandorea pandorana</i>
<i>Paspalidium distans</i>	<i>Persicaria decipiens</i>
<i>Phyllanthus gunnii</i>	<i>Plectranthus parviflorus</i>
<i>Poranthera microphylla</i>	<i>Pratia purpurascens</i>
<i>Pteridium esculentum</i>	<i>Rubus parvifolius</i>
<i>Sigesbeckia orientalis</i> subsp. <i>orientalis</i>	<i>Solanum prinophyllum</i>
<i>Stephania japonica</i> var. <i>discolor</i>	<i>Themeda australis</i>
<i>Trema aspera</i>	<i>Tristaniopsis laurina</i>
<i>Vernonia cinerea</i>	<i>Veronica plebeia</i>
<i>Viola hederacea</i>	<i>Wahlenbergia gracilis</i>

- The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
- River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Port Stephens, Maitland, Singleton, Cessnock, Lake Macquarie, Wyong, Gosford, Hawkesbury, Baulkham Hills, Blacktown, Parramatta, Penrith, Blue Mountains, Fairfield, Holroyd, Liverpool, Bankstown, Wollondilly, Camden, Campbelltown, Sutherland, Wollongong, Shellharbour, Kiama, Shoalhaven, Eastern Capital City Regional, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995). Major examples once occurred on the floodplains of the Hunter, Hawkesbury, Moruya, Bega and Towamba Rivers, although many smaller floodplains and river flats also contain examples of the community.
- River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. While the composition of the tree stratum varies considerably, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. amplifolia* (cabbage gum), *Angophora floribunda* (rough-barked apple) and *A. subvelutina* (broad-leaved apple). *Eucalyptus baueriana* (blue box), *E. botryoides* (bangalay) and *E. elata* (river peppermint) may be common south from Sydney, *E. ovata* (swamp gum) occurs on the far south coast, *E. saligna* (Sydney blue gum) and *E. grandis* (flooded gum) may occur north of Sydney, while *E. benthamii* is restricted to the Hawkesbury floodplain. Other eucalypts including *Eucalyptus longifolia* (woollybutt), *E. moluccana* (grey box) and *E. viminalis* (ribbon gum) may be present in low abundance or dominant in limited areas of the distribution. A layer of small trees may be present, including *Melaleuca decora*, *M. styphelioides* (prickly-leaved teatree), *Backhousia myrtifolia* (grey myrtle), *Melia azedarach* (white cedar), *Casuarina cunninghamiana* subsp. *cunninghamiana* (river oak) and *C. glauca* (swamp oak). Scattered shrubs include *Bursaria spinosa* subsp. *spinosa* (blackthorn), *Solanum prinophyllum* (forest nightshade), *Rubus parvifolius* (native raspberry), *Breynia oblongifolia* (coffee bush), *Ozothamnus diosmifolius*, *Hymenanthera dentata* (tree violet), *Acacia floribunda* (white sally) and *Phyllanthus gunnii*. The groundcover is composed of abundant forbs, scramblers and grasses including *Microlaena stipoides* (weeping grass), *Dichondra repens* (kidney weed), *Glycine clandestina*, *Oplismenus aemulus*, *Desmodium gunnii*, *Pratia purpurascens* (whiteroot), *Entolasia marginata* (bordered panic), *Oxalis perennans* and *Veronica plebeia* (trailing speedwell). The composition and structure of the understorey is influenced by grazing and fire history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic shrubs, grasses, vines and forbs.
- River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions provides habitat for a broad range of animals, including many that are dependent on trees for food, nesting or roosting (Law *et al.* 2000a, b). These include cormorants (*Phalacrocorax* spp.) and egrets (*Ardea* spp. and *Egretta* spp.), the Osprey (*Pandion haliaetus*), Whistling Kite (*Haliastur sphenurus*), White-bellied Sea-eagle (*Haliaeetus leucogaster*), as well as the Brush-tailed Phascogale (*Phascogale tapoatafa*), Yellow-bellied Glider (*Petaurus australis*), Squirrel Glider (*Petaurus norfolcensis*) (Law *et al.* 2000a), Sugar Glider (*Petaurus breviceps*) and Grey-headed Flying Fox (*Pteropus poliocephalus*). The fauna of River-Flat Eucalypt Forest also includes a number of species of frogs in the families Myobatrachidae and Hylidae, particularly *Litoria* spp., and many species of forest birds including honeyeaters, kingfishers, cuckoos, owls, doves, whistlers and fantails.

6. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish River-Flat Eucalypt Forest on Coastal Floodplains from other endangered communities on the coastal floodplains include: its dominance by either a mixed eucalypt canopy or by a single species of eucalypt belonging to either the genus *Angophora* or the sections *Exsertaria* or *Transversaria* of the genus *Eucalyptus* (Hill 2002); the relatively low abundance or sub-dominance of *Casuarina* and *Melaleuca* species; the relatively low abundance of *Eucalyptus robusta*; and the prominent groundcover of soft-leaved forbs and grasses. It generally occupies central parts of floodplains and raised levees; habitats where flooding is periodic and soils are rich in silt, without deep humic horizons and show little or no influence of saline ground water.
7. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions includes and replaces Sydney Coastal River-Flat Forest Endangered Ecological Community. River-Flat Eucalypt Forest on Coastal Floodplains may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion), Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, northwards from the Hunter valley, River-Flat Eucalypt Forest on Coastal Floodplains may intergrade with, or be replaced by, Subtropical Floodplain Forest of the NSW North Coast bioregion. As soil salinity increases, River-Flat Eucalypt Forest may adjoin or intergrade with Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between all of these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices. The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas that were mapped on coastal floodplains of the Manning River as 'Forest Ecosystem 47, Escarpment Red Gums' are included within this community. In the lower Hunter valley, 'Central Hunter Riparian Forest' (map unit 13), 'Wollombi Redgum-River Oak Woodland' (map unit 14) and 'Redgum Roughbarked Apple Swamp Forest' (map unit 38) of NPWS (2000) fall within this community. On the Cumberland Plain, 'Riparian Forest' (map unit 12) of Tozer (2003) and parts of 'Alluvial Woodland' (map unit 11) that are dominated by eucalypts (Tozer 2003) are included within this community. Benson's (1992) 'Camden White Gum Forest' (map unit 6d) and those parts of 'River Flat Forest' (map unit 9f) dominated by eucalypts also fall within this community, as do parts of the 'River-flat forests' of Benson and Howell (1990) and Benson *et al.* (1996) that are dominated by eucalypts. In the Warragamba catchment, small areas of 'Burratorang River Flat Forest' (map unit 88b) and 'Oakdale Alluvial Rough-barked Apple Forest' (map unit 88c) of NPWS (2002) are included within this community. On the south coast of NSW, this community includes those parts of 'Ecotonal Coastal Swamp Forest' (forest ecosystem 27) of Thomas *et al.* (2000) dominated by eucalypts, those parts of 'Coastal Lowlands Riparian Herb/Grass Forest' (forest ecosystem 48) and 'Southern Hinterland Shrub/Herb/Grass Riparian Forest' (forest ecosystem 49) of Thomas *et al.* (2000) mapped on alluvial soils, and those parts of 'Cumberland River Flat Forest' (map unit 33) and 'Floodplain Swamp Forest' (map unit 105) of Tindall *et al.* (2004) that are dominated by eucalypts. In the Eden region, this community includes forested parts of 'Floodplain Wetlands' (map unit 60) that are dominated by eucalypts and parts of 'Bega Wet Shrub Forest' (map unit 19) that are mapped on floodplains (Keith and Bedward 1999). River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Floodplain Wetlands' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of River-Flat Eucalypt Forest on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Temperate Eucalypt Forest on Coastal Floodplains, currently cover 800-1400 km², representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of River-Flat Eucalypt Forest on Coastal Floodplains is likely to be considerably smaller and is likely to represent much less than 30% of its original range. Major occurrences include: about 2000 ha in the lower Hunter region in 1990s (NPWS 2000); less than 10 000 ha on the NSW south coast from Sydney to Moruya in the mid 1990s (Tindall *et al.* 2004), of which up to about three-quarters occurred on the Cumberland Plain in 1998 (Tozer 2003); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999).
10. River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens and other cropping enterprises (e.g. turf). In the lower Hunter region, about one-quarter of the original extent was estimated to have remained during the 1990s (NPWS 2000), while less than one-quarter remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South

Coast region, less than one-fifth was estimated to remain in the late 1990s (Tindall et al. 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).

11. Land clearing continues to threaten River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Benson and Howell 1990), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and are further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, overgrazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils', removal of dead wood and rubbish dumping (e.g. Benson and Howell 1990, Boulton and Brock 1999, Johnston *et al.* 2003). Anthropogenic climate change may also threaten River-Flat Eucalypt Forest on Coastal Floodplains if this affects future flooding regimes (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire; and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Very few examples of River-Flat Eucalypt Forest on Coastal Floodplains remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting River-Flat Eucalypt Forest on Coastal Floodplains include *Anredera cordifolia* (madeira vine), *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *Axonopus fissifolius* (narrow-leaved carpet grass), *Bidens pilosa* (cobbler's peg), *Cardiospermum grandiflorum* (balloon vine), *Cirsium vulgare* (spear thistle), *Conyza bonariensis* (flaxleaf fleabane), *C. sumatrensis* (tall fleabane), *Gleditsea triacanthos* (honey locust), *Hypochaeris radicata* (catsear), *Ipomoea* spp. (morning glories), *Lantana camara* (lantana), *Ligustrum lucidum* (large-leaved privet), *L. sinense* (small-leaved privet), *Lonicera japonica* (Japanese honeysuckle), *Macfadyena unguis-cati* (cat's claw creeper), *Olea europaea* subsp. *cuspidata* (African olive), *Plantago lanceolata* (plantain), *Rubus fruticosus* agg. (blackberries), *Senecio madagascariensis* (fireweed), *Senna pendula* var. *glabrata*, *Setaria parviflora* (slender pigeon grass), *Sida rhombifolia* (paddy's lucerne), *Sonchus oleraceus* (common sowthistle), *Tradescantia fluminensis* (wandering jew), *Verbena bonariensis* (purpletop), *Paspalum dilatatum* (paspalum), *P. urvillei* and *Pennisetum clandestinum* (kikuyu) (Tozer 2003, Keith and Scott 2005, J. R. Hosking, pers. comm.).
13. Small areas of River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Blue Mountains, Cattai, Dharug, Georges River, Marramarra, Morton, Deua and Wadbilliga National Parks, and Gulguer and Mulgoa Nature Reserves, and these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. The reserved examples are on localised, sheltered river flats between hills, rather than the large open floodplains that comprised the majority of the original habitat (Keith 2004).
14. In view of the above the Scientific Committee is of the opinion that River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion (as described in the final determination to list the ecological community) which was published on pages 6945 to 6952 in the *New South Wales Government Gazette* No. 116 dated 7 September 2007. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion is the name given to the ecological community characterised by the species assemblage listed in paragraph 2. The community typically has an open forest structure, although disturbance may result in local manifestations as woodland or scrub. The community is typically associated with sheltered heads and upper slopes of gullies on transitional zones where sandstone outcrops may exist, but where soils are influenced by lateral movement of moisture, nutrients and sediment from more fertile substrates, such as shale/ironstone caps or dolerite dykes, in adjacent areas.
2. Southern Sydney sheltered forest on transitional sandstone soils is characterised by the following assemblage of species:

<i>Acacia binervata</i>	<i>Acacia linifolia</i>
<i>Acacia suaveolens</i>	<i>Acacia terminalis</i>
<i>Acacia ulicifolia</i>	<i>Allocasuarina littoralis</i>
<i>Angophora costata</i>	<i>Aotus ericoides</i>
<i>Banksia ericifolia</i> subsp. <i>ericifolia</i>	<i>Banksia oblongifolia</i>
<i>Banksia serrata</i>	<i>Banksia spinulosa</i> var. <i>spinulosa</i>
<i>Billardiera scandens</i>	<i>Calochlaena dubia</i>
<i>Cassytha pubescens</i>	<i>Ceratopetalum gummiferum</i>
<i>Corymbia gummifera</i>	<i>Dampiera stricta</i>
<i>Dianella caerulea</i>	<i>Dodonaea triquetra</i>
<i>Doryanthes excelsa</i>	<i>Elaeocarpus reticulatus</i>
<i>Entolasia stricta</i>	<i>Epacris longiflora</i>
<i>Eucalyptus pilularis</i>	<i>Eucalyptus piperita</i>
<i>Gahnia sieberiana</i>	<i>Gleichenia dicarpa</i>
<i>Gonocarpus teucroides</i>	<i>Grevillea oleoides</i>
<i>Hakea sericea</i>	<i>Hardenbergia violacea</i>
<i>Hibbertia aspera</i> subsp. <i>aspera</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Kunzea ambigua</i>	<i>Lepidosperma laterale</i>
<i>Leptomeria acida</i>	<i>Leptospermum polygalifolium</i>
<i>Lepyrodia scariosa</i>	<i>Leucopogon lanceolatus</i> var. <i>lanceolatus</i>
<i>Lindsaea linearis</i>	<i>Lomandra longifolia</i>
<i>Lomandra obliqua</i>	<i>Lomatia silaifolia</i>
<i>Opercularia aspera</i>	<i>Persoonia levis</i>
<i>Persoonia linearis</i>	<i>Persoonia pinifolia</i>
<i>Pittosporum undulatum</i>	<i>Platylobium formosum</i>
<i>Platysace linearifolia</i>	<i>Pteridium esculentum</i>
<i>Pultenaea daphnoides</i>	<i>Selaginella uliginosa</i>
<i>Smilax glycyphylla</i>	<i>Xanthorrhoea arborea</i>
<i>Xanthosia pilosa</i>	

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance (including fire) history. The number of species, and the above ground relative abundance of species will change with time since fire, and may also change in response to changes in fire regime (including changes in fire frequency). At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant

structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are not well documented.

4. Southern Sydney sheltered forest on transitional sandstone soils is an open forest dominated by eucalypts with scattered subcanopy trees, a diverse shrub layer and well-developed groundcover of ferns, forbs, grasses and graminoids. Some stands may take on structural forms of woodland or scrub, as disturbance associated with past clearing has resulted in reduced density and/or dense regrowth of the tree stratum. The dominant trees include *Angophora costata*, *Eucalyptus piperita* and occasionally *E. pilularis*, particularly around Helensburgh. *Corymbia gummifera* occurs frequently within the community, although generally at lower abundance than the other eucalypts. An open subcanopy includes *Allocasuarina littoralis*, *Ceratopetalum gummiferum* and occasionally *Elaeocarpus reticulatus* and *Pittosporum undulatum*. The understorey includes an open, diverse shrub stratum with species of *Acacia*, *Banksia*, *Persoonia* and several other genera. *Leptospermum polygalifolium*, *Leucopogon lanceolatus* and *Lomatia silaifolia* are frequently occurring shrubs, as are *Allocasuarina littoralis* and some of the other subcanopy tree species. *Smilax glycyphylla* and several other scramblers frequently occur in the shrub and ground strata. The prominent ground stratum comprises ferns (*Calochlaena*, *Pteridium*, *Gleichenia*, *Lindsaea*), large emergent tussocks of *Doryanthes excelsa* and *Gahnia sieberiana*, and a range of grasses and graminoids including *Lomandra longifolia*, *Entolasia stricta*, *Imperata cylindrica*, *Lepidosperma laterale* and *Lepyrodia scariosa*. Herbs, *Gonocarpus teucroides* and *Dianella caerulea*, are also frequent components of the groundcover. There is considerable variation in species composition, richness and structure within the community in response to local edaphic gradients and geographic gradients across the range.
5. Southern Sydney sheltered forest on transitional sandstone soils is primarily associated with the heads and upper slopes of sandstone gullies, which are downslope from residual shale or ironstone caps. This is mainly gentle terrain, with slopes not often exceeding 10°, and sandstone outcrops occur infrequently, relative to sites within well-developed, steeper gullies. The associated shale caps may be weathered to varying degrees, and are sometimes represented only by outcropping ironstone on the adjacent ridges (indicating heavy weathering). Many of these shale and ironstone caps were mapped by Walker (1960) as the Woronora and Hammondville soil groups, although some locations of these soils were apparently overlooked at Walker's (1960) coarse scale of mapping. In some cases, the transitional edaphic habitat may occur where sandstone overlies shale (e.g. Garrawarra Ridge). The community also occurs on sandstone sites associated with substrates other than shales and ironstones. For example, on the lower alluvial flats of the Hacking River near Audley, colluvial input from steep adjacent sandstone slopes mixes with loamy riverine deposits to create an enriched sandy loam supporting an unusual variant of the community. Another unusual occurrence is associated with a small dolerite dyke in Royal National Park, where lateral movement of sandstone-derived soils mix with more fertile loams derived from the dolerite.
6. Southern Sydney sheltered forest on transitional sandstone soils intergrades with other plant assemblages on sandstone, shale and ironstone substrates. Features that distinguish Southern Sydney sheltered forest of transitional sandstone soils from vegetation more typical of sandstone gullies in the eastern Sydney basin include its occurrences of *Eucalyptus pilularis*, *Acacia binervata*, *Elaeocarpus reticulatus*, *Pittosporum undulatum* and its relatively dense groundcover of ferns, grasses, rushes, lilies and forbs. These elements are apparently a response to enrichment of sandstone-derived soils from sources of additional nutrients, such as shale/ironstone caps, or rarely dolerite dykes and riparian material, which result in deeper, less rocky, more fertile sandy loams than those typical of sandstone gullies. Forests that occur on shales in the vicinity of Southern Sydney sheltered forest on transitional sandstone soils typically have a greater component of mesophyllous species in their shrub and subcanopy stratum, and trees such as *Eucalyptus globoidea*, *E. resinifera*, *E. paniculata* or *Syncarpia glomulifera*, which are not common in this community. These latter forests are classified as 'Sydney Shale-Ironstone Cap Forest' (map unit p143) by Tindall *et al.* (2004) and Tozer *et al.* (2006). This regional-scale map unit includes Endangered Ecological Communities, including Duffys Forest Ecological Community in the Sydney Basin Bioregion and O'Hares Creek Shale Forest.
7. Southern Sydney sheltered forest on transitional sandstone soils includes 'Tall Blackbutt-Apple Shale Forest' (map unit 20 of NPWS (2002), map unit 16 of NPWS (2003)). However, the description of this map unit as occurring 'on remnant shale caps' (NPWS 2002, 2003) is inaccurate, as the community is associated primarily with transition zones between shale and sandstone (see paragraph 5 above, Orscheg *et al.* 2006). In the extensive regional vegetation surveys of Tindall *et al.* (2004) and Tozer *et al.* (2006), Southern Sydney sheltered forest on transitional sandstone soils is one of several plant assemblages classified within a broader map unit (p140), Coastal Sandstone Gully Forest (Orscheg *et al.* 2006). Southern Sydney sheltered forest on transitional sandstone soils belongs to the Sydney Coastal Dry Sclerophyll Forests vegetation class of Keith (2004).
8. Southern Sydney sheltered forest on transitional sandstone soils has been recorded from the local government areas of Campbelltown, Hurstville, Kogarah, Sutherland, Wollondilly and Wollongong within the Sydney Basin Bioregion and may occur elsewhere in the Bioregion. Bioregions are defined in Thackway and Cresswell (1995).
9. Southern Sydney sheltered forest on transitional sandstone soils is found within an estimated total extent of occurrence of less than 45 000 ha, bounded approximately by Hurstville, Carss Park, Bundeena, Otford, Stanwell Tops, Darkes Forest, Punchbowl Creek and Menai. Within this range, the community is currently estimated to occupy an area of approximately 400 - 4 000 ha, (Orscheg *et al.* 2006). These estimates indicate that the geographic distribution of Southern Sydney sheltered forest on transitional sandstone soils is highly restricted.

10. Clearing of areas where suitable habitat exists for Southern Sydney sheltered forest on transitional sandstone soils has occurred within the local government areas of Hurstville, Kogarah and Sutherland, where the community persists as small fragments surrounded by urban development. The remaining area of the community is principally in the upper Hacking River catchment around Helensburgh and in Royal National Park, although considerable clearing of the community has also occurred around the Helensburgh-Otford-Stanwell Tops area. Clearing has resulted in a moderate to large reduction in the geographic distribution of the community. Some areas of the community continue to be threatened by small-scale clearing and fragmentation associated with urban and rural residential subdivision, development and maintenance of transport corridors and easements. Clearing of native vegetation is listed as a Key Threatening Process under the Threatened Species Conservation Act.
11. The juxtaposition of Southern Sydney sheltered forest on transitional sandstone soils with urban and other developed areas exposes the community to influx of weeds and stormwater, heavy recreational use, incidental disturbance and some willful damage. These result in degradation of the community, reduction in its ecological function and ongoing management challenges that are typical of bushland remnants in urban landscapes (Benson and Howell 1990). Stands of the community located downslope from developed areas are predisposed to further degradation. Weed infestations are most severe on the interfaces between bushland and urban and industrial areas and along drainage lines that carry stormwater runoff from developed areas. Problematic weed species in the community include the following:

<i>Ageratina adenophora</i>	Crofton Weed
<i>Ageratina riparia</i>	
<i>Andropogon virginicus</i>	Whiskey Grass
<i>Asparagus</i> spp.	Spanish Heath
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Coreopsis lanceolata</i>	
<i>Hedychium gardnerianum</i>	
<i>Lantana camara</i>	Lantana
<i>Ligustrum sinense</i>	Small-leaved Privet
<i>Lilium formosum</i>	
<i>Lonicera japonica</i>	Honeysuckle
<i>Pennisetum clandestinum</i>	Kikuyu
<i>Plantago lanceolata</i>	
<i>Senna pendula</i>	
<i>Setaria gracilis</i>	
<i>Tradescantia albiflora</i>	

‘Invasion and establishment of exotic vines and creepers’, ‘Invasion of native plant communities by exotic perennial grasses’ and ‘Invasion, establishment and spread of Lantana (*Lantana camara* L. *sens. lat.*)’ are listed as Key Threatening Processes under the Threatened Species Conservation Act.

12. Frequent fires and other fuel reduction measures may pose a threat to the community, particularly along urban interfaces, where it occurs within strategic fire management zones for asset protection. Royal National Park also has a history of frequent unplanned ignitions through arson and incidental causes (National Parks and Wildlife Service, fire history records). Frequent fires may interrupt life cycles of key plant species, resulting in changes to vegetation structure and fauna habitats (Catling 1991, Keith 1996). In combination with other disturbances, they may also accelerate weed invasion. ‘High frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition’ is listed as a Key Threatening Process under the Threatened Species Conservation Act. Conversely, small isolated vegetation remnants in long-established urban areas may experience very long intervals between fires, resulting in senescence and recruitment failure in some species whose populations depend on periodic fires for persistence.
13. The distribution of Southern Sydney sheltered forest on transitional sandstone soils occurs within an area that has been invaded by exotic Rusa deer (Moriarty 2002). Deer are generalist herbivores that browse and graze on a wide range of native and exotic plant species (Keith and Pellow 2004). This adversely affects survival and reproduction in some native plants. The effects of deer herbivory appear to be more severe in small, recently burnt areas, as the animals concentrate their foraging activities on these areas to obtain fresh plant growth. Deer populations reach very high densities in areas where Southern Sydney sheltered forest on transitional sandstone soils adjoins the urban interface, including areas such as Helensburgh and Grays Point. ‘Herbivory and environmental degradation caused by feral deer’ is listed as a Key Threatening Process under the Threatened Species Conservation Act.
14. Ongoing fragmentation, influx of stormwater, pollutants and nutrients, the invasion of weeds, changes in vegetation structure and continuing degradation associated with altered fire regimes and feral deer have collectively resulted in a large reduction in the ecological function of the community.

15. Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion is eligible to be listed as an endangered ecological community as, in the opinion of the Scientific Committee, it is facing a high risk of extinction in New South Wales in the immediate future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

Clause 26

The ecological community's geographic distribution is estimated or inferred to be:

(b) highly restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

(c) a large reduction in ecological function,

as indicated by any of the following:

(d) change in community structure

(e) change in species composition

(f) disruption of ecological processes

(g) invasion and establishment of exotic species

(h) degradation of habitat.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the final determination to list the ecological community) which was published on pages 9432 to 9437 in the *New South Wales Government Gazette* No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with grey-black clay-loams and sandy loams, where the groundwater is saline or sub-saline, on waterlogged or periodically inundated flats, drainage lines, lake margins and estuarine fringes associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Swamp Oak Floodplain Forest generally occurs below 20 m (rarely above 10 m) elevation in the NSW North Coast, Sydney Basin and South East Corner bioregions. Bioregions are defined in Thackway and Cresswell (1995). The structure of the community may vary from open forests to low woodlands, scrubs or reedlands with scattered trees. Typically these forests, woodlands, scrubs and reedlands form mosaics with other floodplain forest communities and treeless wetlands, and often they fringe treeless floodplain lagoons or wetlands with semi-permanent standing water (e.g. Pressey 1989a).

The composition of Swamp Oak Floodplain Forest is primarily determined by the frequency and duration of waterlogging and the level of salinity in the groundwater. Composition also varies with latitude. The community is characterised by the following assemblage of species:

<i>Acmena smithii</i>	<i>Alphitonia excelsa</i>
<i>Alternanthera denticulata</i>	<i>Baumea juncea</i>
<i>Blechnum indicum</i>	<i>Callistemon salignus</i>
<i>Carex appressa</i>	<i>Casuarina glauca</i>
<i>Centella asiatica</i>	<i>Commelina cyanea</i>
<i>Crinum pedunculatum</i>	<i>Cupaniopsis anacardioides</i>
<i>Cynodon dactylon</i>	<i>Dianella caerulea</i>
<i>Entolasia marginata</i>	<i>Enydra fluctuans</i>
<i>Flagellaria indica</i>	<i>Gahnia clarkei</i>
<i>Geitonoplesium cymosum</i>	<i>Glochidion ferdinandi</i>
<i>Glochidion sumatranum</i>	<i>Hypolepis muelleri</i>
<i>Imperata cylindrica</i> var. <i>major</i>	<i>Isolepis inundata</i>
<i>Juncus kraussii</i> subsp. <i>australiensis</i>	<i>Juncus planifolius</i>
<i>Juncus usitatus</i>	<i>Lobelia alata</i>
<i>Lomandra longifolia</i>	<i>Lophostemon suaveolens</i>
<i>Maundia triglochinosoides</i>	<i>Melaleuca alternifolia</i>
<i>Melaleuca ericifolia</i>	<i>Melaleuca quinquenervia</i>
<i>Melaleuca styphelioides</i>	<i>Myoporum acuminatum</i>
<i>Oplismenus imbecillis</i>	<i>Parsonsia straminea</i>
<i>Persicaria decipiens</i>	<i>Persicaria strigosa</i>
<i>Phragmites australis</i>	<i>Selliera radicans</i>
<i>Smilax australis</i>	<i>Stephania japonica</i> var. <i>discolor</i>
<i>Viola banksii</i>	

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

3. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes, Port Stephens, Maitland, Newcastle, Cessnock, Lake Macquarie, Wyong, Gosford, Pittwater, Warringah, Hawkesbury, Baulkham Hills, Hornsby, Lane Cove, Blacktown, Auburn, Parramatta, Canada Bay, Rockdale, Kogarah, Sutherland, Penrith, Fairfield, Liverpool, Bankstown, Wollondilly, Camden, Campbelltown, Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Creswell (1995). Major examples once occurred on the floodplains of the Clarence, Macleay, Hastings, Manning, Hunter, Hawkesbury, Shoalhaven and Moruya Rivers.
4. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species northwards from Bermagui. Other trees including *Acmena smithii* (lilly pilly), *Glochidion* spp. (cheese trees) and *Melaleuca* spp. (paperbarks) may be present as subordinate species, and are found most frequently in stands of the community northwards from Gosford. Tree diversity decreases with latitude, and *Melaleuca ericifolia* is the only abundant tree in this community south of Bermagui (Keith and Bedward 1999). The understorey is characterised by frequent occurrences of vines, *Parsonsia straminea* (common silkpod), *Geitonoplesium cymosum* (scrambling lily) and *Stephania japonica* var. *discolor* (snake vine), a sparse cover of shrubs, and a continuous groundcover of forbs, sedges, grasses and leaf litter. The composition of the ground stratum varies depending on levels of salinity in the groundwater. Under less saline conditions prominent ground layer plants include forbs such *Centella asiatica* (pennywort), *Commelina cyanea*, *Persicaria decipiens* (slender knotweed) and *Viola banksii*; graminoids such as *Carex appressa* (tussock sedge), *Gahnia clarkei* (a saw-sedge), *Lomandra longifolia* (spiny-headed mat-rush), *Oplismenus imbecillis*; and the fern *Hypolepis muelleri* (batswing fern). On the fringes of coastal estuaries, where soils are more saline, the ground layer may include the threatened grass species, *Alexfloydia repens*, as well as *Baumea juncea*, *Juncus kraussii* subsp. *australiensis* (sea rush), *Phragmites australis* (common reed), *Selliera radicans* and other saltmarsh species. The composition and structure of the understorey is also influenced by grazing history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic grasses, vines and forbs.
5. Unlike most other coastal floodplain communities, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions are not a significant habitat for waterbirds (Goodrick 1970). However, they do sometimes provide food resources for the Glossy Black Cockatoo (*Calyptorhynchus lathami lathami*), and Yellow-tailed Black Cockatoo (*Calyptorhynchus funereus*) (Marchant and Higgins 1990). The fauna of Swamp Oak Floodplain Forest also includes the Squirrel Glider (*Petaurus norfolcensis*) and several species of frogs in the families Myobatrachidae (southern frogs) and Hylidae (tree frogs).
6. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish Swamp Oak Floodplain Forest from other endangered ecological communities on the coastal floodplains include: its dominance by a tree canopy of either *Casuarina glauca* or, more rarely, *Melaleuca ericifolia* with or without subordinate tree species; the relatively low abundance of *Eucalyptus* species; and the prominent groundcover of forbs and graminoids. It generally occupies low-lying parts of floodplains, alluvial flats, drainage lines, lake margins and fringes of estuaries; habitats where flooding is periodic and soils show some influence of saline ground water. This latter habitat feature sets it apart from other floodplain communities.
7. Swamp Oak Floodplain Forest may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-Flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion) and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, in less saline habitats, Swamp Oak Floodplain Forest may adjoin or intergrade with several other endangered ecological communities including River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions and Subtropical Floodplain Forest of the NSW North Coast bioregion. The most saline forms of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions may adjoin or intergrade with Coastal Saltmarsh of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003). The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes 'Sheoak Swamps' in the general coastal wetlands classification of Goodrick (1970). In the Tweed valley lowlands, this community includes '*Casuarina glauca* tall to very tall open to closed forest' (F10) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) that include *Casuarina glauca* with *Melaleuca*

spp. (Pressey and Griffith 1992). In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas mapped as 'Forest Ecosystem 143, Swamp Oak', fall within this community. In the lower Hunter valley, 'Swamp Oak – Rushland Forest' (map unit 40) and 'Swamp Oak Sedge Forest' (map unit 41) of NPWS (2000) fall within this community. On the Cumberland Plain, 'Riparian Woodland' (map unit 5) of Tozer (2003) and parts of 'Alluvial Woodland' (map unit 11) dominated by *Casuarina glauca* (Tozer 2003) are included within this community, while those parts of Benson's (1992) 'River Flat Forest' (map unit 9f) dominated by *C. glauca* also fall within this community, as do parts of the 'River-flat forests' of Benson and Howell (1990) and Benson et al. (1996) that are dominated by *C. glauca*. On the Illawarra Plain, 'Coastal Swamp Oak Forest' (map unit 36) of NPWS (2002) occurs within this community. In the Comprehensive Regional Assessment of southern New South Wales (Thomas et al. 2000), this community includes 'Coastal Wet Heath Swamp Forest' (forest ecosystem 24), 'South Coast Swamp Forest' complex (forest ecosystem 25) and those parts of 'Ecotonal Coastal Swamp Forest' (forest ecosystem 27) dominated by *Casuarina glauca*. In the Sydney - South Coast region, this community includes parts of 'Floodplain Swamp Forest' (map unit 105) dominated by *Casuarina glauca*, 'Estuarine Fringe Forest' (map unit 106) and 'Estuarine Creek Flat Scrub' (map unit 107) of Tindall et al. (2004). In the Eden region, this community includes 'Estuarine Wetland Scrub' (map unit 63) of Keith and Bedward (1999) and parts of 'Floodplain Wetlands' (map unit 60) that include *Casuarina glauca* or *Melaleuca ericifolia* (Keith and Bedward 1999). Swamp Oak Floodplain Forest South East Corner is included within the 'Coastal Floodplain Wetlands' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Swamp Oak Floodplain Forest within and beyond these surveyed areas.

9. The extent of the Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Swamp Oak Floodplain Forest, currently cover 800-1400 km², representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Swamp Oak Floodplain Forest is likely to be considerably smaller and is likely to represent much less than 30% of its original range. Major occurrences include: less than 350 ha on the Tweed lowlands in 1985 (Pressey and Griffith 1992); less than 650 ha on the lower Clarence floodplain in 1982 (Pressey 1989a); less than 400 ha on the lower Macleay floodplain in 1983 (Pressey 1989b); less than 3200 ha in the lower Hunter – central Hunter region in the 1990s (NPWS 2000); less than 5200 ha in the Sydney - South Coast region in the mid 1990s (Tindall et al. 2004), including up to 4700 ha on the Cumberland Plain in 1998 (Tozer 2003) and less than 250 ha on the Illawarra Plain in 2001 (NPWS 2002); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999).
10. Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Swamp Oak Floodplain Forests in other parts of the NSW North Coast bioregion (Pressey 1989a, 1989b, NPWS 1999). In the lower Hunter – central coast region, less than 30-40% was estimated to have remained during the 1990s (NPWS 2000), while approximately 13% remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South Coast region, less than 20% was estimated to remain in the mid 1990s (Tindall et al. 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).
11. Land clearing continues to threaten Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey 1989a, b; Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, overgrazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999, Johnson et al. 2003). Anthropogenic climate change may also threaten Swamp Oak Floodplain Forest if sea levels rise as predicted or if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change and High frequency fire are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Swamp Oak Floodplain Forest have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the NSW Department of Public Works. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* into open floodplain swamps has been attributed to artificial drainage and shortening of the hydroperiod (Johnston et al. 2003, Stevenson 2003). There have also been anecdotal reports of recruitment by *Casuarina glauca* in pastures during extended dry periods,

though not necessarily by other components of the community. These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003). Alteration of tidal flows may have lead to decreased soil salinity and localised expansion of *Casuarina glauca* into areas that previously supported Coastal Saltmarsh or mangroves (Stevenson 2003).

13. Very few examples of Swamp Oak Floodplain Forest remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting Swamp Oak Floodplain Forest include *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *Baccharis halimifolia* (groundsel bush), *Cyperus eragrostis* (umbrella sedge), *Cinnamomum camphora* (camphor laurel), *Conyza* spp. (fleabanes), *Hydrocotyle bonariensis* (American pennywort), *Ipomoea cairica*, *I. purpurea* and *I. indica* (morning glories), *Lantana camara*, *Paspalum dilatatum* (paspalum), *Pennisetum clandestinum* (kikuyu) *Rubus fruticosus* agg. (blackberries), *Solanum pseudocapsicum* (Madeira winter cherry), *S. nigrum* (black-berry nightshade), *Tradescantia fluminensis* (wandering jew) and *Verbena bonariensis* (purpletop), (Tozer 2003, Keith and Scott 2005). In general, remaining examples of Swamp Oak Floodplain Forest from the most saline environments are in better condition, while those from less saline habitats are generally more degraded.
14. Small areas of Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Stotts Island, Ukerebagh, Tuckean, Pambalong, Wamberal, Towra Point and Cullendulla Creek Nature Reserves and Bongil Bongil, Myall Lakes and Conjola National Parks. These occurrences are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. In addition, wetlands within protected areas are exposed to hydrological changes that were, and continue to be initiated outside their boundaries. Some areas of Swamp Oak Floodplain Forest are protected by State Environmental Planning Policy 14, although this has not always precluded impacts on wetlands from the development of major infrastructure.
15. Given the dynamic hydrological relationship between Swamp Oak Floodplain Forest, Coastal Saltmarsh and other endangered ecological communities on coastal floodplains, future management of water and tidal flows may result in the expansion of some communities at the expense of others. Proposals for the restoration of natural hydrological regimes and for the rehabilitation of acid sulfate soils may also result in changes to the distribution and composition of floodplain communities. Co-ordinated planning and management approaches across whole catchments will be required to address and resolve priorities between different management objectives.
16. In view of the above the Scientific Committee is of the opinion that Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

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THREATENED SPECIES CONSERVATION ACT 1995

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

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the final determination to list the ecological community) which was published on pages 9438 to 9444 in the *New South Wales Government Gazette* No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

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

The Scientific Committee has found that:

1. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with humic clay loams and sandy loams, on waterlogged or periodically inundated alluvial flats and drainage lines associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Swamp Sclerophyll Forest on Coastal Floodplains generally occurs below 20 m (though sometimes up to 50 m) elevation, often on small floodplains or where the larger floodplains adjoin lithic substrates or coastal sand plains in the NSW North Coast, Sydney Basin and South East Corner bioregions. Bioregions are defined in Thackway and Cresswell (1995). The structure of the community is typically open forest, although partial clearing may have reduced the canopy to scattered trees. In some areas the tree stratum is low and dense, so that the community takes on the structure of scrub. The community also includes some areas of fernland and tall reedland or sedgeland, where trees are very sparse or absent. Typically these forests, scrubs, fernlands, reedlands and sedgelands form mosaics with other floodplain forest communities and treeless wetlands, and often they fringe treeless floodplain lagoons or wetlands with semi-permanent standing water (e.g. Pressey 1989a).

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

<i>Acacia irrorata</i>	<i>Acacia longifolia</i>
<i>Acmena smithii</i>	<i>Adiantum aethiopicum</i>
<i>Allocasuarina littoralis</i>	<i>Banksia oblongifolia</i>
<i>Banksia spinulosa</i>	<i>Baumea articulata</i>
<i>Baumea juncea</i>	<i>Blechnum camfieldii</i>
<i>Blechnum indicum</i>	<i>Breynia oblongifolia</i>
<i>Callistemon salignus</i>	<i>Calochlaena dubia</i>
<i>Carex appressa</i>	<i>Casuarina glauca</i>
<i>Centella asiatica</i>	<i>Dianella caerulea</i>
<i>Dodonaea triquetra</i>	<i>Elaeocarpus reticulatus</i>
<i>Entolasia marginata</i>	<i>Entolasia stricta</i>
<i>Eucalyptus botryoides</i>	<i>Eucalyptus longifolia</i>
<i>Eucalyptus resinifera</i> subsp. <i>hemilampra</i>	<i>Eucalyptus robusta</i>
<i>Ficus coronata</i>	<i>Gahnia clarkei</i>
<i>Gahnia sieberiana</i>	<i>Glochidion ferdinandi</i>
<i>Glycine clandestina</i>	<i>Gonocarpus tetragynus</i>
<i>Hydrocotyle peduncularis</i>	<i>Hypolepis muelleri</i>
<i>Imperata cylindrica</i> var. <i>major</i>	<i>Isachne globosa</i>
<i>Leptospermum polygalifolium</i> subsp. <i>polygalifolium</i>	<i>Livistona australis</i>
<i>Lomandra longifolia</i>	<i>Lophostemon suaveolens</i>
<i>Melaleuca ericifolia</i>	<i>Melaleuca linariifolia</i>
<i>Melaleuca quinquenervia</i>	<i>Melaleuca sieberi</i>
<i>Melaleuca styphelioides</i>	<i>Morinda jasminoides</i>
<i>Omalthanthus populifolius</i>	<i>Oplismenus aemulus</i>
<i>Oplismenus imbecillis</i>	<i>Parsonsia straminea</i>
<i>Phragmites australis</i>	<i>Polyscias sambucifolia</i>
<i>Pratia purpurascens</i>	<i>Pteridium esculentum</i>

Stephania japonica var. *discolor*
Villarsia exaltata
Viola hederacea

Themeda australis
Viola banksii

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
3. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes and Port Stephens, Lake Macquarie, Wyong, Gosford, Hornsby, Pittwater, Warringah, Manly, Liverpool, Rockdale, Botany Bay, Randwick, Sutherland, Wollongong, Shellharbour, Kiama and Shoalhaven but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995). Major examples once occurred on the floodplains of the Tweed, Richmond, Clarence, Macleay, Hastings and Manning Rivers, although smaller floodplains would have also supported considerable areas of this community.
4. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has an open to dense tree layer of eucalypts and paperbarks, which may exceed 25 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. For example, stands dominated by *Melaleuca ericifolia* typically do not exceed 8 m in height. The most widespread and abundant dominant trees include *Eucalyptus robusta* (swamp mahogany), *Melaleuca quinquenervia* (paperbark) and, south from Sydney, *Eucalyptus botryoides* (bangalay) and *Eucalyptus longifolia* (woollybut). Other trees may be scattered throughout at low abundance or may be locally common at few sites, including *Callistemon salignus* (sweet willow bottlebrush), *Casuarina glauca* (swamp oak) and *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *Livistona australis* (cabbage palm) and *Lophostemon suaveolens* (swamp turpentine). A layer of small trees may be present, including *Acacia irrorata* (green wattle), *Acmena smithii* (lilly pilly), *Elaeocarpus reticulatus* (blueberry ash), *Glochidion ferdinandi* (cheese tree), *Melaleuca linariifolia* and *M. styphelioides* (paperbarks). Shrubs include *Acacia longifolia* (Sydney golden wattle), *Dodonaea triquetra* (a hopbush), *Ficus coronata* (sandpaper fig), *Leptospermum polygalifolium* subsp. *polygalifolium* (lemon-scented tea tree) and *Melaleuca* spp. (paperbarks). Occasional vines include *Parsonsia straminea* (common silkpod), *Morinda jasminoides* and *Stephania japonica* var. *discolor* (snake vine). The groundcover is composed of abundant sedges, ferns, forbs, and grasses including *Gahnia clarkei*, *Pteridium esculentum* (bracken), *Hypolepis muelleri* (batswing fern), *Calochlaena dubia* (false bracken), *Dianella caerulea* (blue flax lily), *Viola hederacea*, *Lomandra longifolia* (spiny-headed mat-rush) and *Entolasia marginata* (bordered panic) and *Imperata cylindrica* var. *major* (blady grass). The endangered swamp orchids *Phaius australis* and *P. tankervillei* are found in this community. On sites downslope of lithic substrates or with soils of clay-loam texture, species such as *Allocasuarina littoralis* (black she-oak), *Banksia oblongifolia*, *B. spinulosa* (var. *collina* or var. *spinulosa*) (hairpin banksia), *Ptilothrix deusta* and *Themeda australis* (kangaroo grass), may also be present in the understorey. The composition and structure of the understorey is influenced by grazing and fire history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic grasses, vines and forbs.
5. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions provides habitat for a broad range of animals, including many that are dependent on trees for food, nesting or roosting (Law *et al.* 2000). The blossoms of *Eucalyptus robusta* and *Melaleuca quinquenervia* are also an important food source for the Grey-headed Flying Fox (*Pteropus poliocephalus*) and Common Blossom Bat (*Sycocncteris australis*) (Law 1994), as well as the Yellow-bellied Glider (*Petaurus australis*), Sugar Glider (*Petaurus breviceps*), Regent Honeyeater (*Xanthomyza phrygia*) and Swift Parrot (*Lathamus discolor*). Other animals found in this community include the Osprey (*Pandion haliaetus*), Australasian Bittern (*Botaurus poiciloptilus*), Large-footed myotis (*Myotis adversus*), Litoria olongburensis and Wallum Froglet (*Crinia tinnula*).
6. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish Swamp Sclerophyll Forest on Coastal Floodplains from other endangered ecological communities on the coastal floodplains include: its relatively dense tree canopy dominated by *Eucalyptus robusta*, *Melaleuca quinquenervia* or *E. botryoides*, the relatively infrequent occurrence of other eucalypts, *Casuarina glauca* or *Lophostemon suaveolens*; the occasional presence of rainforest elements as scattered trees or understorey plants; and the prominence of large sedges and ferns in the groundcover. It generally occupies small alluvial flats and peripheral parts of floodplains where they adjoin lithic substrates or coastal sandplains. The soils are usually waterlogged, stained black or dark grey with humus, and show little influence of saline ground water.

7. Swamp Sclerophyll Forest on Coastal Floodplains includes and replaces Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion. It may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-Flat Forest in the Sydney Basin bioregion), Subtropical Floodplain Forest, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, as soils become less waterlogged, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions may adjoin or intergrade with River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soil salinity increases Swamp Sclerophyll Forest on Coastal Floodplains may intergrade with, and be replaced by, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003, Stevenson 2003). The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes the *Eucalyptus robusta* (Swamp Mahogany) community identified on coastal alluvium by Douglas and Anderson (2002) and the Coastal Alluvium Swamp Forest complex defined by Anderson and Asquith (2002). In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), those areas on floodplains mapped as 'Forest Ecosystem 112, Paperbark', and those areas on floodplains mapped as 'Forest Ecosystem 142, Swamp Mahogany' are included within this community. On the Tweed lowlands, this community includes '*Eucalyptus robusta* mid-high to very tall closed forest' (F7), '*Archontophoenix cunninghamiana*-*Melaleuca quinquenervia* very tall feather palm swamp forest' (F9), those parts of *Melaleuca quinquenervia* tall to very tall open to closed forest' (F8) on alluvial soils and parts of 'Floodplain Wetland Complex' (FL) dominated by *Eucalyptus robusta* or *Melaleuca quinquenervia* (Pressey and Griffith 1992). In the lower Hunter district, this community includes 'Swamp Mahogany-Paperbark Swamp Forest' (map unit 37), Riparian *Melaleuca* Swamp Woodland (map unit 42) and *Melaleuca* Scrub (map unit 42a) of NPWS (2000). In the Sydney-Gosford region, this community includes those parts of 'Freshwater Swamp complex' (map unit 27a) dominated by *Eucalyptus robusta* or *E. botryoides* (Benson 1986, Benson and Howell 1994) and parts of the 'Freshwater wetlands – on the floodplains' of Benson and Howell (1990) and Benson *et al.* (1996). In the Illawarra, this community includes 'Alluvial swamp mahogany forest' (map unit 35) of NPWS (2002). On the south coast, this community includes 'Northern Coastal Lowlands Swamp Forest' (forest ecosystem 175) of Thomas *et al.* (2000) and 'Coastal Sand Swamp Forest' (map unit 45) of Tindall *et al.* (2004). Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Floodplain Wetlands' and 'Coastal Swamp Forest' vegetation classes of Keith (2002, 2004). There may be additional or unmapped occurrences of Swamp Sclerophyll Forest on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Swamp Sclerophyll Forest on Floodplains, currently cover 800-1400 km², representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Swamp Sclerophyll Forest on Coastal Floodplains is likely to be considerably smaller and is likely to represent much less than 30% of its original range. For example, there were less than 350 ha of native vegetation attributable to this community on the Tweed lowlands in 1985 (Pressey and Griffith 1992), less than 2500 ha on the Clarence floodplain in 1982 (Pressey 1989a), less than 700 ha on the Macleay floodplain in 1983 (Pressey 1989b), up to 7000 ha in the lower Hunter – central coast district during the 1990s (NPWS 2000), and less than 1000 ha in the Sydney – South Coast region in the mid 1990s (Tindall *et al.* 2004), including less than 40 ha on the Illawarra plain in 2001 (NPWS 2002) and about 450 ha on the South Coast in the 1990s (Thomas *et al.* 2000).
10. Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Swamp Sclerophyll Forest on Coastal Floodplains in other parts of the NSW North Coast bioregion (Goodrick 1970, Pressey 1989a, 1989b). In the lower Hunter – central coast district, about 30 % of the original area of Swamp mahogany – paperbark forest was estimated to remain in the 1990s (NPWS 2000).
11. Land clearing continues to threaten Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey and Griffith 1992, NPWS 2000), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, overgrazing, trampling

and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils', removal of dead wood and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999, Johnston *et al.* 2003). Anthropogenic climate change may also threaten Swamp Sclerophyll Forest on Coastal Floodplains if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Act (1995).

12. Large areas of habitat formerly occupied by Swamp Sclerophyll Forest on Coastal Floodplains have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). While much of the early drainage works were associated with agricultural development, more recently they are associated with urban expansion. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* into open floodplain swamps has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003, Stevenson 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003).
13. Relatively few examples of Swamp Sclerophyll Forest on Coastal Floodplains remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting Swamp Sclerophyll Forest on Coastal Floodplains include *Andropogon virginicus* (whiskey grass), *Anredera cordifolia* (Madeira vine), *Ageratina adenophora* (crofton weed), *Baccharis halimifolia* (groundsel bush), *Cinnamomum camphora* (camphor laurel), *Lantana camara* (lantana), *Ligustrum sinense* (small-leaved privet), *Lonicera japonica* (Japanese honeysuckle) and *Ludwigia peruviana* (Keith and Scott 2005).
14. Small areas of Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Bungawalbin, Tuckean and Moonee Beach Nature Reserves, and Hat Head, Crowdy Bay, Wallingat, Myall Lakes and Garigal National Parks. These occurrences are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. In addition, wetlands within protected areas are exposed to hydrological changes that were, and continue to be initiated outside their boundaries. Some areas of Swamp Oak Floodplain Forest are protected by State Environmental Planning Policy 14, although this has not always precluded impacts on wetlands from the development of major infrastructure.
15. Given the dynamic hydrological relationship between Swamp Sclerophyll Forest on Coastal Floodplains, Coastal Saltmarsh and other endangered ecological communities on coastal floodplains, future management of water and tidal flows may result in the expansion of some communities at the expense of others. Proposals for the restoration of natural hydrological regimes and for the rehabilitation of acid sulfate soils may also result in changes to the distribution and composition of floodplain communities. Co-ordinated planning and management approaches across whole catchments will be required to address and resolve priorities between different management objectives.
16. In view of the above the Scientific Committee is of the opinion that Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

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Scientific Committee

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OFFICIAL NOTICES

Appointments

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence
of the Minister for Finance and Services
and Minister For Illawarra

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. B. R. O'FARRELL, M.P., Premier, and Minister for Western Sydney to act for and on behalf of the Minister for Finance and Services and Minister for Illawarra, on and from 13 July 2011; the Honourable A. J. STONER, M.P., Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services to act for and on behalf of the Minister for Finance and Services, and Minister for Illawarra on 17 July 2011; and the Honourable M. B. BAIRD, M.P., Treasurer to act for and on behalf of the Minister for Finance and Services, and Minister for Illawarra, on and from 18 July 2011, with a view to them performing the duties of the Honourable G. PEARCE, M.L.C., during his absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney
6 July 2011

SYDNEY CRICKET AND SPORTS GROUND ACT 1978

Department of Education and Communities

Appointment of Trustees to the
Sydney Cricket and Sports Ground Trust

HER Excellency the Governor, with the advice of the Executive Council, has appointed the following persons, pursuant to section 6(1)(a) of the Sydney Cricket and Sports Ground Act 1978, as members of the Sydney Cricket and Sports Ground Trust for a term commencing on 14 July 2011 up to and including the date indicated below:

1. Mr John CLONEY, AM (to 13 July 2013).
2. Mr Rodney MCGEOCH, AM (to 13 July 2015).
3. Mr John HARTIGAN (to 13 July 2015).
4. Mr Stuart MACGILL (to 13 July 2015).

Her Excellency the Governor, with the advice of the Executive Council, has appointed Mr John CLONEY, AM, pursuant to Schedule 1, section 8(1) of the Sydney Cricket and Sports Ground Act 1978, as Deputy Chairperson for the duration of his term.

GRAHAM ANNESLEY, M.P.,
Minister for Sport and Recreation

SPORTING VENUES AUTHORITIES ACT 2008

Department of Education and Communities

Appointment of Members to the
Hunter Region Sporting Venues Authority

HER Excellency the Governor, with the advice of the Executive Council, has appointed the following persons, pursuant to section 14 of the Sporting Venues Authorities Act 2008, as members of the Board of Management of the Hunter Region Sporting Venues Authority for a term of up to 12 months from 6 July 2011:

1. Mr Glenn TURNER.
2. Mr Keith LYNCH.
3. Ms Catherine TATE.

Her Excellency the Governor, with the advice of the Executive Council, has appointed Mr Glenn TURNER, pursuant to section 14(2) of that Act, as Chairperson of the Authority for the duration of his term.

GRAHAM ANNESLEY, M.P.,
Minister for Sport and Recreation

Department of Planning

HERITAGE ACT 1977

Direction Pursuant to Section 34 (1) (A) to List an Item on the State Heritage Register

Ancient Aboriginal and Early Colonial Landscape

SHR No. 1863

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

The Hon. ROBYN PARKER, M.P.,
Minister for Heritage

Sydney, 7th day of June 2011.

SCHEDULE "A"

The item known as the Ancient Aboriginal and Early Colonial Landscape situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 1, Section 1, DP 192710; Lot 2, Section 1, DP 192710; Lot 3, Section 1, DP 192710; Lot 4, Section 1, DP 192710; Lot 5, Section 1, DP 192710; Lot 1, DP 797090; Lot 2, DP 797090; Lot 7048, DP 93899 and Part Lot 7049, DP 93899, Parish of St. John, County of Cumberland, shown on the plan catalogued HC 2463 in the office of the Heritage Council of New South Wales.

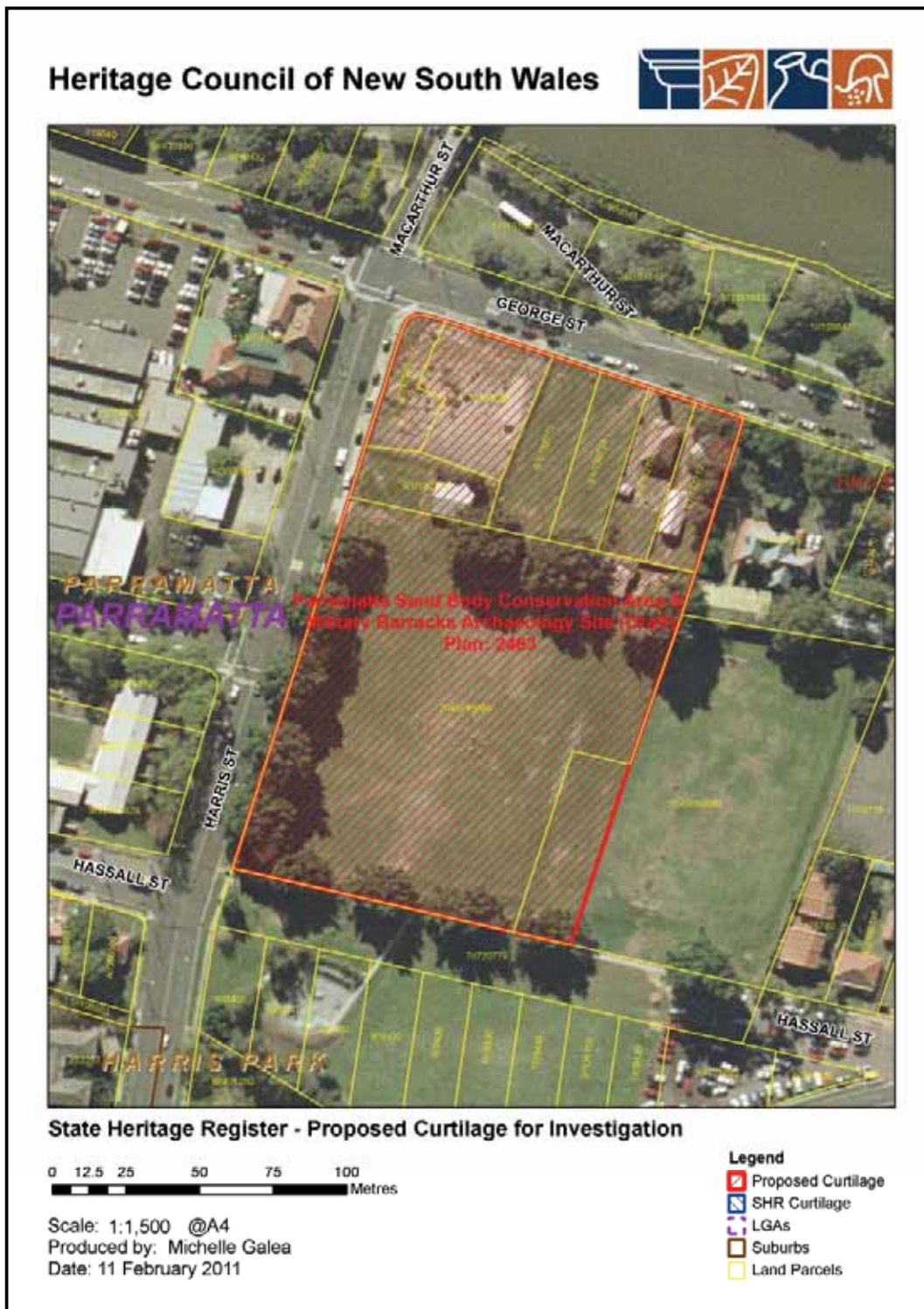
SCHEDULE "C"

SITE SPECIFIC EXEMPTIONS	
<i>Exemptions</i>	<i>Reason/comments</i>
<p>1. Excavation of disturbance of land of the kind specified below does not require approval under subsection 57 (1) of the Heritage Act 1977, provided that the Chief Executive Officer is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of the land has received a notice advising that the Chief Executive Officer is satisfied that:</p> <ul style="list-style-type: none"> (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or (b) disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance indicates that site has little or no archaeological research potential. 	<p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>

<i>Exemptions</i>	<i>Reason/comments</i>
<p>2. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57 (1) of the Act:</p> <ul style="list-style-type: none"> (a) the excavation or disturbance of land is for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics; (b) the excavation or disturbance of land is to carry out inspections or emergency maintenance or repair on underground utility services and due care is taken to avoid effects on any other relics; (c) the excavation or disturbance of land is to maintain, repair or replace underground utility services to buildings which will not affect any other relics; (d) the excavation or disturbance of land is to maintain or repair the foundations of an existing building which will not affect any associated relics; (e) the excavation or disturbance of land is to expose survey marks for use in conducting a land survey. <p>A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Chief Executive Officer and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Chief Executive Officer is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), (b) or (c) the Chief Executive Officer shall notify the applicant</p>	
<p>3. Pest management activities, vegetation operation management provided such works do not entail excavation below the depth of existing topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p> <p>Such activities may include weed and feral animal/insect eradication, spraying, lawn mowing, topdressing, cultivation (excluding tree plantings), aerating, fertilising, tree pruning and removal of dangerous trees.</p> <p>Pruning of trees should be in accordance with Parramatta City Council's Tree Preservation Order.</p> <p>The stumps of dangerous trees are to be ground down to just below surface level provided such works do not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the central business district (CBD)</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>
<p>4. Repair, maintenance and upgrading of existing infrastructure, provided such works do not entail excavation below the depth of the existing topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>

<i>Exemptions</i>	<i>Reason/comments</i>
<p>5. Installation of new infrastructure provided such works do not entail excavation below the depth of the existing topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>
<p>6. Erection and dismantling of temporary structures, signs, crowd control barriers, banners, stages, lighting, sound and public address equipment and signage associated with special events, sporting activities and functions held in the park.</p> <p>The erection and dismantling of temporary structures and infrastructure is permitted provided that such works do not entail excavation below the depth of the existing topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>
<p>7. Temporary installation of artworks, statues and monuments for temporary exhibition or events, provided such works do not entail excavation below the depth of the existing topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>
<p>8. Landscaping works provided such works do not entail excavation below the depth of the existing topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>
<p>9. Repairs and maintenance to monuments provided such works do not: negatively impact upon significant fabric; do not entail excavation below the existing topsoil (A horizon) and/or known site fill; and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>

<i>Exemptions</i>	<i>Reason/comments</i>
<p>10. Modification to the layout of sporting fields provided such works do not entail excavation below the existing depth of the topsoil (A horizon) and/or known site fill and excavation does not affect the fabric or significance of the Parramatta Sand Body and/or archaeological remains.</p>	<p>Horizon A is defined as surface mineral horizons with organic matter accumulation.</p> <p>Site fill is defined as soil imported on to the site for the purposes of the formation of playing fields.</p> <p>Parramatta Sand Body is an informal geological stratigraphic name used to describe a body of sand deposited along the Parramatta River in the CBD.</p> <p>Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area and the Heritage Branch should be contacted immediately.</p>



Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T11-0186)

No. 4300, GRIGM RESOURCES PTY LTD (ACN 148 051 567), area of 72 units, for Group 1, dated 23 June 2011. (Broken Hill Mining Division).

(T11-0187)

No. 4301, GOSSAN HILL GOLD LIMITED (ACN 147 329 833), area of 30 units, for Group 1, dated 22 June 2011. (Wagga Wagga Mining Division).

(T11-0188)

No. 4302, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 154 units, for Group 10, dated 23 June 2011. (Broken Hill Mining Division).

(T11-0189)

No. 4303, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 154 units, for Group 10, dated 23 June 2011. (Broken Hill Mining Division).

(T11-0190)

No. 4304, THOMSON RESOURCES LTD (ACN 138 358 728), area of 100 units, for Group 1, dated 27 June 2011. (Broken Hill Mining Division).

(T11-0191)

No. 4305, THOMSON RESOURCES LTD (ACN 138 358 728), area of 100 units, for Group 1, dated 27 June 2011. (Broken Hill Mining Division).

(T11-0192)

No. 4306, HEEMSKIRK RESOURCES PTY LIMITED (ACN 085 881 232), area of 58 units, for Group 1, dated 29 June 2011. (Wagga Wagga Mining Division).

(T11-0193)

No. 4307, PINNACLE GOLD PTY LTD (ACN 151 778 424), area of 100 units, for Group 1, dated 1 July 2011. (Cobar Mining Division).

(T11-0194)

No. 4308, PINNACLE GOLD PTY LTD (ACN 151 778 424), area of 100 units, for Group 1, dated 1 July 2011. (Cobar Mining Division).

(T11-0195)

No. 4309, PINNACLE GOLD PTY LTD (ACN 151 778 424), area of 100 units, for Group 1, dated 1 July 2011. (Cobar Mining Division).

(T11-0196)

No. 4310, PINNACLE GOLD PTY LTD (ACN 151 778 424), area of 100 units, for Group 1, dated 1 July 2011. (Broken Hill Mining Division).

(T11-0197)

No. 4311, ABX2 PTY LTD (ACN 139 791 478), area of 190 units, for Group 6, dated 5 July 2011. (Sydney Mining Division).

(T11-0198)

No. 4312, ABX1 PTY LTD (ACN 139 790 364), area of 98 units, for Group 2, dated 5 July 2011. (Inverell Mining Division).

MINING LEASE APPLICATION

(T10-0199)

No. 360, Jane McCLURE, area of about 52 hectares, to mine for gypsum and limestone, dated 31 August 2010. (Cobar Mining Division).

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications have been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(T09-0060)

Exploration Licence No. 7359, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Wellington, area of 11 units. Application for Cancellation was received on 30 June 2011

(T09-0104)

Exploration Licence No. 7402, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Narromine, area of 18 units. Application for Cancellation was received on 30 June 2011

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T10-0127)

No. 3996, now Exploration Licence No. 7778, NARWONAH PTY LTD (ACN 143 562 190), County of Narromine, Map Sheet (8433, 8533), area of 100 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

(T10-0128)

No. 3997, now Exploration Licence No. 7779, NARWONAH PTY LTD (ACN 143 562 190), Counties of Kennedy and Narromine, Map Sheet (8432, 8433, 8533), area of 100 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

(T10-0129)

No. 3998, now Exploration Licence No. 7780, WINDORA EXPLORATION PTY LTD (ACN 143 563 133), County of Lincoln, Map Sheet (8633, 8733), area of 100 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

(T10-0299)

No. 4143, now Exploration Licence No. 7773, CGNM RESOURCES PTY LTD (ACN 139 443 137), County of Yancowinna, Map Sheet (7233, 7234), area of 20 units, for Group 1, dated 7 June 2011, for a term until 7 June 2013.

(T11-0040)

No. 4161, now Exploration Licence No. 7781, WINDORA EXPLORATION PTY LTD (ACN 143 563 133), Counties of Bligh, Lincoln and Wellington, Map Sheet (8732, 8733), area of 26 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

(T11-0045)

No. 4166, now Exploration Licence No. 7782, AUSNICO LIMITED (ACN 122 957 322), Counties of Clyde, Cowper and Narran, Map Sheet (8237, 8337), area of 215 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

(T11-0051)

No. 4172, now Exploration Licence No. 7774, AUSNICO LIMITED (ACN 122 957 322), County of Tandora, Map Sheet (7233, 7333), area of 29 units, for Group 1, dated 8 June 2011, for a term until 8 June 2013.

(T11-0053)

No. 4174, now Exploration Licence No. 7775, AUSNICO LIMITED (ACN 122 957 322), County of Windeyer, Map Sheet (7231), area of 98 units, for Group 1, dated 8 June 2011, for a term until 8 June 2013.

(T11-0054)

No. 4175, now Exploration Licence No. 7776, AUSNICO LIMITED (ACN 122 957 322), County of Livingstone, Map Sheet (7432, 7433), area of 26 units, for Group 1, dated 8 June 2011, for a term until 8 June 2013.

(T11-0055)

No. 4176, now Exploration Licence No. 7777, AUSNICO LIMITED (ACN 122 957 322), County of Perry, Map Sheet (7432), area of 17 units, for Group 1, dated 8 June 2011, for a term until 8 June 2013.

(T11-0056)

No. 4177, now Exploration Licence No. 7784, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), Counties of Beresford, Cowley and Murray, Map Sheet (8725, 8726), area of 80 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

(T11-0064)

No. 4185, now Exploration Licence No. 7783, COBAR OPERATIONS PTY LTD (ACN 103 555 853), Counties of Robinson and Yanda, Map Sheet (8035, 8036), area of 47 units, for Group 1, dated 15 June 2011, for a term until 15 June 2013.

CHRIS HARTCHER, M.P.,

Minister for Resources and Energy

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T11-0189)

No. 4303, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Tara and County of Windeyer, Map Sheet (7131, 7132). Withdrawal took effect on 23 June 2011.

CHRIS HARTCHER, M.P.,

Minister for Resources and Energy

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

(07-4171)

Exploration Licence No. 5242, JAGUAR MINERALS LIMITED (ACN 107 159 713), area of 45 units. Application for renewal received 24 June 2011.

(11-3649)

Exploration Licence No. 5498, NEWCASTLE COAL COMPANY PTY LTD (ACN 074 900 208), area of 1475 hectares. Application for renewal received 5 July 2011.

(T01-0097)

Exploration Licence No. 5874, ENDEAVOUR MINERALS PTY LTD (ACN 063 725 708), area of 3 units. Application for renewal received 30 June 2011.

(08-4598)

Exploration Licence No. 5958, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 74 units. Application for renewal received 22 June 2011.

(05-0177)

Exploration Licence No. 6437, TRIAKO RESOURCES PTY LTD (ACN 008 498 119) and MORNING STAR GOLD NL (ACN 003 312 721), area of 6 units. Application for renewal received 24 June 2011.

(11-3389)

Exploration Licence No. 6450, WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253), area of 2581 hectares. Application for renewal received 23 June 2011.

(11-3407)

Exploration Licence No. 6818, PLANET MINERALS LTD (ACN 121 023 514), area of 64 units. Application for renewal received 1 July 2011.

(10-4215)

Exploration Licence No. 6835, MINERALS AUSTRALIA PTY LTD and JACARANDA MINERALS LTD, area of 25 units. Application for renewal received 24 June 2011.

(T09-0033)

Exploration Licence No. 7357, ABX2 PTY LTD (ACN 139 791 478), area of 100 units. Application for renewal received 28 June 2011.

(T09-0053)

Exploration Licence No. 7358, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 50 units. Application for renewal received 22 June 2011.

(T09-0072)

Exploration Licence No. 7376, SUMITOMO METAL MINING OCEANIA PTY LTD (ACN 059 761 125), area of 67 units. Application for renewal received 30 June 2011.

(11-3542)

Petroleum Exploration Licence No. 238, EASTERN STAR GAS LIMITED (ACN 094 269 780), area of 109 blocks. Application for renewal received 30 June 2011.

(10-4267)

Petroleum Exploration Licence No. 455, ORION PETROLEUM LIMITED (ACN 125 394 667), area of 18 blocks. Application for renewal received 15 June 2011.

(T92-0507)

Mining Claim converted to Lease No. 13 (Act 1992), Stephen Roy HOARE, area of 2500 square metres. Application for renewal received 1 July 2011.

(T92-0508)

Mining Claim converted to Lease No. 14 (Act 1992), Stephen Roy HOARE, area of 2500 square metres. Application for renewal received 1 July 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(04-0515)

Exploration Licence No. 6295, COMET RESOURCES LIMITED (ACN 060 628 202), County of Murray, Map Sheet (8728), area of 4 units, for a further term until 20 September 2012. Renewal effective on and from 16 June 2011.

(T08-0187)

Exploration Licence No. 7257, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), Counties of Argyle and Murray, Map Sheet (8727, 8728, 8827, 8828), area of 62 units, for a further term until 14 November 2012. Renewal effective on and from 15 June 2011.

(09-1242)

Exploration Licence No. 7289, ORESUM LIMITED (ACN 129 712 465), County of Gough, Map Sheet (9238), area of 9 units, for a further term until 13 February 2013. Renewal effective on and from 16 June 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

REFUSAL OF APPLICATIONS FOR RENEWAL

NOTICE is given that the applications for renewal in respect of the following authorities have been refused:

(07-0345)

Exploration Licence No. 7189, TASMAN GOLDFIELDS NSW PTY LTD (ACN 124 228 473), County of Clarendon, Map Sheet (8527), area of 9 units. The authority ceased to have effect on 24 June 2011.

(07-0346)

Exploration Licence No. 7190, TASMAN GOLDFIELDS NSW PTY LTD (ACN 124 228 473), County of Wynyard, Map Sheet (8427), area of 20 units. The authority ceased to have effect on 24 June 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

LANDS

GRAFTON OFFICE

76 Victoria Street (PO Box 272), Grafton NSW 2460

Phone: (02) 6640 3400 Fax: (02) 6642 5375

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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

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

Roads Closed: Lot 1, DP 1155639 at Bray Park, Parish Murwillumbah, County Rous.

File No.: GF06 H 56.

Schedule

On closing, the land within Lot 1, DP 1155639 will remain vested in Tweed Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: GR/3/12/13 – Durroon Avenue.

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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
John Edward POWELL (new member). Kim Maree HAYNES (new member). Michael John BOLAND (new member).	Wyrallah Flood Refuge Reserve Trust.	Reserve No.: 53248. Public Purpose: Refuge in time of flood. Notified: 4 April 1919. File No.: GF80 R 232.

Term of Office

For a term commencing the date of this notice and expiring 5 November 2014.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
David Wayne HOSKINS (new member). Suzanne Margaret FORSYTH (new member).	Gundurimba Flood Refuge Reserve Trust.	Reserve No.: 38468. Public Purpose: Refuge in time of flood. Notified: 22 October 1904. File No.: 10/19046.

Term of Office

For a term commencing the date of this notice and expiring 21 August 2013.

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

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lands Administration Ministerial Corporation.	Weethalle Memorial Hall Trust.	Dedication No.: 559018. Public Purpose: Public hall. Notified: 23 November 1934. File No.: GH89 R 88.

For a term commencing the date of this notice.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lands Administration Ministerial Corporation.	Weethalle War Memorial Hall Trust.	Reserve No.: 85212. Public Purpose: Hall and war memorial. Notified: 29 January 1965. File No.: GH89 R 39.

For a term commencing the date of this notice.

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Richard Ronald SHARPE (new member).	Norah Head Lighthouse Reserve Trust.	Reserve No.: 1003869. Public Purpose: Heritage purposes, public recreation and coastal environmental protection. Notified: 6 September 2002. File No.: MD02 R 25.

Term of Office

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

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to Schedule 3, Clause 3(1) of the Crown Lands Act 1989, the person whose name is specified in Column 1 of the Schedule hereunder, is appointed for the terms of office specified, as member 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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Colin PAULSON (acting member).	Norah Head Lighthouse Reserve Trust.	Reserve No.: 1003869. Public Purpose: Heritage purposes, public recreation and coastal environmental protection. Notified: 6 September 2002. File No.: MD02 R 25.

Term of Office

For a term commencing the date of this notice and expiring 20 September 2012 or on the return of Trustee (David Michael Ellis) whichever occurs first.

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

NOTIFICATION OF CLOSING OF ROADS

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

*Land District – Narrabri; Council – Narrabri;
Parishes – Eckford and Cowimangarah; County – Jamison*

Roads Closed: Lot 1 in DP 1157561 and Lot 2 in DP 1157565.

File No.: 08/1955.

Schedule

On closing, title to the land within Lot 1, DP 1157561 and Lot 2 in DP 1157565 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Narrabri; Council – Narrabri;
Parishes – Dobikin, Gehan and Eckford;
County – Jamison*

Roads Closed: Lots 1 and 2 in DP 1160008, Lots 1 and 2 in DP1160006 and Lot 1 in DP 1160004.

File No.: ME05 H 325.

Schedule

On closing, title to the land within Lots 1 and 2 in DP 1160008, Lots 1 and 2 in DP 1160006 and Lot 1 in DP 1160004 remains vested in the State of New South Wales as Crown Land.

NEWCASTLE OFFICE

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

Phone: (02) 4925 4104 Fax: (02) 4925 3517

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

*Parish – Lyndhurst; County – Bathurst;
Land District – Blayney; L.G.A. – Blayney*

Road Closed: Lots 1, 2, 3, 4 and 5, DP 1165493 (not being land under the Real Property Act).

File No.: CL/00693.

Schedule

On closing, the land within Lots 1, 2, 3, 4 and 5, DP 1165493 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Thalaba; County – Georgiana;
Land District – Crookwell; L.G.A. – Upper Lachlan Shire*

Road Closed: Lot 1, DP 1165682 (not being land under the Real Property Act).

File No.: GB06 H 621.

Schedule

On closing, the land within Lot 1, DP 1165682 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Marwood; County – Durham;
Land District – Singleton; L.G.A. – Singleton*

Road Closed: Lots 1, 3 and 4, DP 1163593 (not being land under the Real Property Act).

File No.: 07/2315.

Schedule

On closing, the land within Lots 1, 3 and 4, DP 1163593 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 road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

Parish – Boro; County – Argyle;
Land District – Goulburn;
Local Government Area – Goulburn Mulwaree

Road Closed: Lot 1, DP 1165330 at Lower Boro.

File No.: GB07 H 221.

Schedule

On closing, the land within Lot 1, DP 1165330 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

APPOINTMENT OF TRUST BOARD MEMBERS

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
David John HORNBY (new member). Phillip Edward HUNTER (new member).	Buckinbah Creek (R87334) Reserve Trust.	Reserve No.: 87334. Public Purpose: Public recreation. Notified: 15 August 1969. File No.: 11/05225.

Term of Office

For a term commencing the date of this notice and expiring 9 June 2016.

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

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 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 Schedule.

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Peter HAMMOND (new member). Heather Lesley RICHMOND (new member).	Katandra Bushland Sanctuary (R86487) Reserve Trust.	Reserve No.: 86487. Public Purpose: Promotion of the study and the preservation of native flora and fauna. Notified: 27 October 1967. File No.: MN80 R 251/4.

Term of Office

For a term commencing the date of this notice and expiring 18 July 2014.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The Hills Shire Council.	Kenthurst Boy Scouts (R88161) Reserve Trust.	Reserve No.: 88161. Public Purpose: Boy Scouts. Notified: 5 March 1971. File No.: MN84 R 196.
The Hills Shire Council.	Kenthurst Girl Guides (R91608) Reserve Trust.	Reserve No.: 91608. Public Purpose: Girl Guides. Notified: 7 December 1979. File No.: MN80 R 53.

For a term commencing the date of this notice

AUTHORISATION OF ADDITIONAL PURPOSE

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Community purposes.	Part Blacktown Showground (D500057). Public Purpose: Showground. Notified: 16 December 1927. Part Blacktown Showground (D500411). Public Purpose: Showground. Notified: 16 January 1931. Francis Park (R65994). Public Purpose: Showground. Notified: 22 May 1936. File No.: 11/048095.

PLAN OF MANAGEMENT AND MASTERPLAN FOR YARRANABBE PARK DARLING POINT UNDER PART 5, DIVISION 6, OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006

A draft plan of management and master plan has been prepared for the Crown reserve described below, which is under the trust management of Woollahra Municipal Council.

The draft plan can be viewed at Woollahra Municipal Council Offices, 536 New South Head Road, Double Bay; Woollahra Library and Council's website www.woollahra.nsw.gov.au.

The public are invited to make representations on the draft plan. The plan will be on exhibition from 8 July 2011 to 5 August 2011. Submissions will be received up until Friday, 5 August 2011 and should be sent to Paul Fraser, Team Leader – Open Space and Recreation Planning, Woollahra Municipal Council, 536 New South Head Road, Double Bay NSW 2028 or by email Paul.Fraser@woollahra.nsw.gov.au.

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

Description of Land

*Land District – Metropolitan; L.G.A. – Woollahra;
 Parish – Alexandria; County – Cumberland*

Crown Reserve No. 76319, notified 23 October 1953, for the public purpose of public recreation, being Lot 7329, DP 1161999; Lot 7042, DP 1073879; Lot 7328, DP 1161999; Lot 7330, DP 1161999; Lot 208, DP 752011 and Lot 1666/752011.

Location: Darling Point.

File No.: 11/07347.

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

NOTIFICATION OF CLOSING OF A ROAD

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

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

Road Closed: Lots 1 and 2 in Deposited Plan 1166538,
Parishes Borambil and Warrah, County Buckland.

File No.: 07/1717.

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.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700****Fax: (02) 6921 1851****ROADS ACT 1993****ORDER**

Transfer of Crown Road to a Council

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE 1

*Parish – Nacki Nacki; County – Wynyard;
Land District – Tumut; Shire – Tumut Shire Council*

Crown public road known locally as Westwood Road from the intersection with road southeast of Lot 100, DP 757244; western boundary of Lot 1, DP 730752, then south-east through Lot 2, DP 730752 for about 500 metres, being the point where the road traverses northeast.

Crown public road known locally as Millers Road from the intersection with Westwood Road south for about 200 metres.

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: WA06 H 359.

SCHEDULE 1

*Parishes – Ellerslie, Wallace, Dutzon, Belmore and Hillas;
County – Wynyard; Land District – Tumut;
Shire – Tumut Shire Council*

Crown public road, known locally as Yaven Creek Road, being through Lot 304, DP 757226; the intersection of road with road along southern boundary of Lot 304, DP 757226; along boundary and through Lot 2, DP 806411; along boundary of Lot 317, DP 757226; southeast of Lot 300, DP 757226; through Lot 7005, DP 1126805 being CR 11591 notified 21st June 1890 for a width of 30 metres, but as yet undefined location within the reserve; southeast and through Lot 299, DP 757226; intersection with road south of Lot 299, DP 757226; through Lot 110, DP 757256; intersection with road south of Lot 110, DP 757256; then the intersections with the following roads, south of Lot 1, DP 774975, Lot 11, DP 1010748, Lot 1, DP 130322, Lot 3, DP 757226, north and south of Lot 13, DP 344290, south of Lot 45, DP 757225; that part of the road variable width that separates Lot 4, DP 721086 from Lots 12 and 5, DP 721086 and then that part of the road that starts on the eastern boundary of Lot 5, DP 721086 being 20.115 metres wide and running south to the Yaven Creek; the northern most road through Lot 38, DP 757233; separating Lot 4, DP 827630 from Lot 7, DP 883637; through and along north-eastern boundary of Lot

7, DP 883637; through Lot 3, DP 869065; the full width and length of the road that starts on the western boundary of Lot 3, DP 869065 and finishes on the western boundary of Lot 4, DP 757233. (It is noted that there are already sections of this road that are already under control of Council).

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: WA07 H 251.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed, and the land comprised therein ceases to be 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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

*Parish – Mitchell; County – Goulburn;
Land District – Albury; L.G.A. – Greater Hume*

Lot 1, DP 1164031 at Woomargama.

File No.: 08/0682.

Schedule

On closing, the land within Lot 1, DP 1164031 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Tooma; County – Selwyn;
Land District – Tumbarumba; L.G.A. – Tumbarumba*

Lots 1 and 2 in DP 1162104 at Tooma.

File No.: WA05 H 553.

Schedule

On closing, the land within Lots 1 and 2 in DP 1162104 remains vested in the State of New South Wales as Crown Land.

CORRECTION OF DEFECTIVE INSTRUMENT

IN the *New South Wales Government Gazette* dated 1 July 2011, under the heading "Notification of Closing of a Road" relating to the closure of a road at Walbundrie, please amend the County name by deleting "County - Walbundrie" and inserting instead "County - Hume".

File No.: WA05 H 204.

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

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 Lease of the land specified has been granted to the undermentioned person. The land is to be used only for the purpose of Residence.

The lease is subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder and to the special conditions, provisions, exceptions, covenants and reservations set out hereunder.

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

*Administrative District – Walgett North; Shire – Walgett;
 Parish – Wallangulla; County – Finch*

Western Lands Lease 15057 was granted to John Joseph MOLYNEUX comprising Lot 1 in DP 1164755 (Folio Identifier 1/1164755) of 2790 m² at Lightning Ridge, for the purpose of “Residence” for a term of 20 years commencing 1 July, 2011 and expiring 30 June, 2031.

File No.: 08/1022.

**CONDITIONS AND RESERVATIONS ATTACHED TO
 WESTERN LANDS LEASE 15057**

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Primary Industries as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1st July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
 “GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
 (b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The land leased shall be used only for the purpose of Residence
- (10) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.

- (11) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall not erect or permit any person to erect any buildings or to extend any existing buildings on the land leased except in accordance with Walgett Shire Council's "Camps Guidelines" for Camps in the Opal Fields of Lightning Ridge or in accordance with plans and specifications approved by the Council.
- (16) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (17) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (18) The lessee shall not erect any fence on the leased area or interfere with or impede the use of any existing track or road on the leased land or adjacent to the leased land, except with the permission of the Commissioner.
- (19) The Crown shall not be responsible to the lessee or the lessee's successors in title for the provision of access to the leased land.
- (20) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (21) If the lessee is an Australian registered company than the following conditions shall apply:
- i/ The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.
 - ii/ Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
 - iii/ Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
 - iv/ A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

ESTABLISHMENT OF RESERVE TRUST

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Central Park Reserve Trust.	Reserve No.: 9307. Public Purpose: Public recreation. Notified: 6 July 1889. File No.: WL97 R 64.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

Column 1	Column 2	Column 3
Bourke Shire Council.	Central Park Reserve Trust.	Reserve No.: 9307. Public Purpose: Public recreation. Notified: 6 July 1889. File No.: WL97 R 64.

For a term commencing the date of this notice.

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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

*Administrative District – Wentworth; Shire – Wentworth;
Parish – Tubba; County – Cowper;
Parish – Sturt; County – Cowper*

The conditions previously annexed to Western Lands Lease 11476 have been revoked and the following conditions have been annexed thereto effective from 5 July 2011.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 11476

- (1) In the conditions annexed to the leases, the expression “the minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Land and Property Management Authority as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agent’s servant’s employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
(b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
(b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.

- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Grazing.
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying in mining operations or having searched for, worked or removed or now hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the commissioner.
- (17) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (18) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (19) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (20) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (21) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (22) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (23) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (24) The crown shall not be responsible to the lessee or the lessee's successors in title for the provision of access to the land.
- (25) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the leased or occupied may not be carried out unless the written consent of the Land and Property Management Authority has first been obtained and any condition to which the consent is subject under sub section 96) is complied with.
- (26) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.
- (27) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased and shall not ringbark, kill, destroy or permit the

killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.

- (28) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
- (29) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (30) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (31) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (32) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseeded and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (33) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (34) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (35) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or in respect of land in a State Forest, unless the lessee or the person is the holder of a forest materials license under the Forestry Act 1916, and has obtained special authority of the Minister to operate on the land, but the lessee may, with approval of the Commissioner, take from the land such gravel, stone, clay shells or other material for building and other purposes upon the land as may be required by the lessee.

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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

*Administrative District – Wentworth; Shire – Wentworth;
Parish – Para; County – Wentworth;
Parish – Sturt; County – Wentworth*

The purpose/conditions of Western Lands Lease 15114, being the land contained within Folio Identifier 2/762430 have been altered from “Grazing” to “Grazing and Cultivation (Dryland)” effective from 5 July 2011.

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

The conditions previously annexed to Western Lands Lease 15114 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE 15114

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Land and Property Management Authority as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3)
 - (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 - (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
 - (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.

- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
 "GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
- (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
- (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Grazing and Cultivation (Dryland).
- (12) The lessee shall maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee shall comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee shall comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (17) The lessee shall not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
- (18) The lessee shall ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (19) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee shall remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee shall leave the land in a clean and tidy condition free from rubbish and debris.
- (20) The lessee shall, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.

- (21) The lessee shall not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (22) The lessee shall erect gates on roads within the land leased when and where directed by the Commissioner for public use and shall maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (23) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee shall not obstruct access or passage by any member of the public to or along the bank.
- (24) Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee shall provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities shall be erected and maintained to the satisfaction of the Commissioner. The lessee shall not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (25) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (26) The lessee shall comply with the provisions of the Native Vegetation Act 2003 and any regulations made in pursuance of that Act.
- (27) The lessee shall comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Authority has first been obtained and any condition to which the consent is subject under sub section (6) is complied with.
- (28) Notwithstanding any other condition annexed to the lease, the lessee shall, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.
- (29) The lessee shall not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and shall not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and shall not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (30) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (31) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (32) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (33) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (34) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (35) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (36) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (37) The lessee shall comply with the provisions of the Protection of the Environment Operations Act 1997 particularly in relation to disposal of tailwaters or waters which may be contaminated with fertiliser, herbicide or pesticide or similar chemicals.
- (38) The lessee shall not clear any native vegetation within the area shown cross-hatched on the diagram hereunder unless written approval has been granted by the local Catchment Management Authority.

- (39) The lessee shall only cultivate an area of 1165 hectares shown hatched on the diagram below. Cultivation outside these areas will only be allowable with the written consent of the Commissioner or Minister.
- (40) The lessee shall ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
- (41) The lessee shall not cultivate within the channel of incised drainage lines (other than man made structures) which carry water after storms in the channels, nor cultivate within a distance of 20 metres on either side of the banks of the channels, except when otherwise specified by the Western Lands Commissioner.
- (42) The lessee must consider the requirements of the National Parks and Wildlife Act 1974 with regard to Aboriginal sites and relics, which are extremely vulnerable to many kinds of agricultural development. Should any Aboriginal archaeological relics or sites be uncovered during the proposed works, work is to cease immediately. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment, Climate Change and Water. If an Aboriginal site is found in an area that is subject of this consent, the cultivation must cease until the lessee has notified the Department of Environment, Climate Change and Water of the existence of the Aboriginal site. Contact details are The Manager, Cultural Heritage Unit, Department of Environment, Climate Change and Water on 02 68835324 or at 58-62 Wingewarra St, Dubbo.
- (43) The lessee shall establish windbreaks at his/her own expense, as may be ordered by the Western Lands Commissioner to provide adequate protection of the soil.
- (44) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
- (45) The lessee shall ensure that stubble and other crop residue is retained on the soil surface and shall not be burnt, except with the written approval of the Western Lands Commissioner or his delegate. Where such approval is granted, stubble burning shall be carried out with the approval as per requirements of the NSW Rural Fire Services.
- (46) The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (47) The lessee shall not permanently transfer Irrigation water from the lease without the prior written permission of the Western Lands Commissioner.
- (48) The lessee shall contact the Department of Environment, Climate Change and Water before disposing of any tailwater or water which may be contaminated with fertiliser, herbicide or pesticide. Disposal of tailwater into creeks and rivers is controlled by the Department of Environment, Climate Change and Water under the Clean Waters Act.
- (49) The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the commissioner.
- (50) Texture contrast (or duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlaying a clay subsoil and are prone to scolding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area shall not be cultivated except in accordance with a plan approved by the Commissioner.
- (51) Areas with a slope greater than 2% shall not be cultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.
- (52) Cultivation and cropping are not to alter the natural flood regime. Crops are not to be protected by levees.



GRANTING OF A WESTERN LANDS LEASE

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

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

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

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

The Conditions and Reservations annexed to such leases are those Conditions published in the *New South Wales Government Gazette* of 20 March 2009, Folios 1416-1418.

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

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

WLL No.	Name of Lessee	File No.	Folio Identifier	Area (m ²)	Term of Lease	
					From	To
WLL 15131	Peter EVANS	10/16877	56/1063047	2415	6 July 2011	5 July 2031

WATER

WATER ACT 1912

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

ENDEAVOUR COAL PTY LIMITED for a pump on the Nepean River on Lot 1, DP 583323, Parish of Camden, County of Camden, for industrial (dust suppression and road compaction) and mining purposes (part replacement licence and permanent transfer of 53.0 megalitres from 10SL033188 – no increase in annual water entitlement – not subject to the 2003 amended Hawkesbury/Nepean Embargo). (Reference: 10SL057070). (GA1819544).

Any inquiries regarding the above should be directed to (02) 8838 7531.

Written objections specifying grounds thereof must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of the date of this publication.

WAYNE CONNERS,
Senior Licensing Officer

WATER ACT 1912

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

SHELLHARBOUR CITY COUNCIL for a pump on an unnamed watercourse on Lot 303, DP 1051235, Parish of Terragong, County of Camden, for water supply for town water supply purposes (new licence) (exempt from the 2003 Coastal Catchments and their tributaries Embargo). (Reference: 10SL057042). (GA1819547).

Any inquiries should be directed to (02) 8838 7531.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of the date of this publication.

WAYNE CONNERS,
Senior Licensing Officer

WATER ACT 1912

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

Nazzareno BUGEJA for a pump on the Hawkesbury River on Part Lot 5, DP 263201, Parish of Currency, County of Cook, for the irrigation of 8.5 hectares (vegetables, pasture, turf, lucerne) (replacement licence – replacing 10SL055395 and permanent transfer of 26.0 megalitres from 10SL055394 – no increase in annual water entitlement – not subject to the 2003 amended Hawkesbury/Nepean Embargo). (Reference: 10SL057076). (GA1819546).

Any inquiries should be directed to (02) 8838 7531.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of the date of this publication.

WAYNE CONNERS,
Natural Resource Project Officer

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Ministerial Declaration (Charitable Purposes Exemption) Order 2011

I, DUNCAN GAY, M.L.C., Minister for Roads and Ports, pursuant to section 16 of the Road Transport (General) Act 2005, make the following Order.

Dated this 29th day of June 2011.

DUNCAN GAY, M.L.C.,
Minister for Roads and Ports

1. Citation

This Order is the Ministerial Declaration (Charitable Purposes Exemption) Order 2011.

2. Commencement

This Order takes effect on the later of 1 July 2011 or publication in the *New South Wales Government Gazette*.

3. Effect

This Order remains in force until 30 June 2012 unless revoked earlier.

4. Definitions

For the purposes of this order the following words have the meanings ascribed to them:

charitable purposes means any charitable, benevolent or philanthropic purpose including, without limitation, fund raising for children's charities.

fund raiser means Mr Terry O'Grady (also known as Tex O'Grady).

Unless stated otherwise, words and expressions used in this Order have the same meaning as those defined in the Road Rules 2008.

5. Declaration

The provisions of Road Rule 297(3) of the Road Rules 2008 are declared not to apply to the fund raiser in the following circumstances:

- (a) the fund raiser is riding a motor bike to, from or for the purposes of events or activities conducted for charitable purposes; and
- (b) a copy of this Order as published in the *New South Wales Government Gazette*, is carried by the fund raiser at the time and is produced upon request by NSW Police.

Explanatory Notes:

Road Rule 297(3) applies to prohibit the riding of a motor bike with an animal on the petrol tank.

The named fund raiser conducts significant charitable and fund raising activities for children's charities.

This Order applies to declare that the provisions of Road Rule 297(3) do not apply to the named fund raiser in specified circumstances to enable charitable or fund raising activities for a limited period of 12 months.

Other than as provided for in this Order, the named fund raiser is required to comply with all other applicable Road Rules.

This Order only applies in New South Wales.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 30 June 2011.

JACK O'HARA,
General Manager,
Walcha Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited Walcha Shire Council 25 Metre B-Double Route Notice No. 2/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2010 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>
25m.	Mandaloo Road, Walcha.	St Leonards Creek Road.	Property 'Sallywood', approx 800m.

ROADS TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 28 June 2011.

Mr DAVID JOHN SHERLEY,
General Manager,
Bathurst Regional Council
(By delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Bathurst Regional Council B-Doubles Notice No. 1/2011.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 to 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 No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25	000	West Mitchell Road, Bathurst	241 West Mitchell Road	West Mitchell Road intersection with Dark Corner Road	
25	000	Sunny Corner Road, Bathurst	Boundary with Lithgow City Council	Back Creek Road	

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 6 July 2011.

P. A. MANN,
General Manager,
Gilgandra Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Gilgandra Shire Council 25 Metre B-Double Route Notice No. 2/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	228.	Quealys Road, Gilgandra.	Newell Highway (HW17).	Intersection with McLeans Drive.
25.	270.	McLeans Drive, Gilgandra.	Intersection with Quealys Road.	36 McLeans Drive.

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Thirroul and Bulli in the Wollongong City Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Wollongong City Council area, Parishes of Southend and Woonona and Counties of Cumberland and Camden, shown as:

<u>Description of Land</u>	<u>Title Reference</u>
Lot 6 Deposited Plan 1164393	Folio Identifier 6 /1164393
Lot 7 Deposited Plan 1164393	Folio Identifier 7 /1164393
Lot 8 Deposited Plan 1164393	Folio Identifier 8 /1164393
Lot 9 Deposited Plan 1164393	Folio Identifier 9 /1164393
Lot 10 Deposited Plan 1164393	Folio Identifier 10 /1164393
Lot 85 Deposited Plan 1119675	Folio Identifier 85 /1119675
Lot 86 Deposited Plan 1119675	Folio Identifier 86 /1119675
Lot 87 Deposited Plan 1119675	Folio Identifier 87 /1119675
Lot 88 Deposited Plan 1119675	Folio Identifier 10 / 10972
Lot 22 Deposited Plan 1134380	Folio Identifier 2 /128465
Lot 23 Deposited Plan 1134380	Folio Identifier 23 /1134380
Lot 1 Deposited Plan 128465	Folio Identifier 1 /128465
Lot 4 Deposited Plan 232998	Certificate of Title Volume 6234 Folio 7
The area of 2 roods 28 $\frac{3}{4}$ perches delineated on Deposited Plan 109836, being that part of Lot 19 Deposited Plan 8583 resumed and vested in the Commissioner for Main Roads by notification in Government Gazette No 92, dated 24 August 1956, pages 2492 to 2494 inclusive, being also part of the land referred to in Notice of Resumption Dealing G644904 registered at the Land and Property Information.	Certificate of Title Volume 6027 Folio 249
Lot 1 Deposited Plan 1152841	Folio Identifier 1 / 1152841
Lot 4 Deposited Plan 7812	Folio Identifier 4 / 7812 and Certificate of Title Volume 5709 Folio 83
Lot 5 Deposited Plan 7812	Folio Identifier 5 / 7812 and Certificate of Title Volume 5709 Folio 82
Lot 6 Deposited Plan 7812 and Lot 7 Deposited Plan 7812	Auto Consol 6022-219
Lot 2 Deposited Plan 1165142	Folio Identifier 2 / 1165142
Lot 3 Deposited Plan 1165142	Folio Identifier 3 / 1165142

(RTA Papers: 1/497.1706)

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

Notice of Compulsory Acquisition and Dedication as Public Road of Land at South Albury and East Albury in the Albury 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 Schedules 1 and 2 below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land described in Schedule 2 as public road under Section 10 of the Roads Act 1993.

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

SCHEDULE 1

ALL those pieces or parcels of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as Lots 3 and 4 Deposited Plan 1162194, being parts of the land in Deed of Conveyance No 831 Book 270.

SCHEDULE 2

ALL those pieces or parcels of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as Lots 6, 7, 9 and 11 Deposited Plan 1162194, being parts of the land in Deed of Conveyance No 831 Book 270.

The land is said to be in the possession of Country Rail Infrastructure Authority.

(RTA Papers: 11M1262; RO 2/4.1298)

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

Notice of Compulsory Acquisition of Land at McLeods Shoot in the Byron Shire Council area

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

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 Byron Shire Council area, Parish of Byron and County of Rous, shown as:

Lot 12 Deposited Plan 1165380, being part of the land in Certificate of Title 1/1154194 and said to be in the possession of Nigel Ross Watchorn and Janette Grace Watchorn; and

Lot 13 Deposited Plan 1165380, being part of the land in Certificate of Title 2/1154194 and said to be in the possession of Kevin Henry George Jarrett (registered proprietor) and Commonwealth Bank of Australia (mortgagee).

(RTA Papers: 11M1835)

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

Notice of Compulsory Acquisition of Land at Willow
Vale in the Wakool Shire Council area

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

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

SCHEDULE

ALL that piece or parcel of Crown land situated in the Wakool Shire Council area, Parish of The Willows and County of Cairn, shown as Lot 101 Deposited Plan 1155525, being part of the land in Certificate of Title 10/751231.

The land is said to be in the possession of the Crown and Adrian John Gorman (lessee).

(RTA Papers: 11M1010; RO 14/469.1053)

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

Notice of Compulsory Acquisition of land at Silverdale
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 that piece or parcel of Crown road situated in the Liverpool City Council area, Parish of Warragamba and County of Camden shown as Lot 13 Deposited Plan 1160434.

The land is said to be in the possession of the Crown.

(RTA Papers: 11M538; RO 259.12503)

Other Notices

ANTI-DISCRIMINATION ACT 1977 (NSW)

Erratum

THIS notice which appeared in the *NSW Government Gazette* of 24 June 2011 on page 4587 was published with an incorrect date. The notice is herewith republished in full and corrects that error. The gazettal date remains 24 June 2011.

ANTI-DISCRIMINATION ACT 1977 (NSW)

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), an exemption is given from sections 49A-D, 51, and 53 of the Anti-Discrimination Act 1977 (NSW), to the New South Wales Consumer Advisory Group – Mental Health Inc (ABN 82 549 537 349) to designate, advertise and recruit two part-time Policy Officers who are self-identified as having experience of a mental illness.

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

Dated this 21 day of June 2011.

ELIZABETH WING,
Acting President,
Anti-Discrimination Board of NSW

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 76 of the Associations Incorporation Act 2009.

- Association for Democracy in Singapore Incorporated – Inc9879520
- Australia-China Association Incorporated – Inc9880234
- Beijing Normal University Alumni Association Australia Incorporated – Inc9882403
- Broken Hill Leagues Club Incorporated – Inc9878301
- China Australia Fashion Cultural Association Incorporated – Inc9880483
- Condobolin Community Centre Inc – Y0284238
- Doonside Village Chamber of Commerce Incorporated – Inc9881176
- River Rats Adventures Incorporated – Inc9879502
- Team Ability Incorporated – Inc9881876

Cancellation is effective as at the date of gazettal.

Dated this 29th day of June 2011.

ROBYNE LUNNEY,
A/Manager, Financial Analysis Branch,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

THE incorporation of OBERON RODEO ASSOCIATION INC (Y0960125) cancelled on 29 May 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 1st day of July 2011.

ROBYNE LUNNEY,
A/Manager, Financial Analysis Branch,
Registry of Co-operatives & Associations,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

TAKE notice that the incorporation of SOUTH WEST MULTICULTURAL AND COMMUNITY CENTRE INCORPORATED (Y0134704) cancelled on 1 August 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 6th day of July 2011.

ROBYNE LUNNEY,
A/Manager, Financial Analysis Branch,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

TAKE NOTICE that the incorporation of WILLOW TREE BUSHMEN'S CARNIVAL ASSOCIATION INC (Y0130226) cancelled on 11 July 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 6th day of July 2011.

ROBYNE LUNNEY,
A/Manager, Financial Analysis Branch,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

CHARITABLE TRUSTS ACT 1993

Notice Under Section 15

Proposed Cy Près Scheme Relating to Katoomba Soldiers Home Trust

SECTION 9 (1) of the Charitable Trusts Act 1993 permits the application of property cy près where the spirit of the original trust can no longer be implemented.

In October 1917, Mrs Agnes Howie set up by way of Deed a trust called the Katoomba Soldiers Home Trust, and

appointed the NSW Public Trustee as the trustee. Mrs Howie transferred her two properties at 2 and 4 Goyder Avenue, Katoomba, and a small amount of cash to the Public Trustee to be held on trust in perpetuity.

The purpose of the trust was to provide homes for 'needy soldiers who enlisted from Katoomba to fight in the present war [World War I] or future wars for the British Empire or as homes for the wives, widows, children or dependents of any such soldier'.

In 2008, the NSW Public Trustee (which is now known as the NSW Trustee and Guardian) applied to the Attorney General for a cy prè scheme in respect of the trust, because it considered that for various reasons the trust was no longer viable in its present form. The NSW Trustee and Guardian also wished for the role of trustee to be taken over by RSL LifeCare Ltd (CAN 00 0048 957) ('RSL LifeCare').

The difficulties in administering the trust included that the Committee overseeing the trust had resigned and could not be replaced under the Deed, the cash funds in the trust were insufficient to fund the repairs now required on the properties, and there was difficulty in securing tenants. The properties have recently been valued at \$320,000.

RSL LifeCare has confirmed through its Solicitor that it is prepared to become the trustee of the trust as proposed.

Having formed the view that the Katoomba Soldiers Home Trust is a trust for charitable purposes, the Crown Advocate as delegate of the Attorney General has approved a recommendation that the Attorney General establish a scheme pursuant to section 12 of the Charitable Trusts Act 1993 whereby RSL LifeCare will be appointed trustee in place of the current trustee, and the management and administration of the trust property will be transferred to RSL LifeCare and which permits, cy prè, RSL LifeCare to rent out the properties according to the following criteria:

- (i) That it first attempts to find war veterans and/or their dependants to rent the homes as short or long term accommodation, with a preference given to such persons who are in financial need and who are from the Katoomba district.
- (ii) If no war veterans and none of their dependants are found to be seeking accommodation then the homes may be rented out for periods of 6-12 months to other persons.
- (iii) In the event a war veteran or any of their dependants requires the use of a home, then, as soon as the 6-12 month lease expires, such cottage would be made available to those persons.

Take note that within one month after the publication of this notice, any person may make representations or suggestions to the Attorney General in respect of the proposed scheme. Representations should be made to the Director, Legal Services Branch, NSW Department of Attorney General and Justice, GPO Box 6, Sydney NSW 2001.

Dated: 6 July 2011.

MAUREEN TANGNEY,
Acting Director General,
NSW Department of Attorney General and Justice

CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-Operatives Act 1992

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

FAMILIES IN PARTNERSHIP CO-OPERATIVE LTD

Dated this fifth day of July 2011.

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

CO-OPERATIVES ACT 1992

Notice under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-Operatives Act 1992

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

CULTURELAB ORGANICS CO-OP LIMITED

Dated this first day of July 2011.

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

CO-OPERATIVES ACT 1992

Notice under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-Operatives Act 1992

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

RUEL CO-OPERATIVE SOCIETY LIMITED

Dated this fifth day of July 2011.

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

GEOGRAPHICAL NAMES ACT 1966

Notice of Assignment of Geographical Names in the Sydney and Randwick Local Government Area

PURSUANT to the provisions of sections 7 and 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued a name and assigned the following names in the Sydney and Randwick Local Government Areas.

The name "*The Centennial Park*" is discontinued and in its place the name "*Centennial Park*" is assigned with the designation of RESERVE.

The recorded name "*Moore Park*" is assigned with the designation of RESERVE.

The recorded names "*Busbys Pond*", "*Kensington Pond*", "*Randwick Pond*", "*Willow Pond*", "*Fly Casting Pond*", "*One More Shot Pond*" and "*Musgrave Pond*" are assigned with the designation of POND.

The recorded names "*Paperbark Grove*", "*Cannon Triangle*", "*Sandstone Ridge*", "*Belvedere Amphitheatre*",

“Federation Valley”, “Frog Hollow”, “Rose Garden”, “Column Garden”, “Church Grounds”, “Snakebank”, “McKay Oval”, “McKay Fields”, “Mission Fields”, “Equestrian Grounds”, “Ash Paddock”, “Learners Cycleway”, “Lachlan Swamp”, “Lachlan Reserve”, “Education Precinct”, “Loch Avenue South Area”, “Brazilian Fields”, “Pine Grove”, “Parade Grounds” and “Bird Sanctuary” are assigned with the designation of RESERVE.

The recorded names “Moore Park Reserve”, “Tramway Oval”, “Showground Field”, “Centennial Parklands Equestrian Centre”, “Federation Way”, “Parklands Sports Centre”, “Bat and Ball Field”, “Moore Park Golf Course”, “Moore Park Driving Range”, “Centennial Park Childrens Centre”, “Tay Reserve” and “E S Marks Athletics Field” are assigned with the designation of RESERVE.

The recorded names “Paddington Gates”, “Woollahra Gates”, “York Gates”, “Musgrave Avenue Gates”, “Govett Street Gates”, “Randwick Gates”, “Robertson Road Gates” and “Jervois Gates” are assigned with the designation of LANDMARK.

The recorded names “Hordern Pavilion”, “Royal Hall of Industries”, “Moore Park Golf House”, “Fairland Pavilion” and “Vernon Pavilion” are assigned with the designation of LANDMARK.

The recorded names “Centennial Parklands Dining Precinct”, “Centennial Parklands Office Precinct”, “Centennial Parklands Entertainment Quarter” and “Fox Studios” are assigned with the designation of URBAN PLACE.

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

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Create a New Address Locality
Within the Penrith Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend address locality boundaries in the Penrith City Local Government Area to enable the creation of a new address locality to be called Jordan Springs as shown on map GNB3890-3-A.

Copies of map GNB3890-3-A may be viewed at Penrith Civic Centre, 601 High Street, Penrith and the Queen Street Centre, 207-209 Queen Street, St Marys from Wednesday, 6 July 2011 until Saturday, 6 August 2011.

A copy of Map GNB3890-3-A will also be on display at the office of the Geographical Names Board, 346 Panorama Avenue, Bathurst NSW 2795 during the above dates. This proposal may also be viewed and submissions lodged on the Geographical Names Board website at www.gnb.nsw.gov.au.

Any person wishing to make comment upon this proposal may prior to Saturday 6 August 2011 write to the Secretary

of the Board with that comment. All submissions lodged in accordance with section 9 of the Geographical Names Act 1966 may be subject to a freedom of information application and may be viewed by a third party to assist the Board in considering this proposal.

WARWICK WATKINS, A.M.,
Chairman

Geographical Names Board
PO Box 143
Bathurst NSW 2795

LEGAL PROFESSION ADMISSION RULES 2005

Amendment to Legal Profession Admission Rules 2005

THE Legal Profession Admission Board has approved amendments to Rule 53 (b) and to the Second Schedule to the Legal Profession Admission Rules 2005.

Amend Rule 53 (b) as follows:

Delete 'Trade Practices Law' and insert
'Competition and Consumer Law'.

In the Second Schedule,

Add 'OR The Legal Profession' to 'University of
Sydney Law, Lawyers and Justice'.

LOCAL GOVERNMENT ACT 1993

Notice Under Section 566 (3)

I, the Hon DONALD PAGE, M.P., Minister for Local Government, in pursuance of section 566 (3) of the Local Government Act 1993, do by this notice specify that from 1 July 2011, the maximum rate of interest that may be set by a council in respect of rates and charges that remain unpaid after they become due and payable shall be 11 per cent per annum.

Dated this 3rd day of July 2011.

The Hon DONALD PAGE, M.P.,
Minister for Local Government

NATIONAL PARKS AND WILDLIFE ACT 1974

Brungle Cemetery Aboriginal Place

IN pursuance of the powers vested in me under section 84 of the National Parks and Wildlife Act 1974, I, the Minister for the Environment and Heritage, do, by this my order, declare such of the lands described hereunder as an Aboriginal Place.

The Brungle Cemetery Aboriginal Place is a place of special significance to Aboriginal culture and people. The Aboriginal cultural values for the place includes Aboriginal graves both marked and unmarked from the 1900s onwards and includes examples of traditional burial techniques. The place is regarded as being of significance to Aboriginal families across New South Wales who have connection to Tumut and Brungle from 1900 onwards who continue to use the cemetery to be buried close to their immediate predecessors and ancestors. The Brungle Cemetery also assists individuals across New South Wales to trace their family connections back to the region and plays an important role in the post-contact history in the Tumut/Brungle region.

Note: under section 86 of the National Parks and Wildlife Act 1974, it is an offence to harm or desecrate (harm includes destroy, deface or damage) and Aboriginal Place.

Activities or works for the conservation or protection of the Aboriginal Place that are carried out by an officer of the Office of Environment and Heritage or under the direction of such an officer, in accord with section 87A (a) of the Act may be exempt.

Activities carried out in accordance with the Public Health (Disposal of Bodies) Regulation 2002 which constitute the continued use of Brungle Cemetery as a cemetery would not harm or desecrate this declared Aboriginal Place.

Should any activities that may cause harm to or desecrate this Aboriginal Place be contemplated, consent should be sought from the Director General, Department of Premier and Cabinet.

ROBYN PARKER, M.P.,
Minister for the Environment

Description

Land District – Buccleuch; LGA – Tumut

County of Buccleuch, Parish of Buccleuch, about 0.2 hectares, being Lot 7302 in DP 1151881.

**OCCUPATIONAL HEALTH AND SAFETY
REGULATION 2001**

(Clauses 266 and 270)

Exemption Order No. 012/11

Operation and Use of Loadshifting Machines

I, JOHN WATSON, General Manager, Work Health and Safety Division of the WorkCover Authority of New South Wales, pursuant to Clause 348 of the Occupational Health and Safety Regulation 2001, make the following Order.

Dated this 16th day of June 2011.

JOHN WATSON,
General Manager,
Work Health and Safety Division,
WorkCover Authority of New South Wales

**OCCUPATIONAL HEALTH AND SAFETY
REGULATION 2001**

Exemption Order No. 012/11

Operation and Use of Loadshifting Machines (Meaning an Excavator, Front-End Loader, Front-End Loader/Backhoe or Front-End Loader of the skid-steer type)

1. Name of Order

This Order is The Occupational Health and Safety Regulation 2001 Exemption Order No. 012/11 Operation and Use of an Excavator (LE), Front-end loader (LL), Front-end loader/backhoe (LB) or Front-end loader of the skid steer type (LS).

2. Commencement

This Order commences on 30 September 2011, and has effect for a period of five years from that date.

3. Exemption

Operators or users of loadshifting machines as specified in clause 265 of the Occupational Health and

Safety Regulation 2001 except a dragline (or persons employing, directing or allowing an operator of other loadshifting equipment), are exempt from clauses 266 & 270 of the regulation (requirement to hold a certificate of competency or recognised qualification in relation to loadshifting machines), provided that the conditions specified in Schedule 1 are complied with.

SCHEDULE 1

1. The controller of the loadshifting machine (except a dragline) must:
 - (a) ensure that any hazards identified with the use of the loadshifting machines have been assessed and adequately controlled and that authorised persons are advised of the hazards and control measures;
 - (b) ensure that only persons assessed as competent in the operation of the loadshifting machine are authorised to use the equipment.
2. The loadshifting machine is only to be operated by persons who are:
 - (a) authorised to use it by the controller of the equipment;
 - (b) over 18 years of age;
 - (c) able to communicate to a level necessary to perform their duties safely;
 - (d) trained and assessed as competent by the controller of the loadshifting machine in the safe operation of the equipment;
 - (e) aware of this Order and its conditions and limitations.
3. While operating or using the loadshifting machine (other than a dragline), the operator must follow safe work practices and take action to prevent any person being placed at risk by the use of the equipment.

Note: Refer to Exemption Order No. 002/11 Operation and Use of a Dragline.

PRACTICE NOTE

CLASS 3 COMPENSATION CLAIMS

Commencement

1. This practice note commences on 15 July 2011 and replaces the Practice Note – Class 3 Compensation Claims dated 30 April 2007.

Application of Practice Note

2. This practice note applies to Class 3 claims for compensation by reason of the acquisition of land (“Class 3 Compensation Claims”), including claims under the Land Acquisition (Just Terms Compensation) Act 1991 (“Just Terms Act”). This practice note is to be known as Practice Note Class 3 Compensation Claims.

Purpose of Practice Note

3. The purpose of this practice note is to set out the case management procedures for the just, quick and cheap resolution of Class 3 Compensation Claims.

Responsibility of parties, legal practitioners and agents

4. It is the responsibility of each party, its legal representatives and agents (as applicable) to consider the directions appropriate to be made in the particular case to facilitate the just, quick and cheap resolution of

the real issues in the proceedings. If a party reasonably considers that compliance with this practice note will not be possible or will not be conducive to the just, quick and cheap resolution of the proceedings, the party should apply to be relieved from compliance on the basis that an alternative proposed regime will be more conducive to such resolution. In that event, the party is to notify other parties of the proposed alternative regime as soon as practicable and is to make available to the Court short minutes reflecting that alternative regime. Parties are to ensure that all directions which they seek will assist in enabling claims to be dealt with at the hearing with as little formality and technicality, and with as much expedition, as the requirements of the Land and Environment Court Act 1979 and of every other relevant enactment and as the proper consideration of the matters before the Court permits (see section 38 Land and Environment Court Act 1979).

Legal practitioners and agents of parties to be prepared

5. Each party not appearing in person shall be represented before the Court by a legal practitioner or duly authorised agent familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
6. Legal practitioners and agents for the parties are to communicate prior to any attendance before the Court with a view to reaching agreement on directions to propose to the Court and preparation of agreed or competing short minutes recording the proposed directions.

Commencing a Class 3 Compensation Claim

7. A Class 3 Compensation Claim is to be commenced by filing in the Registry of the Court a completed Class 3 Application Form (Form B (Version 1)).

Service of originating application

8. The originating application for a Class 3 Compensation Claim is to be served within 7 days of filing.

Documents to be served with originating application

9. The applicant is to serve with its originating application:
 - (a) a schedule of losses attributable to disturbance under section 59 (a) to (e) of the Just Terms Act;
 - (b) a schedule of disturbance loss heads of claim which may arise under section 59 (f);
 - (c) all lay evidence.

The return of the originating application before the Court

10. The originating application will usually be given a return date before the Court about 4 weeks after the application was filed. On the return, the first directions hearing will occur before the List Judge of the Class 3 Compensation List.

Class 3 Compensation List

11. There is a Class 3 Compensation List which will be managed by the List Judge, usually each Friday.
12. The Class 3 Compensation List will conduct:
 - (a) the first directions hearing;
 - (b) the second directions hearing; and

- (c) the return of any notice of motion and other interlocutory applications.

13. Matters in a Friday list will be listed in blocks on a “not before” a specified time basis. Parties should check the daily court lists as published prior to attendance at Court on a Friday in order to determine the “not before” time that their matter is listed.

Number of pre-hearing attendances

14. Unless there are interlocutory applications, a Class 3 Compensation Claim normally should appear in Court before the final hearing on no more than three occasions as follows:
 - (a) at the first directions hearing in the Friday list;
 - (b) at the second directions hearing in the Friday list;
 - (c) a pre-hearing mention on the second last Friday before the hearing commences, if possible before the hearing judge.

At the first directions hearing

15. The first directions hearing will be on the return date of the originating application and will usually be about four weeks after the application is filed.
16. At the first directions hearing, the parties having conferred beforehand:
 - (a) the respondent is to hand to the Court a statement as to whether or not the respondent accepts the Valuer-General’s determination under the Just Terms Act of compensation to be offered to the applicant;
 - (b) the parties are to hand to the Court an agreed statement or separate statements as to the disciplines in respect of which the parties respectively propose to call expert evidence.
17. At each directions hearing the parties, having conferred beforehand, are to hand to the Court agreed or competing short minutes of proposed directions.
18. At the first directions hearing, the parties should expect that the Court will usually make the “Usual Directions at First Directions Hearing” in Schedule A.
19. The usual directions will be that the following documents be served or exchanged or the following events occur within the following times thereafter (see Schedule A):

(a) respondent’s schedule and evidence of losses attributable to disturbance under section 59 (a) to (e) of the Just Terms Act and all lay evidence	1 week
(b) applicant’s evidence in reply re loss attributable to disturbance under section 59 (a) to (e) of the Just Terms Act and lay evidence in reply	2 weeks
(c) each party’s expert evidence other than valuation evidence	4 weeks
(d) joint experts’ reports other than valuation report	6 weeks
(e) applicant’s schedule and evidence of losses attributable to disturbance under section 59 (f)	6 weeks
(f) respondent’s schedule and evidence of losses attributable to disturbance under section 59 (f)	8 weeks

- (g) joint report of experts on losses attributable to disturbance 10 weeks
- (h) each party's valuation evidence 11 weeks
- (i) joint valuation experts' report 13 weeks
- (j) applicant's points of claim 14 weeks
- (k) respondent's points of defence 15 weeks
- (l) settlement or conciliation conference 16 weeks
- (m) second directions hearing 17 weeks

20. Joint experts' reports are to include any reply evidence.

21. In some complex matters it may be necessary for these usual directions to be modified to allow for expert non-valuation evidence to be obtained and served sequentially rather than simultaneously (eg ecological evidence which may impact on hydrological evidence and consequently planning evidence).

22. In addition, other directions may be given with a view to the just, quick and cheap disposal of the proceedings. However, directions for formal discovery and interrogatories will only be made in exceptional circumstances and will generally be confined to particular issues.

At the second directions hearing

23. At the second directions hearing, the parties should expect that the Court will usually fix the hearing dates and a pre-hearing mention, if possible before the hearing judge, on the second Friday before the hearing and make the "Usual Directions at the Second Directions Hearing" in Schedule B.

24. At the second directions hearing, the parties, having conferred beforehand, are to hand to the Court realistic agreed or competing estimates of the hearing time on half a page broken down by the following elements:

- (a) opening addresses;
- (b) tender of documents and written evidence and any objections;
- (c) any inspection of properties by the Court;
- (d) cross-examination (grouping experts by categories);
- (e) closing submissions.

25. The usual directions will be that the parties file as follows at the pre-hearing mention or file and serve as follows by no later than the following business days before the commencement of the hearing (see Schedule B):

- (a) a paginated Court Book containing a table of contents, a copy of the application and pleadings, the evidence and any objections to evidence. Expert reports are to be grouped by discipline. At the pre-hearing mention
- (b) an agreed schedule – At the pre-hearing mention
 - (i) containing a brief description of the subject property and any comparable sales properties that it is proposed the Court should inspect;
 - (ii) noting which party relies on each comparable sale;
 - (iii) including a map showing the location of each property;

(iv) proposing a time when the judge should inspect the properties and the arrangements for the inspection.

- (c) skeleton opening submissions, agreed or competing chronology and (where warranted by the number of persons involved) a list of characters. 4 days
- (d) skeleton reply submissions. 1 day

At the pre-hearing mention

26. The pre-hearing mention will be on the second last Friday before the hearing. If possible, it will be before the judge allocated to hear the proceedings. Counsel or solicitors briefed to appear on the hearing should attend.

27. The purpose of the pre-hearing mention is to ensure readiness for hearing and to give directions as to the conduct of the hearing and of any inspection of the subject property and comparable sales properties.

28. At the pre-hearing mention, the parties, having conferred beforehand, are to file:

- (a) the Court Book; and
- (b) an agreed schedule
 - (i) containing a brief description of the subject property and each comparable sales property that it is proposed the Court should inspect;
 - (ii) noting which party relies on each comparable sale;
 - (iii) including a map showing the location of each property;
 - (iv) proposing a time when the judge should inspect the properties and the arrangements for inspection.

29. If any witness is required for cross-examination, notice is to be given before the pre-hearing mention.

Notices of motion returnable in the Friday list

30. Any notice of motion is to be returnable on a Friday unless the circumstances are so urgent as to justify an earlier listing. Parties and legal practitioners should endeavour to arrange evidence so that, if practicable, the motion may be heard on the return date.

Pleadings

31. Points of claim and points of defence are to include:
- (a) the amount of compensation payable;
 - (b) the components thereof by reference to each relevant matter enumerated in s 55 of the Just Terms Act;
 - (c) the basis of the valuation;
 - (d) particulars of any comparable sales upon which the valuation is based;
 - (e) a schedule of any hypothetical development calculations;
 - (f) in the points of defence, any matter relied upon to offset the claim;
 - (g) a list of the witnesses proposed to be called at the hearing including the dates of their affidavits or reports and, in the case of experts, their discipline.

Amendment of pleadings

32. Parties require leave of the court to amend their points of claim and points of defence.

33. Other than amendments sought during the hearing or where the other party consents, leave to amend is to be sought by notice of motion accompanied by a short affidavit in support explaining the reasons for leave being sought.

Breach of the Court's directions

34. If there is any significant breach of the Court's directions sufficient to cause slippage in a timetable, the parties must promptly, by e-Court communication or fax to the Registrar, restore the matter to the next Friday list before the List Judge. The party in breach or a legal practitioner with knowledge of the reasons for the breach must serve an affidavit no later than 4:00pm on the preceding day (Thursday) which identifies the breach, explains the reasons for the breach and proposes directions to be made in consequence of the breach.

Variation of timetables

35. If proposed directions vary an existing timetable, they must include the vacation of previous directions that can no longer be maintained including any dates for directions hearings or mention or for the hearing of motions.

Liberty to restore

36. Parties have general liberty to restore on a Friday on three working days' notice or less if urgency requires it. A party seeking to do so should make prior arrangement with or give appropriate notice to, any other party, and should send an eCourt communication or fax to the Registrar.

Applications to vacate hearings and for adjournments

37. Proceedings will not be adjourned generally.
38. Proceedings usually will not be adjourned because of failure to comply with this practice note or directions or because of lack of preparedness for any attendance before the Court. If failure to comply or lack of preparedness nevertheless does cause the adjournment of proceedings, the defaulting parties or legal practitioners may be ordered to pay costs.
39. Applications to vacate hearing dates are to be by notice of motion, with an affidavit in support explaining the circumstances of the application and the reasons the hearing date should be vacated.

Settlement of proceedings

40. If proceedings settle, it is necessary to have the Court make orders finalising the litigation, rather than merely filing terms with the registry.
41. If proceedings settle, the parties are to arrange for the proceedings to be listed in the Friday list by written request to the Registrar accompanied by a copy of the proposed final consent orders signed by all parties.
42. Representatives of the parties attending for the purpose of the making of final consent orders must be familiar with the subject matter of the proceedings and have instructions sufficient to inform the Court about the terms of the proposed orders.

Filing and service of evidence

43. Evidence to be relied upon at the final hearing should not be filed as case preparation occurs, with the exception of evidence in support of interlocutory applications.

44. The evidence to be relied upon at the final hearing is to be included in the Court Book to be filed at the pre-hearing mention: see [25] above.

45. Evidence to be relied upon in support of interlocutory applications is to be filed and served. Timetables for preparation of such applications should include provision for that process.

Expert evidence

46. Where expert evidence is necessary to be called in relation to an issue, the parties are to confer before the first directions hearing to see if they can agree on the appointment of a parties' single expert and, if so, the identity and remuneration of the expert. Failing agreement, directions may be sought at the first directions hearing concerning the appointment of a parties' single expert. Such directions will require adaptation of the usual directions in Schedule A.

47. The Court encourages parties to use a parties' single expert. The use of a parties' single expert in an appropriate case can reduce costs and ensure the Court has the benefit of evidence from a person who is not engaged by only one party. In determining whether a parties' single expert might be appropriate in a particular case, consideration should be given to:

- (a) the importance and complexity of the subject matter in dispute in the proceedings;
- (b) the likely cost of obtaining expert evidence from a parties' single expert compared to the alternative of obtaining expert evidence from individual experts engaged by each of the parties;
- (c) the proportionality of the cost in (b) to the importance and complexity of the subject matter in (a);
- (d) whether the use of a parties' single expert in relation to an issue is reasonably likely either to narrow the scope of the issue or resolve the issue;
- (e) the nature of the issue, including:
 - (i) whether the issue is capable of being answered in an objectively verifiable manner;
 - (ii) whether the issue involves the application of accepted criteria (such as Australian Standards) to ascertainable facts; and
 - (iii) whether the issue is likely to involve a genuine division of expert opinion on methodology or schools of thought in the discipline.
- (f) whether the parties are prepared at the time to proceed to hearing on the basis of a parties' single expert report about the issue and no other expert evidence about that issue;
- (g) whether the integrity of expert evidence on the issue is likely to be enhanced by evidence being provided by a parties' single expert instead of by individual experts engaged by the parties; and
- (h) whether the Court is likely to be better assisted by expert evidence on the issue being provided by a parties' single expert instead of by individual experts engaged by the parties.

48. A parties' single expert is to file and serve one expert report only. Without leave of the Court, a parties' single expert is not to provide parties with preliminary reports or opinions.

- Note: Under Part 31, Rule 41 of the Uniform Civil Procedure Rules 2005 a party may seek clarification of the report of a parties' single expert on one occasion only.
49. The parties are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.
 50. Where a parties' single expert has been appointed to give evidence in relation to any issue, the parties may not rely on any other expert evidence about that issue without leave. Any application for leave is to be made as soon as reasonably possible and usually no later than five days after receiving the report of the parties' single expert. Leave is to be sought by notice of motion, with an affidavit in support explaining:
 - (a) the name, qualifications and expertise of the expert proposed to be called;
 - (b) the matters proposed to be addressed by the expert;
 - (c) the date on which the expert was first retained and the date or dates of any expert report the expert has already prepared;
 - (d) the reasons for the need to call an additional expert to give that evidence, rather than having the parties' single expert address the matters further or in cross examination;
 - (e) how calling the additional expert at all or at the particular stage in the preparation of the proceedings, promotes the just, quick and cheap resolution of the proceedings; and
 - (f) the party's position in relation to any additional costs that might be caused by the calling of the expert.

If practicable, the affidavit should not exceed three pages in length (excluding annexures).
 51. If there are large differences in the amount of compensation for which the parties or their experts contend, the Court may appoint a parties' single expert.
 52. An expert (including a parties' single expert) and the expert's report are to comply with the requirements of Division 2 of Part 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.
 53. An expert witness should identify any pre-existing relationship between the expert witness or their firm or company, and a party to the litigation.
 54. It is the responsibility of the parties to agree the remuneration to be paid to a parties' single expert. This includes making provision with respect to the amount of the expert's fees and the frequency with which the expert renders accounts. The Court will fix the remuneration of a parties' single expert only where the parties are unable to agree that remuneration.
- Note: See Part 31, Rule 45 of the Uniform Civil Procedure Rules.
55. If experts are directed by the Court to confer, experts are to ensure that any joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
 56. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
 57. Where expert evidence from more than one expert in the same discipline is to be given in Court, the experts will give such evidence concurrently (subject to any order by the Court to the contrary).
 58. If a party requires any expert for cross-examination, notice is to be given at least seven days before the hearing.
- Co-operation**
59. The Court expects legal practitioners and experts to work together to implement this practice note in a practical and sensible way which ensures that it achieves its intended purpose.
- Mediation, conciliation, neutral evaluation, reference and settlement conference**
60. Consideration should be given prior to and throughout the course of the proceedings to whether the proceedings or any questions are appropriate for mediation, conciliation, neutral evaluation, reference to a referee or a settlement conference.
 61. It is expected that legal practitioners or parties not legally represented, will be in a position to advise the Court at any directions hearing or mention:
 - (i) whether the parties have attempted mediation, conciliation, neutral evaluation or a settlement conference; and
 - (ii) whether the parties are willing to proceed to mediation, conciliation, neutral evaluation or a settlement conference at an appropriate time.
 62. At a mediation, conciliation, neutral evaluation or settlement conference, the parties are to ensure that a person who is able to make a decision as to whether the proceedings and particular issues settle or are resolved is present personally or by an authorised nominee.
 63. Where questions are appropriate to be referred to a mediator, conciliator or neutral evaluator or to a referee for inquiry and report, the parties should prepare proposed short minutes to be handed to the Court which:
 - (a) formulate the questions with precision; and
 - (b) state:
 - (i) that the matter is to be mediated by an in-court mediator or conciliator or the name of an agreed external mediator, neutral evaluator or referee or, if no agreement can be reached, the person each party suggests;
 - (ii) the date on which the mediator, neutral evaluator or referee can commence the mediation, neutral evaluation or reference;
 - (iii) expected duration of the mediation, neutral evaluation or reference; and
 - (iv) the anticipated date for finalisation of the mediation or neutral evaluation or for delivery to the Court of the referee's report.
 64. Proposed consent orders for amendment to the questions referred to a mediator, neutral evaluator or referee may be filed with the Class 3 Compensation List Judge's Associate and the List Judge may make such orders in chambers. Any contested amendments and amendments

in respect of which the List Judge wishes to hear the parties, will be heard on a Friday by the List Judge.

Costs

65. If a breach of the Court's directions or of this practice note causes costs to be thrown away, a party or legal practitioner responsible for the breach may be ordered to pay those costs.
66. The cost of unnecessary photocopying and assembly of documents is unacceptable. Legal practitioners for the parties are to consider carefully the documents necessary to be tendered. Excessive documents may attract adverse costs orders.
67. Any failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure to comply by the other party. Both parties are responsible for ensuring that they comply with directions.

The hearing

68. Evidence and submissions at the hearing are to address all issues the subject of the proceedings. No issue will be separately determined unless the Court so orders.

Note: Application for separate determination of questions, under section 62 (2) of the Civil Procedure Act 2005 or Part 28, Rule 28.2 of the Uniform Civil Procedure Rules, should be made by notice of motion with supporting affidavit.

69. At the hearing, the Court Book may be tendered as an exhibit containing all the written evidence in the case, subject to any objections.
70. At the commencement of oral evidence of any witness, counsel are to hand to the presiding judge agreed or separate lists of the topics on which they propose to cross-examine.
71. Skeleton opening submissions should not generally be a substitute for a written outline of closing submissions. The Court will usually be assisted by a written outline of closing submissions which includes references to evidence in the Court Book and oral evidence. The written outline of closing submissions should be provided to the presiding judge electronically and in hard copy.

Dated: 29 June 2011.

The Honourable Justice BRIAN J. PRESTON,
Chief Judge

SCHEDULE A

Usual Directions at First Directions Hearing

1. The respondent is to serve a schedule and evidence of disturbance losses under section 59 (a) to (e) of the Land Acquisition (Just Terms) Compensation Act 1991, and all lay evidence by [insert date: 1 week].
2. The applicant is to serve its evidence in reply of disturbance losses under section 59 (a) to (e), and all lay evidence in reply by [insert date: 2 weeks].
3. The parties are to exchange their expert evidence, other than expert valuation evidence and expert evidence of disturbance losses under section 59 (f), by [insert date: 4 weeks].
4. Joint experts' reports, other than joint experts' valuation report and joint experts' report of disturbance losses under section 59 (f), are to be served by the experts on the parties by [insert date: 6 weeks].
5. The applicant is to serve a schedule and evidence of disturbance losses under section 59 (f) by [insert date: 6 weeks].
6. The respondent is to serve its schedule and evidence of disturbance losses under section 59 (f) by [insert date: 8 weeks].
7. Joint experts' report on disturbance losses under section 59 (f) is to be served by the experts on the parties by [insert date: 10 weeks].
8. The parties are to exchange their expert valuation evidence by [insert date: 11 weeks].
9. Joint valuation experts' report is to be served by the experts on the parties by [insert date: 13 weeks].
10. The applicant is to serve its points of claim by [insert date: 14 weeks].
11. The respondent is to serve its points of defence by [insert date: 15 weeks].
12. The parties are to have a settlement or conciliation conference by [insert date: 16 weeks].
13. There will be a second directions hearing on [insert date: 17 weeks].
14. Points of claim and points of defence are to include:
 - (a) the amount of compensation to which it is said the applicant is entitled;
 - (b) the components of the claim by reference to each relevant matter enumerated in section 55 of the Land Acquisition (Just Terms Compensation) Act 1991;
 - (c) the basis of the valuation in support of the claim;
 - (d) particulars of comparable sales, if any, upon which the valuation is based;
 - (e) a schedule of any hypothetical development calculations;
 - (f) in the points of defence, any matter relied upon to offset the applicant's claim.
 - (g) a list of the witnesses proposed to be called at the hearing including the dates of their affidavits and reports and, in the case of experts, their discipline.
15. The parties are to serve a copy of these directions, Division 2 of Part 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules on their experts when retaining the experts. Experts are to comply with those provisions.
16. The parties are to serve on their respective expert valuers a copy of all non-valuation expert reports, including joint reports, and lay witness statements as relevant to valuation issues promptly after they become available.
17. A joint report of experts is to include any evidence in reply.
18. In preparing their joint report, expert valuers should consider the matters in Annexure 2 to the Usual Directions at First Directions Hearing insofar as relevant to matters agreed and not agreed.
19. The parties are not to provide a parties' single expert with any expert report brought into existence for the purpose of the proceedings addressing any matter the subject of instructions to the parties' single expert, without leave of the Court.

20. Experts are to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties. Default without leave of the Court can result in the imposition of sanctions.
21. Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the pre-existing positions of the experts.
22. A joint report of experts is to identify the experts involved in its preparation, the dates of their joint conferences, the matters on which they agree, the matters on which they disagree and the reasons for any disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
23. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
24. A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court's directions.
25. Liberty to restore on three working days' notice.

**ANNEXURE 1 TO USUAL DIRECTIONS AT
FIRST DIRECTIONS HEARING
PARTIES' SINGLE EXPERT USUAL DIRECTIONS**

If a parties' single expert is to be appointed, the usual directions at the first direction hearing will require adaptation, including by the following alternative usual directions:

If the parties agree on or the Court requires the appointment of a parties' single expert to address any issue:

1. The court notes the agreement between the parties to engage [insert name] as the parties' single expert on the issue of [insert issue] and that the parties have agreed the remuneration to be paid to that expert.
- Or, failing agreement about the identity and/or remuneration of the parties' single expert:
1. (a) The Court orders the parties to engage [insert name] as a parties' single expert on the issue of [insert issue].
 - (b) The Court fixes the remuneration of the parties' single expert at [insert details of remuneration].
 - (c) A parties' single expert is not to incur fees or disbursements additional to the remuneration agreed by the parties or fixed by the Court without written agreement of both parties or, absent such agreement, the leave of the Court.
 - (d) The parties are to brief the parties' single expert with agreed instructions and an agreed bundle of documents by [within 7 days of the first directions hearing].

- (e) The parties' single expert is to file and serve their expert report by [insert date]. Without leave of the Court, the parties single expert is not to provide the parties with a preliminary expert report or preliminary opinion.
- (f) The parties' single expert is to comply with the requirements of Division 2 of Pt 31 of the Uniform Civil Procedure Rules and the Expert Witness Code of conduct in Schedule 7 of the Uniform Civil Procedure Rules, including the requirements for experts' reports.

In all cases

2. If the Court has ordered that a parties' single expert address any issue, no expert report addressing the same issue other than the report of the parties single expert may be relied upon at the hearing without leave of the Court.

Date: [insert date]

**ANNEXURE 2 TO USUAL DIRECTIONS AT FIRST
DIRECTIONS HEARING**

In conferring and preparing their joint report, expert valuers should consider the issues set out below insofar as relevant to the matters agreed and not agreed.

1. Identify the method of valuation adopted including the primary method and any check method.
2. Disclose full workings and calculations.
3. Identify comparable sales including:
 - (a) property address and title details of each comparable sale to be adopted by the Court;
 - (b) sale date;
 - (c) sale price absent any adjustments expressed as a total and as a \$ rate per sq m if relevant;
 - (d) sale price adjusted for any condition of sale expressed as a total and as a \$ rate per sq m where relevant;
 - (e) area of land of each comparable sale;
 - (f) zoning of each comparable sale at the relevant date;
 - (g) any other relevant planning controls applicable to the comparable sale as at the relevant date; and
 - (h) floor space area of any buildings on the comparable sales sites which may be relevant.
4. State agreed matters.
5. State matters not agreed and give reasons for disagreement.
6. Consider:
 - (a) highest and best use adopted for assessment of market value of land at the date of acquisition and the reasons;
 - (b) alternative facts and assumptions which the Court may accept, including alternative facts and assumptions based on non valuation expert reports;
 - (c) factors which should be taken into consideration in applying a comparable sale to the subject site including but not limited to time, location, site area, site configuration, conditions of sale; and
 - (d) comparable sales which should be inspected by the Court.

SCHEDULE B

Usual Directions at Second Directions Hearing

1. The hearing is fixed for [insert number] days commencing on [insert date to be obtained from the Registry].
2. The parties are to prepare, file and serve a paginated Court Book with a table of contents, a copy of the originating application and pleadings, the evidence (with expert evidence grouped by discipline) and any objections to evidence at the pre-hearing mention.
3. The parties are to exchange and deliver electronically and in hard copy to the hearing judge's Associate their skeleton opening submissions, an agreed or competing chronology and (where warranted by the number of persons involved) a list of relevant characters by [insert date: 4 business days before the hearing].
4. The parties are to exchange and deliver electronically and in hard copy to the hearing judge's Associate any skeleton opening submissions in reply by [insert date: 1 business day before the hearing].
5. There will be a pre-hearing mention, if possible before the hearing judge, which counsel or solicitors briefed to appear on the hearing should attend, on [insert date: second last Friday before the hearing].
6. At the pre-hearing mention the parties, having conferred beforehand, are to file:
 - (a) the Court Book; and
 - (b) an agreed schedule
 - (i) containing a brief description of the subject property and each comparable sales property that it is proposed the Court should inspect;
 - (ii) noting which party relies on each comparable sale;
 - (iii) including a map showing the location of each property;
 - (iv) proposing a time when the judge should inspect the properties and the arrangements for inspection.
7. If any witness is required for cross-examination, notice is to be given before the pre-hearing mention.
8. At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge directs otherwise.
9. At the commencement of oral evidence of any witness, counsel, having conferred beforehand, are to hand to the Court an agreed list or competing lists of the topics on which it is proposed to cross-examine.
10. Parties are to promptly notify the Court if there is any material slippage in the timetable.

PUBLIC LOTTERIES ACT 1996

Instant Lotteries – Approval of Rules

I, THE HONOURABLE GEORGE SOURIS, M.P., Minister for Tourism, Major Events, Hospitality and Racing and Minister for the Arts, being the Minister administering the Public Lotteries Act 1996 (hereinafter referred to as "the Act") pursuant to section 23 (1) of the Act DO HEREBY APPROVE the Rules annexed to this instrument for the conduct of Games of Instant Lotteries and Games of Promotional Instant

Lotteries by the New South Wales Lotteries Corporation Pty Ltd effective from the date of gazettal.

Dated this 5th day of July 2011.

The Honourable GEORGE SOURIS, M.P.,
Minister for Tourism, Major Events,
Hospitality and Racing
and Minister for the Arts

PUBLIC LOTTERIES ACT 1996

Instant Lotteries Rules

IT is hereby notified that the Minister administering the Public Lotteries Act 1996, has approved of the following Rules for the Conduct of Instant Lottery and Promotional Instant Lotteries. In accordance with section 23 (3) (a) of the Act these Rules take effect on and from 8 July 2011. These Rules supersede the Rules notified previously in the *NSW Government Gazette*.

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SCHEDULES

SCHEDULE 1 – SUBSCRIPTIONS AND COMMISSION PAYABLE FOR INSTANT LOTTERIES

RULE 1 – Definitions

- (a) In these Rules unless inconsistent with the context:
- (i) "Act" means the Public Lotteries Act 1996, any amendment, modification, variation or abrogation thereof for the time being in force;
 - (xxxviii) "Agency" means a place at which an Agent is allowed to:
 - (1) receive Subscriptions for and sell Tickets in an Instant Lottery;
 - (2) receive entries in a Promotional Instant Lottery and provide Promotional Instant Lottery Tickets; and

- (3) in the case of a Direct Mail Agent receive Subscriptions and instructions to purchase Instant Lottery Tickets and to provide Promotional Instant Lottery Tickets on behalf of Subscribers;
- (iii) "Agent" means a person appointed by the Licensee for purposes associated with Instant Lotteries and Promotional Instant Lotteries Conducted by the Licensee and includes a Direct Mail Agent;
- (iv) "Ancillary Fee" means a fee which the Chief Executive Officer of the Licensee may from time to time authorise a Direct Mail Agent to charge a Player from whom a Direct Mail Agent accepts a subscription;
- (v) "Approved" means approved in writing by the Minister;
- (vi) "Chief Executive Officer" means the Chief Executive Officer of the Licensee or such delegate appointed by the Chief Executive Officer pursuant to Rule 3 (f);
- (vii) "Commission" means an amount:
- (1) paid to, deducted by or retained by an Agent in connection with a Subscription (whether or not in the person's capacity as an Agent); and
 - (2) determined by or in accordance with, and identified as Commission in, the conditions of the Product Licence or these Rules;
- (viii) "Computer Linked Terminal" means the computer equipment of the Licensee located in Agencies which is linked to the Licensee's central processing computer equipment for purposes associated with Instant Lotteries and Promotional Instant Lotteries, including determining whether a Prize has been won;
- (ix) "Computer Records" means the sum of information, including Ticket Serial Number information, which is provided to the Licensee by way of the Licensee's central processing computer equipment in respect of an Instant Lottery or a Promotional Instant Lottery and which is retained or recorded on a magnetic tape or otherwise stored;
- (x) "Conduct" in relation to an Instant Lottery and Promotional Instant Lottery has the same meaning as assigned to it by Section 4 (1) of the Act;
- (xi) "Director" means a Director of the Board of Directors of the Licensee;
- (xii) "Direct Mail Agent" means an Agent, approved by the Minister, who is authorised by the Licensee to receive Subscriptions, Commissions and instructions in respect of an Instant Lottery or entries and instructions with respect to a Promotional Instant Lottery from a Player.
- (xiii) "Draw" means the drawing of a public lottery conducted as part of an Instant Lottery or Promotional Instant Lottery in accordance with Rule 7 (q);
- (xiv) "Employee" means an employee of the Licensee. In other contexts where appropriate, "Employee" includes an employee of an Agent;
- (xv) "Fee" means the sum of the Commission and Subscription;
- (xvi) "Instant Lottery" means a public lottery Conducted pursuant to the Act the Operator Licence, the Product Licence, Rules and Regulations whereby Prizes are determined (wholly or partly) by revealing Numbers on Tickets in the lottery (whether or not additional Prizes are determined in any other manner) but does not include Promotional Instant Lotteries;
- (xvii) "Licensee" means New South Wales Lotteries Corporation Pty Ltd;
- (xviii) "Minister" means the Minister for the time being administering the Act;
- (xix) "Numbers" has the same meaning as contained in Section 5 of the Act;
- (xx) "Operator Licence" means the operator licence granted to the Licensee, pursuant to the Act to conduct any public lottery for which it, from time to time, holds a Product Licence granted pursuant to the Act;
- (xxi) "Player" means a person who:
- (1) has paid the correct Subscription and Commission for a valid Instant Lottery Ticket; and
 - (2) holds, bears and submits a valid Ticket to the Licensee, and Agent for the purposes of receiving a Prize; and;
- includes where relevant a person who has validly entered a Promotional Instant Lottery and who holds, bears and submits a ticket in the Promotional Instant Lottery to the Licensee, and Agent or a Direct Mail Agent for the purposes of receiving a Prize;
- (xxii) "Prize" means any prize determined in accordance with Rule 7;
- (xxiii) "Prize Allocation" shall be determined by the Licensee and has the meaning provided in Rule 7 (b);
- (xxiv) "Prize Fund" means the account established under Section 27 of the Act and known as the Instant Lottery Prize Fund Account;
- (xxv) "Prize Pool" is the proportion of Subscriptions paid into the Prize Fund for a particular Instant Lottery and has the meaning specified in Rule 7 (a).
- (xxvi) "Prize Reserve Fund" means the fund located in the Prize Fund under Section 27 of the Act containing
- (1) the amounts specified in Rule 7 (c);
 - (2) an amount representing any unclaimed Prizes, subject to a direction under Section 27A of the Act.
- (xxvii) "Product Licence" means the product licence granted to the Licensee to Conduct Instant Lotteries and Promotional Instant Lotteries pursuant to Section 12 of the Act;

- (xxviii) "Promotional Instant Lottery" means a public lottery Conducted for the purpose of promoting an Instant Lottery, and in respect of which:
- (1) eligibility to enter is confined to Players in an Instant Lottery which is currently selling or in which selling has concluded; and
 - (2) no further Subscription or Commission is charged;
- (xxix) "Regulation" means a regulation made under the Act;
- (xxx) "Rules" means these Rules made under the Act any amendment, modification, variation or abrogation thereof for the time being in force;
- (xxxi) "Subscription" means the amounts paid for Entries but does not include the following:
- (1) Ancillary Fees; or
 - (2) Commission, unless the Act expressly provides otherwise;
- (xxxii) "Ticket" means the form of entry to an Instant Lottery or Promotional Instant Lottery, whether it be in documentary or other approved form, as agreed by the Chief Executive Officer, which permits a Player to play an Instant Lottery or Promotional Instant Lottery and which evidences:
- (1) in the case of an Instant Lottery, that a Player has paid the correct Subscription to enter the Instant Lottery; and
 - (2) in the case of a Promotional Instant Lottery, that a Player has validly entered the Promotional Instant Lottery;
- and which may be validated by a Computer Linked Terminal and which may include a Ticket Serial Number and such other tests to determine the validity of the Ticket and whether it has won a Prize;
- (xxxiii) "Ticket Serial Number" means the verification code in the form of numbers and/or letters and/or bar codes which may be printed on Tickets and which constitute the means by which the Licensee can determine after the issue of the Ticket whether it is a valid Ticket and also whether it has won a Prize;
- (b) In these Rules unless inconsistent with the context:
- (i) a reference to the singular shall include the plural, and vice versa;
 - (ii) headings are for convenient reference only and have no effect in limiting or extending the language of the provisions to which they refer.
- RULE 2 – Conduct of Instant Lotteries and Promotional Instant Lotteries**
- (a) These Rules are to be read subject to the Act its Regulations, the Operator Licence and the Product Licence and shall apply to every Instant Lottery and Promotional Instant Lottery.
 - (b) All decisions made by the Chief Executive Officer concerning the Prize Fund and the declaration and payment of Prizes shall be final and binding on all Players.
- (c) An Instant Lottery or Promotional Instant Lottery shall, at its commencement, have a Prize structure as determined by the Chief Executive Officer.
 - (d) The Prize structure shall comprise the number and value of Prizes to be offered by the Licensee to Players during the period of each Instant Lottery or Promotional Instant Lottery, as the case may be.
 - (e) During the period in which the Licensee:
 - (i) offers for sale Tickets in an Instant Lottery; or
 - (ii) accepts entries in a Promotional Instant Lottery; some or all of the Prizes in the approved Prize structure may already have been won when a Player;
 - (iii) purchases a Ticket in an Instant Lottery; or
 - (iv) enters a Promotional Instant Lottery;
 leaving the balance of Prizes still available to be won by Players or no Prizes, as the case may be, at the time of their respective purchase or entry.
 - (f) There shall be no obligation or liability imposed upon the Licensee whatsoever to advise or otherwise inform prospective Players in an Instant Lottery or Promotional Instant Lottery of the number or nature of Prizes still available or if any Prizes are still available, to be won by them at the time of their proposed purchase of a Ticket in an Instant Lottery or entry in a Promotional Instant Lottery, as the case may be.
 - (g) A Ticket in an Instant Lottery may include a Promotional Instant Lottery on the same Ticket.
 - (h) A Ticket in an Instant Lottery or Promotional Instant Lottery may include one or more Prizes to be won on the same Ticket.
 - (i) An Instant Lottery or Promotional Instant Lottery may require the Player to reveal a winning Number on more than one Ticket in order to win a Prize.
 - (j) The Licensee may Conduct a Promotional Instant Lottery in such manner and at such times and places as the Licensee determines.
 - (k) A Promotional Instant Lottery may be Conducted in conjunction with an Instant Lottery or separately from an Instant Lottery.
- RULE 3 – Application of Rules**
- (a) These Rules and all instructions and conditions printed on Tickets shall apply to each Instant Lottery or Promotional Instant Lottery and shall be binding on all Players.
 - (b) In the event of any inconsistency between these Rules and the instructions and conditions printed on Tickets, these Rules shall prevail.
 - (c) These Rules shall apply to each Promotional Instant Lottery and shall be binding on all Players.
 - (d) By entering an Instant Lottery or Promotional Instant Lottery Players agree to be bound by these Rules and to accept as final and binding on them all decisions made by the Chief Executive Officer.
 - (e) An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.
 - (f) The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on

such terms and conditions as the Chief Executive Officer may determine.

- (g) Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3 (f).
- (h) These Rules will be displayed and made available for inspection at each Agency.

RULE 4 – Rules Applying to Tickets

- (a) The Ticket issued to the Player shall constitute the Player's official receipt and acceptance thereof shall constitute the Player's acknowledgment of all details thereon and shall be the only form issued by the Licensee or its Agent to the Player evidencing the Player's entry in a particular Instant Lottery or Promotional Instant Lottery.
- (b) Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.
- (c) In the event that the particulars recorded on the Player's Ticket are not consistent with the particulars held by the Licensee by way of Computer Records or such other records held by the Licensee or otherwise available to the Licensee from its authorised contractor, then the latter mentioned particulars and records shall apply and shall determine what Prize, if any, the Player shall be entitled to and the Player shall be bound by any such determination. Particulars which may be recorded on a Ticket include the Ticket Serial Number and other security and/or prize validation related information, the Numbers to be revealed and information regarding the particular Instant Lottery or Promotional Instant Lottery entered as well as the details of the particular book and ticket number.
- (d) A Ticket shall at all times remain the property of the Licensee and a Player shall deliver up any Ticket to the Licensee upon demand.
- (e) A Player in an Instant Lottery may indicate anonymity is desired by clearly marking the box styled "NFP" on the Ticket with a cross or tick to indicate that the details relating to the Player shown on the Ticket should not be published.
- (f) The identity of a Player who has marked a ticket in the manner referred to in Rule 4 (e) must not be published by the Licensee.
- (g) A Player may at any time revoke a request for anonymity and participate in any promotion or marketing activity requested by the Licensee.
- (h) Where a Player submits a Ticket as trustee, representative or nominee for another person or persons, the Licensee will be taken to have no knowledge, nor to be on notice whether actual or constructive, of any such arrangement and the transaction will be conducted solely with the Player.
- (i) A Ticket in an Instant Lottery shall contain instructions specifying:
 - (i) the manner in which the Ticket holder may determine whether an Instant Lottery Prize has been won; and

(ii) the procedures for claiming an Instant Lottery Prize.

- (j) Subject to Rule 7 the Chief Executive Officer may pay a Prize to a person who holds, bears or submits a Ticket in an Instant Lottery or a ticket in a Promotional Instant Lottery to the Licensee or an Agent for the purpose of receiving a Prize if the Chief Executive Officer is satisfied that the Ticket Serial Number and/or other security tests as the Chief Executive Officer thinks necessary show that the Ticket is a valid Ticket and has won a Prize.

RULE 5 – Price of Tickets, Commission and Ancillary Fee

- (a) The Licensee shall set, as approved, the amount payable by Players, excluding Commission, in respect of the sale of Tickets in an Instant Lottery;
- (b) The Licensee shall set, as approved, the Commission payable to Agents in respect of the sale of Tickets in an Instant Lottery;
- (c) The Commission payable to any Agent is not to exceed the amount set under Schedule 1, and does not include any Ancillary Fees charged by a Direct Mail Agent.
- (d) A Direct Mail Agent may charge an Ancillary Fee as authorised by the Chief Executive Officer from time to time.

RULE 6 – SALE OF INSTANT LOTTERY TICKETS AND ENTRIES IN PROMOTIONAL INSTANT LOTTERIES

- (a) The sale of a Ticket in an Instant Lottery shall not be considered to have been made until the Subscription has been paid in respect of that Ticket.
- (b) A person under the age of eighteen (18) years is not permitted to purchase a Ticket in an Instant Lottery or a Promotional Instant Lottery;
- (c) A Ticket in an Instant Lottery may only be sold through:
 - (i) an Agent; or
 - (ii) by post, in accordance with Rule 6 (e).
- (d) A Direct Mail Agent may receive instructions by post, telephone, facsimile or modem (internet) and such Direct Mail Agent may receive Prize cheques for and on behalf of Players.
- (e) Fees payable in respect of the sale of Tickets by post by the Licensee may be paid by postal note or bank, building society or personal cheque. Payment by cheque is taken to have been effected when payment of the amount of the cheque has been made to the Licensee by the bank, building society or credit union on which the cheque is drawn.
- (f) The Chief Executive Officer is to determine the form of entries in a Promotional Instant Lottery that will be used by the Licensee in determining whether one or more Prizes have been won in the Promotional Instant Lottery.
- (g) Without limiting Rule 6 (f), the Chief Executive Officer may determine that entries in a Promotional Instant Lottery are to be in the form of any of the following (or combination of the following):
 - (i) portions of a Ticket in an Instant Lottery nominated by the Chief Executive Officer;
 - (ii) any other Ticket or document;
 - (iii) entries made by means of an electronic or mechanical device or by a telecommunications system.

- (h) If an entry in a Promotional Instant Lottery is to consist of a portion of an Instant Lottery Ticket:
- (i) the manner in which each game is to be played is to be clearly displayed on separate portions of each Ticket; and
 - (ii) the play areas of the Instant Lottery and Promotional Instant Lottery are to be displayed on separate portions of each Ticket.
- (i) If an entry in a Promotional Instant Lottery is to consist of a Ticket or document, a Ticket or document issued to an entrant in the Promotional Instant Lottery:
- (i) constitutes the Player's official receipt;
 - (ii) is, following its acceptance, to constitute the Player's acknowledgment of the details on the entry; and
 - (iii) is to be the only document issued by the Licensee, its Agents to the entrant evidencing the processing of an entry in the Promotional Instant Lottery.
- RULE 7 – Prizes**
- (a) The Prize Pool in an Instant Lottery shall be not less than fifty five percent (55%) and not more than sixty three point four percent (63.4%) of Subscriptions.
- (b) The Prize Allocation in a particular Instant Lottery shall comprise:
- (i) the Prizes in the Instant Lottery;
 - (ii) the number of Tickets in the Instant Lottery; and
 - (iii) the cost of Prizes, which shall be not less than fifty five percent (55%) of Subscriptions, and which shall be funded in whole or in part from the Prize Pool.
- (c) Where the cost of Prizes in an Instant Lottery is less than sixty three point four percent (63.4%) of Subscriptions, that amount representing the difference between that cost and sixty three point four percent (63.4%) shall be retained in the Prize Reserve Fund.
- (d) Where the cost of Prizes in an Instant Lottery would otherwise exceed sixty three point four percent (63.4%) of Subscriptions, the amount representing the difference between that cost and sixty three point four percent (63.4%) of Subscriptions shall be drawn from the Prize Reserve Fund.
- (e) The Prizes payable in respect of an Instant Lottery are to be determined:
- (i) by revealing the Number on the Tickets in the lottery; or
 - (ii) in such other manner as is approved by the Chief Executive Officer for the purposes of the particular Instant Lottery.
- (f) Without limiting Rule 7 (e), Prizes in an Instant Lottery may be determined by the inclusion of Tickets in the lottery in a draw.
- (g) If any Prizes in an Instant Lottery are to be determined in a manner approved under Rule 7 (e) (ii), the Licensee is to give notice of the manner of determination:
- (i) by indicating the manner of determining the Prize on each Ticket in the Instant Lottery; or
 - (ii) by publicly advertising the manner of determination of the Prize or both.
- (h) The Prizes payable in an Instant Lottery are to consist of one or more of the following:
- (i) money;
 - (ii) Tickets in an Instant lottery;
 - (iii) Tickets in any other lottery;
 - (iv) such other prizes as may (subject to this clause) be determined by the Licensee.
- (i) The Chief Executive Officer may change or alter the nature of any Prize offered in an Instant Lottery, including the conversion of any Prize (or part of a Prize) into a monetary equivalent.
- (j) A Prize in an Instant Lottery or a Promotional Instant Lottery must not consist of or include tobacco.
- (k) A Prize in an Instant Lottery or a Promotional Instant Lottery must not consist of or include liquor within the meaning of the Liquor Act 1982.
- (l) The Prizes payable in a Promotional Instant Lottery may consist of one or more of the following:
- (i) money;
 - (ii) holidays;
 - (iii) travel;
 - (iv) accommodation;
 - (v) services or goods provided by the Licensee or by persons or bodies other than the Licensee, whether or not for valuable consideration; and
 - (vi) such other Prizes as may (subject to this clause) be determined by the Chief Executive Officer.
- (m) The Chief Executive Officer is to determine the number, nature and value of Prizes in each Promotional Instant Lottery.
- (n) The Licensee is to publicly advertise or otherwise promote the nature and value of, and the conditions relating to payment of, Prizes, and where practical the number of Prizes, in each Promotional Instant Lottery Conducted by it.
- (o) The Chief Executive Officer may change or alter the nature of any Prize offered in a Promotional Instant Lottery, including (but not limited to) the following:
- (i) the replacement of any holiday destination offered as a Prize or part of a Prize with another holiday destination;
 - (ii) the replacement of any mode of travel offered as a Prize or part of a Prize with another mode of travel;
 - (iii) the replacement of any form of accommodation offered as a Prize or part of a Prize with another form of accommodation;
 - (iv) the resupply of services or the replacement of goods provided by the Licensee or by persons or bodies other than the Licensee; and
 - (v) the conversion of any Prize (or part of a Prize) provided by the Licensee or by another person or body into a money equivalent.
- (p) The Prizes in a Promotional Instant Lottery are payable in such manner as is approved by the Chief Executive Officer for the purposes of that Promotional Instant Lottery.

(q) Drawing for Instant Lottery Prizes

This Rule applies when the Licensee determines that some of the Prizes in an Instant Lottery are to be determined by a Draw:

- (i) A Ticket in an Instant Lottery is eligible to be included in a Draw in such circumstances as may be indicated or publicly advertised in accordance with Rule 7 (g) (ii).
- (ii) A Draw is to be conducted at such times and in such manner as the Licensee may determine.
- (iii) Prize winners in a Draw are to be selected at random by such means (including the use of mechanical, electronic or other devices or aids) as the Minister may approve.
- (iv) A Draw is to be carried out under the control and direction of the Licensee.
- (v) The Licensee is, as far as is reasonably practicable, to ensure the security, performance and accuracy of any device or aid used in connection with a Draw.
- (vi) Each draw in an Instant Lottery is to be open to the public.
- (vii) The Licensee is, if possible, to notify Prize winners in a Draw that they have won a Prize and may require them to claim the Prize before payment of the Prize.

RULE 8 – Procedures for Claiming and Payment of Prizes

- (a) A Prize in an Instant Lottery is payable only on presentation of a Ticket in that Instant Lottery indicating that the Prize has been won and after the Licensee is satisfied that the Ticket Serial Number and/or other security tests as the Licensee deems necessary show that the Ticket is valid and has won the Prize;
- (b) A Prize is not payable in a Promotional Instant Lottery unless:
 - (i) the entry submitted in the Promotional Instant Lottery is in the form determined by the Chief Executive Officer under Rule 6; and
 - (ii) if the form of entry requires the Player to have purchased a Ticket in an Instant Lottery, the Ticket satisfies any test used by the Chief Executive Officer to determine whether the Ticket is valid, and the claimant has complied with all conditions relating to the Promotional Instant Lottery advertised under Rule 7 (n).
- (c) The Licensee may record on a Ticket in a Promotional Instant Lottery a verification code or other test and use it to determine whether the Ticket in a Promotional Instant Lottery is a valid entry and whether it has won a Prize. A Prize is only payable in respect of a Ticket in a Promotional Instant Lottery if such verification code or other test shows that the Ticket is valid and has won a Prize.
- (d) The Chief Executive Officer shall from time to time approve the form and content of the claim form to be forwarded by Players when claiming a Prize in an Instant Lottery or Promotional Instant Lottery.
- (e) A Prize exceeding \$1,000.00 must be claimed by lodgement with the Licensee of a Prize claim form containing or accompanied by the like particulars set out in the claim form and any other evidence that the Chief Executive Officer may from time to time require;

- (f) A Prize not exceeding \$1,000.00 shown on a Computer Linked Terminal will be paid to a Player, upon surrender of a winning Ticket, by an Agent with a Computer Linked Terminal;
- (g) A Prize not paid by an Agent in accordance with Rule 8 (f) will be paid by the Licensee by cheque or at the discretion of the Licensee by electronic funds transfer, upon the submission to the Licensee of a Prize claim form, the Prize winning Ticket and such other evidence as the Chief Executive Officer may from time to time require;
- (h) Any cheque drawn in payment of a Prize:
 - (i) must be made payable to the order of one named Prize winner as shown on the Prize winning Ticket or otherwise indicated on a Prize claim form on submission of the Prize winning Ticket; and
 - (ii) must be crossed and marked “not negotiable”.
- (i) A Player who claims to be entitled to a Prize and whose Ticket is not shown as a winner by the Ticket Serial Number and/or such other security test deemed necessary by the Chief Executive Officer must lodge a Prize claim form containing or accompanied by the particulars required on the claim form;
- (j) The payment of Prizes to Players who are known to have died before receiving any or all of a particular Prize shall be made in accordance with the laws of New South Wales;
- (k) Subject to Section 27 of the Act all unclaimed or uncollected Prizes shall be retained in the Prize Fund for payment to the Players or entitled thereto;
- (l) Where payment of a Prize is made by cheque and mailed, it shall be posted to the name and address shown on the claim form. Thereafter, the Licensee shall not be held liable for any loss, delay in the delivery thereof or any negotiation of such cheque. A certificate under the hand of the Chief Executive Officer verifying the date of posting shall be conclusive evidence of same;
- (m) A Prize may be claimed through an Agent or by mail direct to:

The Chief Executive Officer
New South Wales Lotteries
2 Figtree Drive
SYDNEY OLYMPIC PARK NSW 2127

 or such other address as may be publicly notified from time to time by the Chief Executive Officer. A Prize claim form for a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct;
- (n) Where more than one name is advised on a Ticket or on a claim form, payment to any one person so named at the address so given shall discharge the Licensee from all liability in respect of such payment to the other person so named;
- (o) The payment of all Prizes pursuant to this Rule 8 will discharge the Licensee from liability notwithstanding the existence of any trust whether express, constructive or implied. Where the Licensee has paid a Player pursuant to this Rule 8 and the Chief Executive Officer is, after such payment has been made, of the view that:
 - (i) the Player was not the Player to whom such payment should have been made; or

- (ii) a Prize is not payable to the Player the Player shall upon being requested to do so by the Licensee in writing refund to the Licensee the monies forwarded to him or her;
- (p) The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.
- (q) The Licensee accepts no responsibility or liability for lost or stolen Tickets.

RULE 9 – Identity

The Licensee may require a claimant for a Prize in an Instant Lottery or Promotional Instant Lottery:

- (a) to furnish such evidence of the claimant's identity as the Licensee thinks sufficient to establish the claimant's identity; and
- (b) to verify that evidence in such manner as the Licensee considers appropriate.

RULE 10 – EFFECT OF PAYMENT

- (a) The Licensee need not inquire into the entitlement to claim a Prize of any person who presents a Prize winning Ticket in an Instant Lottery or presents or submits a Prize winning entry in a Promotional Instant Lottery.
- (b) Payment of a Prize to such a claimant in accordance with this Part discharges the Licensee from any action, liability, claim or demand from any other person in relation to the entry.

RULE 11 – ADDITIONAL CIRCUMSTANCES WHEN PRIZES ARE NOT PAYABLE

- (a) A Prize is not payable in an Instant Lottery or Promotional Instant Lottery:
 - (i) if the Ticket in the Instant Lottery or an entry in the Promotional Instant Lottery presented by the claimant for the Prize is damaged, altered, reconstituted or counterfeit; or
 - (ii) if the Ticket in the Instant Lottery or entry in the Promotional Instant Lottery is stolen or is a Ticket or entry that has been printed but not issued by the Licensee; or
 - (iii) if the Licensee has reasonable cause to suspect fraud or attempted fraud (whether computer related or otherwise); or
 - (iv) if the Player has tendered insufficient Fee for the Ticket or has presented a cheque that is subsequently dishonoured or if the form of payment tendered is not otherwise acceptable to the Licensee; or
 - (v) in such other circumstances as are specified on the Ticket or entry or as have been publicly advertised by the Licensee in relation to the Instant Lottery or Promotional Instant Lottery; or
 - (vi) in respect of a Ticket which fails any confidential security test of the Licensee; or
 - (vii) any other breach of these Rules which justifies disqualification.
- (b) A Prize in an Instant Lottery or Promotional Instant Lottery is not payable to a person apparently under the age of 18 years.
- (c) The Licensee must use its best endeavours to notify a person whose name and address is shown on a Ticket or

entry on which a Prize is not payable under this clause and must provide reasons why the Prize is not payable.

- (d) Nothing in Rule 11 (a) prevents a Prize from being paid in respect of a damaged Ticket or entry if the Licensee determines that the Ticket or entry is a valid Ticket or entry and that it has won a Prize.

RULE 12 – LIMITATION OF LIABILITY

- (a) By entering an Instant Lottery or Promotional Instant Lottery a Player acknowledges that he or she has entered into an agreement with the Licensee and the Agent and agrees to be bound by the provisions of these Rules which subsist for the benefit of the Licensee, Board of Directors, the Chief Executive Officer, the Agent and all Employees thereof.
- (b) The Licensee, Directors, the Chief Executive Officer, the Agent and all Employees thereof shall have no responsibility or liability to a Player or any other person by reason of the loss or destruction of a Ticket for any reason or from any cause (whether arising from or contributed to by, negligence or otherwise) beyond the amount of the Subscription paid in respect of that Ticket.
- (c) The Licensee, Directors, and the Chief Executive Officer shall have no responsibility or liability to pay a Player who claims a Prize and is unable to submit a Ticket. The Licensee shall have discharged all liability in relation to payment of a Prize by making payment to a person in accordance with the Rules.
- (d) The Licensee, Directors, the Chief Executive Officer and each and every Employee or contractor of the Licensee shall have no liability or responsibility to a Player or any other person for or in respect of:
 - (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function, obligation or discretion conferred or contemplated by the Rules or otherwise in or about the Conduct or promotion of any Instant Lottery or Promotional Instant Lottery; and
 - (ii) without prejudice to the generality of Rule 12 (d) (i) hereof, any negligence, omission, delay or failure in relation to:
 - (1) the payment of Prizes;
 - (2) the processing and issue of a Ticket following acceptance of the Fee in respect of an Instant Lottery or an entry in respect of a Promotional Instant Lottery;
 - (3) the processing of a Prize winning Ticket;
 - (4) the receipt and processing of a Prize claim form; and
 - (iii) without prejudice to the generality of Rule 12 (d) (i) and Rule 12 (d) (ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:
 - (1) the issue of a Ticket;
 - (2) the completion of a Prize claim form;
 - (3) the receipt of a Prize claim form;
 - (4) the processing of a Prize claim;
 - (5) the payment of a Prize; and
 - (iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee or any Employee, servant or contractor of the Licensee to a Player.

- (e) Each and every Agent and each and every Employee of an Agent shall have no liability or responsibility to a Player or any other person for or in respect of:
- (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function, obligation or discretion conferred or contemplated by the Rules or otherwise in or about the Conduct of any Instant Lottery or Promotional Instant Lottery; and
 - (ii) without prejudice to the generality of Rule 12 (e) (i) hereof, any negligence, omission delay or failure in relation to:
 - (1) the payment of Prizes;
 - (2) the processing and issue of a Ticket following acceptance of the Fee in respect of an Instant Lottery or an entry in respect of a Promotional Instant Lottery; or
 - (3) the processing of a Prize winning Ticket;
- (f) The Licensee, the Chief Executive Officer, each and every Agent and each and every Employee of the Licensee or an Agent shall have no liability or responsibility to a Player or any person for or in respect of any failure, disruption or malfunction of Computer Linked Terminals, electrical power, telecommunications links or computers (whether arising from or contributed to by, negligence or otherwise) resulting in loss or corruption of information retained on any Computer Records held by the Licensee.
- (g) The Licensee, Directors, the Chief Executive Officer, each and every Agent and each and every Employee of the Licensee or an Agent shall have no liability or responsibility for any consequence of interference with or interruption to any Instant Lottery or Promotional Instant Lottery due to fire, storm, flood, riot, civil commotion, strike, failure or disruption of electrical power supply or telecommunications or other cause not within the reasonable control of such person.
- (h) In the processing of any Ticket, claim form or instructions received by an Agent an Agent shall for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.
- (i) In the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.
- (j) Notwithstanding the provisions of Rule 12 (h), in the acceptance of Commission by an Agent on behalf of the Licensee, the Agent shall for this purpose be the agent of the Licensee and not the agent of the Player.
- (k) The State of New South Wales, the Crown in right of that State, the Government of that State, the Minister, their successors and the employees and agents of each and every one of them shall have as ample protection from liability in respect of their acts and omissions (whether arising from or contributed to by, negligence or otherwise) and the acts, omissions and contingencies the subject of Rules 12 (a) to 12 (j) inclusive as those protected by said Rules.

RULE 13 – EFFECTIVE DATE

- (a) The Instant Lottery Rules made pursuant to the Act and in force immediately prior to the date upon which these Rules take effect are rescinded.
- (b) Unless otherwise determined by the Chief Executive Officer any Ticket purchased in an Instant Lottery and Promotional Instant Lottery pursuant to Rules previously in force under any earlier Product Licence and which relate to an Instant Lottery to be Conducted on or after the date these Rules take effect shall be taken as being purchased or entered pursuant to these Rules.

RULE 14 – AGREEMENTS RELATED TO PROMOTIONAL INSTANT LOTTERIES

The Licensee may enter into agreements or arrangements, subject to the provisions of the Act with other persons or bodies for the purpose of promoting any Promotional Instant Lottery.

SCHEDULE 1

Subscriptions and Commission Payable for Instant Lotteries

<i>Instant Lottery</i>	<i>Commission</i>	<i>Subscription</i>
\$1.00 Instant Lottery Ticket	\$0.10	\$1.00
\$2.00 Instant Lottery Ticket	\$0.15	\$1.85
\$2.50 Instant Lottery Ticket	\$0.18	\$2.32
\$3.00 Instant Lottery Ticket	\$0.20	\$2.80
\$4.00 Instant Lottery Ticket	\$0.25	\$3.75
\$5.00 Instant Lottery Ticket	\$0.30	\$4.70
\$10.00 Instant Lottery Ticket	\$0.60	\$9.40
\$15.00 Instant Lottery Ticket	\$0.90	\$14.10

SUBORDINATE LEGISLATION ACT 1989

Sydney Water Regulation 2011

NOTICE is given under section 5 of the Subordinate Legislation Act 1989 of the intention to remake a regulation under the Sydney Water Act 1994. The proposed Sydney Water Regulation 2011 has three objectives:

Prospect Reservoir controlled area: to protect the quality of waters in Prospect Reservoir and manage the behaviour of visitors to the controlled area.

Plumbing and drainage regulation: to continue existing arrangements for the on-site regulation of plumbing pending its proposed transfer to the Office of Fair Trading.

Water restrictions: to ensure an adequate supply of water to meet the community's basic needs during drought and to support the wise use of water.

Sydney Water invites your comments on the proposed regulation. To read the regulation and the Regulatory Impact Statement visit sydneywater.com.au. Submissions close 3 August 2011.

SYDNEY WATER CATCHMENT MANAGEMENT ACT 1998

Notice under section 38 of the
Sydney Water Catchment Management Act 1998

Memorandum of Understanding with NSW Health and
Memorandum of Understanding with the Environment
Protection Authority

SECTION 36 of the Sydney Water Catchment Management Act 1998 requires the Sydney Catchment Authority (SCA) to enter into separate memoranda of understanding (MoUs) with the Director-General of NSW Health and with the NSW Environment Protection Authority (EPA).

Both MoUs have recently been revised and, as required under section 38 of the Act, the MoUs are being exhibited for public comment.

The SCA invites submissions on the draft MoUs.

Copies of the draft MoUs are available:

- on the SCA's website at www.sca.nsw.gov.au
- from the SCA's office at Level 4, 2-6 Station Street, Penrith, during the hours of 9.00am to 5.00pm, Monday to Friday
- on request by ringing the SCA on 1300 SCA GOV (1300 722 468)
- on request by mail: PO Box 323, Penrith NSW 2751

If you wish to make a submission in relation to either MoU, please forward it to:

MoU Review
Sydney Catchment Authority
PO Box 323
Penrith NSW 2751

or send by email to MoU_Review@sca.nsw.gov.au.

Submissions close on 4 August 2011.

Please note that the SCA will forward copies of all submissions to the relevant regulatory agency: either NSW Health or the Office of Environment and Heritage (EPA).

For further information please contact the SCA on
1300 SCA GOV (1300 722 468);
email: MoU_Review@sca.nsw.gov.au; or
fax: (02) 4725 2595.

TRANSPORT ADMINISTRATION ACT 1988

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land for the
Purposes of the Transport Construction Authority

THE Transport Construction Authority, with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that the freehold interests described in the Schedule 1 and the easement interests described in Schedule 2 hereto are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms

Compensation) Act 1991 for the purposes of the Transport Construction Authority, as authorised by the Transport Administration Act 1988.

Dated this 28th day of June 2011.

CHRIS LOCK,
Chief Executive

SCHEDULE 1

All those pieces or parcels of land situated at Schofields, in the Local Government Area of Blacktown, Parish of Gidley, County of Cumberland and State of New South Wales, being described as Lots 1, 2, 3, 4, 5, 6 and 7 in Deposited Plan 1140857 and said to be in the possession of Blacktown City Council.

SCHEDULE 2

An easement for water supply purposes 5 metres wide and variable on terms set out in registered Memorandum AE292281 over those pieces or parcels of land situated at Schofields, in the Local Government area of Blacktown, Parish of Gidley, County of Cumberland and State of New South Wales, shown marked "(A)" burdening part of Lots 8, 9, 10, 11, 12 and 13 in Deposited Plan 1140857 and said to be in the possession of Blacktown City Council. TCA Reference: 922683_1

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the
Purposes of the Transport Construction Authority

THE Transport Construction Authority with the approval of Her Excellency the Governor with the advice of the Executive Council, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Transport Construction Authority as authorised by the Transport Administration Act 1988.

Dated this 28th day of June 2011.

CHRIS LOCK,
Chief Executive

SCHEDULE

All that piece or parcel of land situated at Kirrawee, in the Local Government area of Sutherland Shire, Parish of Sutherland, County of Cumberland and State of New South Wales, being Lot 103 in Deposited Plan 1159806 and said to be in the possession of Sutherland Shire Council. TCA Reference: 1234712_1

MOTOR SPORTS (WORLD RALLY CHAMPIONSHIP) ACT 2009

Order Declaring the Rally Area Under the Motor Sports (World Rally Championship) Act 2009

I, George Souris, Minister for Tourism Major Events Hospitality and Racing and Minister for the Arts pursuant to section 4 (1) of the Motor Sports (World Rally Championship) Act 2009 (the Act) do by this Order declare that the areas in the Coffs Coast region that are described in the Schedule hereunder and the Appendices referred to therein is the declared rally area under the Act for the Rally Australia Pty Ltd event.

Dated this 4th day of July 2011.

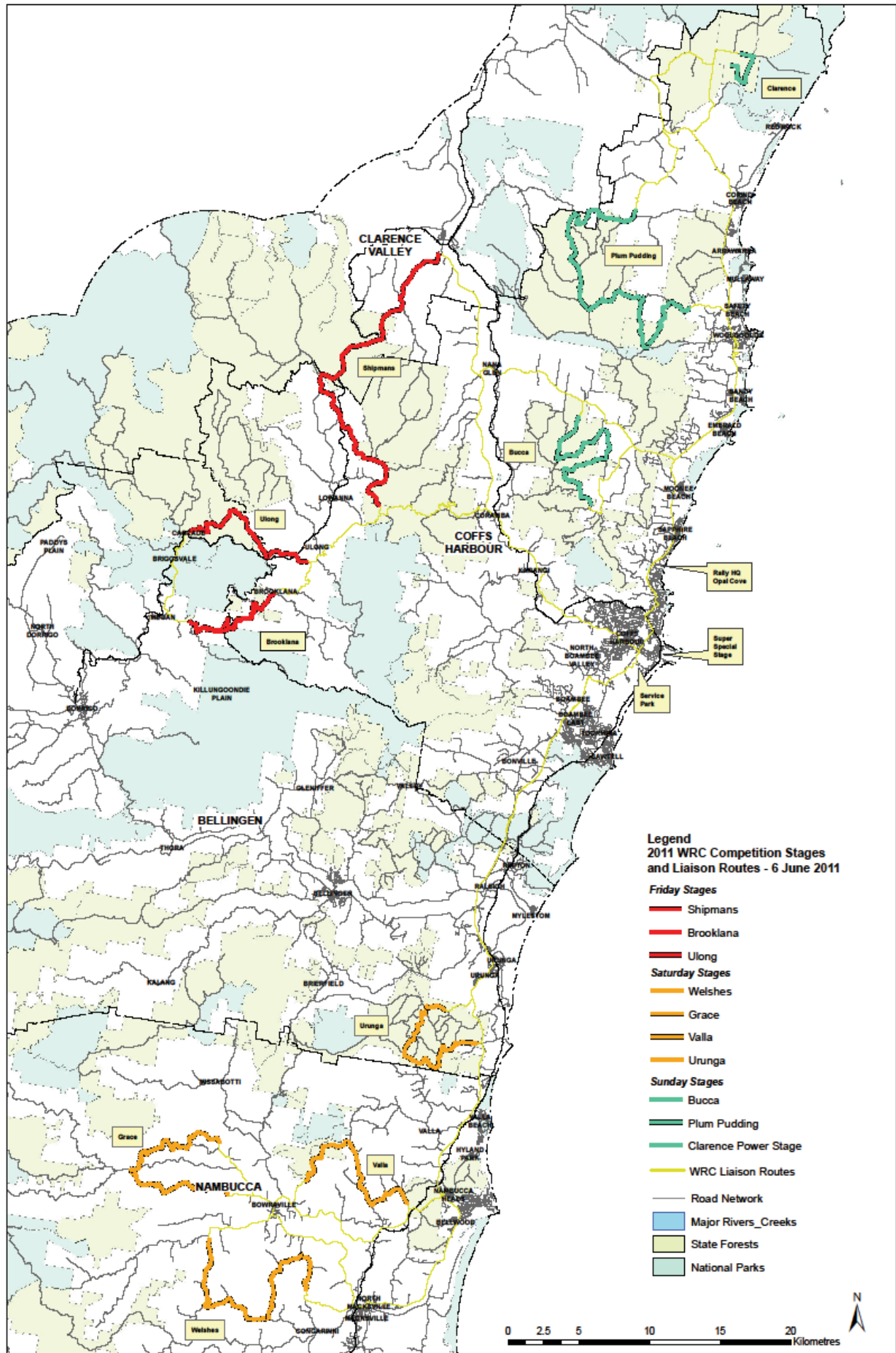
GEORGE SOURIS, M.P.,
Minister for Tourism Major Events Hospitality and Racing
and Minister for the Arts

SCHEDULE

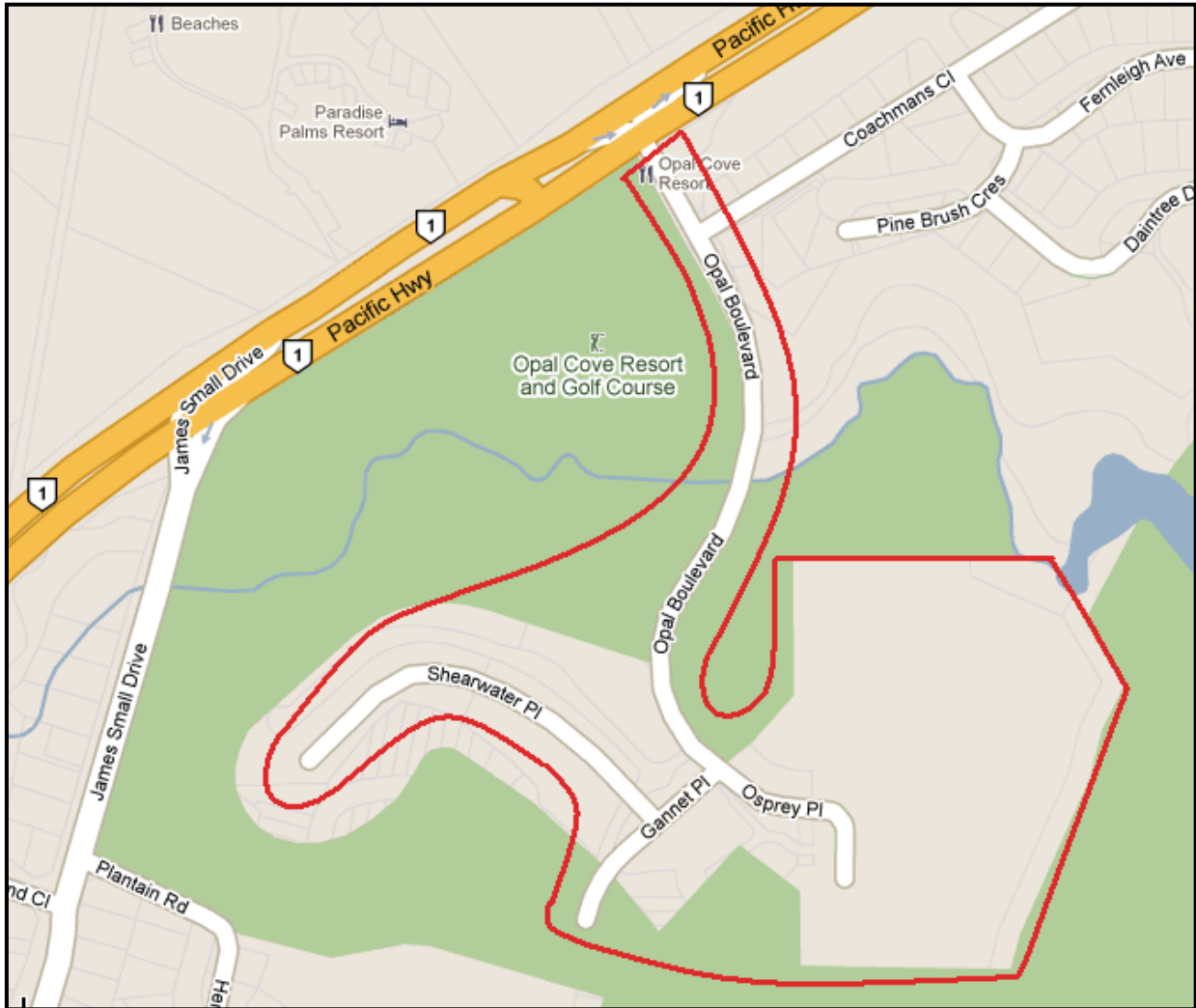
Order Declaring the Rally Area Under the Motor Sports (World Rally Championship) Act 2009

<i>Name</i>	<i>Appendix</i>	<i>Description</i>
Nambucca Council	A	Roads within Nambucca Council area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Valla Road, Buchanns Road, Englands Road, Newee Creek Road, Richards Lane, Richards Road, Greenaways Road, Soldier Settlers Road, Grottes Road, Birds Road, Hawks Road, Millers Road, Gordons Knob Road, Old Coast Road, Link Road, Ballards Road, Welshes Creek Road, Proctors Road, Rhones Creek Road, Coulters Road, Williams Hill Road, Congarinni Road North, Spaldings Road, Whitfields Road, Dyres Loop Road, Graces Road, Lower Buckra Bendinni Road, Hanging Rock Road, Wirrimbi Road, Deer Hill Road, Nevilles Road, North Arm Road, South Arm Road, Wallace Street, Princess Street, McKay Street, Coronation Road, Pacific Hwy, Young St, Cook St, Belmore St, High St, Bellingen Rd.
Clarence Valley Council	A	Roads within Clarence Valley Council area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Shipmans Road, Sixty Road, Middle Road, Twelve Sixty Road, Tallawudjah Creek Road, Sherwood Creek Road.
Bellingen Shire Council	A	Roads within Bellingen Shire Council area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Martells Road, Black Paddock Road, Gossips Road, School Hill Road, Morora Road, Eastern Dorriggo Way, Briggsvale Road, Callitris Road, Frog Hollow Road, Service Road, Atherton Road, Bellingen Road, Bonville Road.
Coffs Harbour City Council	A	Roads within Coffs Harbour City Council area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Moleton Road, Cradle Creek Road, Black Mountain Road, Birubi Road, Wears Road, Cemetery Road, Mole Creek Road, Caledonian Road, Orara Way, Dorriggo Road, Lower Bo Bo Road, Sherwood Creek Road, Bushmans Range Road, Duffus Road, West High Street, Azalea Avenue, Albany Street, Stadium Drive, Pacific Hwy, Red Ridge Road, Kathleen Dr Eastern End, Arthur Street, Kathleen Dr, Scarborough Street, High Street, River Street, Clarence Street, Hawke Drive, Featherstone Drive, Red Ridge Road, Bosworth Road, Tramway Dr, McPhillips Rd, Newfoundland Rd, Barcoongere Way.
State Forestry	A	Roads within State forestry area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: 273/2 Trail, 273/3 Trail, 274/2 Trail, Range Road, Avocado Road, Jimmys Ridge Road, Ballads Road, Ainsworth Road, Boggy Creek Crossing Road, Evacuation Road, Buckmans Road, Pipes Road, Bryces Ridge Road, Frog Hollow Road, Callitris Road, Moses Rock Road, Twelve Sixty Road, Timber Top Road, Black Mountain Road, Coldwater Creek Road, Bushmans Range Road.

<i>Name</i>	<i>Appendix</i>	<i>Description</i>
Wedding Bells State Forest and Conglomerate State Forest	A	Roads within Wedding Bells State Forest and Conglomerate State Forest area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Gentle Annie Road, Slatters Crossing Road, Nobbys Lookout Road, Newmans Trail, Knobbys Road, Kobys Lookout Road, Bark Hut Road, Plum Pudding Road, Red Range Road, Cunninghams Road, Lionels Loop Road, Free Grass Road, Palm Creek Road, Paddock Road, Manns B Road, Andersons Mountain Road, Manns Ridge Road, Parberrys Spur Road, T-Tree Road, Murpheys Road, Ivys Road, Marshalls Road, Bark Hut Creek Road, Beautrizone Road, Middle Ridge Road.
Lower Bucca State Forest	A	Roads within Lower Bucca State Forest area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Store Road, Clarkes Road, Chalker Road, Bee Road, Frog Road, Cottage Road, Finberg Road, McCraes Road, Miners Road, Artist Road, Cemetery Road, McNamaras Road, Weirs Road, Gates Ridge Road, Boffs Road, Slip Road, Schooner Road, Apseys Road, Bucca Road.
Orara State Forest	A	Roads within Orara State Forest area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Settles Road, Puggs Road, Maccues Road, Mount Coramba Road, Central Bucca Road.
Tuckers Knob State Forest	A	Roads within Tuckers Knob State Forest area identified and coloured in red (special stage) and yellow (Liaison stage) on Appendix A, and roads with restricted access being the whole or parts of: Roaches Road, Websters Trail, Box Tree Road, Chimney Road, Little Hydes Creek Road.
Rally Australia Headquarters, Opal Cove Resort	B	Area bounded by red line on Appendix B, including Opal Boulevard, Osprey Place, Shearwater Place, Gannet Place.
Super Special Stage	C	Area bounded by red line on Appendix C, including Jordan Esplanade, Harbour Drive, Hogbin Drive, Marina Drive, Orlando Street, Camperdown Street, Angus McLeod Place.
Rally Show	D	Area bounded by red line on Appendix D, including Harbour Drive.
Coffs Harbour Airport Service Park	E	Area bounded by red line on Appendix E, including Aviation Drive Dakota Drive, Hogbin Drive, Christmas Bells Road, Airport Drive.
Remote Refuel and Tyre Change Locations	No map reference	Ulong Showground, Ulong-Timmsvale Road, Cook Street Bowraville, Hawke Drive Woolgoolga.



Opal Cove Rally Headquarters Map



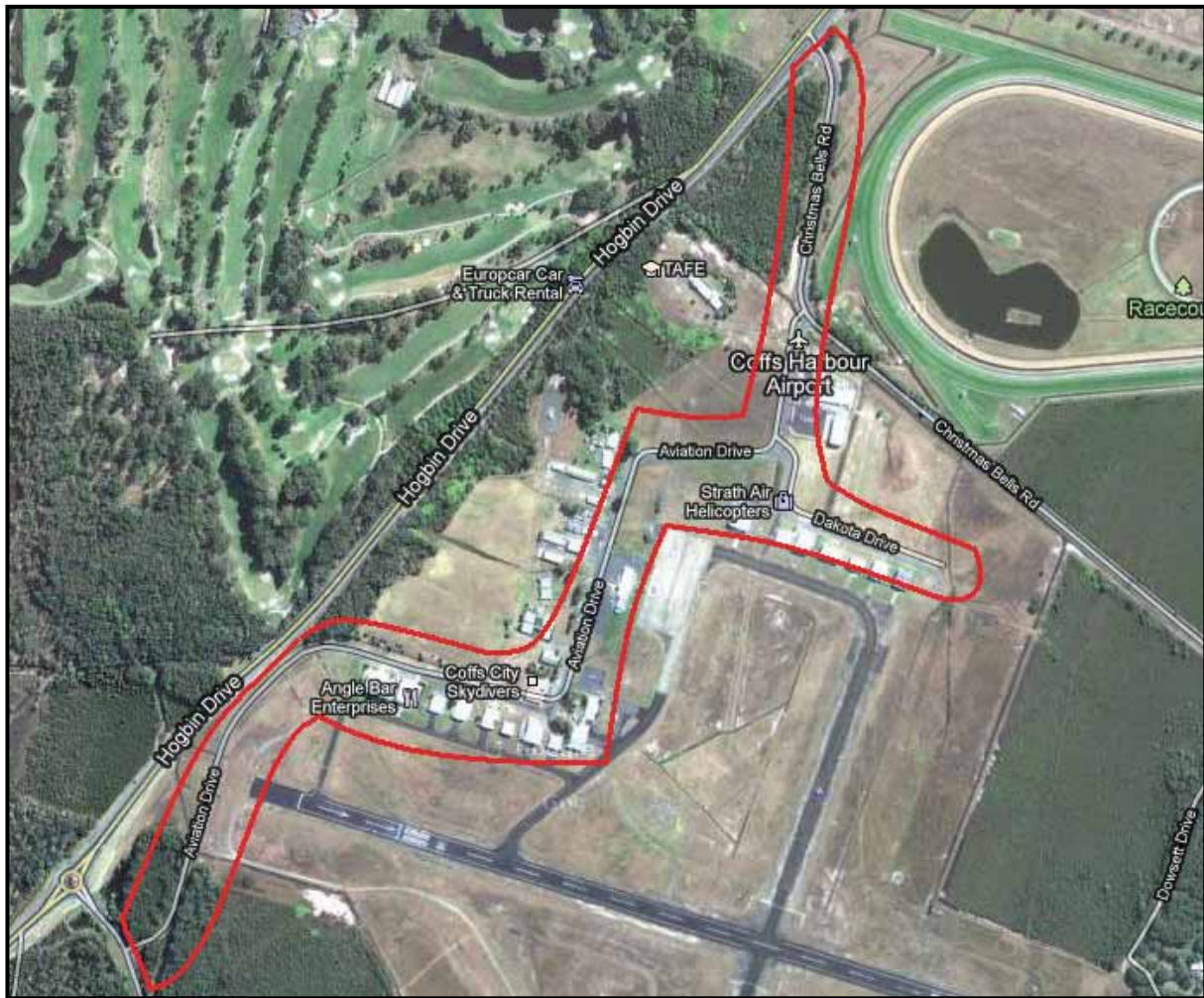
Super Special Stage Map



Rally Show Map



Service Park Map



MOTOR SPORTS (WORLD RALLY CHAMPIONSHIP) ACT 2009

Order Designating Declared Rally Period Under the Motor Sports (World Rally Championship) Act 2009

I, George Souris, Minister for Tourism Major Events Hospitality and Racing and Minister for the Arts, pursuant to section 4 (2) of the Motor Sports (World Rally Championship) Act 2009 (the Act) do by this Order designate the following as the period during which a rally, being the Rally Australia Pty Ltd event, may be conducted (declared rally period).

Commencement of declared rally period: 1 August 2011

Conclusion of declared rally period: 31 December 2011

Dated this 4th day of July 2011.

GEORGE SOURIS, M.P.,
Minister for Tourism Major Events Hospitality and Racing
and Minister for the Arts

LEGAL PROFESSION ACT 2004

Publication of New New South Wales Barristers' Rules

FOLLOWING extensive public and professional consultation, the Council of the New South Wales Bar Association has approved the introduction of new New South Wales Barristers' Rules to reflect the uniform national rules of conduct prepared by the Australian Bar Association, the peak representative body for all Australian barristers. This is another step in the process towards a uniform national system of practice for both barristers and solicitors.

The new Rules will take effect on 8 August 2011.



The New South Wales Bar Association

NEW SOUTH WALES BAR ASSOCIATION**BARRISTERS' CONDUCT RULES****8 AUGUST 2011**

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PREFACE

1. These Rules are made pursuant to the *Legal Profession Act 2004* (NSW). They may be cited as the New South Wales Barristers' Rules. These Rules commence on 8 August 2011.
2. The general purpose of these Rules is to provide the requirements for practice as a barrister and the rules and standards of conduct applicable to barristers which are appropriate in the interests of the administration of justice and in particular to provide common and enforceable rules and standards which require barristers:
 - (a) to be completely independent in conduct and in professional standing as sole practitioners; and
 - (b) to acknowledge a public obligation based on the paramount need for access to justice to act for any client in cases within their field of practice.
3. These Rules apply throughout Australia to all barristers.

PART A - NATIONAL RULES

INTRODUCTION

Objects

4. The object of these Rules is to ensure that all barristers:
 - (a) act in accordance with the general principles of professional conduct;
 - (b) act independently;
 - (c) recognise and discharge their obligations in relation to the administration of justice; and
 - (d) provide services of the highest standard unaffected by personal interest.

Principles

5. These Rules are made in the belief that:
 - (a) barristers owe their paramount duty to the administration of justice;
 - (b) barristers must maintain high standards of professional conduct;
 - (c) barristers as specialist advocates in the administration of justice, must act honestly, fairly, skilfully and with competence and diligence;
 - (d) barristers owe duties to the courts, to their clients and to their barrister and solicitor colleagues;
 - (e) barristers should exercise their forensic judgments and give their advice independently and for the proper administration of justice, notwithstanding any contrary desires of their clients; and

- (f) the provision of advocates for those who need legal representation is better secured if there is a Bar whose members:
 - (i) must accept briefs to appear regardless of their personal beliefs;
 - (ii) must not refuse briefs to appear except on proper professional grounds; and
 - (iii) compete as specialist advocates with each other and with other legal practitioners as widely and as often as practicable.

Interpretation

- 6. These Rules should be construed to promote the objects and principles expressed in this Introduction.
- 7. General provisions of these Rules should not be read or applied in a limited way by reason of any particular or illustrative provisions.
- 8. Headings in these Rules shall be read as part of these Rules, but shall not be used so as to read or apply any of the Rules in a more limited way than would have been so if the headings were not part of the Rules.

Application of Rules

- 9. Except as otherwise provided these Rules apply to:
 - (a) a barrister who is a local legal practitioner, except to the extent that the conduct of the barrister in relation to practice in another Australian State or Territory is regulated by Barristers' Rules for that State or Territory;
 - (b) a barrister who is an interstate legal practitioner, in relation to practice in this jurisdiction, including work, wherever performed, in relation to such practice; and
 - (c) a barrister who is employed by the Crown or who holds a statutory office save that he or she is exempt from Rules 15- 24B and 95-106 while acting pursuant to that employment or office.
- 10. These Rules are not intended to be a complete or detailed code of conduct for barristers. Other standards for, requirements of and sanctions on the conduct of barristers are found in the inherent disciplinary jurisdiction of the Supreme Court, the Legal Profession Act (year) and in the general law (including the law relating to contempt of court).

Waiver of Rules

- 11. The Bar Council shall either before or after the event have the power to waive the duty imposed on a barrister to comply with the provisions of these Rules in such

circumstances and to such extent as the Bar Council may think fit and either conditionally or unconditionally.

ADVOCACY RULES

General

12. A barrister must not engage in conduct which is:
 - (a) dishonest or otherwise discreditable to a barrister;
 - (b) prejudicial to the administration of justice; or
 - (c) likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute.

13. A barrister must not engage in another vocation which:
 - (a) is liable to adversely affect the reputation of the legal profession or the barrister's own reputation;
 - (b) is likely to impair or conflict with the barrister's duties to clients; or
 - (c) prejudices a barrister's ability to attend properly to the interests of the barrister's clients.

14. A barrister may not use or permit the use of the professional qualification as a barrister for the advancement of any other occupation or activity in which he or she is directly or indirectly engaged, or for private advantage, save where that use is usual or reasonable in the circumstances.

The Work of a Barrister

15. Barristers' work consists of:
 - (a) appearing as an advocate;
 - (b) preparing to appear as an advocate;
 - (c) negotiating for a client with an opponent to compromise a case;
 - (d) representing a client in a mediation or arbitration or other method of alternative dispute resolution;
 - (e) giving legal advice;
 - (f) preparing or advising on documents to be used by a client or by others in relation to the client's case or other affairs;
 - (g) carrying out work properly incidental to the kinds of work referred to in (a)-(f); and
 - (h) such other work as is from time to time commonly carried out by barristers.

16. A barrister must be a sole practitioner, and must not:
 - (a) practise in partnership with any person;
 - (b) practise as the employer of any legal practitioner who acts as a legal practitioner in the course of that employment;
 - (c) practise as the employee of any person;

- (d) be a legal practitioner director of an incorporated legal practice; or
 - (e) be a member of a multi-disciplinary partnership.
17. A barrister must not, subject to Rules 18 and 19,
- (a) act as a person's general agent or attorney in that person's business or dealings with others;
 - (b) conduct correspondence in the barrister's name on behalf of any person otherwise than with the opponent;
 - (c) place herself or himself at risk of becoming a witness, by investigating facts for the purposes of appearing as an advocate or giving legal advice, otherwise than by -
 - (i) conferring with the client, the instructing solicitor, prospective witnesses or experts;
 - (ii) examining documents provided by the instructing solicitor or the client, as the case may be, or produced to the court;
 - (iii) viewing a place or things by arrangement with the instructing solicitor or the client; or
 - (iv) library research;
 - (d) act as a person's only representative in dealings with any court, otherwise than when actually appearing as an advocate;
 - (e) be the address for service of any document or accept service of any document;
 - (f) serve any process of any court;
 - (g) conduct the conveyance of any property for any other person;
 - (h) administer any trust estate or fund for any other person;
 - (i) obtain probate or letters of administration for any other person;
 - (j) incorporate companies or provide shelf companies for any other person;
 - (k) prepare or lodge returns for any other person, unless the barrister is registered or accredited to do so under the applicable taxation legislation; or
 - (l) hold, invest or disburse any fund for any other person.
18. A barrister will not have breached Rule 17 by doing any of the matters referred to in that Rule, without fee and as a private person not as a barrister or legal practitioner.
19. A barrister will not have breached Rule 17(a), 17(h) or 17(l) if the barrister becomes such an agent, is appointed so to act or becomes responsible for such funds as a private person and not as a barrister or legal practitioner.
20. A barrister who is asked by any person to do work or engage in conduct which is not barristers' work, or which appears likely to require work to be done which is not barristers' work, must promptly inform that person:
- (a) of the effect of Rules 15, 16 and 17 as they relevantly apply in the circumstances; and
 - (b) that, if it be the case, solicitors are capable of providing those services to that person.

Cab-rank principle

21. A barrister must accept a brief from a solicitor to appear before a court in a field in which the barrister practises or professes to practise if:
 - (a) the brief is within the barrister's capacity, skill and experience;
 - (b) the barrister would be available to work as a barrister when the brief would require the barrister to appear or to prepare, and the barrister is not already committed to other professional or personal engagements which may, as a real possibility, prevent the barrister from being able to advance a client's interests to the best of the barrister's skill and diligence;
 - (c) the fee offered on the brief is acceptable to the barrister; and
 - (d) the barrister is not obliged or permitted to refuse the brief under Rules 95, 97, 98 or 99.
22. A barrister must not set the level of an acceptable fee, for the purposes of Rule 21(c), higher than the barrister would otherwise set if the barrister were willing to accept the brief, with the intent that the solicitor may be deterred from continuing to offer the brief to the barrister.
23. A barrister must not require that any other particular legal practitioner be instructed or briefed so as in any way to impose that requirement as a condition of the barrister accepting any brief or instructions.
24. A barrister must not make or have any arrangement with any person in connection with any aspect of the barrister's practice which imposes any obligation on the barrister of such a kind as may prevent the barrister from:
 - (a) accepting any brief to appear for reasons other than those provided by the exceptions to the cab-rank principle in Rules 95, 97, 98 or 99; or
 - (b) competing with any other legal practitioner for the work offered by any brief for reasons other than those referred to in Rules 95, 97, 98 or 99.
- 24A. Nothing in these Rules shall be taken to oblige a barrister to accept instructions directly from a person who is not a solicitor.
- 24B. A barrister who proposes to accept instructions directly from a person who is not a solicitor must:
 - (a) inform the prospective client in writing of:
 - (i) the effect of Rules 15 and 17;
 - (ii) the fact that circumstances may require the client to retain an instructing solicitor at short notice, and possibly during the performance of the work;
 - (iii) any other disadvantage which the barrister believes on reasonable grounds may, as a real possibility, be suffered by the client if the client does not retain an instructing solicitor;

- (iv) the relative capacity of the barrister in performing barristers' work to supply the requested facilities or services to the client compared to the capacity of the barrister together with an instructing solicitor to supply them; and
 - (v) a fair description of the advocacy experience of the barrister; and
- (b) obtain a written acknowledgement, signed by the prospective client, that he or she has been informed of the matters in (a) above.

Duty to the Court

25. A barrister has an overriding duty to the Court to act with independence in the interests of the administration of justice.
26. A barrister must not deceive or knowingly or recklessly mislead the Court.
27. A barrister must take all necessary steps to correct any misleading statement made by the barrister to a court as soon as possible after the barrister becomes aware that the statement was misleading.
28. A barrister must alert the opponent and if necessary inform the court if any express concession made in the course of a trial in civil proceedings by the opponent about evidence, case-law or legislation is to the knowledge of the barrister contrary to the true position and is believed by the barrister to have been made by mistake.
29. A barrister seeking any interlocutory relief in an ex parte application must disclose to the court all factual or legal matters which:
- (a) are within the barrister's knowledge;
 - (b) are not protected by legal professional privilege; and
 - (c) the barrister has reasonable grounds to believe would support an argument against granting the relief or limiting its terms adversely to the client.
30. A barrister who has knowledge of matters which are within Rule 29(c):
- (a) must seek instructions for the waiver of legal professional privilege if the matters are protected by that privilege so as to permit the barrister to disclose those matters under Rule 29; and
 - (b) if the client does not waive the privilege as sought by the barrister:
 - (i) must inform the client of the client's responsibility to authorise such disclosure and the possible consequence of not doing so; and
 - (ii) must refuse to appear on the application.
31. A barrister must, at the appropriate time in the hearing of the case if the court has not yet been informed of that matter, inform the court of:
- (a) any binding authority;
 - (b) where there is no binding authority any authority decided by an Australian appellate court; and

- (c) any applicable legislation;
known to the barrister and which the barrister has reasonable grounds to believe to be directly in point, against the client's case.
32. A barrister need not inform the court of matters within Rule 31 at a time when the opponent tells the court that the opponent's whole case will be withdrawn or the opponent will consent to final judgment in favour of the client, unless the appropriate time for the barrister to have informed the court of such matters in the ordinary course has already arrived or passed.
33. A barrister who becomes aware of a matter within Rule 31 after judgment or decision has been reserved and while it remains pending, whether the authority or legislation came into existence before or after argument, must inform the court of that matter by:
- (a) a letter to the court, copied to the opponent, and limited to the relevant reference unless the opponent has consented beforehand to further material in the letter; or
 - (b) requesting the court to relist the case for further argument on a convenient date, after first notifying the opponent of the intended request and consulting the opponent as to the convenient date for further argument.
34. A barrister need not inform the court of any matter otherwise within Rule 31 which would have rendered admissible any evidence tendered by the prosecution which the court has ruled inadmissible without calling on the defence.
35. A barrister who knows or suspects that the prosecution is unaware of the client's previous conviction must not ask a prosecution witness whether there are previous convictions, in the hope of a negative answer.
36. A barrister must inform the court of a misapprehension by the court as to the effect of an order which the court is making, as soon as the barrister becomes aware of the misapprehension.

Duty to client

37. A barrister must promote and protect fearlessly and by all proper and lawful means the client's best interests to the best of the barrister's skill and diligence, and do so without regard to his or her own interest or to any consequences to the barrister or to any other person.
38. A barrister must inform the client or the instructing solicitor about the alternatives to fully contested adjudication of the case which are reasonably available to the client, unless the barrister believes on reasonable grounds that the client already has such an understanding of those alternatives as to permit the client to make decisions about the client's best interests in relation to the litigation

39. A barrister must seek to assist the client to understand the issues in the case and the client's possible rights and obligations, sufficiently to permit the client to give proper instructions, including instructions in connection with any compromise of the case.
40. A barrister must (unless circumstances warrant otherwise in the barrister's considered opinion) advise a client who is charged with a criminal offence about any law, procedure or practice which in substance holds out the prospect of some advantage (including diminution of penalty), if the client pleads guilty or authorises other steps towards reducing the issues, time, cost or distress involved in the proceedings.

Independence

41. A barrister must not act as the mere mouthpiece of the client or of the instructing solicitor and must exercise the forensic judgments called for during the case independently, after the appropriate consideration of the client's and the instructing solicitor's wishes where practicable.
42. A barrister will not have breached the barrister's duty to the client, and will not have failed to give appropriate consideration to the client's or the instructing solicitor's wishes, simply by choosing, contrary to those wishes, to exercise the forensic judgments called for during the case so as to:
 - (a) confine any hearing to those issues which the barrister believes to be the real issues;
 - (b) present the client's case as quickly and simply as may be consistent with its robust advancement; or
 - (c) inform the court of any persuasive authority against the client's case.
43. A barrister must not make submissions or express views to a court on any material evidence or issue in the case in terms which convey or appear to convey the barrister's personal opinion on the merits of that evidence or issue.
44. A barrister must not in the presence of any of the parties or solicitors deal with a court on terms of informal personal familiarity which may reasonably give the appearance that the barrister has special favour with the court.
45. A barrister may not give a commission or gift to any person by reason of or in connection with the introduction of professional work by that person to the barrister.
46. A barrister must not in any dealings with a client exercise any undue influence intended to dispose the client to benefit the barrister in excess of the barrister's fair remuneration for the legal services provided to the client.
47. A barrister must not receive any money or property by way of loan from any client, the relative of a client or a business entity of which a client is a director, partner or

manager, during the course of a retainer with that client unless the ordinary business of the client, client's relative or the business entity includes lending money.

Duty to opponent

48. A barrister must not knowingly make a false statement to an opponent in relation to the case (including its compromise).
49. A barrister must take all necessary steps to correct any false statement in relation to the case made by the barrister to an opponent as soon as possible after the barrister becomes aware that the statement was false.
50. A barrister will not have made a false statement to an opponent simply by failing to correct an error on any matter stated to the barrister by the opponent.
51. A barrister must not deal directly with a party other than his or her client who is legally represented unless:
 - (a) the substance of the dealing is solely to enquire whether the person is represented and, if so, by whom;
 - (b) the legal practitioner representing the party has previously consented; or
 - (c) the barrister believes on reasonable grounds that –
 - (i) the circumstances are so urgent as to require the barrister to do so; and
 - (ii) the dealing would not be unfair to the party.
52. A barrister must not confer with or deal directly with any party who is unrepresented unless the party has signified willingness to that course.
53. A barrister must not, outside an ex parte application or a hearing of which an opponent has had proper notice, communicate in the opponent's absence with the court concerning any matter of substance in connection with current proceedings unless:
 - (a) the court has first communicated with the barrister in such a way as to require the barrister to respond to the court; or
 - (b) the opponent has consented beforehand to the barrister dealing with the court in a specific manner notified to the opponent by the barrister.
54. A barrister must promptly tell an opponent what passes between the barrister and a court in a communication referred to in Rule 53.
55. A barrister must not raise any matter with a court in connection with current proceedings on any occasion to which an opponent has consented under Rule 53(b), other than the matters specifically notified by the barrister to the opponent when seeking the consent of the opponent.

Efficient administration of justice

56. A barrister:
- (a) must seek to ensure that the barrister does work which the barrister is briefed to do in sufficient time to enable compliance with orders, directions, Rules or practice notes of the court; and
 - (b) if the barrister has reasonable grounds to believe that the barrister may not complete any such work on time must promptly inform the instructing solicitor or the client.
57. A barrister must seek to ensure that work which the barrister is briefed to do in relation to a case is done so as to:
- (a) confine the case to identified issues which are genuinely in dispute;
 - (b) have the case ready to be heard as soon as practicable;
 - (c) present the identified issues in dispute clearly and succinctly;
 - (d) limit evidence, including cross-examination, to that which is reasonably necessary to advance and protect the client's interests which are at stake in the case; and
 - (e) occupy as short a time in court as is reasonably necessary to advance and protect the client's interests which are at stake in the case.
58. A barrister must take steps to inform the opponent as soon as possible after the barrister has reasonable grounds to believe that there will be an application on behalf of the client to adjourn any hearing, of that fact and the grounds of the application, and must try, with the opponent's consent, to inform the court of that application promptly.

Responsible use of court process and privilege

59. A barrister must take care to ensure that the barrister's advice to invoke the coercive powers of a court:
- (a) is reasonably justified by the material then available to the barrister;
 - (b) is appropriate for the robust advancement of the client's case on its merits;
 - (c) is not made principally in order to harass or embarrass a person; and
 - (d) is not made principally in order to gain some collateral advantage for the client or the barrister or the instructing solicitor out of court.
60. A barrister must take care to ensure that decisions by the barrister to make allegations or suggestions under privilege against any person:
- (a) are reasonably justified by the material then available to the barrister;
 - (b) are appropriate for the robust advancement of the client's case on its merits; and
 - (c) are not made principally in order to harass or embarrass a person.

61. Without limiting the generality of Rule 60, in proceedings in which an allegation of sexual assault, indecent assault or the commission of an act of indecency is made and in which the alleged victim gives evidence:
 - (a) a barrister must not ask that witness a question or pursue a line of questioning of that witness which is intended:
 - (i) to mislead or confuse the witness; or
 - (ii) to be unduly annoying, harassing, intimidating, offensive, oppressive, humiliating or repetitive; and
 - (b) a barrister must take into account any particular vulnerability of the witness in the manner and tone of the questions that the barrister asks.
62. A barrister will not infringe Rule 61 merely because:
 - (a) the question or questioning challenges the truthfulness of the witness or the consistency or accuracy of any statements made by the witness, or
 - (b) the question or questioning requires the witness to give evidence that the witness could consider to be offensive, distasteful or private.
63. A barrister must not allege any matter of fact in:
 - (a) any court document settled by the barrister;
 - (b) any submission during any hearing;
 - (c) the course of an opening address; or
 - (d) the course of a closing address or submission on the evidence;unless the barrister believes on reasonable grounds that the factual material already available provides a proper basis to do so.
64. A barrister must not allege any matter of fact amounting to criminality, fraud or other serious misconduct against any person unless the barrister believes on reasonable grounds that:
 - (a) available material by which the allegation could be supported provides a proper basis for it; and
 - (b) the client wishes the allegation to be made, after having been advised of the seriousness of the allegation and of the possible consequences for the client and the case if it is not made out.
65. A barrister may regard the opinion of the instructing solicitor that material which is available to the solicitor is credible, being material which appears to the barrister from its nature to support an allegation to which Rules 63 and 64 apply, as a reasonable ground for holding the belief required by those Rules (except in the case of a closing address or submission on the evidence).
66. A barrister must not make a suggestion in cross-examination on credit unless the barrister believes on reasonable grounds that acceptance of the suggestion would diminish the credibility of the evidence of the witness.
67. A barrister who has instructions which justify submissions for the client in mitigation of the client's criminality which involve allegations of serious misconduct against any other person not able to answer the allegations in the case must seek to avoid

disclosing the other person's identity directly or indirectly unless the barrister believes on reasonable grounds that such disclosure is necessary for the proper conduct of the client's case.

Integrity of evidence

68. A barrister must not:
- (a) advise or suggest to a witness that false or misleading evidence should be given nor condone another person doing so; or
 - (b) coach a witness by advising what answers the witness should give to questions which might be asked.
69. A barrister will not have breached Rule 68 by expressing a general admonition to tell the truth, or by questioning and testing in conference the version of evidence to be given by a prospective witness, including drawing the witness's attention to inconsistencies or other difficulties with the evidence, but must not encourage the witness to give evidence different from the evidence which the witness believes to be true.
70. A barrister must not confer with, or condone another legal practitioner conferring with, more than one lay witness including a party or client at the same time:
- (a) about any issue which there are reasonable grounds for the barrister to believe may be contentious at a hearing, and
 - (b) where such conferral could affect evidence to be given by any of those witnesses,
- unless the barrister believes on reasonable grounds that special circumstances require such a conference.
71. A barrister will not have breached Rule 70 by conferring with, or condoning another legal practitioner conferring with, more than one client about undertakings to a court, admissions or concessions of fact, amendments of pleadings or compromise.
72. A barrister must not confer with any witness including a party or client called by the barrister on any matter related to the proceedings while that witness remains under cross-examination, unless:
- (a) the cross-examiner has consented beforehand to the barrister doing so; or
 - (b) the barrister -
 - (i) believes on reasonable grounds that special circumstances (including the need for instructions on a proposed compromise) require such a conference;
 - (ii) has, if possible, informed the cross-examiner beforehand of the barrister's intention to do so; and
 - (iii) otherwise does inform the cross-examiner as soon as possible of the barrister having done so.

73. A barrister must not take any step to prevent or discourage prospective witnesses from conferring with an opponent or being interviewed by or on behalf of any other person involved in the proceedings.
74. A barrister will not have breached Rule 73 simply by telling a prospective witness or a witness that he or she need not agree to confer or to be interviewed or by advising about relevant obligations of confidentiality.

Media Comment

75. A barrister must not publish or take any step towards the publication of any material concerning any proceeding which -
 - (a) is known to the barrister to be inaccurate;
 - (b) discloses any confidential information; or
 - (c) appears to or does express the opinion of the barrister on the merits of a current or potential proceeding or on any issue arising in such a proceeding, other than in the course of genuine educational or academic discussion on matters of law.
76. A barrister must not publish or take any step towards the publication of any material concerning any current proceeding in which the barrister is appearing or any potential proceeding in which a barrister is likely to appear, save that:
 - (a) a barrister may supply answers to unsolicited questions concerning a current proceeding provided that the answers are limited to information as to the identity of the parties or of any witness already called, the nature of the issues in the case, the nature of the orders made or judgment given including any reasons given by the court and the client's intentions as to any further steps in the case;
 - (b) a barrister may, where it is not contrary to legislation or court practice and at the request of the client or instructing solicitor or in response to unsolicited questions supply for publication -
 - (i) copies of pleadings in their current form which have been filed and served in accordance with the court's requirements;
 - (ii) copies of affidavits or witness statements, which have been read, tendered or verified in open court, clearly marked so as to show any parts which have not been read, tendered or verified or which have been disallowed on objection;
 - (iii) copies of transcript of evidence given in open court, if permitted by copyright and clearly marked so as to show any corrections agreed by the other parties or directed by the court; or
 - (iv) copies of exhibits admitted in open court and without restriction on access.

77. A barrister:
- (a) may if requested advise a client about dealings with the media but not in a manner which is calculated to interfere with the proper administration of justice, and
 - (b) will not have breached Rule 75 or Rule 76 simply by advising the client about whom there has been published a report relating to the case, and who has sought the barrister's advice in relation to that report, that the client may take appropriate steps to present the client's own position for publication.

Delinquent or guilty clients

78. A barrister who, as a result of information provided by the client or a witness called on behalf of the client, learns during a hearing or after judgment or decision is reserved and while it remains pending, that the client or a witness called on behalf of the client:
- (a) has lied in a material particular to the court or has procured another person to lie to the court; or
 - (b) has falsified or procured another person to falsify in any way a document which has been tendered; or
 - (c) has suppressed or procured another person to suppress material evidence upon a topic where there was a positive duty to make disclosure to the court;

must refuse to take any further part in the case unless the client authorises the barrister to inform the court of the lie, falsification or suppression and must promptly inform the court of the lie, falsification or suppression upon the client authorising the barrister to do so but otherwise may not inform the court of the lie, falsification or suppression.

79. A barrister briefed to appear in criminal proceedings whose client confesses guilt to the barrister but maintains a plea of not guilty:
- (a) should, subject to the client accepting the constraints set out in sub-rules (b) to (h) but not otherwise, continue to act in the client's defence;
 - (b) must not falsely suggest that some other person committed the offence charged;
 - (c) must not set up an affirmative case inconsistent with the confession;
 - (d) must ensure that the prosecution is put to proof of its case;
 - (e) may argue that the evidence as a whole does not prove that the client is guilty of the offence charged;
 - (f) may argue that for some reason of law the client is not guilty of the offence charged;
 - (g) may argue that for any other reason not prohibited by (b) or (c) the client should not be convicted of the offence charged; and
 - (h) must not continue to act if the client insists on giving evidence denying guilt or requires the making of a statement asserting the client's innocence.

80. A barrister whose client informs the barrister that the client intends to disobey a court's order must:
- (a) advise the client against that course and warn the client of its dangers;
 - (b) not advise the client how to carry out or conceal that course; but
 - (c) not inform the court or the opponent of the client's intention unless -
 - (i) the client has authorised the barrister to do so beforehand; or
 - (ii) the barrister believes on reasonable grounds that the client's conduct constitutes a threat to any person's safety.
81. A barrister whose client threatens the safety of any person may, notwithstanding Rule 108, if the barrister believes on reasonable grounds that there is a risk to any person's safety, advise the police or other appropriate authorities.

Prosecutor's duties

82. A prosecutor must fairly assist the court to arrive at the truth, must seek impartially to have the whole of the relevant evidence placed intelligibly before the court, and must seek to assist the court with adequate submissions of law to enable the law properly to be applied to the facts.
83. A prosecutor must not press the prosecution's case for a conviction beyond a full and firm presentation of that case.
84. A prosecutor must not, by language or other conduct, seek to inflame or bias the court against the accused.
85. A prosecutor must not argue any proposition of fact or law which the prosecutor does not believe on reasonable grounds to be capable of contributing to a finding of guilt and also to carry weight.
86. A prosecutor must disclose to the opponent as soon as practicable all material (including the names of and means of finding prospective witnesses in connection with such material) available to the prosecutor or of which the prosecutor becomes aware which could constitute evidence relevant to the guilt or innocence of the accused other than material subject to statutory immunity, unless the prosecutor believes on reasonable grounds that such disclosure, or full disclosure, would seriously threaten the integrity of the administration of justice in those proceedings or the safety of any person.
87. A prosecutor who has decided not to disclose material to the opponent under Rule 86 must consider whether:
- (a) the charge against the accused to which such material is relevant should be withdrawn; and
 - (b) the accused should be faced only with a lesser charge to which such material would not be so relevant.

88. A prosecutor must call as part of the prosecution's case all witnesses:
- (a) whose testimony is admissible and necessary for the presentation of all of the relevant circumstances; or
 - (b) whose testimony provides reasonable grounds for the prosecutor to believe that it could provide admissible evidence relevant to any matter in issue;
 - (c) unless:
 - (i) the opponent consents to the prosecutor not calling a particular witness;
 - (ii) the only matter with respect to which the particular witness can give admissible evidence has been dealt with by an admission on behalf of the accused;
 - (iii) the only matter with respect to which the particular witness can give admissible evidence goes to establishing a particular point already adequately established by another witness or other witnesses; or
 - (iv) the prosecutor believes on reasonable grounds that the testimony of a particular witness is plainly untruthful or is plainly unreliable;
- provided that the prosecutor must inform the opponent as soon as practicable of the identity of any witness whom the prosecutor intends not to call on any ground within (ii), (iii) or (iv) together with the grounds on which the prosecutor has reached that decision.
89. A prosecutor who has reasonable grounds to believe that certain material available to the prosecution may have been unlawfully obtained must promptly:
- (a) inform the opponent if the prosecutor intends to use the material; and
 - (b) make available to the opponent a copy of the material if it is in documentary form.
90. A prosecutor must not confer with or interview any accused except in the presence of the accused's legal representative.
91. A prosecutor must not inform the court or opponent that the prosecution has evidence supporting an aspect of its case unless the prosecutor believes on reasonable grounds that such evidence will be available from material already available to the prosecutor.
92. A prosecutor who has informed the court of matters within Rule 91, and who has later learnt that such evidence will not be available, must immediately inform the opponent of that fact and must inform the court of it when next the case is before the court.
93. A prosecutor:
- (a) must correct any error made by the opponent in address on sentence;
 - (b) must inform the court of any relevant authority or legislation bearing on the appropriate sentence;
 - (c) must assist the court to avoid appealable error on the issue of sentence;
 - (d) may submit that a custodial or non-custodial sentence is appropriate; and

- (e) may inform the court of an appropriate range of severity of penalty, including a period of imprisonment, by reference to relevant decisions.
94. A barrister who appears as counsel assisting an inquisitorial body such as the Criminal Justice Commission, the Australian Crime Commission, the Australian Securities and Investments Commission, the ACCC, a Royal Commission or other statutory tribunal or body having investigative powers must act in accordance with Rules 82, 84 and 85 as if the body is a court referred to in those Rules and any person whose conduct is in question before the body is an accused referred to in Rule 84.

BRIEFS

Briefs which must be refused or must be returned

95. A barrister must refuse to accept or retain a brief or instructions to appear before a court if:
- (a) the barrister has information which is confidential to any other person in the case other than the prospective client, and -
 - (i) the information may, as a real possibility, be material to the prospective client's case; and
 - (ii) the person entitled to the confidentiality has not consented to the barrister using the information as the barrister thinks fit in the case;
 - (b) the client's interest in the matter is or would be in conflict with the barrister's own interest or the interest of an associate;
 - (c) the barrister has a general or special retainer which gives, and gives only, a right of first refusal of the barrister's services to another party in the case and the barrister is offered a brief to appear in the case for the other party within the terms of the retainer;
 - (d) the barrister has reasonable grounds to believe that the barrister may, as a real possibility, be a witness in the case;
 - (e) the brief is to appear on an appeal and the barrister was a witness in the case at first instance;
 - (f) the barrister has reasonable grounds to believe that the barrister's own personal or professional conduct may be attacked in the case;
 - (g) the barrister has a material financial or property interest in the outcome of the case, apart from the prospect of a fee;
 - (h) the brief is on the assessment of costs which include a dispute as to the propriety of the fee paid or payable to the barrister, or is for the recovery from a former client of costs in relation to a case in which the barrister appeared for the client;
 - (i) the brief is for a party to an arbitration in connection with the arbitration and the barrister has previously advised or appeared for the arbitrator in connection with the arbitration;
 - (j) the brief is to appear in a contested or ex parte hearing before the barrister's parent, sibling, spouse or child or a member of the barrister's household, or before a bench of which such a person is a member;

- (k) there are reasonable grounds for the barrister to believe that the failure of the client to retain an instructing solicitor would, as a real possibility, seriously prejudice the barrister's ability to advance and protect the client's interests in accordance with the law including these Rules;
 - (l) the barrister has already advised or drawn pleadings for another party to the matter;
 - (m) the barrister has already discussed in any detail (even on an informal basis) with another party with an adverse interest in the matter the facts out of which the matter arises; or
 - (n) the brief is to appear before a court of which the barrister was formerly a member or judicial registrar, or before a court from which appeals lay to a court of which the barrister was formerly a member (except the Federal Court of Australia in case of appeals from the Supreme Court of any State or Territory), and the appearance would occur within 5 years after the barrister ceased to be a member of the court in question where the barrister ceased to be a judge or judicial registrar after the commencement date of this Rule.
96. A barrister need not refuse or return a brief, notwithstanding the application of Rule 95(f) if:
- (a) the barrister believes on reasonable grounds that -
 - (i) allegations involving the barrister in such a way as to apply one of those Rules have been raised in order to prevent the barrister from accepting the brief, and
 - (ii) those allegations can be met without materially diminishing the barrister's disinterestedness; and
 - (b) the President of the Bar Association, or a delegate of the President who is a Senior Counsel, approves of the barrister accepting the brief after the barrister has informed that person of the circumstances.
97. A barrister must refuse a brief to advise if the barrister has information which is confidential to any person with different interests from those of the prospective client if:
- (a) the information may, as a real possibility, affect the prospective client's interests in the matter on which advice is sought or may be detrimental to the interests of the first person; and
 - (b) the person entitled to the confidentiality has not consented beforehand to the barrister using the information as the barrister thinks fit in giving advice.
98. A barrister must not accept a brief to appear on a day when the barrister is already committed to appear or is reasonably likely to be required to appear on another brief if by appearing on one of the briefs the barrister would not in the normal course of events be able to appear on the other brief or briefs.

Briefs which may be refused or returned

99. A barrister may refuse or return a brief to appear before a court:

- (a) if the brief is not offered by a solicitor;
 - (b) if the barrister considers on reasonable grounds that the time or effort required for the brief threatens to prejudice the barrister's practice or other professional or personal engagements;
 - (c) if the instructing solicitor does not agree to be responsible for the payment of the barrister's fee;
 - (d) if the barrister has reasonable grounds to doubt that the fee will be paid reasonably promptly or in accordance with the costs agreement;
 - (e) if the brief may, as a real possibility, require the barrister to cross-examine or criticise a friend or relation;
 - (f) if the solicitor does not comply with a request by the barrister for appropriate attendances by the instructing solicitor, solicitor's clerk or client representative for the purposes of -
 - (i) ensuring that the barrister is provided with adequate instructions to permit the barrister properly to carry out the work or appearance required by the brief;
 - (ii) ensuring that the client adequately understands the barrister's advice;
 - (iii) avoiding any delay in the conduct of any hearing; and
 - (iv) protecting the client or the barrister from any disadvantage or inconvenience which may, as a real possibility, otherwise be caused;
 - (g) if the barrister's advice as to the preparation or conduct of the case, not including its compromise, has been rejected or ignored by the instructing solicitor or the client, as the case may be;
 - (h) if the prospective client is also the prospective instructing solicitor, or a partner, employer or employee of the prospective instructing solicitor, and has refused the barrister's request to be instructed by a solicitor independent of the prospective client and the prospective client's firm;
 - (i) if the barrister, being a Senior Counsel, considers on reasonable grounds that the brief does not require the services of a Senior Counsel;
 - (j) if the barrister, being a Senior Counsel, considers on reasonable grounds that the brief also requires the services of a junior counsel and none has been briefed;
 - (k) where there is a personal or business relationship between the barrister and the client or another party, a witness, or another legal practitioner representing a party;
 - (l) where the brief is to appear before a judge whose relationship with the barrister is such as to make such appearance undesirable;
 - (m) in accordance with the terms of a costs agreement which provide for return of a brief; or
 - (n) in such other circumstances as may be permitted by the President or a delegate of the President who is a Senior Counsel.
100. A barrister may return a brief accepted under a speculative fee agreement if the barrister considers on reasonable grounds that the client has unreasonably rejected a reasonable offer to compromise contrary to the barrister's advice.

101. A barrister must not return under Rule 99 a brief to defend a charge of a serious criminal offence unless:
 - (a) the barrister believes on reasonable grounds that –
 - (i) the circumstances are exceptional and compelling; and
 - (ii) there is enough time for another legal practitioner to take over the case properly before the hearing; or
 - (b) the client has consented after the barrister has clearly informed the client of the circumstances in which the barrister wishes to return the brief and of the terms of this Rule.
102. A barrister must not return a brief to appear in order to accept another brief to appear unless the instructing solicitor or the client in the first brief has permitted the barrister to do so beforehand, after the barrister has clearly informed the instructing solicitor or the client of the circumstances in which the barrister wishes to return the brief and of the terms of this Rule and Rule 104.
103. A barrister must not return a brief to appear on a particular date in order to attend a social occasion unless the instructing solicitor or the client has expressly permitted the barrister to do so.
104. A barrister who wishes to return a brief which the barrister is permitted to return must do so in enough time to give another legal practitioner a proper opportunity to take over the case.
105. A barrister must promptly inform the instructing solicitor or the client as soon as the barrister has reasonable grounds to believe that there is a real possibility that the barrister will be unable to appear or to do the work required by the brief in the time stipulated by the brief or within a reasonable time if no time has been stipulated.
106. A barrister must not hand over a brief to another barrister to conduct the case, or any court appearance within the case, unless the instructing solicitor has consented to that course.

Devilling

107. A barrister will not have breached Rule 16 by carrying out a specific task of research or chamber work given to the barrister by another barrister, or by giving such a task to another barrister, so long as:
 - (a) the barrister who was briefed to do the chamber work takes full personal responsibility for the work;
 - (b) the work is delivered under the name of the barrister who was briefed;
 - (c) the arrangement between the barristers does not go beyond an ordinary devilling or reading arrangement and in particular does not involve any standing retainer or employment terms; and
 - (d) the arrangement between the barristers does not provide and is not intended to enable the barrister giving the task to make a profit from the other

barrister's work, over and above reasonable remuneration for supervision of and responsibility for the other barrister's work.

CONFIDENTIALITY & CONFLICTS

108. A barrister must not disclose (except as compelled by law) or use in any way confidential information obtained by the barrister in the course of practice concerning any person to whom the barrister owes some duty or obligation to keep such information confidential unless or until:
- (a) the information is later obtained by the barrister from another person who is not bound by the confidentiality owed by the barrister to the first person and who does not give the information confidentially to the barrister; or
 - (b) the person has consented to the barrister disclosing or using the information generally or on specific terms.
109. A barrister must not disclose (except as compelled by law) or use confidential information under Rule 108(b) in any way other than as permitted by the specific terms of the person's consent.
110. A barrister will not have breached Rules 108 and 109 simply by showing briefs to or disclosing information contained in a brief to the barrister's instructing solicitor in the matter, to a member of the barrister's staff for the purposes of that person undertaking clerical or administrative work in relation to the matter, or to a reader or to another barrister doing work as permitted by Rule 107.
111. A barrister who is shown a brief as a reader or under an arrangement covered by Rule 107 is bound by the same duties of confidentiality which bind the barrister whose brief it is, including the duties imposed by Rule 108 and 109.
112. A barrister must return a brief other than a brief to appear as soon as possible after the barrister becomes aware that the barrister has information confidential to a person other than the client which may, as a real possibility, be material to the client's case or to the advancement of the client's interests, being information which the barrister is prohibited from disclosing or using unless the person entitled to the confidentiality consents to the barrister disclosing or using the information as the barrister thinks fit.
113. A barrister who is briefed to appear for two or more parties in any case must determine as soon as possible whether the interests of the clients may, as a real possibility, conflict and, if so, the barrister must then return the brief for:
- (a) all the clients in the case of confidentiality to which Rule 108 would apply; or
 - (b) one or more of the clients so as to remove that possibility of conflict.
114. A barrister who believes on reasonable grounds that the interests of the client may conflict with the interests of the instructing solicitor, or that the client may have a claim against the instructing solicitor, must:
- (a) advise the instructing solicitor of the barrister's belief; and

- (b) if the instructing solicitor does not agree to advise the client of the barrister's belief, seek to advise the client in the presence of the instructing solicitor of the barrister's belief.

DEFINITIONS

115. Expressions used in these Rules which are also used in the Act have the same meanings as they have in the Act, unless the context requires otherwise. Unless the context requires otherwise, the singular includes the plural and vice versa.

116. Unless the context requires otherwise, the following expressions are defined as follows when used in these Rules:

'allege'	includes conduct constituted by settling or opening on pleadings, affidavits or witness statements, and reading or tendering affidavits or witness statements filed or prepared for the client (whether or not they were drawn or settled by the barrister).
'associate'	means a corporation, partnership or trust in which the barrister has a material beneficial interest or a member of the barrister's immediate family.
'barristers' work'	means work permitted by Rule 15.
'case'	means the litigation or proceedings in which the barrister in question is briefed to appear, or the dispute in which the barrister is advising, as the case may be.
'client'	means the client of the barrister in question, and for the purposes of Rules 70, 78 and 80 includes those officers, servants or agents of a client which is not a natural person who are responsible for or involved in giving instructions on behalf of the client.
'court'	means any body described as such and all other judicial tribunals, and all statutory tribunals and all investigations and inquiries (established by statute or by a Parliament), Royal Commissions [the Criminal Justice Commission/ICAC or equivalent], arbitrations and mediations.
'criminal proceedings'	includes disciplinary proceedings, in which context other expressions appropriate to criminal proceedings include corresponding meanings appropriate to disciplinary

	proceedings and in particular "a serious criminal offence" includes a disciplinary shortcoming which, if proved, involves the serious possibility of suspension or deregistration (or the equivalent).
‘current proceedings’	means proceedings which have not been determined, including proceedings in which there is still a real possibility of an appeal or other challenge to a decision being filed, heard or decided.
‘devilling’	the activity of undertaking chamber work in connection with briefs held by another barrister.
‘ex parte application’	means an application heard in the absence of a party.
‘fee’	includes any payment for the reimbursement of expenses.
‘genuine educational or academic discussion’	means oral or written communications including the publication of notes and articles with members of the legal profession, other profession or group or members thereof which are bona fide for an educational or academic purpose.
‘instructing solicitor’	means the solicitor from whom the barrister in question has accepted a brief or who is instructing that barrister in that brief, as the case may be, but does not include a solicitor appearing with the barrister as a joint advocate; and includes a patent attorney.
‘legal advice’	includes assistance at or presiding over meetings.
‘legislation’	includes delegated legislation.
‘opponent’	means the legal practitioner appearing for the party opposed to the client, or the party opposed to the client if that party is unrepresented, and any other legal practitioner appearing for another party in the matter or any other party if that party is unrepresented.
‘order’	includes a judgement, decision or determination.
‘President of the Bar Association’	is taken in Victoria to be a reference to the Chairman of the Bar Council

‘potential proceeding’	means proceedings which have not been commenced but where there is information which has been publicised that such process is imminent or where there is a very real likelihood that process will be instigated.
‘process of court’	means any originating process, pleading, affidavit or notice filed in court and any document issued by the court but does not include submissions or lists of authorities.
‘Prosecutor’	means a barrister who appears for the complainant or Crown in criminal proceedings.
‘Reader’	means a barrister undertaking a reading program.
‘Senior Counsel’	means Queen’s Counsel and Senior Counsel appointed as such in accordance with the protocol for the appointment of Queen’s Counsel or Senior Counsel duly adopted in each jurisdiction.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BELLINGEN SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BELLINGEN SHIRE COUNCIL declares with the approval of Her Excellency the Governor that the land known as Lot 8, Section 10, DP 759026, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a Rural Fire Service Operational Centre. Dated at 3:45 p.m., this 28th day of June 2011. LIZ JEREMY, General Manager, Bellingen Shire Council, PO Box 117, Bellingen NSW 2454. [5959]

BLAYNEY SHIRE COUNCIL

Renaming of Roads

NOTICE is hereby given that Blayney Shire Council, in accordance with the Roads Act 1993 – Roads Regulation 2008, has renamed a road as follows:

<i>Location</i>	<i>Name</i>
Renaming Benereefs Lane, Millthorpe	Buesnel Lane.

No objections to the proposed name were received within the advertising period. Grant BAKER, Acting General Manager, Blayney Shire Council, PO Box 62, Blayney NSW 2799. [5960]

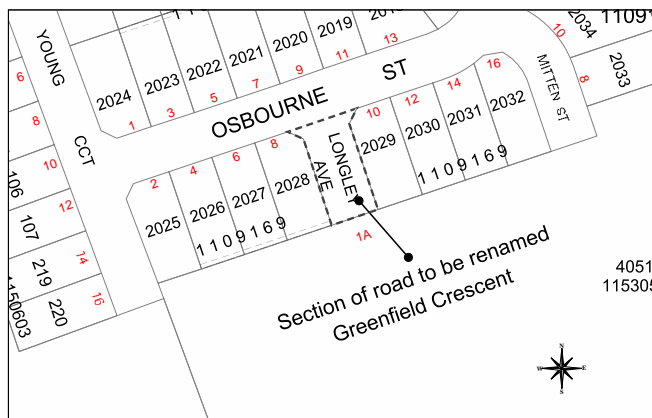
CAMDEN COUNCIL

Roads Act 1993, Section 162

Re-Naming of Road

NOTICE is hereby given that Camden Council, in pursuance of section 162 of the Roads Act 1993, has renamed part of Longley Avenue, to Greenfield Crescent, Elderslie (see location site map). GREG WRIGHT, General Manager, PO Box 183, Camden NSW 2570.

<i>Current Road Name/Location</i>	<i>New Road Name</i>
Longley Avenue, entry from Osbourne Street, Elderslie	Greenfield Crescent



[5961]

HAWKESBURY CITY COUNCIL

Roads Act 1993, Section 162

Naming of Newly Created Public Roads

NOTICE is hereby given that Hawkesbury City Council in accordance with the Roads Act 1993, has named the newly created public roads contained within DP 1161788 in the suburb of Pitt Town as the following:

The Cedars Avenue – bounded by Bona Vista Drive, Esther Maria Street, Lots 3011 to 3016, DP 1161788 and Lots 3019 to 3026, DP 1161788.

Esther Maria Street – bounded by Farmhouse Avenue, The Cedars Avenue, Lots 3019, 3036 to 3038, DP 1161788 and Lot 104, DP 1131556.

Sandstock Street – bounded by The Cedars Avenue, Johnston Street, Lots 3001, 3016 to 3018, DP 1161788 and Lot 4, DP 1131556.

Bona Vista Drive (extension of existing road) – bounded by Farmhouse Avenue, Johnston Street, Lots 3026 to 3029, DP 1161788; Lots 3008 to 3011, DP 1161788; Lot 3039, DP 1161788 and Lot 131, DP 1025876.



PETER JACKSON, General Manager, Hawkesbury City Council, PO Box 146, Windsor NSW 2756, tel: (02) 4560 4444. [5962]

MID-WESTERN REGIONAL COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Mid-Western Regional Council, by resolution of Council, dated 15 June 2011, has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. WARWICK BENNETT, General Manager, Mid-Western Regional Council, 86 Market Street, Mudgee NSW 2850, tel.: (02) 6378 2850.

SCHEDULE

Lot 5, Deposited Plan 153349, Parish of Mudgee, County of Wellington, being land situated at Lewis Street, Mudgee. [5963]

PARRAMATTA CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

PARRAMATTA CITY COUNCIL declares with the approval of Her Excellency the Governor that the lands described in Schedule 1 below, excluding the interests described in Schedule 2 below and excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, the Civic Place Project under the Local Government Act 1993. Dated this 8th day of July 2011. Dr ROBERT LANG, General Manager, Parramatta City Council, PO Box 32, Parramatta NSW 2124.

SCHEDULE 1

Lot 1, DP 514282.
 Lot A, DP 417015.
 Lot B, DP 417015.
 Lot 1, DP 128539.
 Lot 1, DP 1158833.
 Lot 2, DP 1158833.

SCHEDULE 2

Lot 2, DP 128539 – Registration Number AC638059 – Lease of Ground Floor and a First Floor Toilet, 28 Darcy Street, Parramatta, to Sin Qan Wong – 5 years.

Lot A, DP 417015 – Not Registered – Lease of First Floor, 12 Darcy Street, Parramatta, occupied by 'Tattoo Temple' – Tenancy at Will.

Lot A, DP 417015 – Not Registered – Lease of Ground Floor, 12 Darcy Street, Parramatta, occupied by 'Taltra Delicatessen' – Tenancy at Will. [5964]

SHOALHAVEN CITY COUNCIL

Naming of Roads

SHOALHAVEN CITY COUNCIL advises that in accordance with section 162.1 of the Roads Act 1993 and Part 2, Division 2, Clause 9, Road Regulations 2008, it has named the following road:

<i>Location</i>	<i>Road Name</i>
Lane between Berry Street and Stewart Place, Nowra.	Emporium Lane.

No objections to the proposed name were received within the advertising period. R. PIGG, General Manager, Shoalhaven City Council, Bridge Road, Nowra NSW 2541. File 10638E. [5965]

CITY OF SYDNEY COUNCIL

Erratum

THE notification in the *New South Wales Government Gazette* No. 39 of 16 February 2001, folio 768, under the heading "South Sydney City Council – Naming of Public Roads and Parks", the road name "Levey Walk" was incorrect. The name should have read "Levy Walk", this notice corrects that error. MONICA BARONE, Chief Executive Officer, City of Sydney Council, Town Hall House, 456 Kent Street, Sydney NSW 2000. [5966]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

PURSUANT to section 10 of the Roads Act 1993, Wollongong City Council hereby dedicates the land in the Schedule below as public road. D. FARMER, General Manager, Wollongong City Council, Locked Bag 8821, Wollongong NSW 2500.

SCHEDULE

Lot 2, DP 1136814, George Hanley Drive, North Wollongong. [5967]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of RUTH ROSE COOTE, late of Hammondville in the state of New South Wales, widow, who died on 28 May 2011 must send particulars of the claim to the executor, Kathryn Beryl Edghill, care of Truman Hoyle Lawyers, Level 11, 68 Pitt Street, Sydney NSW 2000, DX 263 Sydney, ref: SR 92487, within 31 days from the publication of this notice. After that time and after six months from the date of the death of the deceased the assets of the estate and the property 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 30 June 2011. TRUMAN HOYLE LAWYERS, Level 11, 68 Pitt Street, Sydney NSW 2000 [5968]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of FRANCESCO FUDA, late of Mount Druitt in the state of New South Wales, who died on 12 April 2011, must send particulars of their claim to the executor, c.o. Mercuri & Co, Solicitors, PO Box 719, Drummoyne NSW 1470 within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 30 June 2011. MERCURI & CO, Solicitors, PO Box 719, Drummoyne NSW 1470, tel.: (02) 9818 8375. [5969]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of GWENDA GRACE GENGOS, late of Wollstonecraft, in the State of New South Wales, widow, who died on 2 February 2011, must send particulars of his claim to the executor, Duncan Rodney James Mann, care of Newnhams Solicitors, 233 Castlereagh Street, Sydney, within one calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 21 June 2011. DUNCAN RODNEY JAMES MANN, care of Newnhams Solicitors, 233 Castlereagh Street, Sydney NSW 2000, tel.: (02) 9264 7788. [5970]

NOTICE of intended application for probate. – In the Supreme Court of New South Wales Probate Division. – After 14 days from publication of this notice an application for Probate of the Will dated 17 June 2009 of WILLIAM SUTHERLAND KANE, late of Potts Point NSW, retired merchant seaman,

will be made by Daniel Dunn. Creditors are required to send particulars of their claims upon his estate to M. Duncan & Associates, Solicitors, 39/61-89 Buckingham Street, Surry Hills NSW 2010 (PO Box 70, Strawberry Hills NSW 2012), tel.: (02) 9699 9877, Fax: (02) 9699 9110, Ref MD. [5971]

NOTICE of intended distribution of estate. – Any person having any claim upon the estate of CAMPBELL ALEXANDER MINTER, late of St Ives, Stock Broker, who died on 10 January 2011, must send particulars of the claim to the executor, Joy Frances Minter, at c.o. Frank M. Deane & Co. (in association with Adams Raves Marsh & Co.), Solicitors, Level 13, 227 Elizabeth Street, Sydney NSW 2000, within one calendar month from publication of this notice. After that time, the assets of the estate will be distributed having regard only to the claims of which at the time of distribution the executor has notice. Probate was granted in New South Wales on 21 June 2011. FRANK M. DEANE & CO. (in association with Adams Raves Marsh & Co.), Solicitors, Level 13, 227 Elizabeth Street, Sydney NSW 2000 (DX 255 Sydney), tel.: (02) 9264 3066. [5972]

COMPANY NOTICES

NOTICE of final meeting. – HMDC PTY LIMITED (in members voluntary liquidation), ACN 102 561 044. – Notice is hereby given that in terms of section 509 of the Corporations Law, a final general meeting of the company will be held at the offices of Kellow Parbery & Associates, 24 Church Street, Bega NSW, on 1 August 2011, at 10:30 a.m., for the purpose of laying before it the liquidator's account showing how the winding-up has been conducted and the property of the company disposed of. Dated: 1 July 2011. RICHARD BRUCE KELLOW, Liquidator, 24 Church Street, Bega NSW 2550. [5973]

OTHER NOTICES

ESSENTIAL ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement for Electricity Purposes at Deniliquin

ESSENTIAL ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Interest in Land described in Schedule 1 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 8th day of July 2011. TERRI BENSON, Managing Director, Essential Energy, PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

Locality	Deniliquin
LGA	Murray, Deniliquin
Interest in Land	Easement for transmission lines 40 wide and variable affecting Lot 7300 in Deposited Plan 1143187, Crown roads and

Crown waterways shown as "Proposed Easement for Transmission Line 40 Wide and Variable" in DP 1150716

Parish	North Deniliquin, South Deniliquin
County	Townsend

SCHEDULE 2

Easement for transmission line 40 wide and variable upon the terms set out in Part A of Memorandum No. AG189384 registered at Land and Property Management Authority.

[5974]

ESSENTIAL ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land for Electricity Purposes at Woodburn

ESSENTIAL ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Land described in Schedule 1 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 8th day of July, 2011. TERRI BENSON, Managing Director, Essential Energy, PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

Locality: Woodburn.

L.G.A.: Richmond Valley.

Land: Lot 1 in DP 1158542 being Crown Land forming part of Lot 7003 in DP 1112985.

Parish: Riley.

County: Richmond.

SCHEDULE 2

In so far as any Native Title rights and interests may exist over Lot 1 in DP 1158542, the "non-extinguishment principle" as defined in section 238 of the Native Title Act 1993 (Cth) applies to the acquisition of Lot 1 in DP 1158542.

[5975]

ESSENTIAL ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Right of Carriageway for Electricity Purposes at Woodburn

ESSENTIAL ENERGY declares, with the approval of Her Excellency the Governor, with the advice of the Executive Council, that the Interest in Land described in Schedule 1 to this notice is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 8th day of July 2011. TERRI BENSON, Managing Director, Essential Energy, PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

Locality: Woodburn.
L.G.A.: Richmond Valley.
Interest in Land: Right of carriageway 6 wide shown as
"Right of carriageway 6 wide" affecting
Crown Land being Lot 2 in DP 1158542.
Parish: Riley.
County: Richmond.

SCHEDULE 2

Right of carriageway 6 wide upon the terms set out in Part 1 of Schedule 4A of the Conveyancing Act 1919 (NSW).

In so far as any Native Title rights and interests may exist over the Crown land affected by the right of carriageway, the "non-extinguishment principle" as defined in section 238 of the Native Title Act 1993 (Cth) applies to the acquisition of the Interest in Land. [5976]

ISSN 0155-6320

Authorised to be printed
DENIS H. HELM, Government Printer.