



# *Government Gazette*

of the State of

New South Wales

**Number 118**

**Friday, 20 October 2017**

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The New South Wales Government Gazette is the permanent public record of official notices issued by the New South Wales Government. It also contains local council and other notices and private advertisements.

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see Gazette Information.

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## PARLIAMENT

### ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 13 October 2017

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

Act No. 46 - An Act to amend the *Road Transport Act 2013* with respect to driver licence disqualification and unauthorised driving. **[Road Transport Amendment (Driver Licence Disqualification) Bill]**

Act No. 47 - An Act to amend the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* to clarify the test for granting development consent in relation to the Sydney drinking water catchment and to validate a development consent relating to the Springvale mine extension. **[Environmental Planning and Assessment Amendment (Sydney Drinking Water Catchment) Bill]**

Act No. 48 - An Act to amend the *Local Land Services Act 2013* to make further provision with respect to the management of Local Land Services; and for other purposes. **[Local Land Services Amendment Bill]**

Helen Minnican  
Clerk of the Legislative Assembly

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### ACT OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 16 October 2017

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

Act No. 49, 2017 - An Act to amend the *Parramatta Park Trust Act 2001* to enable land to be swapped between the Parramatta Park Trust and Venues NSW in connection with the development of the Western Sydney Stadium; to enable trust lands to be leased for the purposes of an aquatic leisure centre; and for other related purposes. **[Parramatta Park Trust Amendment (Western Sydney Stadium) Bill 2017]**

David Blunt  
Clerk of the Parliaments

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# GOVERNMENT NOTICES

## Appointments

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### ABORIGINAL LAND RIGHTS ACT 1983

#### NOTICE

I, the Honourable Sarah Mitchell MLC, Minister for Aboriginal Affairs, following consent by the New South Wales Aboriginal Land Council (NSWALC), do, by this notice pursuant to section 231(2) of the *Aboriginal Land Rights Act 1983* (the Act) extend the appointment of Mr Terry Lawler as administrator to the Awabakal Local Aboriginal Land Council for a period of six (6) calendar months, from 13 October 2017. During the period of his appointment, the administrator will have all of the functions of the Awabakal Local Aboriginal Land Council and any other duties as specified by the instrument of appointment. The administrator's remuneration and expenses are not to exceed \$108,000 excluding GST without the prior approval of NSWALC.

SIGNED AND SEALED THIS  
11th DAY OF OCTOBER 2017

SARAH MITCHELL, MLC  
MINISTER FOR ABORIGINAL AFFAIRS

GOD SAVE THE QUEEN

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### CONSTITUTION ACT 1902

#### MINISTERIAL ARRANGEMENTS FOR THE DEPUTY PREMIER, MINISTER FOR REGIONAL NEW SOUTH WALES, MINISTER FOR SKILLS, AND MINISTER FOR SMALL BUSINESS

Pursuant to section 36 of the *Constitution Act 1902*, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has authorised the Honourable N Blair MLC to act for and on behalf of the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business on and from 20 October to 29 October 2017, inclusive.

18 October 2017

GLADYS BEREJIKLIAN MP  
Premier

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### CONSTITUTION ACT 1902

#### MINISTERIAL ARRANGEMENTS FOR THE MINISTER FOR MENTAL HEALTH, MINISTER FOR WOMEN, AND MINISTER FOR AGEING

Pursuant to section 36 of the *Constitution Act 1902*, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has authorised the Honourable B R Hazzard MP to act for and on behalf of the Minister for Mental Health, Minister for Women, and Minister for Ageing on and from 20 October 2017 to 2 November 2017, inclusive.

18 October 2017

GLADYS BEREJIKLIAN MP  
Premier

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## Planning and Environment Notices

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### NATIONAL PARKS AND WILDLIFE ACT 1974

Terry Hie Hie Aboriginal Area Draft Plan of Management on exhibition until  
22 January 2018: comments sought

The *Terry Hie Hie Aboriginal Area Draft Plan of Management* is on exhibition until 22 January 2018.

The plan may be viewed at:

- National Parks and Wildlife Service (NPWS) Narrabri Area Office, 1/100 Maitland Street, Narrabri, NSW
- Moree Community Library (36 Balo Street, Moree, NSW)
- Office of Environment and Heritage (OEH) Customer Centre (Level 14, 59–61 Goulburn St, Sydney)
- OEH 'Have your say' website at <https://engage.environment.nsw.gov.au/consult>

Submissions on the plan must be received by **22 January 2018** by:

- email to [npws.parkplanning@environment.nsw.gov.au](mailto:npws.parkplanning@environment.nsw.gov.au); or
- mail to The Planner, Terry Hie Hie Aboriginal Area DPOM, NPWS, PO BOX 361, GRAFTON, NSW 2460.
- using the online form on the OEH 'Have your say' website.

Your comments on the draft plan may include 'personal information'. See [www.environment.nsw.gov.au/help/privacy.htm](http://www.environment.nsw.gov.au/help/privacy.htm) for information on how we will treat any personal information you provide, and the 'Have your say' webpage for information on how we may use and publish comments provided in your submission. For more information, contact Kristy Lawrie 0427867699.

## Roads and Maritime Notices

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### MARINE SAFETY ACT 1998

#### MARINE NOTICE

##### Section 12(2)

#### REGULATION OF VESSELS - EXCLUSION ZONE

##### Location

Gosford Broadwater - south of the Gosford boat ramp, between Gosford Aquatic Centre and Gosford Sailing Club.

##### Duration

9:00am to 7:00pm - Wednesday 18 October 2017 to Saturday 3 March 2018

##### Detail

A water inflatable activity park will operate on the waters of Gosford Broadwater. The park will consist of a floating buoy enclosure measuring 60 metres by 65 metres containing a floating platform, and a pontoon connecting the platform to the shoreline.

An **EXCLUSION ZONE** is specified during the above times, which will be marked by buoys at the location specified above.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone.

Vessel operators in the vicinity must keep a proper lookout, keep well clear of the activity park and exercise extreme caution.

Penalties may apply (section 12(5) - *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website - [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: SY1740

Date: 17 October 2017

Rod McDonagh

A/Manager Operations Hawkesbury River Broken Bay

Delegate

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### MARINE SAFETY ACT 1998

#### MARINE NOTICE

##### Section 12(2)

#### REGULATION OF VESSELS – EXCLUSION ZONE

##### Location

Clarence River, Seelands – adjacent Big River Holiday Park and Ski Lodge.

##### Duration

- 8.00am to 6.00pm Saturday 21 October 2017.

##### Detail

A powerboat wakeboard competition will be conducted in the location specified above. During the event, high speed power vessels will be active in the area with persons being towed at speed and the possibility of persons in the water from time to time, presenting a significant potential hazard to other waterway users.

An **EXCLUSION ZONE** is specified during the event, which will be marked by buoys at the above location.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone which will be patrolled by control vessels.

All vessel operators and persons in the vicinity of the event should keep a proper lookout, keep well clear of competing and support vessels, and exercise extreme caution.

### **Transit lane**

Provision may be made (where necessary) for control vessels to authorise local vessel traffic to pass safely through the course via a 'transit lane'. Pursuant to section 12(3) of the Act, vessels using the transit lane must do so at a safe speed, must produce minimal wash, and must comply with any official direction given.

Penalties may apply (section 12(5) – *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website – [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: NH1788

Date: 12 October 2017

Darren Hulm  
A/Manager Operations North  
Delegate

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## **MARINE SAFETY ACT 1998**

### MARINE NOTICE

#### Section 12(2)

#### REGULATION OF VESSELS - EXCLUSION ZONE

### **Location**

Lake Mulwala - from Mulwala Water Ski Club Holiday Park to Capri Waters Country Club.

### **Duration**

2.00pm to 5.30pm Saturday 21 October 2017.

### **Detail**

A swimming event will be conducted on the waters of Lake Mulwala on the above date.

An **EXCLUSION ZONE** is specified during the event at the above location, which will be indicated by the presence of control vessels on the boundary.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone, which will be patrolled by control vessels.

All vessel operators and persons in the vicinity of the event should keep a proper lookout, keep well clear of competing swimmers and support vessels, and exercise extreme caution.

Penalties may apply (section 12(5) - *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website - [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: SO1761

Date: 16 October 2017

Deon Voyer  
Manager Operations South  
Delegate

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## **MARINE SAFETY ACT 1998**

### MARINE NOTICE

#### Section 12(2)

#### REGULATION OF VESSELS – EXCLUSION ZONE

### **Location**

Hunter River – near the township of Raymond Terrance between Bourke Street and Swan Street.

### **Duration**

From 9.00am to 5.00pm on the following dates:

- Sunday 22 October 2017
- Sunday 19 November 2017

- Friday 26 January 2018
- Sunday 4 February 2018
- Sunday 4 March 2018
- Sunday 20 May 2018
- Sunday 3 June 2018
- Sunday 1 July 2018

**Detail**

A number of competitive powerboat races will be conducted on the Hunter River in the above location, involving the use of high speed vessels which will be active in the area during the events.

An **EXCLUSION ZONE** is specified during the above times, which will be indicated by the presence of control vessels on the boundary.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone.

All vessel operators and persons in the vicinity of the exclusion zone should keep a proper lookout, keep well clear of competing powerboats and support vessels, and exercise extreme caution.

Penalties may apply (Section 12(5) – *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website – [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice NH1778

Date: 16 October 2017

Mike Baldwin  
Manager Operations Hunter

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**MARINE SAFETY ACT 1998**

MARINE NOTICE

Section 12(2)

REGULATION OF VESSELS - EXCLUSION ZONE

**Location**

Lake Macquarie - adjacent to the Teralba Sailing Club, Booragul.

**Duration**

9.00am to 3.00pm Sunday 22 October 2017

**Detail**

A number of competitive inflatable rubber boat races will be conducted on Lake Macquarie in the above location, involving the use of inflatable vessels which will be active in the area during the event.

An **EXCLUSION ZONE** is specified during the events, which will be marked with buoys and patrolled by control vessels.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone.

All vessel operators and persons in the vicinity of the exclusion zone should keep a proper lookout, keep well clear of competing boats and support vessels, and exercise extreme caution.

Penalties may apply (Section 12(5) - *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website - [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice NH1795

Date: 16 October 2017

Mike Baldwin  
Manager Operations Hunter

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**MARINE SAFETY ACT 1998**

MARINE NOTICE

Section 12(2)

REGULATION OF VESSELS - EXCLUSION ZONE

**Location**

Jervis Bay - buoyed area adjacent White Sand Park and Shark Net Beach, near the township of Huskisson.

**Duration**

12.30pm to 5.00pm Friday 27 October 2017.

**Detail**

The swimming leg of a triathlon will be conducted on the waters of Jervis Bay at the location specified above.

An **EXCLUSION ZONE** is specified during the event and will be created at the location detailed above, marked by course rounding buoys.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone which will be patrolled by control vessels.

All vessel operators and persons in the vicinity should keep a proper lookout, keep well clear of competing swimmers and support vessels, and exercise caution.

Penalties may apply (section 12(5) - *Marine Safety Act 1998*).

For full details visit the Roads and Maritime Services website - [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice: SO1763

Date: 16 October 2017

Deon Voyer  
Manager Operations South  
Delegate

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**ROADS ACT 1993**

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

Notice of Compulsory Acquisition of Land at  
Arncliffe and Tempe in the Bayside Council and Inner West Council Areas

Roads and Maritime Services by its delegate declares, with the approval of His 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*.

S WEBB

Manager, Compulsory Acquisition & Road Dedication  
Roads and Maritime Services

**Schedule**

All those pieces or parcels of land situated in the Bayside Council and Inner West Council areas, Parishes of St George and Petersham and County of Cumberland, shown as:

Lots 40 and 54 Deposited Plan 1228044, being parts of the land in Certificate of Title 10/700803 and said to be in the possession of Roads and Maritime Services (registered proprietor), Bayside Council (reserve manager) and The Registrar General (caveator);

Lots 56, 57, 60 and 61 Deposited Plan 1228986, being parts of the land in Certificate of Title Auto Consol 7289-25 and said to be in the possession of Konstantinos Christodouloupoulos (registered proprietor), National Australia Bank Limited (mortgagee) and Konstantinos Christos (lessee);

Lots 42 and 54 Deposited Plan 1230719, being parts of the land in Certificate of Title 13/531556 and said to be in the possession of Dragi Glavevski and Blagica Glavevski;

Lots 43 and 55 Deposited Plan 1230719, being parts of the land in Certificate of Title 12/531556 and said to be in the possession of Stanka Boznovski;



Lots 44 and 56 Deposited Plan 1230719, being parts of the land in Certificate of Title 11/531556 and said to be in the possession of Sean Edward Cairney and Jonathan George Matthes (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 45 and 57 Deposited Plan 1230719, being parts of the land in Certificate of Title 33/5/57638 and said to be in the possession of Meredyth-Ann Williams (registered proprietor) and Bendigo and Adelaide Bank Limited (mortgagee);

Lots 46 and 58 Deposited Plan 1230719, being parts of the land in Certificate of Title 31/5/60038 and said to be in the possession of Kathryn Gorski, Michael Gorski and Lubica Gorski (registered proprietors) and Perpetual Limited (mortgagee);

Lots 47 and 59 Deposited Plan 1230719, being parts of the land in Certificate of Title 1/124310 and said to be in the possession of Corey McGuire (registered proprietor) and Qudos Mutual Limited (mortgagee);

Lots 48 and 60 Deposited Plan 1230719, being parts of the land in Certificate of Title 2/124310 and said to be in the possession of Inga Kata-Price and David Anthony Price (registered proprietors) and Citigroup Pty Limited (mortgagee);

Lots 49 and 61 Deposited Plan 1230719, being parts of the land in Certificate of Title 22/5/57638 and said to be in the possession of Fiona Gai Grant and Calum David Pirie (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 50 and 62 Deposited Plan 1230719, being parts of the land in Certificate of Title 24/5/60038 and said to be in the possession of Rae Morris Spence (registered proprietor) and National Australia Bank Limited (mortgagee);

Lots 51 and 63 Deposited Plan 1230719, being parts of the land in Certificate of Title 26/5/57638 and said to be in the possession of Joseph Youssef (registered proprietor) and National Australia Bank Limited (mortgagee);

Lots 53 and 65 Deposited Plan 1230719, being parts of the land in Certificate of Title B/331917 and said to be in the possession of Ruth Josephine Casey (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 12 and 14 Deposited Plan 1230720, being parts of the land in Certificate of Title 23/72534 and said to be in the possession of Maria Nive Manu, Ronald Adler and Mathew Stewart Adler (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 13 and 15 Deposited Plan 1230720, being parts of the land in Certificate of Title 32/514056 and said to be in the possession of John Anthony Place and Mandy Lorraine Dabin (registered proprietors) and Qudos Mutual Limited (mortgagee);

Lots 73 and 76 Deposited Plan 1230721, being parts of the land in Certificate of Title 13/1199900 and said to be in the possession of Gerard Michael Vidler and Bernice Dianne Lindstrom (registered proprietors) and National Australia Bank Limited (mortgagee);

Lots 74 and 77 Deposited Plan 1230721, being parts of the land in Certificate of Title 14/1199900 and said to be in the possession of Gregory Allan Vidler and Melissa Warland (registered proprietors) and National Australia Bank Limited (mortgagee);

Lots 37 and 54 Deposited Plan 1230902, being parts of the land in Certificate of Title 48/1/74957 and said to be in the possession of Catherine Amelia Stewart;

Lots 38 and 55 Deposited Plan 1230902, being parts of the land in Certificate of Title CP/SP18338 and said to be in the possession of The Owners - Strata Plan No 18338;

Lots 39 and 56 Deposited Plan 1230902, being parts of the land in Certificate of Title 42/70388 and said to be in the possession of Guan Dong Zhang and Hui Lin Wang;

Lots 40 and 57 Deposited Plan 1230902, being parts of the land in Certificate of Title 41/65148 and said to be in the possession of George Mezher, Marie Louise Mezher and Betty Hickey (registered proprietors) and George Mezher, Marie Louise Mezher and Betty Hickey (caveators);

Lots 41 and 58 Deposited Plan 1230902, being parts of the land in Certificate of Title 40/65148 and said to be in the possession of Fiso Lam and Kylie Joy Jeffrey (registered proprietors) and Bendigo and Adelaide Bank Limited (mortgagee);

Lots 42 and 59 Deposited Plan 1230902, being parts of the land in Certificate of Title 39/72412 and said to be in the possession of Paul William Polglase;

Lots 43 and 60 Deposited Plan 1230902, being parts of the land in Certificate of Title 10/56978 and said to be in the possession of Martin James Phillpott and Tracey Marion Brown (registered proprietors) and Westpac Banking Corporation (mortgagee);

Lots 44 and 61 Deposited Plan 1230902, being parts of the land in Certificate of Title 12/513203 and said to be in the possession of Noel Edward O'Callaghan (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 45 and 62 Deposited Plan 1230902, being parts of the land in Certificate of Title 13/517278 and said to be in the possession of Sharon Rose Fleming (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 46 and 63 Deposited Plan 1230902, being parts of the land in Certificate of Title A/309548 and said to be in the possession of Jillian Anne Martin;

Lots 47 and 64 Deposited Plan 1230902, being parts of the land in Certificate of Title B/309548 and said to be in the possession of Sang Hi Lee and Dae In Kim (registered proprietors) and Suncorp-Metway Limited (mortgagee);

Lots 48 and 65 Deposited Plan 1230902, being parts of the land in Certificate of Title A/105149 and said to be in the possession of Scott James Macarthur and William John Tarrant (registered proprietors) and SGE The Service Credit Union Limited (mortgagee);

Lots 49 and 66 Deposited Plan 1230902, being parts of the land in Certificate of Title B/105149 and said to be in the possession of Graham Leslie Griffith and Jennifer Ruth Griffith;

Lots 50 and 67 Deposited Plan 1230902, being parts of the land in Certificate of Title C/105149 and said to be in the possession of Nicole Cosentino and Chantal Mychele Priscilla Du Verge (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 51 and 68 Deposited Plan 1230902, being parts of the land in Certificate of Title D/105149 and said to be in the possession of Irene Koovousis (registered proprietor) and Arthur Koovousis and Violet Koovousis (mortgagees);

Lots 52 and 69 Deposited Plan 1230902, being parts of the land in Certificate of Title 19/212477 and said to be in the possession of Nancy Arevalo Rosser;

Lots 74 and 78 Deposited Plan 1230903, being parts of the land in Certificate of Title 47/1/57638 and said to be in the possession of Stephanie Elise Ward and Timothy Mills (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 75 and 79 Deposited Plan 1230903, being parts of the land in Certificate of Title 46/1/57638 and said to be in the possession of Kenneth James Moxham (registered proprietor) and ING Bank (Australia) Limited (mortgagee);

Lots 76 and 80 Deposited Plan 1230903, being parts of the land in Certificate of Title 45/1/60038 and said to be in the possession of Renee Tiffany Mason;

Lots 77 and 81 Deposited Plan 1230903, being parts of the land in Certificate of Title 11/1/60038 and said to be in the possession of Kurt Wolfgang Williams and Sarah Alexandra Carson (registered proprietors) and Teachers Mutual Bank Limited (mortgagee);

Lots 11 and 12 Deposited Plan 1230904, being parts of the land in Certificate of Title 1/197007 and said to be in the possession of Grant Frederick Knoetze and Megan Elizabeth Knoetze (registered proprietors) and Westpac Banking Corporation (mortgagee);

Lots 78 and 81 Deposited Plan 1231263, being parts of the land in Certificate of Title 2/803493 and said to be in the possession of Bunnings Properties Pty Ltd;

Lots 80 and 90 Deposited Plan 1231470, being parts of the land in Certificate of Title 14/995314 and said to be in the possession of Kristen Lee Barron (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 81 and 91 Deposited Plan 1231470, being parts of the land in Certificate of Title 15/77012 and said to be in the possession of Gregory John Williams and Tania Gaye Lang (registered proprietors) and ING Bank (Australia) Limited (mortgagee);

Lots 82 and 92 Deposited Plan 1231470, being parts of the land in Certificate of Title F/309511 and said to be in the possession of Katrina Gaye Guyatt and Troy Guyatt (registered proprietors) and Permanent Custodians Limited (mortgagee);

Lots 83 and 93 Deposited Plan 1231470, being parts of the land in Certificate of Title A/309511 and said to be in the possession of Matthew Luke Smith (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 84 and 94 Deposited Plan 1231470, being parts of the land in Certificate of Title B/309511 and said to be in the possession of Lee Crosby Newton and Rosaleen Newton (registered proprietors) and AMP Bank Limited (mortgagee);

Lots 85 and 95 Deposited Plan 1231470, being parts of the land in Certificate of Title 18/770160 and said to be in the possession of Hassan Daher and Zeineb Daher;

Lots 86 and 96 Deposited Plan 1231470, being parts of the land in Certificate of Title 19/69202 and said to be in the possession of Monir Daher;

Lots 87 and 97 Deposited Plan 1231470, being parts of the land in Certificate of Title 20/70001 and said to be in the possession of Marjorie May Hockey;

Lots 88 and 98 Deposited Plan 1231470, being parts of the land in Certificate of Title 1/73348 and said to be in the possession of Kerisiano Stehlin, Herman Patrick Stehlin, John Moapi Stehlin and Punae Stehlin (registered proprietors) and Heritage Building Society Limited (mortgagee);

Lots 62 and 74 Deposited Plan 1231471, being parts of the land in Certificate of Title 46/2/192503 and said to be in the possession of Beryl Martha Murray;

Lots 63 and 75 Deposited Plan 1231471, being parts of the land in Certificate of Title 1/58486 and said to be in the possession of Timothy Armstrong (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 64 and 76 Deposited Plan 1231471, being parts of the land in Certificate of Title 44/2/60038 and said to be in the possession of Lisa Marie Harris and Sander Adrianus Martinus Herman Schellekens (registered proprietors) and St George Bank Limited (mortgagee);

Lots 65 and 77 Deposited Plan 1231471, being parts of the land in Certificate of Title 1/195769 and said to be in the possession of Stuart John Jessop and Sharin Gail Jessop (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 66 and 78 Deposited Plan 1231471, being parts of the land in Certificate of Title 42/2/60038 and said to be in the possession of Alexandre De Brito and Irene De Brito (registered proprietors) and Westpac Banking Corporation (mortgagee);

Lots 67 and 79 Deposited Plan 1231471, being parts of the land in Certificate of Title 41/2/60038 and said to be in the possession of Emily Kate McDonald and Stuart Kenneth Fox (registered proprietors) and AMP Bank Limited (mortgagee);

Lots 68 and 80 Deposited Plan 1231471, being parts of the land in Certificate of Title 1/925274 and said to be in the possession of William Peter Hargreaves and Michael Garry O'Connor (registered proprietors) and National Australia Bank Limited (mortgagee);

Lots 69 and 81 Deposited Plan 1231471, being parts of the land in Certificate of Title 1/124321 and said to be in the possession of Nicole Marcelle Chiaradia;

Lots 70 and 82 Deposited Plan 1231471, being parts of the land in Certificate of Title 39/59066 and said to be in the possession of Khai Thai Lam and Thai Van Lam (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 71 and 83 Deposited Plan 1231471, being parts of the land in Certificate of Title 38/2/57638 and said to be in the possession of Garry John Wright and Rhonda Gail Wright;

Lots 72 and 84 Deposited Plan 1231471, being parts of the land in Certificate of Title 12/2/57638 and said to be in the possession of Vladeta Teofilovic and Dragica Teofilovic (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 73 and 85 Deposited Plan 1231471, being parts of the land in Certificate of Title 13/2/60038 and said to be in the possession of Zora Klimoska Maricic (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 11 and 12 Deposited Plan 1231472, being parts of the land in Certificate of Title 37/64471 and said to be in the possession of Frank Simon Panuccio and Ann Balzan (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 70 and 90 Deposited Plan 1231485, being parts of the land in Certificate of Title 38/4/57638 and said to be in the possession of Vivien Ann Mackay and Lynette Patricia Mackay;

Lots 71 and 91 Deposited Plan 1231485, being parts of the land in Certificate of Title 1/124405 and said to be in the possession of Americo Lopes Escaleira and Alcina Lopes Evangelista Escaleira (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 72, 73, 92 and 93 Deposited Plan 1231485, being parts of the land in Certificate of Title Auto Consol 8450-176 and said to be in the possession of Charles Benjamin Wright and Anne-Marie Allen (registered proprietors) and Credit Union Australia Limited (mortgagee);

Lots 74, 75, 94 and 95 Deposited Plan 1231485, being parts of the land in Certificate of Title Auto Consol 8633-104 and said to be in the possession of Gordon Thornton Nurse and Karen Lesley Rowe-Nurse (registered proprietors) and Bendigo and Adelaide Bank Limited (mortgagee);

Lots 76 and 96 Deposited Plan 1231485, being parts of the land in Certificate of Title 32/4/57638 and said to be in the possession of Lisa Anne Karam (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 77 and 97 Deposited Plan 1231485, being parts of the land in Certificate of Title 31/4/192503 and said to be in the possession of Glen Anthony McGinley (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 78 and 98 Deposited Plan 1231485, being parts of the land in Certificate of Title 18/4/60038 and said to be in the possession of Anamari Pascal Nelson (registered proprietor) and National Australia Bank Limited (mortgagee);

Lots 79 and 99 Deposited Plan 1231485, being parts of the land in Certificate of Title 19/4/60038 and said to be in the possession of Jane Ee Chung Ling (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 80 and 100 Deposited Plan 1231485, being parts of the land in Certificate of Title 20/4/60038 and said to be in the possession of David Barker and Veronica Mary Barker;

Lots 81 and 101 Deposited Plan 1231485, being parts of the land in Certificate of Title 21/58559 and said to be in the possession of Tode Projceski and Zora Projceska;

Lots 82 and 102 Deposited Plan 1231485, being parts of the land in Certificate of Title 1/113480 and said to be in the possession of Glenn Robert Redmayne (registered proprietor) and St George Bank Limited (mortgagee);

Lots 83 and 103 Deposited Plan 1231485, being parts of the land in Certificate of Title 23/4/57638 and said to be in the possession of Thomas Hantzopoulos and Thalia Hantzopoulos (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 84 and 104 Deposited Plan 1231485, being parts of the land in Certificate of Title 2/313839 and said to be in the possession of Thomas Hantzopoulos and Thalia Hantzopoulos (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 85 and 105 Deposited Plan 1231485, being parts of the land in Certificate of Title 1/313839 and said to be in the possession of Ann Margaret Marshall (registered proprietor) and St George Bank Limited (mortgagee);

Lots 86 and 106 Deposited Plan 1231485, being parts of the land in Certificate of Title 25/4/60038 and said to be in the possession of Sally Michele Riley (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 87 and 107 Deposited Plan 1231485, being parts of the land in Certificate of Title 26/744242 and said to be in the possession of Margret Simpson;

Lots 88 and 108 Deposited Plan 1231485, being parts of the land in Certificate of Title 27/4/57638 and said to be in the possession of Aislinn Marie Rose Batstone and Michaelis Stefanou Michael (registered proprietors) and ING Bank (Australia) Limited (mortgagee);

Lots 89 and 109 Deposited Plan 1231485, being parts of the land in Certificate of Title 28/4/60038 and said to be in the possession of Ivan Vavtar (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 2 and 3 Deposited Plan 1231495, being parts of the land in Certificate of Title 40/182752 and said to be in the possession of Steven John Burns (registered proprietor) and AFSH Nominees Pty Ltd (mortgagee);

Lots 12 and 14 Deposited Plan 1231499, being parts of the land in Certificate of Title 39/82753 and said to be in the possession of Rebecca Lemay (registered proprietor) and Credit Union Australia Limited (mortgagee);

Lots 13 and 15 Deposited Plan 1231499, being parts of the land in Certificate of Title 1/933195 and said to be in the possession of Johanes Lukito (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 24 and 43 Deposited Plan 1231497, being parts of the land in Certificate of Title 1/943558 and said to be in the possession of Lisa Nicola Henderson and Jamie Christopher Forsberg (registered proprietors) and Commonwealth Bank of Australia (mortgagee);



Lots 25 and 44 Deposited Plan 1231497, being parts of the land in Certificate of Title 1/944152 and said to be in the possession of Dragica Klimoski and Zora Klimoski;

Lots 26 and 45 Deposited Plan 1231497, being parts of the land in Certificate of Title 41/3/60038 and said to be in the possession of Pavle Petroski and Vesela Petroska;

Lots 27 and 46 Deposited Plan 1231497, being parts of the land in Certificate of Title 40/67722 and said to be in the possession of Roselynn Leanne Trussler (registered proprietor) and National Australia Bank Limited (mortgagee);

Lots 28 and 47 Deposited Plan 1231497, being parts of the land in Certificate of Title 39/67722 and said to be in the possession of Adam Scott Johnston and Tabby Johnston (registered proprietors) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 29 and 48 Deposited Plan 1231497, being parts of the land in Certificate of Title 38/533960 and said to be in the possession of Peter Stephan Hornitzky and Robyn Hornitzky;

Lots 30 and 49 Deposited Plan 1231497, being parts of the land in Certificate of Title 37/67722 and said to be in the possession of Petar Trajceviski and Vangjelka Trajceska;

Lots 31 and 50 Deposited Plan 1231497, being parts of the land in Certificate of Title 1/74146 and said to be in the possession of Thi My Chi Tran (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 32 and 51 Deposited Plan 1231497, being parts of the land in Certificate of Title 35/58753 and said to be in the possession of Edgardo Manebog and Roselia Manebog (registered proprietors) and St George Bank Limited (mortgagee);

Lots 33 and 52 Deposited Plan 1231497, being parts of the land in Certificate of Title 34/558068 and said to be in the possession of Purfella Castulo Abella (registered proprietor) and St George Bank Limited (mortgagee);

Lots 34 and 53 Deposited Plan 1231497, being parts of the land in Certificate of Title B/334080 and said to be in the possession of James Richard Talbot and Siobhan Hannan (registered proprietors) and Newcastle Permanent Building Society Limited (mortgagee);

Lots 35 and 54 Deposited Plan 1231497, being parts of the land in Certificate of Title C/334080 and said to be in the possession of Dance Samardzioska and Pandeli Kambos (registered proprietors) and Westpac Banking Corporation (mortgagee);

Lots 36 and 55 Deposited Plan 1231497, being parts of the land in Certificate of Title 19/67722 and said to be in the possession of Christopher Mark Aschman and Iris Andrea Vasquez-Aschman (registered proprietors) and Bendigo and Adelaide Bank Limited (mortgagee);

Lots 37 and 56 Deposited Plan 1231497, being parts of the land in Certificate of Title 20/534286 and said to be in the possession of Trajan Adzioski and Cveta Adzioski (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 38 and 57 Deposited Plan 1231497, being parts of the land in Certificate of Title 21/574799 and said to be in the possession of Craig David Niven (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 39 and 58 Deposited Plan 1231497, being parts of the land in Certificate of Title 1/774115 and said to be in the possession of John Alexander Rogers and Catherine Louise Rogers (registered proprietors) and HSBC Bank Australia Limited (mortgagee);

Lots 40 and 59 Deposited Plan 1231497, being parts of the land in Certificate of Title 2/774115 and said to be in the possession of Ashley Teresa Lay and Emily Lay (registered proprietors) and Macquarie Bank Limited (mortgagee);

Lots 41 and 60 Deposited Plan 1231497, being parts of the land in Certificate of Title 25/3/60038 and said to be in the possession of Dinka Zoraja;

Lots 101 and 102 Deposited Plan 1231500, being parts of the land in Certificate of Title 18/61398 and said to be in the possession of Peter Cvetkovski and Nada Cvetkovski;

Lots 201 and 202 Deposited Plan 1231501, being parts of the land in Certificate of Title 24/3/192503 and said to be in the possession of Ashley Teresa Lay and Emily Lay (registered proprietors) and Macquarie Bank Limited (mortgagee); and

Lots 2 and 3 Deposited Plan 1231523, being parts of the land in Certificate of Title 30/85236 and said to be in the possession of John Michael Myers, Pamela Mary Myers and Stephen Bradley Myers.

(RMS Papers: SF2017/096060; RO SF2016/072315)

## **Mining and Petroleum Notices**

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NOTICE is given that the following applications have been received:

### **EXPLORATION LICENCE APPLICATIONS**

(T17-1172)

No. 5567, SILVER CITY MINERALS LIMITED (ACN 130 933 309), area of 2 units, for Group 1, dated 11 October, 2017. (Broken Hill Mining Division).

(T17-1174)

No. 5569, SNOSEN PTY LTD (ACN 145 692 744), area of 125 units, for Group 1, dated 12 October, 2017. (Orange Mining Division).

(T17-1175)

No. 5570, SNOSEN PTY LTD (ACN 145 692 744), area of 56 units, for Group 1, dated 12 October, 2017. (Orange Mining Division).

(T17-1176)

No. 5571, SCORPIO RESOURCES PTY LTD (ACN 109 158 769), area of 12 units, for Group 1, dated 13 October, 2017. (Cobar Mining Division).

(T17-1177)

No. 5572, FORBEX PTY LTD (ACN 603 765 555), area of 38 units, for Group 1, dated 14 October, 2017. (Orange Mining Division).

(T17-1179)

No. 5575, PEEL MINING LIMITED (ACN 119 343 734), area of 127 units, for Group 1, dated 16 October, 2017. (Cobar Mining Division).

(T17-1180)

No. 5576, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 37 units, for Group 1, dated 16 October, 2017. (Broken Hill Mining Division).

(T17-1181)

No. 5577, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 27 units, for Group 1, dated 16 October, 2017. (Broken Hill Mining Division).

(T17-1182)

No. 5578, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 39 units, for Group 1, dated 16 October, 2017. (Broken Hill Mining Division).

(T17-1183)

No. 5579, STRATEGIC METALS AUSTRALIA PTY LTD (ACN 167 122 714), area of 4 units, for Group 1, dated 17 October, 2017. (Orange Mining Division).

### **MINING LEASE APPLICATION**

(T17-1506)

No. 545, SHOALHAVEN COAL PTY LTD (ACN 070 863 893), area of about 20.5965 hectares, for the purpose of ancillary mining activity, dated 11 October, 2017. (Orange Mining Division).

The Honourable Don Harwin MLC  
Minister for Resources

NOTICE is given that the following applications have been granted:

**ASSESSMENT LEASE APPLICATION**

(T16-1121)

Orange No. 57, now Assessment Lease No. 22, WESTLIME PTY LIMITED (ACN 090 152 828), Parish of Nelungalong, County of Ashburnham, area of about 44.78 hectares, for clay/shale, dimension stone, feldspathic materials and limestone, dated 4 October, 2017, for a term until 4 October, 2023.

**EXPLORATION LICENCE APPLICATIONS**

(T17-1092)

No. 5497, now Exploration Licence No. 8655, PEEL MINING LIMITED (ACN 119 343 734), Counties of Blaxland and Mouramba, Map Sheet (8132, 8133), area of 100 units, for Group 1, dated 10 October, 2017, for a term until 10 October, 2020.

(T17-1093)

No. 5498, now Exploration Licence No. 8656, PEEL MINING LIMITED (ACN 119 343 734), County of Mouramba, Map Sheet (8133), area of 75 units, for Group 1, dated 10 October, 2017, for a term until 10 October, 2020.

(T17-1134)

No. 5538, now Exploration Licence No. 8657, BACCHUS RESOURCES PTY LTD (ACN 606340872), County of Mouramba, Map Sheet (8134), area of 46 units, for Group 1, dated 10 October, 2017, for a term until 10 October, 2022.

**MINING LEASE APPLICATIONS**

(T15-1119)

Wagga Wagga No. 519, now Mining Lease No. 1762 (Act 1992), PGH BRICKS AND PAVERS PTY LIMITED (ACN 168794821), Parish of Galore, County of Urana, Map Sheet (8227-1-S), area of 11.28 hectares, to mine for clay/shale, dated 13 September, 2017, for a term until 13 September, 2038.

(T16-1080)

Cobar No. 531, now Mining Lease No. 1763 (Act 1992), EMC METALS AUSTRALIA PTY LTD (ACN 160 223 325), Parish of Gilgai, County of Flinders, Map Sheet (8234-1-N, 8334-4-N), area of 874.3 hectares, to mine for scandium and its ores, dated 4 October, 2017, for a term until 4 October, 2038.

The Honourable Don Harwin MLC  
Minister for Resources

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NOTICE is given that the following applications have been withdrawn:

**EXPLORATION LICENCE APPLICATIONS**

(T15-1013)

No. 5144, ROLLING ROCK AUSTRALIA PTY LTD (ACN 144964054), County of Monteagle, Map Sheet (8529). Withdrawal took effect on 12 October, 2017.

(T17-1114)

No. 5514, MT BROWNE MINING GROUP PTY LTD (ACN 619 711 867), County of Evelyn, Map Sheet (7238). Withdrawal took effect on 16 October, 2017.

(T17-1123)

No. 5523, PANDA MINING PTY LTD (ACN 137548237), County of Yancowinna, Map Sheet (7133, 7134). Withdrawal took effect on 16 October, 2017.

The Honourable Don Harwin MLC  
Minister for Resources

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

(Z10-1541)

Exploration Licence No. 2921, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 11 units. Application for renewal received 11 October, 2017.

(T10-0300)

Exploration Licence No. 7974, WATTLE RESOURCES PTY LIMITED (ACN 138383114), area of 4 units. Application for renewal received 10 October, 2017.

(T17-1178)

Exploration Licence No. 8475, ALLOY MINERALS PTY LTD (ACN 611 918 846), area of 91 units. Application for renewal received 16 October, 2017.

The Honourable Don Harwin MLC  
Minister for Resources

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### RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(Z07-0159)

Assessment Lease No. 17, ZEOLITE AUSTRALIA PTY LIMITED (ACN 000 038 497), Parish of Grenfell, County of Buckland, Map Sheet (9035-3-3, 9035-3-S), area of 2.2 square kilometres, for a further term until 12 May, 2020. Renewal effective on and from 10 October, 2017.

(V17-5065)

Exploration Licence No. 5958, RIMFIRE PACIFIC MINING N.L. (ACN 006 911 744), County of Yancowinna, Map Sheet (7133, 7134), area of 27 units, for a further term until 24 June, 2019. Renewal effective on and from 10 October, 2017.

(V17-3571)

Exploration Licence No. 6074, LIONSVILLE GOLD PTY LTD (ACN 115 850 961), County of Drake, Map Sheet (9339), area of 4 units, for a further term until 6 May, 2019. Renewal effective on and from 10 October, 2017.

(V17-5136)

Exploration Licence No. 6592, MINCOR COPPER PTY LTD (ACN 120 024 777), County of Kennedy, Map Sheet (8333), area of 50 units, for a further term until 29 June, 2020. Renewal effective on and from 10 October, 2017.

(V17-8039)

Exploration Licence No. 8143, BROKEN HILL PROSPECTING LIMITED (ACN 003 453 503), County of Yancowinna, Map Sheet (7133), area of 4 units, for a further term until 26 July, 2020. Renewal effective on and from 10 October, 2017.

(V17-4179)

Exploration Licence No. 8272, VENQUA INVESTMENTS PTY LTD (ACN 125 081 414), County of Gough, Map Sheet (9138), area of 4 units, for a further term until 2 June, 2020. Renewal effective on and from 10 October, 2017.

(T01-0613)

Mining Lease No. 1329 (Act 1992), AUSTRALIAN DOLOMITE COMPANY PTY LIMITED (ACN 000 810 551), Parish of Kendale, County of Westmoreland, Map Sheet (8830-1-N), area of 1.65 hectares, for a further term until 24 September, 2023. Renewal effective on and from 16 October, 2017.

(Z15-1508)

Mining Lease No. 1375 (Act 1992), OMYA AUSTRALIA PTY LIMITED (ACN 001 682 533), Parish of Ponsonby, County of Bathurst, Map Sheet (8730-1-N, 8830-4-N), area of 34.46 hectares, for a further term until 28 August, 2037. Renewal effective on and from 16 October, 2017.



(Z15-1969)

Mining Lease No. 1380 (Act 1992), CENTENNIAL NEWSTAN PTY LIMITED (ACN 101 508 865), Parish of Awaba, County of Northumberland, Map Sheet (9231-4-N, 9232-3-S), area of 78 hectares, for a further term until 18 September, 2037. Renewal effective on and from 14 August, 2017.

(Z16-0085)

Mining Lease No. 1383 (Act 1992), TRITTON RESOURCES PTY LTD (ACN 100 095 494), Parish of Gidalambone, County of Canbelego, Map Sheet (8235-1-S, 8235-2-N), area of 1311 hectares, for a further term until 13 January, 2038. Renewal effective on and from 16 October, 2017.

The Honourable Don Harwin MLC  
Minister for Resources

## Primary Industries Notices

### BIOSECURITY ACT 2015

#### Instrument of Appointment of Authorised Officers and Approval of Functions – Department of Primary Industries and Local Land Services officers

I, Peter Day, Director Biosecurity & Food Safety Compliance, in exercise of delegated authority of the Secretary and of the Secretary as Accreditation Authority under the *Biosecurity Act 2015* (the Act) make the following appointments and approvals:

- 1) Pursuant to section 361 of the Act, I appoint the persons listed in Column 1 of the table set out in Schedule 1 as authorised officers for the purposes of the Act.
- 2) Pursuant to section 195 of the Act, I approve those authorised officers listed in Column 1 of the table set out in Schedule 1 to exercise the functions of a biosecurity certifier as specified in Column 2 of the table.

#### **Duration of appointment and approval:**

The appointment and approval of each person listed in Schedule 1 will end on the earliest of the following dates:

- A. the date that is five years from the date of this instrument; or
- B. the date of revocation of this instrument, or an instrument of revocation of appointment of a person listed in Schedule 1 as an authorised officer; or
- C. the date that the person ceases to be employed by either the Department of Industry or the Local Land Services.

Dated this 18th day of October 2017

PETER DAY

PETER DAY

DIRECTOR

BIOSECURITY & FOOD SAFETY COMPLIANCE

(as delegate on behalf of the Secretary of the Department of Industry)

#### SCHEDULE 1

Column 1 Name of person appointed as authorised officer	Column 2 Approved functions of biosecurity certifier
Bruce Watt	NIL Conditions
Clare Hamilton	NIL Conditions
Karen Kirkby	NIL Conditions
Peter Turner	NIL Conditions
Ben Rampano	NIL Conditions
Sophie Hemley	NIL Conditions
Graham Martin Kelly	NIL Conditions
Grahame Patrick Kelly	NIL Conditions

### BIOSECURITY ACT 2015

#### Instrument of Appointment of Authorised Officers – Department of Primary Industries, Fisheries Officers

I, Peter Day, Director Biosecurity & Food Safety Compliance, in exercise of delegated authority of the Secretary under the *Biosecurity Act 2015* (the Act), pursuant to section 361 of the Act, appoint the persons listed in Column 1 of the table set out in Schedule 1 as authorised officers for the purposes of the Act.

#### **Duration of appointment:**

The appointment of each person listed in Schedule 1 will end on the earliest of the following dates:

1. the date that is five years from the date of this instrument; or
2. the date of revocation of this instrument, or an instrument of revocation of appointment of a person listed in Schedule 1 as an authorised officer; or
3. the date that the person ceases to be employed by the Department of Industry.

Dated this 18th day of October 2017

PETER DAY

PETER DAY

DIRECTOR

BIOSECURITY & FOOD SAFETY COMPLIANCE

(as delegate on behalf of the Secretary of the Department of Industry)

**SCHEDULE 1**

<b>Column 1</b> <b>Name of appointed person</b>
Peter Henwood Amie Wilson

Note: the appointment of authorised officers is subject to any conditions set out in the Act or in the *Biosecurity Regulation 2017*.

**BIOSECURITY ACT 2015**

Erratum

The notice placed in the Government Gazette No. 72 of 30 June 2017, pages 23-34

Where the appointed names were published as listed, should read as per the following corrected list:

<b>Published in Gazette No 72</b>	<b>Corrected appointed names</b>
Nick Schroder	Nicholas Schroder
Bob Loring	Robert Loring
Belinda Head	Belinda Collingburn
Mick Northam	Michael Northam
Ben Audet	Benjamin Audet
Tony Brady	Anthony Brady
Ron Smith	Ronald Smith
Chris Clarke	Christopher Clarke
Ben Travis	Benjamin Travis
Ben Brewer	Benjamin Brewer
Amie Hibberd	Amie Wilson
Liz Alldritt	Elizabeth Alldritt
Ben Donaldson	Benjamin Donaldson
Tony Day	Anthony Day

# **Fisheries Management (Issue of Quota Shares) Instrument 2017**

under the

Fisheries Management Act 1994

I, NIALL MARK BLAIR, MLC, Minister for Primary Industries, in pursuance of clause 6C of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, clause 6C of the Appendix to the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006 and clause 5C of the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006, make the following Instrument issuing quota shares.

Dated this 17th day of October 2017

**NIALL MARK BLAIR, MLC**  
**Minister for Primary Industries**

## **Explanatory note**

This Instrument is made under clause 6C of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, clause 6C of the Appendix to the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006 and clause 5C of the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006. The object of this Instrument is to issue quota shares to eligible shareholders in the estuary general, ocean hauling and ocean trap and line fisheries.

## **Fisheries Management (Issue of Quota Shares) Instrument 2017**

under the

*Fisheries Management Act 1994*

### **1 Name of Instrument**

This Instrument is the *Fisheries Management (Issue of Quota Shares) Instrument 2017*.

### **2 Commencement**

This Instrument commences on the date on which it is made.

### **3 Interpretation**

(1) In this Instrument:

***eligible shareholder:***

- (a) in the case of the estuary general fishery – has the same meaning as in clause 6B of the EG Plan;
- (b) in the case of the ocean hauling fishery – has the same meaning as in clause 6B of the OH Plan;
- (c) in the case of the ocean trap and line fishery - has the same meaning as in clause 5B of the OTL Plan.

***estuary general fishery*** means the share management fishery of that name, as described in Schedule 1 to the Act.

***ocean hauling fishery*** means the share management fishery of that name, as described in Schedule 1 to the Act.

***ocean trap and line fishery*** means the share management fishery of that name, as described in Schedule 1 to the Act.

***quota shares:***

- (a) in the case of the estuary general fishery – has the same meaning as in clause 6A of the EG Plan;
- (b) in the case of the ocean hauling fishery – has the same meaning as in clause 6A of the OH Plan;
- (c) in the case of the ocean trap and line fishery – has the same meaning as in clause 5A of the OTL Plan.

*the Act* means the *Fisheries Management Act 1994*.

*the EG Plan* means the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006.

*the OH Plan* means the Appendix to the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006.

*the OTL Plan* means the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

- (2) Unless otherwise defined in this Instrument, words and expressions that are defined in the Act have the same meaning in this Instrument.

**4 Issue of quota shares to eligible shareholders in the estuary general fishery**

Pursuant to clause 6C(1) of the EG Plan, quota shares are issued to eligible shareholders in the estuary general fishery as set out in the Schedule to this Instrument.

**5 Issue of quota shares to eligible shareholders in the ocean hauling fishery**

Pursuant to clause 6C(1) of the OH Plan, quota shares are issued to eligible shareholders in the ocean hauling fishery as set out in the Schedule to this Instrument.

**6 Issue of quota shares to eligible shareholders in the ocean trap and line fishery**

Pursuant to clause 5C(1) of the OTL Plan, quota shares are issued to eligible shareholders in the ocean trap and line fishery as set out in the Schedule to this Instrument.

## Schedule Quota shares issued in the estuary general, ocean hauling and ocean trap and line fisheries

In this Schedule the share class codes set out in Column 4 have the following meanings:

**EGMCQ** means estuary general – mud crab quota shares – see clauses 5(j) and 6A(1)(a) of the EG Plan.

**EGBSCQ** means estuary general – blue swimmer crab quota shares – see clauses 5(k) and 6A(1)(b) of the EG Plan.

**EGEQ** means estuary general – eel quota shares – see clauses 5(l) and 6A(1)(c) of the EG Plan.

**OHESGQ** means ocean hauling – eastern sea garfish quota shares – see clauses 5(f) and 6A(1) of the OH Plan.

**OTLSCQ** means ocean trap and line – spanner crab quota shares – see clauses 4(g) and 5A(1) of the OTL Plan.

Column 1	Column 2	Column 3	Column 4
Fishing Business number	Registration Number	Shareholder name	Allocation
1	960162	MOWBRAY, Donald Edward	EGBSCQ:7, EGMCQ:2
7	150030	MCRAE, Ian Stewart	OTLSCQ:50
11	781893	SEWELL BM, Keith Walter	EGBSCQ:12, EGMCQ:28
14	960086	GRAEME LESLEIGH & JENNIFER ANNE WILLIAMS	EGBSCQ:5, EGMCQ:2, EGEQ:125
15	780895	DWYER, Harold Sydney	EGBSCQ:3, EGMCQ:1
18	10195	FIDDEN, Joel Geoffrey	EGBSCQ:118, EGMCQ:6
21	820534	DRINKWATER, James Reginald	EGBSCQ:58, EGMCQ:4
23	90117	SWANKY INVESTMENTS PTY LTD	EGBSCQ:30, EGMCQ:4
29	771925	TARRANT, Glyn Edward	EGBSCQ:11
32	110008	MIDDLETON, Shane	EGBSCQ:11
41	90059	TARRANT, Beverley Grace	EGBSCQ:30, EGMCQ:4, EGEQ:125
65	20039	HALL, Nathan James	EGBSCQ:3, EGMCQ:155
69	810006	PICKFORD, Adam Regan	EGBSCQ:57, EGMCQ:69, EGEQ:500
91	820526	TAMMJARV, Alan	EGEQ:250
102	780721	EVERSON, Steven John	EGBSCQ:5, EGMCQ:2
110	930124	SHEPPARD, Jason Mark	EGBSCQ:141, EGMCQ:446
114	970078	VANCE, Tyron	EGBSCQ:3, EGMCQ:1
124	960097	WATTERSON, Dean Anthony	EGBSCQ:4, EGMCQ:2
131	30068	TONY GOGOVSKI & REBEKAH GRAHAM	OTLSCQ:15
132	980068	BAKER, William Neil	EGBSCQ:155, EGMCQ:133, EGEQ:125

Column 1	Column 2	Column 3	Column 4
Fishing Business number	Registration Number	Shareholder name	Allocation
135	860385	ESSEX, Matthew Charles	EGBSCQ:6, EGMCQ:2, EGEQ:375
140	890228	IANNI, Tony	EGBSCQ:14
149	80093	HUGHES, Jason Scott	EGBSCQ:3, EGMCQ:1
151	820427	MAHER, Mark Anthony	EGBSCQ:13, EGMCQ:1
152	830327	REED, Stephen James	EGBSCQ:18, EGMCQ:7
159	50065	ZANGARI SEAFOODS PTY LTD	EGBSCQ:4, EGMCQ:2, EGEQ:125
162	70007	ZACCAGNINI, Anthony Franco	EGBSCQ:96, EGMCQ:5
173	70078	CLARKE, Harley	OTLSCQ:21
181	830640	AISH, Craig Anthony	EGBSCQ:96, EGMCQ:5, EGEQ:135
185	120069	RAGNO, Samuel	EGBSCQ:30, EGMCQ:4
186	810172	RAGNO, Anthony Mauro	EGBSCQ:376, EGMCQ:67
187	160130	Peter and Simone RAGNO	EGBSCQ:370, EGMCQ:66
189	940113	TANSEY, David William	EGBSCQ:11, EGMCQ:5
201	170145	Russell and Scott Massey	EGBSCQ:210, EGMCQ:9
216	770191	KESBY, Graham John	EGBSCQ:155, EGMCQ:133
223	120076	CHAPMAN, Dean Gregory	EGBSCQ:7, EGMCQ:3, EGEQ:125
227	70080	LOMAS, Michael	EGBSCQ:71, EGMCQ:10
237	130221	PETERSEN, Scott	EGBSCQ:1, EGMCQ:155
239	100073	IRELAND, Kale John	EGBSCQ:82, EGMCQ:11
241	850391	ELLIOTT, Danny James	EGBSCQ:712, EGMCQ:99, EGEQ:125
243	60047	PATEMAN, Todd Ronald	EGBSCQ:3, EGMCQ:1
253	980204	BONNYRIGG HOLDINGS P/L	EGBSCQ:14, EGMCQ:2, EGEQ:125
286	10152	DANIEL ALLAN KOLO AND LYNNETE FRANCIS KOLO	OTLSCQ:100
297	930102	CHALKLEY, Daniel George Peter	EGBSCQ:375, EGMCQ:4
299	860364	HENDERSON, Graham Leslie	EGBSCQ:41, EGMCQ:66, EGEQ:125
300	840160	HENDERSON, Gregory John	EGBSCQ:30, EGMCQ:66, EGEQ:125
303	940047	LOY, Garry James	EGBSCQ:6, EGMCQ:3
304	790434	PEMBERTON, Graham John	EGBSCQ:96, EGMCQ:5, OHESGQ:160
307	781221	PRINDABLE, Ronald James	EGBSCQ:23, EGMCQ:68
312	930014	PADDOCKMIST PTY LTD	EGBSCQ:1, EGMCQ:1
318	150105	MCGARRY, IJean Carbonquillo	EGBSCQ:106, EGMCQ:7
333	790300	JUDD, Christopher Leslie Aubrey	EGBSCQ:16
334	840196	MORGAN, David John	EGBSCQ:14, EGMCQ:2



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
352	910156	BRISLANE, Reala John	EGBSCQ:14, EGMCQ:133
353	970147	PETTIT, Dean Francis	EGEQ:125
355	140029	AQUILINA, Paul John	EGBSCQ:12, EGMCQ:2, EGEQ:475
366	781893	SEWELL BM, Keith Walter	EGBSCQ:11, EGEQ:125
367	50067	TROY ROBSON BRICKLAYING P/L	OTLSCQ:81
369	110078	CHAPMAN, Gregory Malcolm	EGBSCQ:5, EGMCQ:2
371	10163	CLOUTEN, Kristopher John	EGBSCQ:30, EGMCQ:4, EGEQ:125
378	80005	RODNEY F & CAROL B WRIGHT	EGBSCQ:13, EGMCQ:68
379	60054	A R & K F FORSTER P/L	OHESGQ:565
382	910143	BUTLER, Brian James	EGBSCQ:7, EGMCQ:2, EGEQ:100
394	811041	PLATER, Graham John	EGBSCQ:3, EGMCQ:1, EGEQ:125
395	150035	HENRY, Jack Dean	EGBSCQ:30, EGMCQ:127
397	150080	CLIFF, Marjorie	EGBSCQ:335
399	791355	ROSSKELLY, Steven	EGBSCQ:364, EGMCQ:237
400	770473	ROSSKELLY, Frank Clement	EGBSCQ:685, EGMCQ:127
401	801020	HOLTEN, Warren	EGBSCQ:14, EGMCQ:2
403	90154	PETER WILLIAM F OFFNER AND SUSAN THERESA OFFNER	EGBSCQ:1
409	30127	MCNEICE, Colin	EGBSCQ:3, EGMCQ:1
410	810711	KING, Craig David	EGBSCQ:330, EGMCQ:11, OHESGQ:40
411	890306	TREVOR WILLIAM FRANKLIN & PAUL GREGORY FRANKLIN	EGBSCQ:222, EGMCQ:5
412	811008	BORDIN, Stephen Anthony	OTLSCQ:150
419	920005	JOHNSON, Desmond Keith	EGBSCQ:30, EGMCQ:4
420	80022	TWEED COAST POST FORMING PTY LTD	EGBSCQ:6, EGMCQ:2
426	830548	DALEY, Edward Keith	EGBSCQ:16, EGMCQ:4
437	781331	MILES, Brian Joseph	EGBSCQ:155, EGMCQ:264, EGEQ:125
443	130002	ROBINSON, Brian	EGBSCQ:70, EGMCQ:8
446	880169	IRELAND, Wayne Geoffrey	EGBSCQ:155, EGMCQ:133, EGEQ:215
447	780547	DOBSON, Ross	EGBSCQ:252, EGMCQ:134, EGEQ:215
449	100074	ARBLASTER, Mark	EGBSCQ:3
458	60099	EVERSON, Jamie John	EGBSCQ:5, EGMCQ:69
461	910011	STANTON, Peter Graham	EGBSCQ:278, EGMCQ:12, EGEQ:125
469	970028	CAPPER, Stephen	EGBSCQ:4, EGMCQ:2

Column 1	Column 2	Column 3	Column 4
Fishing Business number	Registration Number	Shareholder name	Allocation
471	920179	MICALLEF, Braiden Thomas	EGBSCQ:30, EGMCQ:4
480	990076	ROBERT PHILLIPS & ANTHONY ROBERT PHILLIPS	EGBSCQ:364, EGMCQ:4
481	830535	CARBONE, Domenic Salvatore	EGBSCQ:7, EGMCQ:2
488	40004	MEYER, Wayne Leslie	EGMCQ:67
490	840097	STANFORD, Paul Edward	EGBSCQ:13, EGMCQ:3, EGEQ:225
509	880247	RELF, Scott Charles	EGBSCQ:24, EGMCQ:4
519	130034	DAVIS, CHRISTOPHER	EGBSCQ:155, EGMCQ:133
520	850252	DAVIS, Christopher Rock	EGBSCQ:155, EGMCQ:133
531	771925	TARRANT, Glyn Edward	EGBSCQ:375, EGMCQ:4
534	970063	ELLEM, Bruce Andrew	EGBSCQ:7, EGMCQ:3, EGEQ:250
538	860228	JOHNSON, Allan John	EGBSCQ:3, EGMCQ:1
541	840196	MORGAN, David John	EGBSCQ:309, EGMCQ:266
543	900145	HINE, John Peter	EGBSCQ:41, EGMCQ:12, EGEQ:125
544	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGBSCQ:14, EGMCQ:369
550	810030	SJOSTROM, Jeffrey Arthur	EGBSCQ:13, EGMCQ:3
556	772108	WYNN, Kelvin John	EGBSCQ:49, EGMCQ:4
558	770263	SAUNDERS, Raymond Frank	EGBSCQ:41, EGMCQ:4
559	140060	GOLBY, Ryan	EGBSCQ:1379, EGMCQ:67
563	950118	GREENAWAY, Joseph	EGBSCQ:4, EGMCQ:1
564	10023	PEMBERTON, Paul John	EGBSCQ:96, EGMCQ:5, OHESGQ:90
572	10115	PACIFIC OCEAN RANCH P/L	OTLSCQ:1
575	110063	JARMAN, Paul Braybrook	OTLSCQ:7
578	781227	ROBINSON, Peter James	EGBSCQ:7, EGMCQ:2, OHESGQ:10
581	960008	EVERSON, Sean Athol	EGBSCQ:3, EGMCQ:68, EGEQ:125
588	791070	TARRANT, Rodney John	EGBSCQ:364, EGMCQ:4
589	830085	TARRANT, Gregory Wayne	EGBSCQ:375, EGMCQ:4, OHESGQ:50
592	140078	Alex H, Tim R & Max E Windshuttle	EGBSCQ:8
599	920111	SPEIRS, Anthony John	EGBSCQ:2, EGMCQ:1
600	10073	POOLE, Nathan Andrew	EGBSCQ:34, EGMCQ:5
611	880091	ZACCAGNINI, Paul Francis	EGBSCQ:254, EGMCQ:9, OHESGQ:40
617	110110	BRISLANE, Billy John	EGBSCQ:14, EGMCQ:133, EGEQ:125
624	90125	HEWITT, Jason John	EGBSCQ:388, EGMCQ:69, EGEQ:350

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
632	920179	MICALLEF, Braiden Thomas	EGBSCQ:379, EGMCQ:62, EGEQ:125
633	770948	MICALLEF, David Thomas	EGBSCQ:652, EGMCQ:66, EGEQ:125
636	810598	TARRANT, Michael Wayne	EGBSCQ:30, EGMCQ:4
642	170146	Gregory and Lisa Golby	EGBSCQ:699, EGMCQ:4
644	140171	MUTCH, Matthew John	EGBSCQ:780, EGMCQ:91
660	860015	JOBLIN, John Stephen	EGBSCQ:1, EGMCQ:155
676	110067	MICALLEF, Ty	EGBSCQ:41, EGMCQ:4, EGEQ:125
677	920092	EMIL LUKA HROPIC and ESMAY PATRICIA HROPIC	EGBSCQ:18, EGMCQ:10
681	70057	MALONE, Thomas David	EGBSCQ:92, EGMCQ:72
689	100026	GOODWIN, Phillip John	EGBSCQ:423, EGMCQ:73
694	820036	NEWMAN, Bradley Jonathan	EGBSCQ:53, EGMCQ:7
695	791357	PRICE, Wayne	EGBSCQ:82, EGMCQ:11
696	70118	WOOD, Herbert William	EGBSCQ:4, EGMCQ:2
702	970048	BAGGALEY, Christopher Derek	EGBSCQ:1, EGMCQ:309, EGEQ:125
713	810688	MORGAN, Joseph Robert	EGBSCQ:295, EGMCQ:133
722	140005	RYAN, Mitchell A	EGBSCQ:286, EGMCQ:13, EGEQ:125
726	920179	MICALLEF, Braiden Thomas	EGBSCQ:41, EGMCQ:4
727	830681	NILSEN, Steven John	EGBSCQ:59, EGMCQ:8, EGEQ:125
730	790975	MOANE, Mark Edward	EGBSCQ:273, EGMCQ:9
731	850397	BORDIN, Gary Stephen	OTLSCQ:320
736	782358	OLSON, Thomas Francis	EGBSCQ:30, EGMCQ:4
737	780251	KRATZ, Cecil Owen	EGBSCQ:1
742	10106	JASON DAVIDSON & ESTATE OF M DAVIDSON	EGBSCQ:10, EGMCQ:2
757	970022	J BRIERLEY, W BRIERLEY & A BRIERLEY	EGBSCQ:7, EGMCQ:2, OHESGQ:80
767	990082	BALDRY, Robert Lance	EGBSCQ:182, EGMCQ:137
768	20133	GRAEME STANLEY AND PHILLIP PAUL BYRNES	EGBSCQ:1331, EGMCQ:62, EGEQ:125
785	950075	SCHAECHER, Dale Russell	OHESGQ:180
786	860015	JOBLIN, John Stephen	OTLSCQ:207
809	50053	NOEL ATHOL EVERSON AND THE ESTATE OF TROY GREGORY EVERSON	EGBSCQ:13, EGMCQ:1
811	920179	MICALLEF, Braiden Thomas	EGBSCQ:30, EGMCQ:4
813	781807	O'GRADY, Thomas Victor	EGBSCQ:0, EGEQ:125
815	771611	CLOUTEN, Kenneth John	EGBSCQ:81, EGMCQ:8, EGEQ:125

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
817	120085	CLARKE, William Dennis	EGBSCQ:3, EGMCQ:202
821	130110	M S Thomsen & B J Thomsen	EGBSCQ:7, EGMCQ:2
827	110009	ALESSI, John Carlo	EGBSCQ:327, EGMCQ:8
834	50059	MCMURRAY, Dugald Farquharson	OTLSCQ:40
841	780445	MASSEY, Shirley Marie	EGBSCQ:115, EGMCQ:5
845	900297	MADGE, William Stanley	EGBSCQ:47, EGMCQ:7
853	782536	JOHNSON, Donald Mark	EGBSCQ:13, EGMCQ:1, EGEQ:125
858	100058	DANIEL FITZGERALD, Douglas Hinder &	EGBSCQ:41, EGMCQ:4
860	60052	MCENALLY, Lawrence John	EGBSCQ:141
862	110063	JARMAN, Paul Braybrook	OTLSCQ:7
863	980194	ROBERTS, Corey Wayne	EGBSCQ:18, EGMCQ:1
867	820354	CHHUA, Khy Hua	EGBSCQ:96, EGMCQ:5
877	830418	MOODY, Paul Harry	EGBSCQ:157, EGMCQ:134
878	780308	EVERSON, Noel Athol	EGBSCQ:3, EGMCQ:68
881	810090	WILKS, Stephen James	EGBSCQ:30, EGMCQ:4
884	781616	CAVALLO, James Richard	EGBSCQ:3, EGMCQ:68
885	830688	JOHNSON, Dallas Charles	EGBSCQ:2, EGMCQ:310
888	10076	KEMPSHALL, Graham G	EGBSCQ:18, EGMCQ:1
890	30032	MARK-DEAN OESTMANN & BEAU-DEAN OESTMANN	EGBSCQ:11, EGMCQ:67
896	100146	DORAN, Mitchell	EGBSCQ:2, EGMCQ:310
900	990165	MOLONEY, Christopher Gerard	EGBSCQ:6, EGMCQ:2, EGEQ:125
902	110006	DOBSON, Gavin	EGBSCQ:1, EGMCQ:1, OTLSCQ:15
903	800458	SPEDDING, John William Ernest	EGBSCQ:1, EGMCQ:1
908	970131	CHASE, Stuart Gordon	EGBSCQ:41, EGMCQ:188
910	930014	PADDOCKMIST PTY LTD	EGBSCQ:0
916	890028	GLEN, Eric John	EGBSCQ:30, EGMCQ:4
930	50094	SEAMIST 1 PTY LTD	OTLSCQ:55
937	20030	LENARD, Nathan Anthony	EGBSCQ:13, EGMCQ:68
939	990145	BOLAND, Craig Maxwell	EGBSCQ:3, EGMCQ:1
946	920061	IRELAND, Troy William	EGEQ:250
950	840196	MORGAN, David John	EGBSCQ:14, EGMCQ:2
953	780823	POOLE, Ian Donald	EGBSCQ:211, EGMCQ:135
956	770889	INNES, Christopher Hilton	EGBSCQ:96, EGMCQ:5
960	80100	PATEMAN, Kay	EGBSCQ:3, EGMCQ:1
961	780890	BRAMBLE, Graham	EGBSCQ:30, EGMCQ:4
962	781080	ROELANDTS, William Ronald	EGBSCQ:155, EGMCQ:133, EGEQ:125
963	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGBSCQ:239, EGMCQ:133

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
971	70024	WILTON, John	EGBSCQ:30, EGMCQ:4
975	790072	TISDELL, Rodney Clyde	EGBSCQ:55, EGMCQ:190, EGEQ:125
979	780016	PATEMAN, Keith Ivan	EGBSCQ:6, EGMCQ:2
985	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGBSCQ:169, EGMCQ:256
986	840063	COOK, Darrin James	EGBSCQ:28, EGMCQ:4
987	780444	MASSEY, Russell William	EGBSCQ:351, EGMCQ:14
988	830663	McGARRY, Paul Frederick	EGBSCQ:106, EGMCQ:7
992	870059	LAMMERINK, Edwin Derek	EGBSCQ:96, EGMCQ:5, EGEQ:125
995	780955	HUTCHEN, Charles Roupert	EGBSCQ:30, EGMCQ:4
996	850264	DAVIS, Garry Neville	EGBSCQ:6, EGMCQ:2
997	150049	ANDERSON, Travis Garry-James	EGBSCQ:3, EGMCQ:1
999	970152	SANDERS, Mitchell William	EGBSCQ:26, EGMCQ:26
1010	771399	KNEVETT, Bruce Edward	EGBSCQ:3, EGMCQ:1
1011	60092	TROTTER, Dallas Wayne	EGBSCQ:699, EGMCQ:96
1014	980145	HARGRAVES, Richard Robert	OTLSCQ:76
1015	150031	Justin G Crethar & Melissa A Gibson	OTLSCQ:85
1017	840196	MORGAN, David John	EGBSCQ:323, EGMCQ:137, OHESGQ:10
1019	130235	Mark Allan Strutt & James Frederick Strutt	EGEQ:175
1025	830668	CHEERS, Mervyn George	EGBSCQ:375, EGMCQ:66, EGEQ:125
1026	110111	BRISLANE, Jack William	EGBSCQ:17, EGMCQ:134, EGEQ:125
1030	970080	FINN, Andrew	EGEQ:125
1035	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGBSCQ:15, EGMCQ:369, EGEQ:655
1038	772109	WENDT, Noel Edward	EGBSCQ:30, EGMCQ:4, EGEQ:125
1039	70117	VAN TRUONG, John	EGBSCQ:4, EGMCQ:2
1040	770460	HEWITT, John Leslie	EGBSCQ:364, EGMCQ:66, EGEQ:375
1041	790545	HOOPER, Garry Raymond	EGBSCQ:26, EGMCQ:4
1043	771332	POOLE, Kim David	EGBSCQ:155, EGMCQ:133, EGEQ:125
1045	990073	ZARRELLA, Claudio Luciano	EGBSCQ:152, EGMCQ:5
1048	20056	PORTER, Paul Desmond	OTLSCQ:150
1051	771742	REED, Allan Sidney James	EGBSCQ:30, EGMCQ:4
1052	40109	TROTTER, Malcolm Keith	EGBSCQ:739, EGMCQ:100
1054	970026	JOBLIN, Garry Glen	EGBSCQ:1, EGMCQ:1, OHESGQ:10, OTLSCQ:131
1055	770930	JOHNSON, Barry Robert	EGBSCQ:5, EGMCQ:2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
1058	820717	GRIFFIS, Laurence John	EGBSCQ:6, EGMCQ:156
1062	960192	HEWITT JNR, John Arthur	EGBSCQ:91, EGMCQ:12, EGEQ:1200
1064	10121	DOYLE, Paul Michael	EGBSCQ:30, EGMCQ:4
1075	830224	SMITH, David William	EGBSCQ:2, EGMCQ:3
1077	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGBSCQ:14, EGMCQ:69, EGEQ:450
1078	110031	ROSSKELLY, John Edward	EGBSCQ:616, EGMCQ:123
1079	790000	DUNFORD, Charles Edward	EGBSCQ:3, EGMCQ:68
1083	880335	CLENTON, Tony	EGBSCQ:4, EGMCQ:2
1091	70100	MCLEAN, Adrian Matthew	EGBSCQ:14, EGMCQ:2, EGEQ:375
1093	960105	HORAN, Paul	EGBSCQ:3, EGMCQ:1, EGEQ:125
1099	880436	COLLIS, Gary John	EGBSCQ:6, EGMCQ:2
1101	771005	ELLIOTT, James William	EGBSCQ:364, EGMCQ:66
1106	70056	MALONE, Mitchell Joseph	EGBSCQ:91, EGMCQ:72
1107	800521	SMITH, Brett Roy	EGBSCQ:12, EGMCQ:2
1108	130174	Malcolm & Dallas Trotter	EGBSCQ:335, EGMCQ:1
1109	900269	RAGNO, Sabino Anthony	EGBSCQ:376, EGMCQ:67
1112	970079	DAWSON, Glenn Boyd	EGBSCQ:3, EGMCQ:1, EGEQ:500
1113	970078	VANCE, Tyron	EGBSCQ:13, EGMCQ:68
1115	770264	RYAN, Frederick Donald	EGBSCQ:3, EGMCQ:1
1116	890229	PILCHER, Stephen John	EGBSCQ:3, EGMCQ:68
1118	870371	ZACCAGNINI, Phillip Ernest	OHESGQ:50
1122	170146	Gregory and Lisa Golby	EGBSCQ:30, EGMCQ:4, EGEQ:125
1129	170012	Bruce Cyril Clarke & Ricky Brian Clarke	EGBSCQ:3, EGMCQ:1
1130	120055	BROWN, Brodie William	EGBSCQ:30, EGMCQ:4, EGEQ:250
1131	781893	SEWELL BM, Keith Walter	EGBSCQ:30, EGMCQ:4, EGEQ:325
1134	900227	A.R. BROADHURST & K. APPLEBY	EGEQ:125
1136	830232	AUSTON, Ross	EGBSCQ:4, EGMCQ:109
1142	910018	ESTATE OF DF CAMPBELL & JOHN WILLIAM CAMPBELL	EGBSCQ:10, EGMCQ:22
1149	781893	SEWELL BM, Keith Walter	EGBSCQ:8, EGMCQ:3
1152	90132	TULK, Brad	EGBSCQ:30, EGMCQ:4, OHESGQ:185
1157	820131	BROWN, Denis Noel	OHESGQ:130
1158	980127	AISH, Troy	EGBSCQ:41, EGMCQ:94, EGEQ:250, OHESGQ:80



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
1162	150012	BOOKER, CHRISTOPHER	EGBSCQ:2, EGMCQ:156
1170	160243	Stephen Campbell-Brown and Clayton Sharpe	EGBSCQ:7, EGMCQ:2, EGEQ:125
1177	150033	MACKAY, Johnathon	EGBSCQ:11, EGEQ:125
1178	800992	WOODWARD, David James	EGBSCQ:30, EGMCQ:4, EGEQ:125
1180	780765	BLANCH, David John	EGBSCQ:52, EGMCQ:4
1181	820006	BLANCH, Phillip	EGBSCQ:30, EGMCQ:66
1186	870344	CHAPMAN, Reece Percival	EGBSCQ:719, EGMCQ:4
1192	100087	ST LAWRENCE, Rohan	EGBSCQ:3, EGMCQ:1
1197	771680	HEYNATZ, Bruce	EGBSCQ:4, EGMCQ:156, EGEQ:250
1201	60106	VASSALLO, Wayne Phillip	EGBSCQ:309, EGMCQ:135
1204	790856	PHELPS, Mark Alan	EGBSCQ:24, EGMCQ:4
1205	850183	BUTLER, Christopher John	EGBSCQ:4, EGMCQ:28, EGEQ:125
1206	770889	INNES, Christopher Hilton	EGBSCQ:77, EGMCQ:4
1208	990019	CREIGHTON, Anthony Charles	EGBSCQ:3, EGMCQ:229
1209	920174	SMART, Jason Douglas	EGBSCQ:15, EGMCQ:2, EGEQ:125
1216	160288	Robert Ford & Cory Mitchell	OTLSCQ:4
1218	890367	MALONE, David John	EGBSCQ:30, EGMCQ:4
1221	811062	FARRELL, Allan James	EGBSCQ:1
1237	850426	BRAMBLE, Martin Lloyd	EGBSCQ:558, EGMCQ:68, EGEQ:187
1241	20109	YGO EDEN PTY LTD	EGEQ:50
1243	771201	WANT, Edward Brian	EGBSCQ:13, EGMCQ:68, EGEQ:125
1249	920150	VICKERY, Dale John	EGEQ:125
1250	160257	Cordelia Collections Pty Ltd	EGBSCQ:141, EGMCQ:262
1256	772094	ELLIOTT, Robert Angus	EGBSCQ:388, EGMCQ:69, EGEQ:125
1257	890095	ELLIOTT, Dean Andrew	EGBSCQ:370, EGMCQ:66, EGEQ:125
1259	30085	SMART, Cody Scott	EGBSCQ:155, EGMCQ:133
1261	150113	ARMSTRONG, Jordyn Blake	EGBSCQ:3, EGMCQ:1
1265	830640	AISH, Craig Anthony	EGBSCQ:12, EGMCQ:80
1271	811009	HOOPER, Gregory Oscar	EGBSCQ:21, EGMCQ:134
1274	800380	BUIE, James Norman	EGBSCQ:3, EGMCQ:94
1275	880349	MASSEY, Scott William Raymond	EGBSCQ:599, EGMCQ:19
1276	820039	GRIVINS, Ivan Karl	EGBSCQ:3, EGMCQ:68, EGEQ:125
1280	771722	TISDELL, Grahame Lesley	EGBSCQ:382, EGMCQ:105

Column 1	Column 2	Column 3	Column 4
Fishing Business number	Registration Number	Shareholder name	Allocation
1281	960177	CROFTON, Kevin	EGBSCQ:5, EGMCQ:2, EGEQ:125
1287	950123	BANKS, Robert John	EGBSCQ:30, EGMCQ:4, EGEQ:1100
1294	10187	AISH'S PTY LTD	EGBSCQ:96, EGMCQ:5, EGEQ:200
1296	950054	PRAJA, Alex John	OHESGQ:140
1304	771812	FIDDEN, Ross Geoffrey	EGBSCQ:926, EGMCQ:78
1306	950073	SHANKLAND, Gavin Barry	EGBSCQ:4, EGMCQ:403
1319	780674	SAUNDERS, Allan James	EGBSCQ:30, EGMCQ:4
1325	930020	ROBERT A. HAMILTON & SUZANE M. HAMILTON	EGBSCQ:3, EGMCQ:1
1326	782482	REED, Allan Jeffrey	EGBSCQ:376, EGMCQ:190
1329	40118	NORTHERNER ENTERPRISES PTY LIMITED	EGMCQ:462
1332	781974	FOLEY, Ross Harry	EGBSCQ:30, EGMCQ:4
1333	130103	O'SULLIVAN, KIM MAREE	EGEQ:125
1337	771820	CLOUTEN, Barry	EGBSCQ:59, EGMCQ:8
1339	120054	FIDDEN, Christopher Ross	EGBSCQ:1485, EGMCQ:265
1340	790943	BRAMBLE, Robert John	EGBSCQ:890, EGMCQ:68, EGEQ:188
1344	790975	MOANE, Mark Edward	EGBSCQ:96, EGMCQ:5
1353	781092	WEBB, Keith Allan	EGBSCQ:3, EGMCQ:68, EGEQ:125
1354	772286	BUTLER, Leonard William	EGBSCQ:1, EGEQ:125, OHESGQ:10
1355	20127	CLIFF, Craig Andrew	EGBSCQ:30, EGMCQ:4
1361	820263	MORTIMER, Anthony James	EGBSCQ:3, EGMCQ:1, EGEQ:125
1383	100060	MESSRS LANDY-ARIEL,JOHN, LANE-BENAIHA & SHEHARIAH	EGBSCQ:3, EGMCQ:1, EGEQ:125
1384	970125	CHEERS, Micheal Whyllie	EGBSCQ:539, EGMCQ:97
1389	870515	BLACKBURN BRINSLEY PTY LTD	EGBSCQ:169, EGMCQ:201
1395	10187	AISH'S PTY LTD	EGBSCQ:404, EGMCQ:131, EGEQ:125, OHESGQ:50
1400	110083	LOWE, David Sundbery	EGBSCQ:36, EGMCQ:5
1402	771866	CLOUTEN, Gordon Stanley	EGBSCQ:30, EGMCQ:4
1410	771470	AHLSTRAND, Graham Stuart	EGBSCQ:1, EGMCQ:1
1413	771663	BRAMBLE, Noel James	EGBSCQ:375, EGMCQ:116
1418	950075	SCHAECHER, Dale Russell	OHESGQ:100
1419	20133	GRAEME STANLEY AND PHILLIP PAUL BYRNES	EGBSCQ:1044, EGMCQ:70
1420	60102	BARRY ARTHUR AISH & CRAIG ANTHONY AISH	EGBSCQ:159, EGMCQ:5
1421	60039	CASSANDRA PRICE AND TIMOTHY PRICE	OTLSCQ:90



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
1422	960196	MARKWELL, Benjamin Troy	EGBSCQ:2, EGMCQ:2
1424	782539	MONIN, Lee Stewart	EGBSCQ:643, EGMCQ:152, OHESGQ:80
1427	781208	PEARSON, David Thomas	EGBSCQ:96, EGMCQ:5, OHESGQ:80
1435	800928	FIDDEN, Bruce Antony	EGBSCQ:375, EGMCQ:66
1439	70037	JOHN VERDICH & DEBRA VERDICH	EGBSCQ:335, EGMCQ:62
1440	10200	HOLLIS, Mathew Dean	EGBSCQ:30, EGMCQ:4
1450	160140	CONNOCK, Mark Hunter	EGBSCQ:5, EGMCQ:337, EGEQ:250
1451	810462	PRAJA, Zoran Hermann	OHESGQ:420
1456	130128	DIXON, BRADLEY ROBERT	EGBSCQ:13, EGMCQ:68, EGEQ:125
1460	40012	TERRANCE SMITH AND DANIEL SMITH	EGBSCQ:3, EGMCQ:1
1469	120053	HODDLE, David	EGBSCQ:3, EGMCQ:1
1471	810955	CORBETT, Clifford James	OTLSCQ:85
1474	910165	HOWARD, Richard James	EGBSCQ:30, EGMCQ:139
1475	781807	O'GRADY, Thomas Victor	EGBSCQ:1, EGMCQ:1
1478	170059	Robbo's Fisho's Pty Ltd	EGBSCQ:364, EGMCQ:66
1484	890029	MAYER, Darren John	EGBSCQ:263, EGMCQ:13
1491	970078	VANCE, Tyron	EGBSCQ:23, EGMCQ:269, EGEQ:125
1495	30001	HIGGINS, Clinton George	EGBSCQ:2, EGMCQ:157
1498	781350	SALES, Carl Steven	EGBSCQ:30, EGMCQ:4
1505	130221	PETERSEN, Scott	EGBSCQ:1, EGMCQ:155
1507	830363	PETERSON, Mark Neil	EGBSCQ:7, EGMCQ:2
1508	10170	MORRISON, Robert Charles	EGBSCQ:8, EGMCQ:4
1510	970048	BAGGALEY, Christopher Derek	OTLSCQ:85
1512	30136	T HARGRAVES FISHERIES PTY LIMITED	OTLSCQ:13
1513	870238	SMITH, Leo Edward	EGBSCQ:364, EGMCQ:4
1515	130164	VANCE, Robyn	EGBSCQ:3, EGMCQ:1, EGEQ:125
1526	860008	TULLY, Graeme Leslie	EGBSCQ:1, EGMCQ:1
1527	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGBSCQ:155, EGMCQ:275, EGEQ:640
1558	870109	JONES, Brad John	EGBSCQ:291, EGMCQ:53
1560	990016	BILLIN, Troy Samuel	EGBSCQ:17, EGMCQ:377
1571	772286	BUTLER, Leonard William	OHESGQ:70
1573	782216	CLOUTEN, Tony Allan	EGBSCQ:36, EGMCQ:5
1579	771845	WETZEL, Detlef	EGBSCQ:191, EGMCQ:9
1615	830337	DIMAIO, Peter Anthony	OTLSCQ:5
1631	830488	RAY, Robert Alwyn John	EGBSCQ:30, EGMCQ:4, EGEQ:125

Column 1	Column 2	Column 3	Column 4
Fishing Business number	Registration Number	Shareholder name	Allocation
1632	780667	CLARKE, Grahame John	OTLSCQ:7
1660	60084	ANTHONY & MARIA BOBELDYK	EGBSCQ:2, EGMCQ:310, EGEQ:125
1672	30053	WALLER, Mark A	OTLSCQ:7
1714	870202	O'CONNOR, Michael Patrick	EGBSCQ:364, EGMCQ:259
1716	170166	Stephen Armstrong Physiotherapy Pty Ltd	EGMCQ:262
1729	160265	Adrian and Melanie Trotter	EGBSCQ:1063, EGMCQ:192
1734	90089	EVANS, Joel	EGBSCQ:76, EGMCQ:9
1737	110017	FORD, Robert	EGEQ:250
1746	880216	PETERSON, Neil Edward	EGBSCQ:18, EGMCQ:3
1748	70048	GILL, Barry Wayne	EGMCQ:67
1750	970120	HERON, Paul Albert	EGBSCQ:96, EGMCQ:5
1756	780845	AISH, Barry Arthur	EGBSCQ:165, EGMCQ:6, EGEQ:625, OHESGQ:20
1762	781076	PATTERSON, Neville Hamilton	EGBSCQ:59, EGMCQ:8
1766	781732	PATEMAN, Graham Noel	EGBSCQ:6, EGMCQ:2
1767	40042	JESSOP, William Joshua	EGBSCQ:24, EGMCQ:10
1768	30069	NYE, Craig Anthony	OHESGQ:40
1780	810023	CLOUTEN, Michael Owen	EGBSCQ:59, EGMCQ:8
1781	790576	FOLEY, William Clifford	EGBSCQ:30, EGMCQ:4, EGEQ:125
1814	920179	MICALLEF, Braiden Thomas	EGBSCQ:370, EGMCQ:66
1816	772135	DAVIDSON, Sydney Thomas	EGBSCQ:18, EGMCQ:29, EGEQ:125
1834	830640	AISH, Craig Anthony	EGBSCQ:229, EGMCQ:6, EGEQ:540, OHESGQ:80
1840	150171	EAST SEA FISHERIES PTY LTD	OTLSCQ:5
1851	890062	TRUONG, Van Hong	EGBSCQ:4, EGMCQ:2
1852	840159	BALL, Max Edward	EGBSCQ:3, EGMCQ:1
1853	880335	CLENTON, Tony	EGBSCQ:4, EGMCQ:2
1856	50078	LAVENDER, Jack Damien	EGEQ:125
1857	810193	WHATSON, Christopher Gene	EGBSCQ:41, EGMCQ:66
1865	880195	GEALE, Shane Thomas	EGBSCQ:1048, EGMCQ:6
1889	140071	RAGNO, Ryan Anthony	EGBSCQ:364, EGMCQ:66
1891	810931	SALES, The Estate of Mark	EGBSCQ:30, EGMCQ:4, EGEQ:125
1905	781807	O'GRADY, Thomas Victor	EGBSCQ:1, EGMCQ:1, EGEQ:250
1926	70117	VAN TRUONG, John	EGBSCQ:8, EGMCQ:4
1945	900091	KARSTENS, Mark Steven	EGBSCQ:9, EGMCQ:3
1950	80015	TARRANT, Lee James	EGBSCQ:9
1961	990114	OPALNIUK, Dean	EGBSCQ:3, EGMCQ:1
1964	780754	MAIORANA, Antonio	EGBSCQ:3

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
1974	980011	TULLY, Ryan John	EGBSCQ:1, EGMCQ:1
1996	780019	NEWLANDS, Brian Francis	EGBSCQ:1, EGMCQ:1
2000	114	ROSE, Douglas James	EGBSCQ:18, EGMCQ:4, EGEQ:100
2001	140126	ROOKS, Grant Paul	EGBSCQ:3, EGMCQ:1
2002	980037	PATEMAN (JNR), Stephen James	EGBSCQ:5, EGMCQ:2
2015	770299	WITCHARD, Guy Alexander	EGBSCQ:3
2026	890062	TRUONG, Van Hong	EGBSCQ:8, EGMCQ:3
2030	830535	CARBONE, Domenic Salvatore	EGBSCQ:1
2032	110016	CAUCHI, Stephen Philip	EGEQ:125
2041	770170	ROSE, Douglas Barrie	EGBSCQ:7, EGMCQ:2
2045	90005	JOHN JOBLIN & GARRY JOBLIN	EGBSCQ:1, EGMCQ:1
2054	860048	CROOKS, John	EGMCQ:131
2065	110025	IRELAND, Jacob James	EGBSCQ:30, EGMCQ:66
2083	170166	Stephen Armstrong Physiotherapy Pty Ltd	OTLSCQ:7
2095	880148	ESTATE OF DESMOND WILLIAM DOBBIN & BRUCE DOBBIN	EGMCQ:27, EGEQ:50
2166	100020	BURKE, Anthony John	EGBSCQ:15, EGMCQ:7, EGEQ:125
2180	850443	ARDLER, Paul James	OHESGQ:20
2183	780118	SMITH, Stephen Colyn	EGBSCQ:41, EGMCQ:4
2206	920028	EDWARD ALLAN & SUSANNE GREENAWAY	EGBSCQ:7, EGMCQ:2, OHESGQ:10
2217	160172	CONNOLLY, Rhonda	EGBSCQ:64, EGMCQ:2
2257	770538	KENT, David Bruce	EGBSCQ:30, EGMCQ:4
2271	890270	McKENNA, Thomas Davis	EGBSCQ:4, EGMCQ:2
2275	830665	MOXHAM, Carl Phillip	EGBSCQ:8, EGMCQ:3
2349	120046	THOMAS, Bradley James	EGBSCQ:3, EGMCQ:68, EGEQ:125
2367	780667	CLARKE, Grahame John	EGBSCQ:155, EGMCQ:2
2369	90160	NGUYEN, Tu Thanh	EGBSCQ:4, EGMCQ:2
2661	80042	JAMIE IAN & TONI LORRAINE HIGGINS	EGBSCQ:6, EGMCQ:3
2687	70102	SCHONKALA, Brendan John	EGBSCQ:7, EGMCQ:3
2692	870515	BLACKBURN BRINSLEY PTY LTD	EGBSCQ:165, EGMCQ:198
2694	50081	ATHA KONDAKIS & ANDREW LAMACCHIA	EGBSCQ:96, EGMCQ:5
2698	970022	J BRIERLEY, W BRIERLEY & A BRIERLEY	EGBSCQ:7, EGMCQ:2
2699	970022	J BRIERLEY, W BRIERLEY & A BRIERLEY	EGBSCQ:7, EGMCQ:2
2702	890306	TREVOR WILLIAM FRANKLIN & PAUL GREGORY FRANKLIN	EGBSCQ:222, EGMCQ:5
2705	90154	PETER WILLIAM F OFFNER AND SUSAN THERESA OFFNER	EGBSCQ:31
2706	930071	CHEERS, Paul Leslie	EGBSCQ:575, EGMCQ:190
2707	920032	SHEPPARD, David Maxwell	EGBSCQ:96, EGMCQ:5,

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Fishing Business number</b>	<b>Registration Number</b>	<b>Shareholder name</b>	<b>Allocation</b>
			EGEQ:125
2708	782123	ALLAN, Edward Bruce	EGBSCQ:55, EGMCQ:7

# Fisheries Management (Transitional Fishing Determinations) Instrument 2017

under the

Fisheries Management Act 1994

I, GEOFF ALLAN, Deputy Director General, Fisheries, with the delegated authority of the Secretary of the Department of Industry pursuant to section 228 of the *Fisheries Management Act 1994*, and in pursuance of clause 39 of the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* and clause 22 of the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*, make the following Instrument making transitional fishing determinations in the estuary general and ocean hauling fisheries.

Dated this 18<sup>th</sup> day of October 2017

**DR GEOFF ALLAN**  
**Deputy Director General, Fisheries**  
**Department of Primary Industries**  
**(an office within the Department of Industry)**

## **Explanatory note**

This Instrument is made under clause 39 of the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006* and clause 22 of the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan)*. The object of this Instrument is to make transitional fishing determinations in the estuary general and ocean hauling fisheries.

# Fisheries Management (Transitional Fishing Determinations) Instrument 2017

under the

Fisheries Management Act 1994

## Part 1 Preliminary

### 1 Name of Instrument

This Instrument is the *Fisheries Management (Transitional Fishing Determinations) Instrument 2017*.

### 2 Duration of transitional fishing determinations

The fishing determinations made in this Instrument have effect for the period 1 December 2017 to 30 June 2018.

### 3 Interpretation

(1) In this Instrument:

*estuary general fishery* means the share management fishery of that name, as described in Schedule 1 to the Act.

*ocean hauling fishery* means the share management fishery of that name, as described in Schedule 1 to the Act.

*TAC determination* has the same meaning as in section 40A of the Act.

*TAE determination* has the same meaning as in section 40A of the Act.

*the Act* means the *Fisheries Management Act 1994*.

*the EG Plan* means the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*.

*the OH Plan* means the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*.

*transitional fishing determination* means a fishing determination made under Part 9 of the EG Plan or Part 9 of the OH Plan.

(2) Unless otherwise defined in this Instrument, words and expressions that are defined in the Act have the same meaning in this Instrument.

## Part 2 Transitional fishing determinations in the estuary general fishery

### 4 TAC determinations in the estuary general fishery

Pursuant to clause 39 of the EG Plan, the amount specified in Column 1 of the Table to this clause is determined to be the total allowable catch of the species of fish described opposite in Column 2 of the Table that may be taken in the estuary general fishery during the period 1 December 2017 to 30 June 2018.

**Table TAC determinations**

Column 1	Column 2
TAC determination	Species of fish
206.3 tonnes	Mud Crab ( <i>Scylla serrata</i> )
225.0 tonnes	Blue Swimmer Crab ( <i>Portunus armatus</i> )
137.0 tonnes	Longfin River Eel ( <i>Anguilla reinhardtii</i> ) and Shortfin River Eel ( <i>Anguilla australis</i> )

### 5 TAE determination in the estuary general fishery

(1) Pursuant to clause 39 of the EG Plan, the number of days specified in Column 1 of the Table to this clause is determined to be the total number of days during the period 1 December 2017 to 30 June 2018 in which fish may be taken in the estuary general fishery by the holder of a class of shares described opposite in Column 2 of the Table.

(2) In this clause:

*day* means a 24 hour period commencing when the relevant endorsement holder makes a pre-fishing report using the real time reporting system.

**Table TAE determinations**

Column 1	Column 2
TAE determination	Class of shares
<b>“meshing days”</b>	
2,002 days	Estuary general – meshing shares – Region 1
7,709 days	Estuary general – meshing shares – Region 2
4,846 days	Estuary general – meshing shares – Region 3
15,196 days	Estuary general – meshing shares – Region 4
2,731 days	Estuary general – meshing shares – Region 5
3,651 days	Estuary general – meshing shares – Region 6
2,521 days	Estuary general – meshing shares – Region 7
<b>“category one hauling days”</b>	
593 days	Estuary general – category one hauling shares – Region 1
2,497 days	Estuary general – category one hauling shares – Region 2
606 days	Estuary general – category one hauling shares – Region 3
3,017 days	Estuary general – category one hauling shares – Region 4
1,217 days	Estuary general – category one hauling shares – Region 5

<b>Column 1</b>	<b>Column 2</b>
<b>TAE determination</b>	<b>Class of shares</b>
994 days	Estuary general – category one hauling shares – Region 6
703 days	Estuary general – category one hauling shares – Region 7
<b>“category two hauling days”</b>	
42 days	Estuary general – category two hauling shares – Region 1
238 days	Estuary general – category two hauling shares – Region 2
97 days	Estuary general – category two hauling shares – Region 3
264 days	Estuary general – category two hauling shares – Region 4
63 days	Estuary general – category two hauling shares – Region 5
185 days	Estuary general – category two hauling shares – Region 6
48 days	Estuary general – category two hauling shares – Region 7

### Part 3 Transitional TAC determination in the ocean hauling fishery

#### 6 TAC determination in the ocean hauling fishery

Pursuant to clause 22 of the OH Plan, the amount specified in Column 1 of the Table to this clause is determined to be the total allowable catch of eastern sea garfish that may be taken in the ocean hauling fishery during the period 1 December 2017 to 30 June 2018.

**Table TAC determination**

<b>Column 1</b>	<b>Column 2</b>
<b>TAC determination</b>	<b>Species of fish</b>
45.5 tonnes	Eastern Sea Garfish ( <i>Hyporhamphus australis</i> )



## Crown Land Notices

1300 886 235 [www.crownland.nsw.gov.au](http://www.crownland.nsw.gov.au)

### CROWN LAND MANAGEMENT ACT 2016

#### Notice of Approved Native Title Manager Training

I, Paul Toole, Minister for Lands and Forestry, pursuant to section 8.2 of the *Crown Land Management Act 2016*, hereby approve the training listed in Schedule 1 as training a person must have to act as a native title manager for the purposes of Part 8 of the *Crown Land Management Act 2016*.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### SCHEDULE 1

Completion of introductory native title manager training delivered by the NSW Crown Solicitor's Office during the period from this date of notice to the date of commencement of Part 8 of the *Crown Land Management Act 2016*.

#### ARMIDALE OFFICE

#### NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A(2)(b) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A(2)(b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### Schedule

Column 1	Column 2
grazing	Reserve No. 11091 Public Purpose: travelling stock Notified: 29 March 1890 File Reference: 17/01595
	Reserve No. 43766 Public Purpose: rubbish depot Notified: 31 March 1909 File Reference: 17/01595

#### Schedule

Column 1	Column 2
storage area access	Reserve No. 19332 Public Purpose: camping, travelling stock Notified: 6 January 1894 File Reference: 17/09965

#### GOULBURN OFFICE

#### 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.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

## Schedule

Column 1	Column 2	Column 3
Kerry Susanne Gribbin (new member) Allana Kathleen Carmody (new member)  For a term commencing the date of this notice and expiring 20 August 2020.	Dalton Public Hall Reserve Trust	Reserve No. 48480 Public Purpose: public hall Notified: 15 January 1913  File Reference: GB80R147-002

## Schedule

Column 1	Column 2	Column 3
Stephen John Kearns (new member)  For a term commencing the date of this notice and expiring 09 October 2019.	Jerrawa Showground Trust	Reserve No. 74024 Public Purpose: addition, public recreation Notified: 9 February 1951  Reserve No. 35398 Public Purpose: public recreation Notified: 6 December 1902  File Reference: GB80R280-004

## REVOCATION OF RESERVATION OF CROWN LAND

Pursuant to section 90 of the *Crown Lands Act 1989*, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

The Hon PAUL TOOLE, MP  
Minister for Lands and Forestry

## SCHEDULE

COLUMN 1	COLUMN 2
Land District: Goulburn Local Government Area: Upper Lachlan Shire Council Locality: Collector Reserve No. 750008 Public Purpose: Future Public Requirements Notified: 29 June 2007 File Reference: 15/05326	The part being Whole Lot: Lot 17 DP 727525 Parish: Collector County: Argyle

## GRAFTON OFFICE

## NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

## DESCRIPTION

*Parish - Muntoonen; County - King*  
*Land District - Gunning; LGA - Upper Lachlan*

Road Closed: Lot 2 DP 1234433

File No: 17/02893

**SCHEDULE**

On closing, the land within Lot 2 DP 1234433 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Maryland; County - Buller*  
*Land District - Tenterfield; LGA - Tenterfield*

Road Closed: Lots 41-42 DP 1233248

File No: 16/01112

**SCHEDULE**

On closing, the land within Lots 41-42 DP 1233248 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Maharatta; County - Wellesley*  
*Land District - Bombala; LGA - Snowy Monaro Regional*

Road Closed: Lot 1 DP 1234830

File No: 17/06375

**SCHEDULE**

On closing, the land within Lot 1 DP 1234830 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Culnooy; County - Baradine*  
*Land District - Narrabri; LGA - Walgett*

Road Closed: Lot 2 DP 1234828

File No: 16/05994

**SCHEDULE**

On closing, the land within Lot 2 DP 1234828 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Binalong; County - Harden*  
*Land District - Boorowa; LGA - Yass Valley*

Road Closed: Lot 1 DP 1235520

File No: 17/03048

**SCHEDULE**

On closing, the land within Lot 1 DP 1235520 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Beablebar; County - Oxley*  
*Land District - Nyngan; LGA - Warren*

Road Closed: Lot 1 DP 1233532

File No: 11/06049

**SCHEDULE**

On closing, the land within Lot 1 DP 1233532 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Skinner; County - Hardinge*  
*Land District - Armidale; LGA - Armidale Regional*

Road Closed: Lot 4 DP 1235526

File No: 17/05886

## SCHEDULE

On closing, the land within Lot 4 DP 1235526 remains vested in the State of New South Wales as Crown land.

### 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.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### Schedule

Column 1	Column 2	Column 3
Keith Robert Atkins (new member) Olga Mary Hewitt (new member) Noelene Grace (re-appointment) Susan Lynette Fischer (re-appointment) Barry Kingston Hayes (re-appointment) Earle Thomas Paine (re-appointment) Selwyn John Ford (re-appointment)  For a term commencing 30 November 2017 and expiring 29 November 2022.	Alumy Creek Reserve Trust	Reserve No. 140020 Public Purpose: museum, public recreation Notified: 26 June 1987  File Reference: GF87R13-003

### REVOCATION OF RESERVATION OF CROWN LAND

Pursuant to section 90 of the *Crown Lands Act 1989*, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### Schedule

Column 1	Column 2
Land District: Casino Local Government Area: Kyogle Council Locality: Wyndham Reserve No. 93390 Public Purpose: future public requirements Notified: 15 August 1980 File Reference: 08/8428	The whole being Whole Lot: Lot 108 DP 727773 Parish Wyndham County Rous Area: about 1.07 hectares

#### Schedule

Column 1	Column 2
Land District: Casino Local Government Area: Kyogle Council Locality: Robertson, Buller (Parish, County) Reserve No. 751077 Public Purpose: future public requirements Notified: 29 June 2007 Parish Robertson County Buller File Reference: 08/8428	The part being Whole Lots: Lots 1571-1573 DP 1227902 Parish Robertson County Buller Area: about 15.78 hectares

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO  
SECTION 34A(2)(b) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A(2)(b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
environmental protection	<p>Reserve No. 986 Public Purpose: access, other public purposes, wharfage Notified: 22 August 1883 File Reference: 17/09065</p> <p>Reserve No. 28105 Public Purpose: water Notified: 17 September 1898 File Reference: 17/09065</p> <p>Reserve No. 32823 Public Purpose: access Notified: 8 June 1901 File Reference: 17/10107</p> <p>Reserve No. 34886 Public Purpose: access Notified: 16 August 1902 File Reference: 17/10107</p> <p>Reserve No. 43653 Public Purpose: preservation of native flora, public recreation Notified: 3 March 1909 File Reference: 17/10107</p> <p>Reserve No. 47946 Public Purpose: gravel pit Notified: 17 July 1912 File Reference: 17/09065</p> <p>Reserve No. 69040 Public Purpose: future public requirements Notified: 23 February 1940 File Reference: 17/10107</p> <p>Reserve No. 95558 Public Purpose: future public requirements Notified: 28 August 1981 File Reference: 17/08065</p> <p>Reserve No. 752817 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/10107</p> <p>Reserve No. 755624 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/09065</p>

### NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish - Tarban; County - Clive*  
*Land District - Tenterfield; LGA - Tenterfield*

Road Closed: Lots 1-2 DP 1202173  
File No: 14/03142

#### SCHEDULE

On closing, the land within Lots 1-2 DP 1202173 remains vested in the State of New South Wales as Crown land.

#### MAITLAND OFFICE

#### ROADS ACT 1993

#### ORDER

Transfer of a Crown Road to a Council

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

The Hon. Paul Toole, MP  
Minister for Lands and Forestry

#### SCHEDULE 1

*Parish - Morisset*  
*County - Northumberland*  
*Land District - Windermere Park*  
*Local Government Area - Lake Macquarie*

Crown public road at Windermere Park being part Chifley Road, adjacent to the eastern boundary of Lot 1 Section 9 DP 13447, as highlighted in the diagram below.

#### SCHEDULE 2



Roads Authority: Lake Macquarie Council  
Councils Reference: Not provided  
Lands File Reference: 17/06743



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**NEWCASTLE OFFICE**

**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Thornshope; County - Westmoreland*  
*Land District - Lithgow; LGA - Lithgow*

Road Closed: Lots 1-3 DP 1234235

File No: CL/00267

**SCHEDULE**

On closing, the land within Lots 1-3 DP 1234235 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Brundah; County - Monteagle*  
*Land District - Grenfell; LGA - Weddin*

Road Closed: Lot 1 DP 1230483

File No: CL/00877

**SCHEDULE**

On closing, the land within Lot 1 DP 1230483 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parishes - South Marowie, Huntawong; County - Nicholson*  
*Land District - Hillston; LGA - Carrathool*

Road Closed: Lot 3 DP 1223200

File No: 16/00165

**SCHEDULE**

On closing, the land within Lot 3 DP 1223200 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Bywong; County - Murray*  
*Land District - Queanbeyan; LGA - Queanbeyan-Palerang Regional*

Road Closed: Lot 1 DP 1233975

File No: 12/07581

**SCHEDULE**

On closing, the land within Lot 1 DP 1233975 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Coonabarabran; County - Gowen*  
*Land District - Coonabarabran; LGA - Warrumbungle*

Road Closed: Lot 1 DP 1228918

File No: 15/08025

**SCHEDULE**

On closing, the land within Lot 1 DP 1228918 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Buckley; County - Sturt*  
*Land District - Hay; LGA - Carrathool*

Road Closed: Lot 3 DP 1232459

File No: 17/02491

**SCHEDULE**

On closing, the land within Lot 3 DP 1232459 remains vested in the State of New South Wales as Crown land.

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### NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish - Scone; County - Brisbane*  
*Land District - Scone; LGA - Upper Hunter*

Road Closed: Lot 1 DP 1231318

File No: 11/12942

#### SCHEDULE

On closing, the land within Lot 1 DP 1231318 remains vested in Upper Hunter Shire Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference: OUT-12612/17 (669.03)

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### NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish - Numby; County - King*  
*Land District - Boorowa; LGA - Hilltops*

Road Closed: Lots 3-5 DP 1233981

File No: 16/09148

#### SCHEDULE

On closing, the land within Lots 3 & 4 DP1233981 remains vested in the State of New South Wales as Crown land.

On closing, the land within Lot 5 DP1233981 becomes vested in the State of New South Wales as Crown Land.

Council's reference: Cluster 498434 (W404162)

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### NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### DESCRIPTION

*Parish - Pambula; County - Auckland*  
*Land District - Bega; LGA - Bega Valley*

Road Closed: Lot 2 DP 823209 & Lot 11 DP 1233277

File No: 15/10653

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**SCHEDULE**

On closing, the land within Lot 2 DP 823209 & Lot 11 DP 1233277 remains vested in Bega Valley Shire Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference: 903/17

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Forbes; County - Wellington*  
*Land District - Orange; LGA - Cabonne*

Road Closed: Lot 5 DP 1232035

File No: 17/00035

**SCHEDULE**

On closing, the land within Lot 5 DP 1232035 remains vested in the State of New South Wales as Crown land.

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**ROADS ACT 1993**

Section 257

**ORDER**

Correction of Defective Instrument

As per the "Notification of Closing of a Road" 14/05494 which appeared in Government Gazette No 98 dated 01 September 2017, folio 4874, part of the description is hereby amended. Under heading of "description" the words "LGA - Palerang" are to be replaced with "LGA - Queanbeyan-Palerang Regional".

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parishes - Walmar, Walgett; County - Denham*  
*Land District - Walgett; LGA - Walgett*

Road Closed: Lots 1-2 DP 1222241

File No: 09/02385 TON

**SCHEDULE**

On closing, the land within Lots 1-2 DP 1222241 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Clinton; County - Bathurst*  
*Land District - Orange; LGA - Cabonne*

Road Closed: Lot 3 DP 1231380

File No: 15/08146

**SCHEDULE**

On closing, the land within Lot 3 DP 1231380 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Bolaro; County - Lincoln*  
*Land District - Dunedoo Central; LGA - Warrumbungle*

Road Closed: Lot 2 DP 1227456

File No: 16/04538

**SCHEDULE**

On closing, the land within Lot 2 DP 1227456 remains vested in the State of New South Wales as Crown land.

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**NOTIFICATION OF CLOSING OF A ROAD**

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**DESCRIPTION**

*Parish - Morundurey; County - Roxburgh*  
*Land District - Rylstone; LGA - Lithgow*

Road Closed: Lot 2 DP 1234913

File No: 17/05124

**SCHEDULE**

On closing, the land within Lot 2 DP 1234913 remains vested in the State of New South Wales as Crown land.

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**NOWRA OFFICE**


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**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A(2)(b) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A(2)(b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
filming event	Reserve No. 5592 Public Purpose: public recreation Notified: 25 February 1888 File Reference: 17/09737  Reserve No. 751273 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/09737  Reserve No. 755909 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/09737  Reserve No. 755916 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/09737

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
recreation	Reserve No. 1012708 Public Purpose: access and public requirements, tourism purposes and environmental and heritage conservation Notified: 20 October 2017 File Reference: 17/06264

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
recreation	Reserve No. 56146 Public Purpose: generally Notified: 11 May 1923 File Reference: 17/06264  Reserve No. 1011268 Public Purpose: future public requirements Notified: 3 February 2006 File Reference: 17/06264

## ORANGE OFFICE

### REVOCATION OF RESERVATION OF CROWN LAND

Pursuant to section 90 of the *Crown Lands Act 1989*, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### Schedule

Column 1	Column 2
Land District: Blayney Local Government Area: Bathurst Regional Council Locality: Trunkey Reserve No. 94708 Public Purpose: future public requirements Notified: 1 May 1981 File Reference: OE04H283	The whole being Whole Lots: Lot 151 DP 753049 Parish Mulgunnia County Georgiana Area: about 17.05 hectares

Notes: Disposal of the land contained with Special Lease 70806 to Geoffrey Paton approved.

### NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A(2)(b) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A(2)(b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### Schedule

Column 1	Column 2
grazing	Reserve No. 85114 Public Purpose: access, public recreation Notified: 20 November 1964 File Reference: 16/06859

## SYDNEY METROPOLITAN OFFICE

### 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.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

#### Schedule

Column 1	Column 2	Column 3
Melissa Tresheil Smith (new member) Douglas Warren Meredith (new member) Natalie Loren White (new member)  For a term commencing the date of this notice and expiring 27 February 2019.	Bidjigal (D1010489) Reserve Trust	Dedication No. 1010489 Public Purpose: preservation of aboriginal cultural heritage, preservation of flora and fauna, public recreation Notified: 22 October 2004  File Reference: 09/10382-01



**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO  
SECTION 34A(2)(b) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A(2)(b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon Paul Toole, MP  
Minister for Lands and Forestry

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
training purposes	Reserve No. 751627 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/08012

**Schedule**

<b>Column 1</b>	<b>Column 2</b>
sporting facilities	Reserve No. 1004608 Public Purpose: environmental protection, public recreation Notified: 30 May 2003 File Reference: 17/05338#12

Notes: Existing reservations under the Crown Lands Act are not revoked.

**WESTERN REGION OFFICE**

**ADDITION OF LANDS TO A WESTERN LANDS LEASE**

IT is hereby notified that in pursuance of Section 35C of the *Western Lands Act 1901*, the land particularised in Column 3, being the road closed in Column 4, has been added to the Western Lands Leases identified in Column 1.  
Minister for Lands and Forestry

**Description**

*Parishes - Varies Counties - Varies  
Land District - Varies  
LGA - Varies*

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Western Lands Lease No.</b>	<b>Folio ID</b>	<b>Area Addition (ha)</b>	<b>Former WDR No</b>	<b>Total Area following Addition (ha)</b>
2646	626/761644	35.65	82	4619
3069	904/762109; 909/ 762111	62.00	110	9225
4514	2328/764292; 2610/ 764638	18.61	86	2403
5570	2/751974; 3324/ 765580; 3325/765581	2.023	87	14543
8323	3981/766454	76.89	27	11621
9428	201/1206252	24.28	82	3095
10420	35/753574	13.76	82	318
10424	38/753574	30.35	82	1150
13669	5147/722944	12.14	10	2103
14176	6720/820495; 6627/ 725307	8.498	82	3854

File No.: 08/2056

**NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the *Roads Act 1993*, the roads described in Column 1 of the Schedule hereunder are closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the roads are extinguished. Upon closing the roads described in Column 1 the lands defined in Column 5 of the Schedule being the re-defined roads will be dedicated as public road.

Minister for Lands and Forestry

**Description***Parishes & Counties - Varies**Land District - Varies**LGA - Wentworth*

<b>Column 1</b> <b>Western Division Road (WDR) No. &amp; Deposited Plan (DP)</b>	<b>Column 2</b> <b>Gazetted Public Road</b>	<b>Column 3</b> <b>Road Name</b>	<b>Column 4</b> <b>Within Lot/DP</b>	<b>Column 5</b> <b>Legal Roads Network Deposited Plan (DP) No.</b>
145 (DP97145)	10 December 1982	Karpa Kora Road	5532/768442	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	5530/768440	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	444/761242	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	445/761243	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	449/761256	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	710/761918	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	1152/762472	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	6420/760351	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	6421/760351	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	2154/764079	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	2152/764077	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	2156/764081	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	2155/764080	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	4738/767966	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	3793/766206	1199809
145 (DP97145)	10 December 1982	Karpa Kora Road	6648/725365	1199809
160 (DP97160)	10 December 1982	Karpa Kora Road	5550/768460	1199809
160 (DP97160)	10 December 1982	Karpa Kora Road	5551/768461	1199809
160 (DP97160)	10 December 1982	Wilkurra Road	1147/762484	1199809
160 (DP97160)	10 December 1982	Wilkurra Road	1148/762485	1199809
160 (DP97160)	10 December 1982	Wilkurra Road	4738/767966	1199809
160 (DP97160)	10 December 1982	Wilkurra Road	1146/762483	1199809

File No.: 14/00059

**ADDITION OF LANDS TO A WESTERN LANDS LEASE**

IT is hereby notified that in pursuance of Section 35C of the *Western Lands Act 1901*, the land particularised in Column 3, being the road closed in Column 4, has been added to the Western Lands Leases identified in Column 1.

Minister for Lands and Forestry

**Description***Parishes - Varies Counties - Varies**Land District - Varies**LGA - Wentworth*

<b>Column 1</b> <b>Western Lands Lease No.</b>	<b>Column 2</b> <b>Folio ID</b>	<b>Column 3</b> <b>Area Addition (ha)</b>	<b>Column 4</b> <b>Former WDR No</b>	<b>Column 5</b> <b>Total Area following Addition (ha)</b>
4734	4738/767966	57	145	51528
1928	5550/768460	27	160	4144
2342	5551/768461	41	160	4144
3128	1148/762485	52	160	36895
4734	4738/767966	118	160	51646

File No.: 14/00059

**WITHDRAWAL OF LANDS FROM WESTERN LANDS LEASES**

IT is hereby notified that in pursuance of Section 35Q of the *Western Lands Act 1901*, the land particularised in Column 1 has been withdrawn from the Western Lands Leases identified in Column 2 for the purpose of being dedicated as public road.

Minister for Lands and Forestry

**Description***Parishes - Varies Counties - Varies**Land District - Varies**LGA - Wentworth*

<b>Column 1</b> <b>Land Withdrawn from Western Lands Lease (Lot/DP)</b>	<b>Column 2</b> <b>Western Lands Lease affected by Withdrawal</b>	<b>Column 3</b> <b>Folio ID affected by Withdrawal</b>	<b>Column 4</b> <b>Area Withdrawn from Lease (ha)</b>	<b>Column 5</b> <b>Area of Lease following Withdrawal (ha)</b>
1/1199809	2752	710/761918	0.4462	5619
2/1199809	1137	5532/768442	22.80	4062
3/1199809	1329	5530/768440; 5531/768441	19.12	4096
4/1199809	3124	1152/762472	31.29	4224
5/1199809	3586	6420/760351	6.584	4205
6/1199809	3587	6421/760351	10.03	14394
7/1199809	2314	444/761242	44.28	5970
8/1199809	2323	445/761243	27.55	6485
10/1199809	2323	445/761243	1.652	6483
11/1199809	4352	2156/764081	56.52	3835
12/1199809	4355	2155/764080	39.79	2684
13/1199809	4350	2154/764079	42.83	10453
14/1199809	4351	2152/764077	27.84	5965
15/1199809	14020	6648/725365	40.09	4637

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Land Withdrawn from Western Lands Lease (Lot/DP)</b>	<b>Western Lands Lease affected by Withdrawal</b>	<b>Folio ID affected by Withdrawal</b>	<b>Area Withdrawn from Lease (ha)</b>	<b>Area of Lease following Withdrawal (ha)</b>
16/1199809	7109	3793/766206	49.77	17216
17/1199809	4734	4738/767966	120.5	51408
18/1199809	1928	5550/768460	28.95	4115
19/1199809	2342	5551/768461	41.88	4102
20/1199809	2305	5552/768462	31.27	4113
21/1199809	4766	6416/762607; 6417/762607	39.81	73745
26/1199809	3113	1147/762484	87.15	25399
27/1199809	3128	1148/762485	53.20	36842
28/1199809	4734	4738/767966	56.28	51469

File No.: 14/00059

### DEDICATION OF CROWN LAND AS PUBLIC ROAD

IT is hereby notified that in pursuance of Section 12 of the *Roads Act 1993*, the crown land particularised below is, from the date of publication of this notice, dedicated as public road. The public road hereby dedicated is declared not to be crown road within the meaning of the *Roads Act 1993*.

Minister for Lands and Forestry

#### Description

*Parishes - Varies Counties - Varies*

*Land District - Varies*

*LGA - Wentworth*

<b>Lot/DP</b>	<b>Lot/DP</b>	<b>Lot/DP</b>	<b>Lot/DP</b>
1/1199809	7/1199809	14/1199809	20/1199809
2/1199809	8/1199809	15/1199809	21/1199809
3/1199809	10/1199809	16/1199809	25/1199809
4/1199809	11/1199809	17/1199809	26/1199809
5/1199809	12/1199809	18/1199809	27/1199809
6/1199809	13/1199809	19/1199809	28/1199809

File No.: 14/00059

### EXTENSION OF THE TERM OF A WESTERN LANDS LEASE

IT is hereby notified that in pursuance of the provisions of section 28B, *Western Lands Act 1901*, the term of the Western Lands Lease specified in the Schedule has been extended as specified.

The lease is subject to the provisions of the *Western Lands Act 1901* and the Regulations thereunder.

The Hon Paul Toole, MP.

Minister for Lands and Forestry

*Administrative District - Wentworth Shire - Wentworth  
Parish - Mourquong County - Wentworth*

WLL No	Name of Lessee	File No	Folio Identifier	Area (m <sup>2</sup> )	Term of Lease	
					From	To
13891	Albert Edward POINTON, Freda Olive POINTON	WLL13891 Vol 2	1160/725383	9194	23 October 2017	22 October 2027

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## Other Government Notices

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### ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that CURRAJONG DISABILITY SERVICES INCORPORATED (INC9879395) became registered under the *Corporations Act 2001* as CURRAJONG DISABILITY SERVICES LIMITED (ACN 621 867 338), a company limited by guarantee, on 22 September 2017, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Robyne Lunney  
Delegate of the Commissioner,  
NSW Fair Trading  
17 October 2017

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### ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that NSW AUBURN TURKISH ISLAMIC CULTURAL CENTER INCORPORATED (Y2872647) became registered under the *Corporations Act 2001* as GALLIPOLI TURKISH CULTURAL FOUNDATION LIMITED (ACN 618 870 018), a company limited by guarantee, on 5 May 2017, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Robyne Lunney  
Delegate of the Commissioner,  
NSW Fair Trading  
18 October 2017

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### COMPANION ANIMALS REGULATION 2008

#### ORDER

Organisations approved by the Chief Executive, Local Government  
under clause 16(d) of the Companion Animals Regulation 2008

Pursuant to clause 16(d) of the *Companion Animals Regulation 2008*, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

#### SCHEDULE 1

Name of organisation	Address of organisation
Purrfect Match Cat Adoptions Inc.	13 Dean Place OLD BAR NSW 2430

#### SCHEDULE 2

1. The exemption under clause 16(d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
  - a) if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and
  - b) if the organisation maintains appropriate records that show compliance with the *Companion Animals Act 1998*, *Companion Animals Regulation 2008* and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16(d) of the *Companion Animals Regulation 2008*; and
  - c) if the organisation maintains a register that is made available to the relevant local council and the Office of Local Government as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.

2. The exemption under clause 16(d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* expires five years from the date of this order, unless revoked or varied at an earlier time.

Sonja Hammond  
Manager, Performance  
Office of Local Government  
Date: 18 October 2017

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**COMPANION ANIMALS REGULATION 2008**

**ORDER**

Organisations approved by the Chief Executive, Local Government  
under clause 16(d) of the *Companion Animals Regulation 2008*

Pursuant to clause 16(d) of the *Companion Animals Regulation 2008*, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

**SCHEDULE 1**

<b>Name of organisation</b>	<b>Address of organisation</b>
Red Dot Animal Programs	PO Box 7485 PENRITH SOUTH NSW 2750

**SCHEDULE 2**

1. The exemption under clause 16(d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
- a) if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and
  - b) if the organisation maintains appropriate records that show compliance with the *Companion Animals Act 1998*, *Companion Animals Regulation 2008* and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16(d) of the *Companion Animals Regulation 2008*; and
  - c) if the organisation maintains a register that is made available to the relevant local council and the Office of Local Government as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
2. The exemption under clause 16(d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* expires five years from the date of this order, unless revoked or varied at an earlier time.

Sonja Hammond  
Manager, Performance  
Office of Local Government  
Date: 17 October 2017

---

**COMPANION ANIMALS REGULATION 2008**

**ORDER**

Organisations approved by the Chief Executive, Local Government  
under clause 16(d) of the *Companion Animals Regulation 2008*

Pursuant to clause 16(d) of the *Companion Animals Regulation 2008*, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

**SCHEDULE 1**

<b>Name of organisation</b>	<b>Address of organisation</b>
Society of Companion Animals Rescuers Inc. (SoCares)	PO Box 3651 TUGGERAH NSW 2259



**SCHEDULE 2**

1. The exemption under clause 16(d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
  - a) if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and
  - b) if the organisation maintains appropriate records that show compliance with the *Companion Animals Act 1998*, *Companion Animals Regulation 2008* and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16(d) of the *Companion Animals Regulation 2008*; and
  - c) if the organisation maintains a register that is made available to the relevant local council and the Office of Local Government as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
2. The exemption under clause 16(d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* expires five years from the date of this order, unless revoked or varied at an earlier time.

Sonja Hammond  
 Manager, Performance  
 Office of Local Government  
 Date: 17 October 2017

**DRUG MISUSE AND TRAFFICKING ACT 1985**

Instrument of Appointment to Give Certificate Evidence

I, SCOTT HANSEN, Director General of the Department of Primary Industries, pursuant to Section 43(5) of the *Drug Misuse and Trafficking Act 1985* ('the Act'), hereby appoint the persons named in the Schedule below, each of whom I consider to be suitably qualified persons to give a certificate in relation to the identification of cannabis plant or cannabis leaf for the purposes of Section 43 of the Act.

**SCHEDULE**

Anthony Bolster	Justin Harnott
Rolf Vogelsang	Achala Abdullah
Jill Deason	David Bird
Giovanna Vumbaca	Cameron Henshaw
Leigh Harrison	Chloe McDonald
Jennifer Ward	Adam Galbraith
Rick Gill	Nathan Murray
Melynda Power	Leo Blazevic
Sophie Stone	James Whalan
Michael Wheeler	Dylan Chapman
Matthew Stratton	Peter Archibald
Stuart Bell	Dwight Park
Matthew Cremat	William Middlebrook
Andrew Panigyarakis	Evan Porou
Gus Viera	Hansell Pereira
Greg McAdam	Brendan O'Flynn
Troy Mowlam	Gavin Mayo
John Purcell	Anthony Beckett
Adrian Prisk	Harry Stengos
Max Graham	Warren Metcalfe
Jay Spencer	Lucy Liddiard
Chris Johnston	
Nathan Green	
Craig Haskins	

Dated this 12th day of October 2017

SCOTT HANSEN

SCOTT HANSEN

Director General

Department of Primary Industries

(an office within the Department of Industry)

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## POINT TO POINT TRANSPORT (TAXIS AND HIRE VEHICLES) REGULATION 2017

Clause 3 Approved security camera system specifications

Clause 3 Approved vehicle tracking device specifications

Clause 16 (1) (a) Duress alarm system specifications

I, Timothy Reardon, Secretary of the Department of Transport, for and on behalf of Transport for NSW, pursuant to clauses 3 and 16 of the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*, hereby determine that the approved security camera system specifications for taxis, approved vehicle tracking device specifications and approved duress alarm system specifications effective 1 November 2017 shall be as set out hereunder.

### 1. Interpretation

**Authorised person** means a person authorised by an authorised taxi service provider to access images, a police officer, or an authorised officer (a person appointed by the Point to Point Transport Commissioner to exercise the functions of an authorised officer under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* and the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*).

**Electromagnetic conformance** means standards associated with the emission of undesired radio frequency energy by devices and the level of susceptibility of a device to similar energy.

**GPS** means Global Positioning System

**IP Rating** means the level of ingress protection (IP). An IP rating of 67 (IP67) means that the device is resistant against water ingress to a maximum of 1 metre of water for up to 30 minutes, as well as protected against dust ingress.

**Monitoring facility** means the facility used by the authorised taxi service provider to monitor vehicle tracking devices, duress alarms and/or access images from security camera systems.

**Regulation** means the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*.

**UTC** means the time reference used by GPS receivers (Coordinated Universal Time).

**Vehicle position report** means data sent from the taxi and received by the monitoring facility that must include the vehicle's registration number, its position, speed (in km/h), direction of travel and the time it provides the report.

### 2. Approved security camera system specifications

#### System environmental requirements

- 2.1 The camera system must be operational in an environment over:
  - a) a temperature range of -5°C to +60°C; and
  - b) humidity range of 0 to 85 per cent relative humidity, non-condensing.
- 2.2 The camera system must be impact and shock resistant, sufficient to withstand a typical car accident and the vibration experienced during the normal operation of a taxi.
- 2.3 The camera system must conform to the following relevant electromagnetic conformance standards:
  - a) AS/NZS CISPR 25:2010
  - b) ISO 10605:2008
  - c) ISO 7637-2:2011
- 2.4 Images must be capable of being recovered following loss of power to the camera system.
- 2.5 All camera system connection points and components mounted to the exterior of a taxi must meet or exceed the IP67 rating.

### Camera system operation

- 2.6 The camera system must be powered and fully operational when the vehicle ignition is on or when the taxi is available for hire (for example at a taxi rank) and the ignition is not otherwise on.
- 2.7 The boot time for the camera system from 'power on' to recording images must be less than 45 seconds, and the system must continue to record for a period of 30 minutes after the ignition has been turned off.
- 2.8 The camera system must not allow any unauthorised person to turn off or in any way disable the camera system from inside the vehicle.
- 2.9 The camera system must have a visual indicator showing when the system is operational and when there is a malfunction. The visual indicator must be visible to the driver when seated in the driver position.
- 2.10 When 'powered on' the camera system must employ a self-test methodology to automatically detect and report functional faults, which must include a test for lack of image from any camera due to external interference or obstruction.
- 2.11 A camera (other than a camera fitted to the exterior of a vehicle) must be visible to passengers in the vehicle.
- 2.12 A camera (other than a camera fitted to the exterior of a vehicle) must at all times provide a clear view of the front of the taxi driver and the head and shoulders of all passengers.
- 2.13 Two externally mounted cameras shall separately provide a view of any persons approaching between 300 mm and 5 m distant from both the driver's and front passenger's window within an angle of approach of 120° from the centre of the door.
- 2.14 The camera system must record continuously and store images for at least 168 hours.
- 2.15 The camera system must use non-volatile memory to store all captured images. If the camera system has removable memory then it must only be able to be removed by authorised persons.
- 2.16 The recording system must be configured so that the recording medium automatically commences re-recording when the medium has reached its recording capacity. The oldest images must be overwritten first.
- 2.17 The camera system must record a minimum of 5 images per second.

### Images

- 2.18 Images from camera systems must comply with section 3.7 (Recommended object sizes) of Australian Standard AS 4806.2–2006 Closed Circuit Television (CCTV) (Part 2 Application guidelines) in relation to face identification of the driver and all passengers in the taxi.
- 2.19 The stored image from all cameras must record a minimum of 360 pixels per metre both horizontally and vertically.
- 2.20 The camera system must store colour images or images with a minimum of 256 greyscale levels.
- 2.21 The images must be in focus at any distance from the lens between 300 mm and 3m for internal camera head(s) and 300 mm to 5m for the external cameras.
- 2.22 The resolution and clarity of the recorded images from a camera must be maintained under all lighting conditions from darkness (0 lux) through to bright sunlight (100,000 lux).
- 2.23 All images (either displayed on a computer device or printed) must have imprinted on them the following metadata (without obstructing the view of any occupant in a seated position in the vehicle):
  - a. the vehicle registration number; and
  - b. date and time in UTC within 1 second; and
  - c. location in coordinates of latitude and longitude accurate to within 25 metres 95 per cent of the time.

### Accessing images

- 2.24 A person who supplies a camera system must provide software to the monitoring facility that enables authorised persons to access and download images from the camera system.
- 2.25 The software provided by the supplier must be able to operate on a commercial off-the-shelf computer device or the supplier must provide a download system to the monitoring facility.
- 2.26 The download software must be password protected and stored images encrypted to prevent unauthorised viewing, recovery or reproduction of images.

- 2.27 If an image is stored on the hard drive of a computer, or in logical pools or across disparate commodity servers located on premises or in a data centre managed by a third-party cloud provider, access to the image must be password protected and stored images encrypted so that it can only be viewed, copied, deleted, printed or otherwise reproduced by an authorised person.
- 2.28 A video recording made by a security camera system fitted to a taxi must be kept in a form that may be accessed from, or made available in, this state.

### **3. Duress alarms systems**

- 3.1 A compliant duress alarm system (alarm system) must be fitted in taxis which provide a service in certain NSW transport districts according to the Regulation.
- 3.2 The alarm system must be powered and fully operational when the vehicle ignition is on or when the taxi is available for hire (for example at a taxi rank) and the ignition is not otherwise on.
- 3.3 The boot time for the alarm system from 'power on' must be less than 30 seconds.
- 3.4 When the duress alarm system is activated, the vehicle position report must be sent immediately to the monitoring facility. The vehicle position report must be re-sent at least every 5 seconds or until the alarm is disarmed.
- 3.5 The duress alarm must be able to be readily activated by the driver while seated in the driver's seat.
- 3.6 Upon activation of the duress alarm the driver must be able to communicate directly with the monitoring facility.

### **4. Approved vehicle tracking device**

- 4.1 An approved vehicle tracking device (tracking device) must be fitted in taxis which provide a service in certain NSW transport districts according to the Regulation.
- 4.2 The tracking device must be powered and fully operational when the vehicle ignition is on or when the taxi is available for hire (for example at a taxi rank) and the ignition is not otherwise on.
- 4.3 The boot time for the tracking device from 'power on' must be less than 30 seconds.
- 4.4 The tracking device must not allow any person to turn it off or in any way disable the tracking device from inside the vehicle.
- 4.5 Upon activation of the tracking device by the driver, a vehicle position report must be transmitted to the monitoring facility.
- 4.6 The vehicle position report must include the vehicle's registration number, its position, speed (in km/h), direction of travel and the time each report is sent.
- 4.7 The tracking device must be capable of sending a vehicle position report regardless of the taxi duress alarm status.
- 4.8 The vehicle position report must use current GPS positioning data each time it is sent.

DATED: 18 October 2017

Timothy Reardon  
Secretary

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## **POINT TO POINT TRANSPORT (TAXIS AND HIRE VEHICLES) REGULATION 2017**

### **Safeguards for the Use of Security Camera Systems in Taxis in NSW**

PURSUANT to the sub-cl18(4)(a) and cl88 of the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*, Transport for NSW hereby notifies that the following 'Safeguards for the Use of Security Camera Systems in Taxis in NSW' apply to taxis licensed under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

#### **1. Background**

These safeguards apply with effect from 1 November 2017 to any video recording made by a security camera system fitted in or on a vehicle that is a taxi.

These safeguards are made pursuant to sub-cl18(4)(a) and cl88 of the Regulation and should be read in conjunction with the provisions relating to security camera systems in the Regulation and any requirements for approved security camera systems issued by TfNSW pursuant to cl3.

Specified persons should also apply any other security safeguards that are considered reasonable in the circumstances in accordance with sub-cl18(4)(b) of the Regulation, and comply with relevant provisions in the *Workplace Surveillance Act 2005*.

A breach of these security safeguards is an offence which may result in a fine of \$1,100 in the case of a body corporate or \$550 in the case of an individual.

## 2. Definitions

**Act** means the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

**Approved security camera system** means a security camera system that complies with requirements established for the time being by TfNSW by order published in the Gazette.

**Accessing a video recording** means downloading, viewing, printing, transmitting, publishing or copying a video recording.

**Authorised officer** means an authorised officer appointed under Division 1 of Part 7 of the Act. Authorised officer includes a Police Officer.

**Authorised purpose** has the same meaning as in the Regulation and also includes downloading and accessing video recordings for the purpose of the installation, testing and maintenance of security camera systems consistent with these safeguards.

**Authorised person** means a person authorised by the specified person for the purpose of accessing security camera system video recordings.

**Download** means retrieving a video recording from a security camera system via the specialist software provided by the manufacturer of the camera system.

**Evidentiary protocols** means protocols or safeguards for accessing, handling, storing and transferring video recordings for an authorised purpose related to the issuing a penalty notice or prosecution of an offence under sub-cl18(8)(b) of the Regulation.

**Regulation** means the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017*.

**Security camera system** means an approved security camera system that meets the requirements set out in the approved security camera system specifications.

**Security camera system specifications** means the approved security camera system specifications published for the time being in the NSW Government Gazette.

**Specified person** means:

- a) a provider of a taxi service (other than an affiliated service);
- b) a facilitator of an affiliated service;
- c) holder of a taxi licence; and
- d) an affiliated provider of a taxi service (if the affiliated provider is entitled to have access to the video recordings made by a security camera system fitted in or to a taxi used by the provider).

**Video recording** has same meaning as in the Regulation.

## 3. Responsibilities of specified persons

A specified person must take reasonable steps to protect video recordings made by a security camera system from access by any person for any purpose other than an authorised purpose.

A specified person must ensure that a video recording is stored in a secure manner. This includes taking all reasonable physical security measures, password protections and/or encryption measures necessary to ensure that video recordings are protected from unauthorised access.

## 4. Authorised persons (for purpose of taxi security camera systems)

An authorised person nominated by a specified person for the purpose of carrying out obligations and functions under the Act and Regulation in respect of security camera systems must be trained or otherwise instructed in relation to the necessary steps required to be taken to protect a video recording from unauthorised access.

A person other than an authorised person must not access a video recording.

An authorised person may only access a video recording for an authorised purpose.

An authorised officer may also access a video recording for an authorised purpose.

## **5. Record keeping**

### *5.1 Records of particulars of compliance*

A specified person must ensure that records of the particulars of measures taken to comply with these safeguards and the requirements specified at c118(4) and c119 of the Regulation are kept.

A record kept under this requirement must be kept by an authorised person and must be in a form approved by the Point to Point Transport Commissioner.

Note: these record keeping requirements are additional to any other requirements relating to the identification and management of risks to health and safety pursuant to the Act and Regulation.

### *5.2 Records of downloads of video recordings*

A specified person must ensure that records are kept of each instance a video recording is downloaded, including:

- a) the reason for the download;
- b) the taxi number of the vehicle in which the video recording was made;
- c) the date, time and location of the download;
- d) the name of the person who downloaded the video recording;
- e) description of the incident;
- f) driver name and identification number;
- g) NSW Police report number (if applicable);
- h) the name and contact details of -
  - i. the person asking for the downloaded video recording; and
  - ii. the person (if any) to whom the downloaded video recording is to be given.
- i) the date and time the video recording was made; and
- j) the filename of the video recording.

### *5.3 Records of disposals of video recordings*

A specified person must keep a record of each disposal of a video recording that is downloaded for an authorised purpose.

## **6. Installation, testing and maintenance of security camera systems**

A video recording may be downloaded or accessed for a purpose related to the installation, testing and maintenance of a security camera system only where it is necessary to ensure the proper working of the security camera system.

Any person who downloads or accesses a video recording for a purpose related to the installation, testing and maintenance of a security camera system must be an authorised person.

An authorised officer may cause an authorised person to download or access a video recording for a purpose relating to the assessment of compliance with the Act, Regulations, the security camera system specifications or these safeguards.

Any video recording accessed for the purpose of the installation, testing and maintenance of a security camera system must be stored in a secure manner and disposed of in a manner consistent with c119 of the regulation.

A specified person must keep a record of each instance a video recording is accessed or downloaded, for a purpose related to the installation, testing and maintenance of a security camera system.

A specified person must ensure that a record is kept of each disposal of a video recording that is downloaded for a purpose related to the installation, testing and maintenance of a security camera system.

Note: the *Security Industry Act 1997* requires that "A person must not carry on a security activity unless the person is the holder of a licence authorising the person to carry on the activity".

Installing, maintaining, repairing or servicing security camera systems in a taxi, other than by the operator of the taxi, constitutes a "security activity" and it is a requirement that any person, other than the taxi operator, undertaking these works holds an appropriate security licence. However, the downloading or printing of images from a camera is not a "security activity".

It should also be noted that *Security Industry Act 1997* also requires a person who sells security equipment to hold an appropriate security licence.

The *Security Industry Act 1997* is administered by NSW Police.



## 7. Evidentiary protocols

Where the purpose of accessing a video recording is the prosecution of, or the issue of a penalty notice in respect of, an offence under the Act or Regulation, the *Crimes Act 1900* or a major offence under the *Road Transport Act 2013* that is committed in or about a taxi, the following safeguards are to apply:

- a) A specified person must take reasonable steps to ensure that images are accessed and handled in a manner that protects their admissibility into evidence.
- b) A specified person should take reasonable steps to comply with any evidentiary protocols required by a police officer or Roads and Maritime Services or the Point to Point Transport Commissioner (in the case of a prosecution or penalty notice issued under the *Road Transport Act 2013* or the Act or Regulations) in relation to the accessing, handling, storing and transferring of a particular video recording.

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## POISONS AND THERAPEUTIC GOODS REGULATION 2008

### ORDER

#### Withdrawal of Drug Authority

In accordance with the provisions of clause 175(1) of the *Poisons and Therapeutic Goods Regulation 2008* an Order has been made on **Dr Rumen Kishkin (MED0001174492)**, of Kempsey NSW 2440, prohibiting him until further notice, as a medical practitioner, from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by clause 77 of the Regulation.

This Order is to take effect on and from 20 October 2017.

Dated at Sydney, 16 October 2017

ELIZABETH KOFF  
Secretary  
NSW Health

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## SURVEYING AND SPATIAL INFORMATION ACT 2002

### Registration of Surveyors

PURSUANT to the provisions of the *Surveying and Spatial Information Act 2002*, Section 10(1) (a), the undermentioned persons have been Registered as a Mining Surveyor Unrestricted in New South Wales

Name	Address	Effective Date
STANTON Geoffrey Keith	10 Fletcher Street Adamstown 2289	15 August 2017

Narelle Underwood  
President

Michael Spiteri  
Registrar

---

## SURVEYING AND SPATIAL INFORMATION ACT 2002

### Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the *Surveying and Spatial Information Act 2002*, Section 10A (3), the undermentioned Land Surveyors has been restored to the Register of Surveyors.

Name	Date of Original Registration	Removal Date	Restoration Date
DAVIS Wayne Ronald	09 March 1979	01 September 2017	29 September 2017



RENGGER Ronald James	24 September 1982	01 September 2017	03 September 2017
-------------------------	-------------------	-------------------	-------------------

Narelle Underwood  
President

Michael Spiteri  
Registrar

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**CONTAMINATED LAND MANAGEMENT ACT 1997**

I, Ben Livissianis, Acting Director Contaminated Land Management, in accordance with section 105 (2) (c) of the *Contaminated Land Management Act 1997*, publish the document "Contaminated Land Management Guidelines for the NSW Site Auditor Scheme (3rd edition) (October 2017)". These Guidelines take effect upon publication in the Government Gazette. These Guidelines revoke the document entitled "Contaminated Sites Guidelines for the NSW Site Auditor Scheme (2nd edition) (April 2006)" published by the Department of Environment and Conservation in the Government Gazette on 28 April 2006.

18 October 2017

BEN LIVISIANNIS  
Acting Director  
Contaminated Land Management



# Contaminated Land Management

Guidelines for the NSW Site Auditor Scheme  
(3rd edition)

[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)  
Environment Protection Authority

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## Contents

<b>Preface</b> .....	<b>v</b>
<b>1 Introduction to the NSW Site Auditor Scheme</b> .....	<b>1</b>
1.1 Objectives .....	1
1.2 Background .....	1
1.3 Site audits in relation to contaminated sites .....	1
1.4 Role of site auditors .....	2
1.5 Site assessment and audit process .....	3
1.6 Role of the EPA .....	4
1.7 Using these guidelines .....	4
<b>2 Accreditation and renewal of accreditation</b> .....	<b>5</b>
2.1 Application process .....	5
2.1.1 Submitting an application for accreditation .....	5
2.1.2 Selection criteria .....	6
2.1.3 Assessment of applicants .....	6
2.1.4 Accreditation panel .....	6
2.1.5 Period of accreditation .....	6
2.2 Accreditation conditions .....	7
2.3 Renewal of accreditation .....	7
2.4 Continuous professional development .....	7
2.5 Changes in site auditors' circumstances .....	8
2.6 Accreditation fee .....	8
2.7 Support team .....	8
2.8 Insurance .....	9
2.9 Site Auditor Scheme compliance .....	10
2.9.1 Review of site auditor's work and assessment of auditor understanding .....	10
2.9.2 Complaints and their resolution .....	11
2.9.3 Disciplinary measures .....	11
2.9.4 Directions to an auditor .....	12
2.9.5 Suspension, revocation or non-renewal of accreditation .....	12
<b>3 Conducting site audits</b> .....	<b>13</b>
3.1 Obligations of site auditors .....	13
3.2 Site audit process .....	14
3.2.1 Stages in site assessment and remediation .....	14
3.2.2 Independence .....	14
3.2.3 Conflicts of interest .....	15
3.2.4 Scope of a site audit .....	16

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

3.2.5	Procedures for statutory and non-statutory site audits .....	17
3.2.6	Role of expert support team .....	17
3.3	Site audit report.....	17
3.4	Site audit statements.....	19
3.4.1	Preparing a site audit statement .....	19
3.4.2	Signing and issuing site audit statements .....	19
3.4.3	Finality of site audit statements.....	20
3.4.4	Significant new findings .....	20
3.4.5	Conditions included in site audit statements .....	21
3.4.6	Environmental management plans .....	21
3.5	Finalising audit statements.....	23
3.5.1	Site audit statement findings.....	23
3.5.2	Unsatisfactory assessment, remediation or validation .....	23
3.6	Progressive development of a site.....	23
3.6.1	Development of a site in sections or stages.....	23
3.6.2	Multi-stage audits .....	23
3.7	Other considerations for auditors .....	24
3.7.1	Change of site auditor .....	24
3.7.2	False audits or information .....	24
3.7.3	Falsely claiming to be a site auditor .....	24
3.8	Communications with the EPA .....	25
3.8.1	Significant health or environmental problems posed by the site.....	25
3.8.2	Notification and regulation of sites under the CLM Act.....	25
3.8.3	Hazardous ground gases and groundwater contamination .....	25
3.8.4	Premature cessation of a statutory site audit .....	25
3.9	Auditors' returns .....	26
3.10	Auditor meetings .....	27
<b>4</b>	<b>Contamination assessment, remediation and management .....</b>	<b>28</b>
4.1	Systematic planning for data collection .....	28
4.1.1	Data quality objective (DQO) process.....	28
4.1.2	Sampling and analysis quality plans (SAQP).....	29
4.1.3	Assessing quality assurance and quality control .....	29
4.2	Assessment of site contamination .....	29
4.2.1	Soil investigation levels and screening levels .....	29
4.2.2	Assessing groundwater and surface water .....	30
4.2.3	Assessing hazardous ground gases .....	30
4.2.4	Assessing sediment quality .....	31
4.2.5	Site-specific risk assessments .....	31
4.2.6	Aesthetic issues.....	32
4.2.7	Assessment of sites potentially contaminated by PFAS.....	32
4.2.8	Off-site migration of contamination .....	32

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

4.3	Remediation of contamination .....	32
4.3.1	General considerations.....	32
4.3.2	Site remediation policy.....	33
4.3.3	On-site containment and capping .....	33
4.3.4	Contamination at depth.....	34
4.3.5	Vertical mixing or other mixing techniques .....	34
4.3.6	Bioremediation .....	34
4.3.7	Waste management .....	35
4.3.8	Chemicals and wastes controlled by chemical control orders .....	39
4.3.9	Asbestos and asbestos waste .....	40
4.3.10	Unexploded ordnance .....	41
4.3.11	Groundwater remediation and management.....	41
4.3.12	Hazardous ground gas remediation and management .....	43
4.4	Evaluating land-use suitability .....	44
4.4.1	Decision-making process.....	44
4.4.2	Assessing land-use suitability where groundwater contamination is present .....	44
4.4.3	Assessing land-use suitability where hazardous ground gases are present .....	44
<b>Appendix A: Decision-making process for assessing urban redevelopment sites.....</b>		<b>46</b>
<b>Appendix B: Recognition of applicants under other schemes under the <i>Mutual Recognition Act 1992 (Cth)</i>.....</b>		<b>48</b>
<b>Appendix C: Activities eligible for site auditor continuous professional development</b>		<b>51</b>
<b>Appendix D: Examples of consent, licence, notification and other requirements.....</b>		<b>52</b>
<b>Appendix E: Human health risk assessment checklist .....</b>		<b>53</b>
<b>Appendix F: Further reading .....</b>		<b>55</b>
<b>Abbreviations .....</b>		<b>61</b>
<b>References.....</b>		<b>62</b>

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

## Preface

Industrial, agricultural and other commercial activities can sometimes result in the discharge of chemicals to the environment which accumulate in soil, sediments, groundwater, surface water or air. Some of these chemicals can remain in the environment for a long time. In some places they are present at levels that can have an adverse impact on human health or the environment and impede the productive use of land or water.

Planning consent authorities need information about a site's known or suspected history of potentially contaminating activities to be able to decide whether the land is suitable for an alternative use, such as residential or commercial development. They must be sure that any risks posed by any chemicals in the environment are acceptable and the land is suitable for its proposed use. In some cases the land and its immediate environment may have to be remediated or managed to make it suitable.

The assessment and remediation of contaminated sites, usually conducted by contaminated site consultants, is technically difficult because of the complex behaviour of chemicals in the environment and their effects on ecosystems and human health. Obtaining dependable information for making reliable decisions can be difficult. It is therefore important that consent authorities and developers have access to advice from appropriately qualified and experienced people in making their land-use planning and development decisions.

To improve access to competent technical advice and increase certainty in the assessment and remediation of contaminated sites, the NSW Government introduced the NSW Site Auditor Scheme in 1998.

Under the scheme, the management of contaminated sites involves both contaminated site consultants and accredited site auditors. Contaminated site consultants, typically engaged by the site owner or developer, conduct site assessments, undertake any necessary remediation and validate the work. Accredited site auditors independently review these consultant activities to ensure the work complies with current regulations and guidelines and meets the standard appropriate for the proposed land use. It is highly desirable that a site auditor is engaged as early in the assessment and remediation process as possible, as early communication between parties to the project improves the efficiency of the audit, usually reflected in timeliness and cost savings.

These guidelines, *Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme*, apply to individuals seeking to be accredited as site auditors in New South Wales and to those already accredited. They may also be of use to other people with an interest in contaminated sites, such as contaminated site consultants and local authorities, as guidance on what is expected of site auditors they may engage or whose work they may assess.

These guidelines consist of four sections:

1. Introduction to the NSW Site Auditor Scheme
2. Accreditation and renewal of accreditation
3. Conducting site audits
4. Contamination assessment, remediation and management.

Appendices provide additional technical and administrative information relating to the scheme.

These guidelines have been made in accordance with the *Contaminated Land Management Act 1997* (CLM Act). They should be read in conjunction with the CLM Act, the Contaminated Land

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

Management Regulation 2013 (CLM Regulation) and any guidelines made or approved by the NSW Environment Protection Authority (EPA) under the CLM Act.

The guidelines were first published in 1998 and have been updated to reflect changes in legislation and technical guidance, comments about the guidelines received by the EPA and the experience gained by the EPA through administering the scheme. These guidelines revoke the April 2006 edition of the Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2nd edition).

## 1 Introduction to the NSW Site Auditor Scheme

### 1.1 Objectives

The objectives of the NSW Site Auditor Scheme are to:

- ensure that public health and the environment are protected through proper management of contaminated sites, particularly during changes of land use
- improve access to technical advice on contaminated sites for planning consent authorities and the community by establishing a pool of accredited site auditors
- provide greater certainty for planning consent authorities and the community through the independent review by those auditors of contaminated site assessment<sup>1</sup> and remediation reports, and reports that validate the successful completion of the assessment or remediation.

### 1.2 Background

In Australia, the use of accredited auditors to review work conducted by contaminated site consultants<sup>2</sup> was first introduced in Victoria in 1989 through the Victorian EPA's Environmental Auditor (Contaminated Land) Scheme.

In 1998, New South Wales commenced its own Site Auditor Scheme under the CLM Act. The scheme is administered by the EPA.

The CLM Act empowers the EPA to accredit individuals as site auditors<sup>3</sup> and to establish guidelines for them.

The CLM Regulation specifies some of the procedural requirements of the scheme.

A list of site auditors accredited under the CLM Act is available from [Accredited site auditors: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme/accredited-site-auditors](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme/accredited-site-auditors) or by phoning Environment Line on 131 555 (within New South Wales) or (02) 9995 5000.

### 1.3 Site audits in relation to contaminated sites

Site auditors review the work of contaminated site consultants. The CLM Act calls these reviews '**site audits**' and defines a site audit as a review:

- a) that relates to management<sup>4</sup> (whether under the CLM Act or otherwise) of the actual or possible contamination of land<sup>5</sup> and

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<sup>1</sup> In these guidelines 'assessment' includes the investigation of a site and drawing conclusions about the contamination of a site in light of that investigation.

<sup>2</sup> Within the context of these guidelines, 'contaminated site consultants' means individuals or corporations engaged to carry out the assessment, remediation, management and validation of contaminated sites.

<sup>3</sup> Within the context of these guidelines, a 'site auditor' means any individual accredited as a site auditor under Part 4 of the CLM Act.

<sup>4</sup> Management of land or of contamination of land means management in relation to the actual or possible contamination of the land, including investigation into the existence, nature and extent of contamination of the land and remediation of contaminated land.

<sup>5</sup> The CLM Act defines 'land' to include 'water on or below the surface of land and the bed of such water'.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- b) that is conducted for the purpose of determining any one or more of the following matters:
- i) the nature and extent of any contamination of the land
  - ii) the nature and extent of any management of actual or possible contamination of the land
  - iii) whether the land is suitable for any particular use or range of uses
  - iv) what management remains necessary before the land is suitable for any particular use or range of uses
  - v) the suitability and appropriateness of a plan of management, long-term management plan, or a voluntary management proposal.

The main products of a site audit are a 'site audit statement' and a 'site audit report'.

A **site audit statement** is the written opinion by a site auditor, on an EPA-approved form, of the essential findings of a site audit. It includes, where relevant, the site auditor's conclusions regarding the suitability of the site for its current or proposed use. The current approved site audit statement form can be found on the EPA webpage [NSW site auditor scheme: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme).

Before issuing a site audit statement, the site auditor must prepare and finalise a detailed **site audit report**. The report must be clearly expressed and presented and contain the information, discussion and rationale that support the conclusions in the site audit statement.

In some circumstances a site audit is required by law. These audits are known as '**statutory site audits**' and may be carried out only by site auditors accredited under the CLM Act. A statutory site audit is one that is required by:

- a regulatory instrument issued under the CLM Act, including approvals issued by the EPA to voluntary management proposals
- the *Environmental Planning and Assessment Act 1979*, including an environmental planning instrument or development consent condition
- any other Act.

The requirements that site auditors must follow in conducting site audits and preparing site audit statements and site audit reports are outlined in Sections 2 to 4 of these guidelines.

#### 1.4 Role of site auditors

The services of a site auditor can be used by anyone who needs an independent and authoritative review of information relating to possible or actual contamination of a site. The review may involve independent expert technical advice or 'sign-off' of contaminated site assessment, remediation or validation work conducted by a contaminated site consultant.

It is imperative that a site auditor is engaged as early in the site assessment and remediation process as possible. Early communication between the landowner or developer, consultant and site auditor improves the efficiency of the audit process by ensuring all environmental issues have been addressed to the satisfaction of the auditor, in an appropriate manner and in accordance with guidelines made or approved by the EPA.

However, as outlined in greater detail later in these guidelines, it is very important that an auditor's involvement is not such that their review is effectively a review of their own work as this would compromise the independence and objectivity of the audit.

## 1.5 Site assessment and audit process

The usual stages in the assessment, remediation and validation of a contaminated site, and in the audit of those activities, are as follows:

### 1. Consultant is commissioned to assess contamination

In most cases, a site owner or developer engages a contaminated site consultant to assess a site for contamination and, where required, to develop a remediation plan, implement the plan and validate the remediation.

The contaminated site consultant designs and undertakes the site assessment and, where required, all remediation and validation activities to achieve the objectives specified by the owner or developer.

Before undertaking their work, consultants should refer to [Statutory guidelines: www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/statutory-guidelines](http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/statutory-guidelines) and other relevant guidelines made or approved by the EPA. *Guidelines for Consultants Reporting on Contaminated Sites* (OEH 2011) provides a brief description of the various stages of contaminated site assessment, remediation and validation, and lists information that should be included in consultants' reports.

### 2. Site auditor reviews the consultant's work

The site owner or developer commissions the site auditor to review the consultant's work. The auditor prepares a site audit report and a site audit statement at the conclusion of the review, which are given to the owner or developer.

Where the planning consent authority or the EPA uses its legal powers to require the carrying out of a site audit, the site owner or developer must commission a site auditor accredited under the CLM Act to perform this task. This is known as a 'statutory' audit. The CLM Act requires that an auditor must notify the EPA when they have been commissioned by anyone other than the EPA to perform a statutory site audit. The auditor is also required to furnish the local authority and the EPA with a copy of the completed site audit statement and must give a copy of the site audit report to the local authority, the consent authority if different to the local authority and/or the EPA on request.

In some cases, the site owner or developer may wish to have a site audit undertaken although it is not a legal requirement. The audit is termed 'non-statutory'. If their intention is to obtain a site audit statement, they must commission a site auditor accredited under the CLM Act to perform this task. This is because only a site auditor so accredited can issue a site audit statement, and they are obliged to issue one at the end of any site audit. For non-statutory audits, the site auditor must give a copy of the site audit report to the EPA on request.

As required by the CLM Act, the EPA maintains a record of all statutory site audit statements issued in relation to land that is the subject of a regulatory instrument under the CLM Act. Copies are available for public inspection on the [Contaminated land – record of notices: app.epa.nsw.gov.au/prclmapp/aboutregister.aspx](http://app.epa.nsw.gov.au/prclmapp/aboutregister.aspx) on the EPA website. If the local authority receives a copy of a site audit statement, it must list the statement on any certificate it issues under section 149 of the Environmental Planning and Assessment Act in relation to the land concerned.

Section 3.2 outlines the site audit process in greater detail.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

## 1.6 Role of the EPA

The EPA is responsible for:

- establishing selection criteria and processes for accrediting competent individuals as site auditors and renewing their accreditation
- developing regulations relating to site auditors
- developing guidelines for site auditors, contaminated site consultants, local government and the community on the investigation and remediation of contaminated sites
- conducting reviews of the performance of site auditors to ensure that the required standards are maintained, and taking any necessary disciplinary action.

The EPA also works with the Department of Planning and Environment in the development of land-use planning guidelines relating to contaminated sites.

## 1.7 Using these guidelines

In doing audit work, including the preparation and issuing of site audit statements and site audit reports, accredited site auditors must comply with the mandatory aspects of these guidelines. The mandatory aspects are indicated throughout the guidelines as something that the auditor **'must'** do or refrain from doing. Site auditors must also be able to demonstrate to the EPA's satisfaction, if required, that they have complied with these aspects. This applies to any site audit undertaken by a site auditor, whether it is a statutory or non-statutory audit.

Aspects of the guidelines that are recommendations to site auditors and not mandatory are indicated in the guidelines as something that the auditors **'should'** do or refrain from doing. Site auditors are expected to exercise their professional judgement in these areas and clearly document in the site audit report the reasoning that supports their conclusions.

## 2 Accreditation and renewal of accreditation

This section outlines the requirements that individuals must satisfy before they can be accredited as site auditors or have their accreditation renewed under the CLM Act. It also outlines some of the quality control mechanisms that are used by the EPA to maintain the integrity of the scheme.

### 2.1 Application process

There are two ways to apply for accreditation as a NSW site auditor. Applications can be made under the:

- NSW CLM Act, or
- Commonwealth *Mutual Recognition Act 1992*.

The EPA does not set a limit on the number of site auditors who can be accredited under the NSW Site Auditor Scheme at any one time.

Only individuals can be accredited as site auditors; a body corporate cannot.

Special arrangements apply where an application is made under the Mutual Recognition Act: see Appendix B. The following sections deal with applications under the CLM Act.

#### 2.1.1 Submitting an application for accreditation

The EPA anticipates inviting applications for accreditation under the CLM Act at least once every three years.

Applications must be made on the form available from the EPA, received by the EPA as per the instructions provided on the application form, with payment of the application fee, before the advertised deadline. Applicants must prepare their own application and late applications will not be considered.

The application requirements are based on Schedule B9 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013) (the 'NEPM') and the requirements will be specified in the application form available from the EPA. An example application form is available on the EPA webpage [NSW site auditor scheme: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme).

Applications will be accepted for consideration by the EPA if they include:

- a) the application requirements specified in the form available from the EPA
- b) confirmation of payment of the application fee.

The prescribed application fee is specified on the EPA webpage [NSW site auditor scheme: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme) and is adjusted on 1 September each year in line with the change in the Public Sector Wage Price Index. The application fee and payment instructions will be provided on the application form.

The EPA may seek further information from the applicant, refuse to consider an application or postpone consideration of an application if it considers any of the statements or information in the application to be unsatisfactory, materially false, misleading or incomplete.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

### 2.1.2 Selection criteria

The EPA may refuse an application for accreditation if, in its opinion, the applicant does not satisfy the requirements in these guidelines on eligibility for accreditation or for any other reason it considers sufficient. Accreditation can also be refused if within the two years preceding the application the EPA revoked or refused to renew the applicant's accreditation as a site auditor.

The EPA will consider the recommendations of the accreditation panel (see Section 2.1.4 below) in deciding whether to grant accreditation.

To be eligible for accreditation the applicant must demonstrate, to the EPA's satisfaction, in their application and any associated examination and interview, that they have:

- a) met the assessment criteria specified on the application form
- b) access to an insurance policy for professional liability that will cover their site audit work (minimum \$5 million) (see Section 2.8)
- c) proven high standards of integrity and objectivity – successful applicants will be required to complete a declaration to this effect before they receive accreditation. The declaration form is available on the EPA webpage [NSW site auditor scheme: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme).

### 2.1.3 Assessment of applicants

The EPA will publish on its website the procedure in which applicants will be assessed when the call for applicants is advertised.

### 2.1.4 Accreditation panel

The accreditation panel advises the EPA on the suitability of applicants for accreditation. The panel is appointed by the EPA and has at least four members:

- an EPA officer who chairs the panel
- a representative of community environmental groups appointed on the nomination of the Nature Conservation Council of NSW
- a representative of industry
- a representative of academia with tertiary qualifications in a discipline relevant to contaminated sites.

The EPA may also appoint additional technical or policy experts to the accreditation panel. Panel members hold office for a period not exceeding five years but are eligible for re-appointment.

### 2.1.5 Period of accreditation

Applicants granted accreditation are entitled to practise as an accredited auditor for the term specified in the notice of their accreditation. The CLM Act allows the EPA to grant accreditation to auditors for any period up to three years. Newly appointed auditors are generally accredited for an initial period of one year.



## 2.2 Accreditation conditions

The EPA may attach conditions to a site auditor's accreditation. Auditors must comply with all conditions of their accreditation. Failure to do so is grounds for their accreditation to be suspended, revoked or not renewed.

## 2.3 Renewal of accreditation

A site auditor's accreditation is not automatically renewed at the end of their accreditation term. Auditors must formally request renewal of their accreditation by applying in writing to the EPA 30–60 days before the expiry of their current term of accreditation. Applications not received within this period will not be accepted and the auditor's accreditation will automatically expire when their accreditation term ends. In this case, a new accreditation application would need to be submitted when applications are next called for. Applications to renew a site auditor's accreditation must include a completed and signed auditor's declaration. The CLM Act sets out the grounds on which the EPA may refuse to renew a site auditor's accreditation.

The EPA's decision on a renewal application, including the period of any renewal, will be based principally on the results of its review of the auditor's work (see Section 2.9.2). The EPA will consider whether it is satisfied with the standard of the work and whether in that work the auditor has met the requirements outlined in Sections 3 and 4 of these guidelines. The EPA may also have regard to any matter that it considers relevant to the auditor's suitability for accreditation, which may extend, for example, to the auditor's conduct in carrying out other relevant professional services such as first-tier work (see Section 3.2.1) as a contaminated land consultant.

If the EPA decides to renew the auditor's accreditation, the auditor must pay the accreditation fee (see Section 2.6). The auditor must also submit to the EPA a copy of a current insurance certificate with a statement that the cover is sufficient to meet the EPA's requirements (as outlined in Section 2.8). The insurance certificate must state the insured name (the auditor's name not their employer) and that they are covered for their audit work under the CLM Act. The policy must cover their site audit work and their period of accreditation, however where the period of accreditation is to be greater than one year, the EPA will still consider an auditor's insurance policy on an annual basis.

Auditors will generally be given accreditation periods of longer than one year only if they satisfy the EPA that they have maintained an acceptable quality of work for no less than the previous three years and have conducted enough site audits during those years to demonstrate they have maintained their understanding of relevant technical and policy issues. In determining what is a sufficient number of audits the EPA will consider the scale, scope and complexity of the audits undertaken in the period under review.

## 2.4 Continuous professional development

Site auditors must undertake a minimum of 50 hours of continuous professional development (CPD) per calendar year. Site auditors must maintain a log of CPD activities undertaken and a site auditor must make available a copy of their CPD log to the EPA on request. Appendix C provides details of the activities eligible for CPD.

If the EPA requests an auditor to provide a log of the CPD they have undertaken, the following information must be supplied:

- the CPD activities undertaken

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- which competency and areas identified in s.6.1 of Schedule B9 of the NEPM the CPD activities undertaken are relevant to
- the hours claimed
- the date the CPD activity was completed
- the learning outcome from the CPD activity undertaken
- details of the provider involved (if relevant)
- verification of participation in CPD activities, such as certificates of attendance or attainment, minutes of meetings, attendance records, diary records and/or a personal declaration.

## 2.5 Changes in site auditors' circumstances

Site auditors must notify the EPA within 14 days of any material changes in the circumstances of their employment, and of any other changes that could affect their eligibility for accreditation or their capacity to do site audits.

Such changes include:

- a change of employer
- a change in their insurance
- the commencement of legal or disciplinary proceedings against the site auditor in their capacity as a site auditor, a third party reviewer or an environmental consultant in New South Wales or any other jurisdiction.

As site auditors are accredited as individuals, a change of employer will not automatically affect an auditor's ongoing suitability to remain accredited. However if, for example, an auditor's expert support team is no longer available because the team members are staff of the auditor's previous employer, the auditor would need to ensure they had an appropriate new expert support team.

## 2.6 Accreditation fee

Site auditor accreditation is subject to payment of the correct accreditation fee. The fee is prescribed in the CLM Regulation. The fee is adjusted on 1 September each year by the change in the Public Sector Wage Price Index. The current fees are published on the EPA webpage [NSW site auditor scheme: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme).

The fee for the full period of accreditation is to be paid within 30 days of the date of the invoice to the auditor for their accreditation fees or as specified in the accreditation notice. The fee is non-refundable.

## 2.7 Support team

Site auditors must have access to a support team with expertise in any of the following areas in which the auditor is not expert:

- air quality (volatile emissions and dust) assessment relating to contamination
- assessment of impacts on groundwater from contaminated sites
- contaminant fate and transport

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- environmental chemistry
- environmental sampling
- environmental toxicology
- geology
- human health and ecological risk assessment relating to contamination
- human toxicology
- hydrogeology
- identification of contaminants of concern from past industrial land uses
- work health and safety relating to contamination
- remediation technologies and geo-technology
- soil science
- statutory and environmental planning.

Australian-based resources are preferred. Auditors are to ensure that individuals nominated as support team members:

- are able to demonstrate a high level expertise or knowledge in the competencies where the site auditor does not personally possess such expertise or knowledge to the level required
- have a thorough knowledge of relevant Australian guidelines and policies
- hold qualifications relevant to and supporting the nominated competencies
- have at least eight years' relevant experience
- are actively working in the field of the nominated competencies
- are a current member of professional organisations/associations relevant to the field of the nominated competencies
- are able to demonstrate an ongoing commitment to professional training and development.

Detailed curriculum vitae for all support team members, both external and internal, must be provided to the EPA with a consent letter from suppliers of external resources. Site auditors must notify the EPA within 14 days of any changes in the details of an auditor's support team. Auditors must allocate each of their support team to one or more of the specific areas of expertise listed above.

If an auditor nominates themselves as an expert in one or more of the specific areas of expertise, the support team member criteria specified above applies to the site auditor.

## **2.8 Insurance**

Site auditors must satisfy themselves as to the level and duration of insurance cover that will be adequate in respect of any liability or claims for damages for professional negligence on their part arising out of site auditing activities under the CLM Act. Policies must not contain any exclusion that may have the effect of limiting cover for audit work carried out.

Insurance cover must not be for less than \$5 million with provision for reinstatement.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

The insurance policy may be written on either an occurrence basis or a claims-made basis. However, for insurance written on a claims-made basis the EPA would expect:

- the policy to have unlimited retroactivity
- the cover to be maintained in respect of the site auditor for a minimum of seven years after the site auditor ceases to be accredited, however auditors should obtain professional advice to determine if a longer period of run-off cover is appropriate for their circumstances.

It is the auditor's responsibility to ensure their insurance coverage meets the requirements of the CLM Act and these guidelines.

Applicants for accreditation must satisfy the EPA they will have insurance coverage which meets the requirements of the CLM Act and these guidelines.

## 2.9 Site Auditor Scheme compliance

The EPA monitors the activities and reviews the work of site auditors on an ongoing basis to ensure the standard of their performance is acceptable. Such routine monitoring will include reviewing site audit reports and site audit statements, examination of records held at auditor offices, discussions with auditors on audits in progress, and internal consultation.

Where it is considered an auditor's performance is unacceptable, the EPA may take action under the CLM Act to require improvement in particular areas of an auditor's work. This section sets out the procedures that the EPA will generally follow when, after reviewing the performance of a site auditor, it considers the auditor's performance is unacceptable. It may depart from these procedures in particular cases where it is appropriate to do so. In such cases, the EPA will notify the site auditor involved of changes to the procedures.

Factors which may lead the EPA to consider that a special review of an auditor's performance is warranted would include where it considers the legislation may have been breached, where the auditor is believed to have failed to adhere to guidelines, where there are perceptions of conflicts of interest, or where the EPA has received complaints about an auditor's work.

### 2.9.1 Review of site auditor's work and assessment of auditor understanding

When the EPA is to specially review a site auditor's work after forming a view that the auditor's performance is not acceptable, the auditor will generally be notified in advance and told the nature of the review.

As part of the review, the EPA will check whether the auditor has complied with the requirements for site auditors, including those described in Sections 3 and 4 of these guidelines.

In carrying out a review, or at any other time, the EPA may use its powers under the CLM Act to:

- examine documents within the site auditor's files
- require the site auditor to provide a written explanation or other supporting evidence to justify the auditor's decisions and conclusions in a site audit
- request the site auditor to meet with EPA officers to discuss the conduct of the audit and the basis for the auditor's decisions and conclusions
- conduct an investigation (including collecting samples at a site and inspecting records, site conditions, and/or equipment) in relation to a site or a site audit
- make enquiries of administrators of site audit schemes operating elsewhere in Australia about an auditor's work under those schemes

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- refer work done by the auditor to appropriate experts for independent review
- take any other action it deems necessary to determine the standard of the auditor's performance.

The EPA may also refer site audit reports and statements to members of the accreditation panel for their information or review or to other experts if appropriate.

Where the EPA has concerns about whether an auditor has:

- a high level of expertise in the technical competencies identified in s.6.1 of Schedule B9 of the NEPM; and/or
- a good knowledge of NSW legislation relating to contaminated sites and environment protection in general; and/or
- a good understanding of guidelines made or approved by the EPA under s.105 of the CLM Act

the EPA may require an auditor to undertake an examination or interview, or provide a statement of understanding to demonstrate their expertise, knowledge and/or understanding.

The EPA will provide feedback to the site auditor on the review of their work and/or their assessment of understanding to assist them to address any areas of concern and/or clarify the EPA's expectations of the auditor.

### **2.9.2 Complaints and their resolution**

If the EPA receives a complaint about a site auditor's work, it may choose to review that work.

The EPA will first write to the site auditor with details of the complainant's concerns and requesting the auditor to provide a written response. If the response and the outcome of any review undertaken are acceptable to the EPA, no further action will be taken. If they are not, the EPA will determine the action needed to address the complainant's concerns.

In all cases, the EPA will notify both the site auditor and the complainant in writing of its decision in relation to the complaint.

### **2.9.3 Disciplinary measures**

Where a problem with an auditor's work is identified or an auditor's understanding is found to be unsatisfactory, the EPA will advise the auditor of the problem and attempt to identify why it is occurring. It will also seek feedback from the auditor on how they intend to address the problem.

Where necessary, disciplinary action may be taken. This may include:

- placing conditions on the auditor's accreditation (see Section 2.2)
- issuing directions to the auditor
- suspending or revoking the auditor's accreditation
- not renewing the auditor's accreditation or renewing it for a shorter period than previously.

The nature of any disciplinary action will depend on the severity or significance of the issue identified and the auditor's previous performance.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

**2.9.4 Directions to an auditor**

The EPA may at any time issue directions to an auditor under the CLM Act, stating particular requirements with which the auditor must comply in conducting their site audit work.

The EPA's intent in issuing these directions will generally be to focus the auditor on improving specific areas of their site audit work.

Auditors must comply with all directions issued to them under the CLM Act. Failure to do so is grounds for suspension, revocation or non-renewal of their accreditation.

**2.9.5 Suspension, revocation or non-renewal of accreditation**

The grounds for suspension, revocation or non-renewal of an auditor's accreditation are set out in the CLM Act.

Where the EPA proposes to take such action, it will give the auditor notice in writing and invite them to make a written submission on why this action should not be taken within a reasonable specified time (usually 14 days).

On occasion, it will be appropriate to suspend an auditor while the EPA investigates performance issues.

### 3 Conducting site audits

This section outlines requirements that site auditors must comply with in undertaking site audits. In assessing auditor performance, the EPA will examine whether an auditor has complied with these mandatory aspects as well as how the auditor has addressed the non-mandatory aspects.

This section also provides guidance to assist other interested parties understand the site audit process.

#### 3.1 Obligations of site auditors

In conducting their work, site auditors owe a primary duty of care to the environment and the health, safety and welfare of the people of New South Wales.

When carrying out their site audits, including the preparation of site audit reports and statements, site auditors must:

- maintain a high professional standard
- exercise their professional and independent judgement, applying their knowledge and skill appropriately to each audit they undertake
- be objective
- conduct the audits at arm's length from any person who engaged them to do the audit and whose work they are reviewing in the audit
- act with due care and diligence.

At the outset of an audit commission, the auditor should make themselves aware of the circumstances which triggered the need for an audit. The auditor should also ensure the client is aware of what the site audit process entails.

The site auditor must check that all relevant legal requirements applicable to the site assessment, remediation and validation work have been complied with and are considered in the site audit. Examples of the principal requirements are set out in Appendix D, although this list is not exhaustive. All cases of apparent non-compliance (or deficiencies of information) should be reported and discussed in the site audit report.

The site auditor must meet the following particular requirements regardless of whether the audit is statutory or non-statutory:

- a) comply with applicable provisions of the CLM Act, regulations, environmental planning instruments, and any guidelines made or approved by the EPA under the CLM Act
- b) not have a conflict of interest in relation to the audit as defined by the CLM Act
- c) where these guidelines allow an auditor to adopt or endorse an approach that differs from policies made or approved by the EPA, exercise independent professional judgement in doing so and provide in the site audit report adequate and explicit justification for taking this course
- d) finalise the site audit report before signing the site audit statement
- e) provide in the site audit report a clear, logical discussion of issues covered in the site audit and clearly substantiate the rationale for the auditor's conclusions

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- f) discuss in the site audit report all issues pertinent to the actual or potential contamination of the site and all issues required by these guidelines to be raised during a site audit
- g) state clearly why any human health and environmental issues that would normally be of concern are not of concern in the case of this audit
- h) make every reasonable effort to identify and review all relevant data, reports and other information held by the person who commissioned the site audit, or which is readily available from other sources, that provides evidence about conditions at the site which is relevant to the audit
- i) obtain advice from the appropriate expert support team members on issues that are outside the auditor's professional education, training or experience, and document in the site audit report where and from whom advice has been obtained
- j) exercise independent and professional judgement in deciding whether or not they have sufficient information to make a decision about the suitability of a site or a plan or to draw any other conclusion in relation to actual or potential contamination of a site in the course of a site audit, with justification for conclusions to be given in the site audit report
- k) make reasonable endeavours to find out whether any other audits have been commissioned in relation to the site and, if so, whether any of them were prematurely ceased and why
- l) state in the audit report the scope and findings of any previous audits
- m) in cases where the audit involves a review of site assessment, remediation or management work, visit the site to observe and verify, as far as is practicable, the completion of this work.

## 3.2 Site audit process

### 3.2.1 Stages in site assessment and remediation

A site audit is the second in two tiers of work in the site assessment and remediation process.

The **'first tier' is the work of a contaminated site consultant**, generally engaged by the site owner or developer. The contaminated site consultant designs and conducts a site assessment and any necessary remediation and validation, and documents the processes and information in reports.

The **'second tier' is the site audit** which involves a site auditor independently and at arm's length reviewing, for one of the audit purposes stated in the CLM Act, the consultant's assessment, remediation, validation and management plans or reports. The material outcomes of a site audit are a site audit report and site audit statement.

### 3.2.2 Independence

The integrity and rigour of the NSW Site Auditor Scheme depends on the auditor's critique of site assessment, remediation, validation and management work being carried out at arm's length from the people who did the work.

A site auditor must be able to demonstrate that in conducting their audits they have exercised their own professional judgement and that the opinions they express in the audit documentation have been reached independently. The auditor must be able to satisfy the EPA that in forming those opinions they have not been unduly influenced by the views or actions of others, particularly those who may have an interest in the outcome of the audit.



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

To help ensure that an audit is conducted at arm's length, the auditor should not be engaged by the consultant whose work is to be reviewed. Such an engagement is one that might reasonably be seen to give rise to a conflict between the site auditor's duties as a site auditor and their interests under the engagement. As per the definition on page 1, in the context of these guidelines, 'contaminated site consultants' means individuals or corporations engaged to carry out the assessment, remediation, validation and management of contaminated sites.

Auditors must not audit first-tier work if they have been involved in any aspect of that work because they would not have the necessary independence from this work.

A peer review undertaken by a consultant in their capacity as an accredited site auditor cannot be changed into something other than a site audit by such expedients as not issuing a site audit statement, issuing a disclaimer to the effect that 'this is not a site audit', or not complying with provisions about site audits in the CLM Act or these guidelines.

A consultant who is an accredited site auditor must not do a peer review of work in their capacity as a consultant, either as an individual or part of a team, if the review fits within the definition of 'site audit' in the CLM Act. A consultant who is an accredited site auditor may review work prepared by a colleague (or colleagues) as part of internal quality assurance checks or as part of a managerial role, however this work must not be signed off as an accredited site auditor for and on behalf of the consultancy.

A consultant who is an accredited site auditor must ensure that their participation in any first-tier work is manifestly being carried out in their capacity as a consultant. For example, any reports or correspondence produced in this work must not be signed off as an accredited site auditor for and on behalf of the consultancy.

A consultant who is also an accredited site auditor and who carries out first tier activities (for example, by being directly involved in the design, or implementation of the site assessment, its remediation or validation) is not, in carrying out those activities, conducting an independent review of the first-tier work.

If an auditor seeks to independently satisfy themselves of the representativeness of sample results, auditors may collect verification samples for analysis. Verification samples are not required if the auditor is satisfied that the information collected by others is adequate. Verification samples should be comparable to assessment samples i.e. taken in the same location and similar material.

#### **Site auditors as expert witnesses**

The CLM Act is not intended to capture as 'site audits', situations where site auditors provide independent opinions solely for the purpose of giving evidence as expert witnesses in Court proceedings. In these circumstances, site auditors need not comply with the requirements relating to site audits in giving those opinions or that evidence. However site auditors should, of course, be familiar with details of the case, exercise all due care, comply with all relevant legal requirements and act professionally.

#### **3.2.3 Conflicts of interest**

The obligations of site auditors with regard to avoiding conflicts of interest are detailed in the CLM Act. In broad terms, a site auditor must not carry out a site audit of land:

- a) if he or she is, or is related to, a person by whom any part of the land is owned or occupied
- b) if he or she has a pecuniary interest in any part of the land or any activity carried out on any part of the land

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- c) if it involves the site auditor reviewing any aspect of work carried out by, or a report written by, the site auditor or a person to whom the site auditor is related.

The categories of persons that are considered to be related to the site auditor and the tests for pecuniary interest are set out in the CLM Act.

The responsibility to ensure there is no conflict of interest rests with the auditor. If an auditor is uncertain whether there is a conflict, they should seek independent legal advice. The EPA cannot provide that advice.

### 3.2.4 Scope of a site audit

Depending on its purpose, a site audit determines whether, in the auditor's opinion, the consultant's work complied with relevant procedures and guidelines, whether it provides a robust basis for decisions or actions relating to the land concerned and/or whether the land is suitable for particular uses.

While a site audit must be for one or more of the purposes referred to in the CLM Act, the precise scope of work involved in the audit is usually defined by a site owner or developer. They may wish to know the current condition of the land for which they are contemplating a change in use, require an independent review of plans for assessment, investigation and/or remediation of the site, or need to know if remediation work has been completed to the level required for a particular land-use category. In some situations, consent authorities may define or contribute to, the scope of the site audit, particularly where the outcome of the audit is intended to be used to support the development consent process.

A site audit may include, but is not limited to, review of:

- the site's history of contaminating or potentially contaminating activities
- the conceptual site model(s) for the site
- planning of the sampling and analysis program (data quality objectives)
- sample collection and sample transport procedures
- quality control and quality assurance procedures
- chemical analyses of site samples
- impacts of chemicals and chemical mixtures on human health and the environment
- potential for off-site migration of contamination
- data collection, evaluation and interpretation
- mathematical modelling
- assessment of risk
- remediation plans
- waste management and disposal
- validation and monitoring
- environmental management plans
- conclusions and recommendations.

### 3.2.5 Procedures for statutory and non-statutory site audits

The meaning of statutory and non-statutory audits is given in Section 1.5.

#### Statutory site audits

For statutory site audits, a site auditor must carry out the following steps in the order indicated:

1. Notify the EPA in writing, using the site audit notification form approved by the EPA, within seven days of being commissioned by any person to carry out a site audit, specifying the name of the person and the location of the land concerned.
2. Prepare and finalise a site audit report.
3. After finalising the report, prepare a site audit statement using the form approved by the EPA.
4. Issue the site audit report and statement to the person who commissioned the site audit.
5. Provide a copy of the site audit statement to the EPA and the local authority at the same time as it is issued to the person who commissioned the site audit.
6. Submit the details of the site audit in the auditor's annual return (see Section 3.9).

#### Non-statutory site audits

For non-statutory site audits, steps 2 to 4 and 6 (above) must be followed and in the same order. Auditors should confirm with the client and/or local authority that the audit remains a non-statutory audit before signing the site audit statement. If the audit changes from a non-statutory audit to a statutory audit the auditor must notify the EPA in writing in accordance with step 1 (above).

### 3.2.6 Role of expert support team

The role of the auditor's expert support team is limited to providing advice to the auditor in areas relating to the team member's expertise. The auditor must not use an expert support team member who has been involved in any aspect of the first-tier work for the audit site.

The auditor is personally responsible for undertaking the site audit and making the final decision about the audit conclusions. The auditor must critically assess the information provided by the expert support team when forming that decision and preparing the site audit report and site audit statement. The advice of team members should be acknowledged in the audit report.

## 3.3 Site audit report

The site audit report must be a critical review of the information gathered by consultants during the site assessment and remediation process. The site audit report must clearly set out the rationale for the auditor's findings and any conclusions that will be contained in the site audit statement. The site audit report must not be a narrative summary of the work conducted by the consultants.

The site auditor must, as far as practicable, ensure that the report is a self-contained document which requires little or no direct reference by the reader to other material or documents to support the audit findings or the conclusions contained in the site audit statement.

In particular, the auditor must include in the report all of the following information or a clear and reasonable rationale for not doing so:

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- a) site location details, including maps giving details of potential receptors
- b) site history including past, current and proposed zoning and approved use, describing all potentially contaminating activities on the site and adjoining land
- c) a clear outline of the actual or potential contamination of the land
- d) potential contaminants of concern from both on-site and off-site sources, listing each specific contaminant – where the auditor considers that a contaminant that would usually be expected to be of concern is not in this case, the auditor must state this and give reasons for this conclusion
- e) soil stratigraphy and hydrogeology
- f) a conceptual site model
- g) a clear statement of the investigation and remediation that has taken place
- h) evaluation of quality assurance and quality control plans, including appropriate implementation of sampling plan(s), sample handling, collection and transport processes
- i) a summary of all analytical results and an evaluation of those results
- j) a summary and justification of environmental quality criteria used by the auditor in assessing the reports of consultants
- k) assessment of risks to human health, structures and the environment arising from the actual or potential contamination of land
- l) the need for any ongoing management of residual contamination and how that management should be achieved
- m) requirements relevant to the audit imposed by the planning consent authority, EPA or any other public authority and documented evidence that these requirements have been met
- n) any evidence of, or potential for, migration of contaminants from the site including odour, air quality, stormwater, sedimentation, soil vapour, ground gases and groundwater issues – where the auditor considers that off-site migration is not a potential issue, the auditor must say this and give reasons for this conclusion
- o) an assessment of aesthetic issues, odours and background soil concentrations where these are required by these guidelines or other guidelines made or approved by the EPA
- p) conclusions and recommendations, and details of how they have been reached
- q) any other information relevant to the site audit, including copies of correspondence between the auditor and consultant(s) relevant to the outcome of the assessment, remediation and validation works
- r) the auditor's opinion of the adequacy of the work of each consultant in relation to all of the above areas
- s) documentation of all cases where the consultants have departed from applicable guidelines with appropriate comment on whether these departures are acceptable.

If requested by the EPA, the site auditor must promptly submit a copy of the site audit report to the EPA, together with any other requested related information.

A consent authority may also request a copy of the site audit report from a site auditor to assist it in decision-making or determine factual information that needs to be recorded for planning purposes.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

The site auditor must prepare and finalise the site audit report before issuing the site audit statement.

### **3.4 Site audit statements**

#### **3.4.1 Preparing a site audit statement**

The site auditor must prepare and issue a site audit statement which is consistent with the scope of the site audit which they were commissioned to do. For example, if the commission was solely to review whether a remediation plan was appropriate for its purpose, the conclusions in the site audit statement must be limited to that review.

The auditor must prepare the statement on the form approved by the EPA at the time the statement is issued. The wording on the approved form must not be altered except as permitted by the instructions on the form and the form must be completed in accordance with the explanatory notes on the form.

To assist in describing the area which is the subject of the audit, a survey plan clearly depicting the area may be attached to the site audit statement provided it is in a format that can be readily used by a consent authority and is capable of clear black and white reproduction.

If contamination is to remain on the site in a discrete area, such as in a containment cell, a surveyed plan showing the area concerned must be attached to the site audit statement.

#### **3.4.2 Signing and issuing site audit statements**

When signing a site audit statement, auditors are certifying that they have personally completed a site audit and have examined and are familiar with the information contained in the statement and all reports and other information referred to in the statement or report.

A site auditor must not sign a site audit statement on behalf of another auditor.

If an auditor certifies when issuing a site audit statement that a site is suitable for a specific use(s) subject to no conditions an auditor declares that, at the time of completion of the site audit, no further investigation or remediation or management of the site was needed to render the site fit for the particular use(s).

If an auditor certifies when issuing a site audit statement that a site is suitable for a specific use(s) subject to compliance with a specified environmental management plan an auditor declares that, at the time of completion of the site audit, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the environmental management plan was feasible and would enable the particular use(s) of the site and no further investigation or remediation of the site was needed to render the site fit for the particular use(s).

If an auditor certifies when issuing a site audit statement a site can be made suitable for a use(s) if remediated or managed in accordance with a specified plan, the auditor declares that, at the time the audit was completed, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the plan was feasible and would enable the particular use(s) of the site in the future.

Auditors may include comments on the site audit statement which are observations in light of the audit which provide a more complete understanding of the environmental context to aid decision-making in relation to the site.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

The site auditor must give a signed copy of the completed site audit statement to the person who commissioned the site audit.

For **statutory** site audits only, the auditor must also give a copy of the site audit statement to the EPA and the local authority at the same time it is issued to the person who commissioned it.

The auditor must assign each site audit statement its own consecutive number and keep a copy of each statement.

### 3.4.3 Finality of site audit statements

The site auditor must not change or withdraw the site audit statement after they have signed it. It is therefore crucial that site auditors ensure the accuracy of all information contained in the site audit statement before signing it.

Should errors be found after the site audit statement has been signed, the site auditor must send a corrected version of the statement to the person who commissioned the site audit and any other person the auditor provided the statement to. The same site audit statement number must be retained but suffixed or prefixed with an 'R' to indicate that this is a revised statement. If it is a **statutory** site audit, copies of the revised statement must also be sent to the EPA and the local authority, within 14 days of signing the revised statement, in writing specifying what the amendments were.

Errors which may be corrected in this manner include changes which do not affect the auditor's conclusions such as typographical or formatting changes or amended property descriptors.

### Further remediation after a site audit statement has been issued

In some cases, after a site audit statement which certifies that a site is suitable for a particular use has been issued, further remedial work is undertaken on the site to allow a more sensitive use. A new site audit may be necessary if the consent authority requires confirmation that the new land use is suitable.

### 3.4.4 Significant new findings

After a site audit statement has been issued, the site auditor may become aware of new information about contamination at the site that may materially affect the validity or appropriateness of the conclusions in the site audit statement or report. Such circumstances may arise, for instance, where formerly unknown and unrecorded site history information becomes available after the statement is issued. Where the audit is statutory, the auditor must promptly notify the client, the EPA, the local authority and any other person the auditor provided the statement to.

Where an auditor is commissioned to do so, they must issue an amended site audit report and/or statement (as appropriate) to take account of this new information and issue the amended version to the client and any other person the auditor provided the report and/or statement to (with a different number from the original). If it was a **statutory** site audit, the auditor must also send the amended site audit statement to the EPA and the local authority.

The auditor must not issue an amended site audit report and/or statement for a statutory audit without first providing to the EPA written justification for issuing an amended document and receiving the EPA's written approval to do so.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

### 3.4.5 Conditions included in site audit statements

Site audit statements must be issued with either no conditions or as few conditions as practicable, since conditions qualify the auditor's conclusions, and therefore detract from the definitive nature of the statement.

There will be some occasions when it will be appropriate for a site audit statement to contain conditions, such as a condition requiring the implementation of an environmental management plan (EMP) (see Section 3.4.6).

Where the site audit statement states a site can be made suitable for a use(s) if remediated in accordance with a specified plan, any conditions specified by the auditor on the site audit statement should be limited to minor modifications or additions to the specified plan.

Where the site audit statement states that future assessment or remediation of the site is required – for example, if development is proposed on an area where contaminated soils were contained – it must also state whether the assessment or remediation should be audited by an accredited site auditor.

Where the site audit is being done as part of the planning approval process under the Environmental Planning and Assessment Act, the method for ensuring compliance with any condition should be discussed by the auditor with the consent authority. The consent authority should be asked their view on the method for ensuring compliance and given reasonable opportunity to respond.

Where compliance with a condition could only be ensured with the involvement of an authority, auditors must seek written approval from the relevant authority before issuing a site audit statement with that condition. For example, auditors must have written approval from the EPA or a local authority before issuing conditions that involve the EPA or the local authority, respectively.

Any conditions that are included in the site audit statement must also be able to be complied with by lawful means, for example because compliance with it is a requirement of a notice under the CLM Act or of development consent conditions issued by the relevant consent authority.

Where the site audit statement states a site can be made suitable for a particular use(s) if remediated or managed in accordance with a specified plan the plan must be attached to the site audit statement and included in the site audit report.

Where the site audit statement states a site is suitable for a particular uses(s) if managed in accordance with a specified plan, the plan must be attached to the site audit statement and included in the site audit report.

### 3.4.6 Environmental management plans

Within the context of contaminated sites management, an environmental management plan (EMP, sometimes also called a 'site management plan') means a plan which addresses the integration of environmental mitigation and monitoring measures for soil, groundwater and/or hazardous ground gases throughout an existing or proposed land use. An EMP succinctly describes the nature and location of contamination remaining on site and states what the objectives of the plan are, how contaminants will be managed, who will be responsible for the plan's implementation and over what time frame actions specified in the plan will take place.

An EMP can be an effective means of ensuring the environment is protected, users of the site are not exposed to contamination remaining on site and the site remains suitable for the proposed use when:



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- complete remediation of contamination affecting an area is not practicable (for example low levels of contamination under a concrete slab)
- contaminants are being capped or contained on site
- remediation is likely to cause a greater adverse impact than would occur if the site were left undisturbed.

The length and precise content of the EMP will depend on the complexity of site issues. However a short, concise EMP may be adequate to address issues at a simple site. Regardless of its length, an EMP must be a stand-alone document with enough detail and clarity in the description of the site and the actions required to be readily understood. Generally, EMPs should be prepared by an environmental consultant for review by the site auditor, rather than by the site auditor. However, where the requirements of an EMP are of a minor nature, it may be acceptable for the site auditor to prepare it.

Systems to manage contamination detailed within an EMP may be passive or active. Passive management systems usually require minimal management and maintenance and do not usually incorporate mechanical components. In some cases, passive systems may relate to notification of residual contamination to ensure mechanisms for managing risks are applied e.g. outline procedures that protect people who could come into contact with contaminated groundwater, such as workers undertaking excavations below the water table.

Active management systems usually incorporate mechanical components and/or require monitoring and regular maintenance and inspection are necessary. Most active management systems are applied at sites where, if the systems are not implemented, an unacceptable risk may occur. Active management systems must only be considered for properties where effective long-term management is feasible.

Implementation of an EMP must not be included by a site auditor as a condition on a site audit statement nor accepted by the auditor as a means of managing contamination of a site unless the following conditions have been met.

- a) The EMP has been reviewed by the auditor.
- b) The EMP can reasonably be made to be legally enforceable, for example because compliance with it is a requirement of a notice under the CLM Act or of development consent conditions issued by the relevant consent authority. The relevant authority (the EPA or the local authority in these cases, respectively) should be asked their view on the legality of the draft EMP. How implementation of an EMP can reasonably be made to be legally enforceable should take into account exempt and complying development which may occur at the site.
- c) There will be appropriate public notification of any restrictions applying to the land to ensure that potential purchasers or other interested individuals are aware of the restrictions, for example appropriate notations on a planning certificate issued under s.149(2) of the Environmental Planning and Assessment Act or a covenant registered on the title to land under s.88B of the *Conveyancing Act 1919*.
- d) There is no off-site migration of contamination from the site which is the subject of the site audit, or where there is off-site migration or its potential, that contamination within the site is managed or monitored so it does not present an unacceptable risk to either the on-site or off-site environments.

If an auditor includes a condition on a site audit statement requiring the implementation of an EMP, the auditor must state on the site audit statement form whether the EMP requires



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

operation and/or maintenance of active management systems or requires maintenance of passive management systems only.

### **3.5 Finalising audit statements**

#### **3.5.1 Site audit statement findings**

Site auditors must ensure that their finding that a site is suitable for a particular use does not assume or depend on the completion of unfinished remediation work to make the land suitable for that use.

Before a site auditor certifies a site can be made suitable if remediated in accordance with a specified plan, they must be satisfied that:

- the plan takes into account the particular conditions of that site, that is it is not a generic 'off-the-shelf' plan
- it is feasible to implement the plan at the site at some time.

#### **3.5.2 Unsatisfactory assessment, remediation or validation**

Where an auditor is not satisfied with the assessment, remediation or validation of a site, or considers that the site is not suitable for the proposed land use, the auditor must discuss this with the person who commissioned the audit, before issuing the site audit statement. Where appropriate, the auditor should suggest further work that would satisfy them that the site is suitable for the proposed use. Alternatively, the auditor may suggest the development of the site for a less sensitive use.

If the site auditor decides to issue the site audit statement without further work being done, they must certify that the site is not suitable for its proposed use.

### **3.6 Progressive development of a site**

#### **3.6.1 Development of a site in sections or stages**

Where a site is to be developed progressively, section by section, discrete site audits may be required in relation to each section. As each section is developed, the site auditor may issue a site audit statement concerning the suitability of that section for the proposed land use. The land parcel subject to the audit must be clearly identified in the site audit statement in an appropriate format for use by a consent authority, for example as a separate lot in a deposited plan, or – where it is part of a lot – depicted on a survey plan attached to the statement.

The site auditor must consider the compatibility of land uses during staged developments and take reasonable steps to ensure that sections that have been certified as suitable for a proposed use are not re-contaminated by ongoing site works or adjacent contamination.

#### **3.6.2 Multi-stage audits**

If a site auditor is commissioned to undertake a single site audit involving a lengthy, multi-stage or multi-purpose review, the auditor must issue a site audit statement only when the process is completed. An example would be an audit involving reviews of the adequacy of firstly the site investigation, then the remediation, followed by the validation leading to a statement about the suitability of the land use. However the auditor may provide written interim advice on the work

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

plans or reports in the lead-up to issuing the final site audit statement at the end of the entire audit.

When this interim advice is provided, the site auditor must:

- specify that the interim advice does not constitute a site audit report or statement
- ensure the interim advice is consistent with EPA guidelines and policy
- not pre-empt the conclusion to be drawn at the end of the site audit process
- clarify that a site audit statement will be issued at the end of the audit process
- document in the site audit report all interim advice that was given.

However, if the auditor is expressly commissioned to provide a series of site audits for certain discrete, designated stages of a project, the auditor should issue a separate site audit statement for each of those audits.

### **3.7 Other considerations for auditors**

#### **3.7.1 Change of site auditor**

If a site auditor is unable to proceed with or finalise an audit and another site auditor is appointed, the new auditor must undertake a full audit in relation to the site concerned. The new auditor should comment on the circumstances surrounding the change of auditor in the site audit report if it has a material bearing on the audit.

The new site auditor may refer to the work of the previous auditor. However, they must not defer to the previous auditor's judgement on any of the matters required to be considered in undertaking the audit. The new auditor must exercise their own professional judgement and make their own independent decisions about all matters that form part of the site audit report and site audit statement.

For statutory audits, the new auditor must submit a site audit notification as described in Section 3.2.5.

#### **3.7.2 False audits or information**

Under the CLM Act it is an offence for a person to make any statement, either in connection with a site audit or a site audit statement, that the person knows is false or misleading in a material respect. The maximum penalty for the offence for an individual is \$250,000, and for a corporation \$1,000,000.

#### **3.7.3 Falsely claiming to be a site auditor**

It is an offence under the CLM Act for an individual to represent themselves as a site auditor accredited under the CLM Act when they are not, including while their accreditation is under suspension, or to conduct types of site audits which they are prohibited from conducting as a condition of their accreditation. It is also an offence for an auditor to allow someone else to make this sort of representation about them.

It is an offence for a body corporate to represent itself, or allow others to represent it, as an accredited site auditor.

The maximum penalty for these offences for an individual is \$120,000 and for a body corporate \$250,000.

### 3.8 Communications with the EPA

#### 3.8.1 Significant health or environmental problems posed by the site

Site auditors must bring to the attention of the EPA any significant environmental or public health problem that the auditor considers is posed by a site being audited, as soon as practicable after the auditor becomes aware of the problem.

#### 3.8.2 Notification and regulation of sites under the CLM Act

If an auditor is commissioned to undertake a site audit for a contaminated site which has been notified to the EPA the auditor must contact the EPA to discuss the site before completing their audit. [List of NSW contaminated sites notified to EPA](http://www.epa.nsw.gov.au/your-environment/contaminated-land/notification-policy/contaminated-sites-list) is available on the EPA webpage [www.epa.nsw.gov.au/your-environment/contaminated-land/notification-policy/contaminated-sites-list](http://www.epa.nsw.gov.au/your-environment/contaminated-land/notification-policy/contaminated-sites-list).

Similarly, if an auditor is commissioned to undertake a site audit for a site which is being regulated by the EPA under the CLM Act, the auditor must contact the EPA to discuss the regulation of the site before completing their audit. The list of contaminated sites regulated by the EPA is available via [Search the contaminated land record: app.epa.nsw.gov.au/prclmapp/searchregister.aspx](http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx).

If an auditor concludes the site they are auditing should be notified to the EPA under the CLM Act, the auditor must as soon as practicable after making the conclusion take reasonable steps clearly and in writing to advise the person who commissioned the site audit of the duty of site owners and polluters to notify the EPA of contamination. A copy of the written advice must also be provided to the EPA at the same time it is provided to the person who commissioned the site audit and the advice should be emailed to the EPA at [nswauditors@epa.nsw.gov.au](mailto:nswauditors@epa.nsw.gov.au).

The written advice should include:

- the contaminants of concern
- what aspects of the environment are affected
- who and what is potentially at risk
- the reasons why the auditor considers the site they are auditing should be notified to the EPA under the CLM Act.

#### 3.8.3 Hazardous ground gases and groundwater contamination

If an auditor is assessing land-use suitability for a site impacted by hazardous ground gases or where groundwater contamination is present, the auditor must discuss with the EPA whether any remediation is required to address potential risks to off-site receptors and, if so, what regulatory mechanism may be required for this further work.

Section 4.2.2 provides further detail on assessing groundwater, Section 4.2.3 provides further detail on assessing hazardous ground gases and Section 4.4 provides further detail on evaluating land-use suitability.

#### 3.8.4 Premature cessation of a statutory site audit

If, after commencing a statutory site audit, the site auditor permanently stops working on the audit for any reason (for example, because they have been directed to cease work by the

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

person who commissioned the audit), the auditor must provide the EPA with the following information in writing within seven days:

- the number of the auditor's notification to the EPA
- the site details
- the details of the person who commissioned the site audit (name, address, phone number)
- the reason for the audit being stopped
- the date on which the audit was stopped.

The auditor should also send this information to the relevant consent authority.

Premature cessation of non-statutory audits should be recorded in the auditor's annual return.

### 3.9 Auditors' returns

Site auditors are required to provide the EPA with details of all completed statutory and non-statutory audits, as well as those in progress, for the period between July of one year and June of the next year. Site auditors must use the annual return template provided by the EPA. For newly accredited auditors, the annual return period runs from the date of accreditation to the end of June. The annual return is to be furnished by 31 July each year. In their annual return, an auditor must provide the following information for each site as prescribed by the CLM Regulation:

- the location of the site, including lot and DP numbers, street address, suburb and local government area
- the size of the site
- the site's zoning under the Environmental Planning and Assessment Act and, if a change in zoning is proposed, its proposed zoning
- the date when the auditor was commissioned to conduct the site audit
- the date the site audit commenced
- the date by which the site audit was completed or is expected to be completed
- the land use(s) of the site that have caused the contamination for which remedial action was carried out
- the current land use of the site and any proposed land use
- the conclusions of the site audit about the suitability of the site for the current and proposed land uses
- the name of the person who did, or is doing, the remedial work that has been reviewed, or is being reviewed, and the titles of any of their reports that have been reviewed or are being reviewed.

In addition, site auditors must provide the following details for any revised site audit statements and amended site audit statements and/or site audit reports they have issued:

- the location of the site, including lot and DP numbers, street address, suburb and local government area
- the date the revised site audit statement or amended site audit statement and/or site audit report was issued

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- the justification for issuing the revised or amended document.

### **3.10 Auditor meetings**

The EPA holds meetings with auditors as required. Auditors are given written notice of these meetings. Attendance is highly recommended. An auditor's record of attendance is taken into account when considering whether to renew the accreditation of an auditor.

## 4 Contamination assessment, remediation and management

This section outlines some of the EPA's policies in relation to the assessment and remediation of contaminated sites and the management of any contamination remaining on site. The policies are relevant to auditors' decision-making about (among other things):

- systematic planning for data collection including the quality of the data used in the assessment of contamination
- issues encountered in the investigation of contamination
- remediation activities
- land-use suitability.

Site auditors must be able to demonstrate to the EPA's satisfaction that they have complied with the requirements in this section.

Where these guidelines state that a site auditor must 'check' something, for example an aspect of a consultant's work, it is also a requirement that they:

- state in the site audit report whether or not this checking has been done
- are able to provide evidence of such checking by, for instance, referring to sources
- document in the site audit report any instances where a consultant's work departs from policies or guidelines made or endorsed by the EPA, together with their reasons for accepting such departures.

### 4.1 Systematic planning for data collection

A systematic planning process must be used by consultants for defining the objectives of all site assessment and remediation programs and to develop sampling and validation plans for the collection and evaluation of representative data to achieve those objectives.

#### 4.1.1 Data quality objective (DQO) process

The DQO process is used to define the type, quantity and quality of data needed to support decisions relating to the environmental condition of a site.

DQOs must be adopted for all assessment and remediation programs and the process must be commenced before any investigative works begin on the project. Site auditors must check that the consultant has properly addressed and adopted DQOs, as described in Appendix B of Schedule B2 of the NEPM, for the investigation or validation program. Further guidance documents are listed in Appendix F: Further reading. Site auditors must check the consultant's report includes the following:

- a statement of pre-determined DQOs for field and laboratory procedures, including quantitative DQOs
- a plan to achieve pre-determined DQOs
- procedures to be undertaken if the data does not meet the expected DQOs.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

#### **4.1.2 Sampling and analysis quality plans (SAQP)**

Site auditors must check the consultant has a well-developed SAQP that includes the information listed in s.5.3 of Schedule B2 of the NEPM.

#### **4.1.3 Assessing quality assurance and quality control**

In the course of a site audit, an auditor must ensure the data from the site assessment is reliable and representative of the condition of the site. To achieve this objective, site auditors must check the reliability and fitness for purpose of both field sampling procedures and laboratory programs.

Appendix C of Schedule B2 and s.3 of Schedule B3 of the NEPM contain the essential issues which must be included in the quality assurance program conducted by the contaminated site consultant and laboratory respectively during site assessment and remediation processes. Site auditors must check that the consultant and laboratory have undertaken an assessment of the reliability of field procedures and analytical results using the data quality indicators, checklist and process outlined in the NEPM.

## **4.2 Assessment of site contamination**

### **4.2.1 Soil investigation levels and screening levels**

The decision-making process for assessing urban sites (Appendix A) aims to help site auditors satisfy themselves that soil investigation levels and screening levels have been used appropriately by contaminated site consultants to assess concentrations of contaminants in soil. Soil investigation levels and screening levels are the soil concentration levels above which further investigation and evaluation are required. They do not take account of all possible environmental impacts, but they are intended as a practical response to contaminated site issues dealt with in the NSW urban environment. Soil investigation levels include the health investigation levels (HILs) and ecological investigation levels (EILs) published in the NEPM. Screening levels include the health screening levels (HSLs) and ecological screening levels (ESLs) published in the NEPM.

The exposure scenarios on which the soil investigation and screening levels are based are published in Schedule B1 and B7 of the NEPM.

Site auditors must check that the soil investigation and screening levels used in the assessment of contaminated sites have been used in accordance with the NEPM.

Soil investigation and screening levels do not apply to land being, or proposed to be, used for agricultural purposes (consult NSW Department of Primary Industries and NSW Health for the appropriate criteria for agricultural land).

The decision-making process in Appendix A describes how the soil investigation and screening levels must be applied to different proposed land uses.

Soil investigation levels and screening levels do not address aesthetic issues or the potential for contaminants to migrate to groundwater, however, these matters also need to be addressed in a site assessment (see also Section 4.2.6).

For petroleum hydrocarbon compounds, the site auditor should also consider the management limits referred to in s.2.9 and Table 1B(7) of Schedule B1 of the NEPM. The management limits should be considered after consideration of the health screening levels and ecological screening levels for petroleum hydrocarbons.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

#### 4.2.2 Assessing groundwater and surface water

##### Groundwater and surface water assessment criteria

Site auditors must check that the potential for groundwater and surface water contamination has been adequately assessed. This includes checking that the relevant assessment criteria have been appropriately applied and discussed in the consultant's report in accordance with relevant guidelines approved by the EPA.

The site auditor must state in the site audit report whether or not the most appropriate groundwater and surface water assessment criteria have been applied. If they have not, the auditor must state the reasons why this is acceptable.

##### Plume delineation

If groundwater contamination is identified, the site auditor must check the lateral and vertical extent of the contaminant plume has been adequately delineated. Where this has not been done, this must be noted by the auditor in the site audit report and the auditor must justify in the site audit report they have sufficient information to draw a conclusion in relation to risks to human health, structures and the environment from contamination at the site.

##### Separate phase contaminants

Site auditors must ensure that the presence of separate phase contaminants has been adequately investigated where it is possible that separate phase may be present in groundwater.

#### 4.2.3 Assessing hazardous ground gases

The term 'hazardous ground gas' is applied to both gases and vapours<sup>6</sup> that may be present within the pore space of soils and rocks and may impact adversely upon human health and safety or the integrity of structures, and may consequently affect activities such as the construction and management of buildings. Such gases or vapours may be of natural or anthropogenic origin.

The site auditor must check that the potential for hazardous ground gases has been adequately assessed, including the potential for hazardous ground gases to migrate from the site. The auditor must also check that the relevant assessment criteria have been appropriately applied and discussed in the consultant's report in accordance with relevant guidelines made or approved by the EPA and relevant technical guidance documents, for example the *Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases* (EPA 2012). See [Assessing and managing hazardous ground gases: www.epa.nsw.gov.au/your-environment/contaminated-land/assessment-and-remediation/managing-hazardous-ground-gases](http://www.epa.nsw.gov.au/your-environment/contaminated-land/assessment-and-remediation/managing-hazardous-ground-gases). This includes screening and investigation levels for soil vapour as published in Schedule B1 of the NEPM.

If an acute or explosive risk from hazardous ground gases is suspected then immediate action, including contacting relevant emergency services, should be taken to address the risk.

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<sup>6</sup> Vapours may exist in equilibrium with liquid or solid phases of the same material at the ambient temperature. Gases may only exist in the gas phase under the ambient conditions.



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

#### 4.2.4 Assessing sediment quality

Guidance for assessing contamination of sediments is contained in *Revision of the ANZECC/ARMCANZ Sediment Quality Guidelines*, CSIRO Land and Water Science Report 08/07 (Simpson, Batley & Chariton 2013). Where assessment of sediments has been undertaken, site auditors must check the consultant has applied these guidelines and any updates to these guidelines.

#### 4.2.5 Site-specific risk assessments

A site-specific risk assessment (referred to as a Tier 2 and Tier 3 assessment in the NEPM) may have been undertaken by the contaminated site consultant:

- where investigation and screening levels are not available for particular contaminants
- where concentrations of contaminants exceed investigation and/or screening levels and indicate that further investigation and evaluation is required
- where further assessment is required to reduce uncertainties.

The auditor must check whether the site-specific risk assessment(s) has been undertaken in accordance with Schedules B4, B5, B6 and B7 of the NEPM and any relevant guidelines made or approved by the EPA. The auditor must also check that any human health risk assessment satisfied all the requirements in the checklist in Appendix E. Where these guidelines allow an auditor to endorse an approach that differs from policies made or approved by the EPA, the auditor must exercise independent professional judgement in doing so and provide in the site audit report adequate and explicit justification for doing this.

If an auditor is not a risk assessment expert themselves they must seek expert advice from their support team or provide appropriate justification in the site audit report why expert support was not sought.

The auditor must check that all site-specific risk assessments are scientifically valid and that the site-specific criteria recommended by the consultant are appropriate to protect public health and the environment including whether:

- site investigation data has been used correctly and is of suitable quality and is sufficient to support the assessment conclusions
- chemicals of potential concern have been identified correctly/appropriately
- appropriate exposure scenarios have been developed for the site based on the current and approved land use or proposed land use relevant to the scope of the audit, and the parameters used are appropriate
- appropriate exposure models have been used and they have been used correctly
- appropriate risk calculations have been undertaken and the calculations are correct
- conclusions correctly relate to the scenarios assessed and calculations that have been undertaken
- sufficient discussion of the uncertainties in the assessment is provided.

The level of detail in any site-specific risk assessment should be appropriate to the complexity of the site and scenarios requiring assessment.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

#### 4.2.6 Aesthetic issues

The auditor must check that aesthetic issues have been considered in the assessment of contamination in accordance with s.3.6 of Schedule B1 of the NEPM. Aesthetic issues include the generation of odours from the site and any discolouration of the soil as a result of contamination.

#### 4.2.7 Assessment of sites potentially contaminated by PFAS

The auditor must check that contamination by per- and poly-fluoroalkyl substances (PFAS) has been considered in the assessment of contamination. *Designing Sampling Programs for Sites Potentially Contaminated by PFAS* (EPA 2016) provides technical guidance for investigations of PFAS in soil, groundwater and surface water for contaminated land assessment and management. See [Sampling on sites contaminated by PFAS: www.epa.nsw.gov.au/your-environment/contaminated-land/assessment-and-remediation/sampling-sites-pfas-contamination](http://www.epa.nsw.gov.au/your-environment/contaminated-land/assessment-and-remediation/sampling-sites-pfas-contamination).

#### 4.2.8 Off-site migration of contamination

Site auditors must consider the potential for contamination to migrate from the site which is the subject of the site audit. The auditor must discuss in the site audit report evidence for the occurrence of off-site migration of contaminants and give an opinion on the impacts on likely receptors. If the auditor believes the off-site migration of contamination should be addressed to protect human health or the environment, the auditor must state this explicitly in the site audit report and in the 'comments' section of the site audit statement.

Auditors should also be aware of the potential for off-site impacts, such as air quality, odour and aesthetics, in considering the appropriateness of remediation or the suitability of a site for a particular use.

The site auditor must take all reasonable steps to advise the site owner or occupier of any potential risk of off-site migration of contamination and draw their attention to the circumstances where they may have obligations under the CLM Act. The auditor should advise the site owner or occupier in writing of any obligations they may have under the CLM Act as soon as practicable after the auditor becomes aware of these. A copy of the written advice must also be provided to the EPA at the same time it is provided to the person who commissioned the site audit and the advice should be emailed to the EPA at [nswauditors@epa.nsw.gov.au](mailto:nswauditors@epa.nsw.gov.au).

The site auditor's correspondence and any written responses to the auditor from the person concerned should be appended to the site audit report.

### 4.3 Remediation of contamination

#### 4.3.1 General considerations

A site auditor must be satisfied that any proposed or completed remediation is technically feasible, environmentally justifiable and consistent with relevant laws, policies and guidelines. Where an auditor is satisfied of these matters, they must document the reasoning in the site audit report.

In reviewing remediation strategies proposed by the consultant or remediation actions already taken, site auditors must have regard to:

- national and NSW remediation policies

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- the *Protection of the Environment Operations Act 1997* (POEO Act) and Regulations
- other legislation such as the *Environmentally Hazardous Chemicals Act 1985* (EHC Act) and the *Environmental Planning and Assessment Act*
- relevant technical guidance documents issued by the EPA.

#### 4.3.2 Site remediation policy

The preferred hierarchy of options for site remediation and/or management is set out in s.6(16) Assessment of Site Contamination Policy Framework of Schedules A and B of the NEPM; this hierarchy is followed in New South Wales.

The auditor should confirm that sustainability (environmental, economic and social) has been considered by the consultant when deciding which remediation option to choose, in terms of achieving an appropriate balance between the benefits and effects of undertaking the option. For example, where it is not viable to remediate large quantities of soil with low levels of contamination, alternative strategies should be considered or developed.

In cases where no readily available or economically feasible method is available for remediation, it may be possible to adopt appropriate regulatory controls or develop other forms of remediation.

The appropriateness of any particular option will depend on a range of local factors. Where a site auditor supports, in the site audit report, any specific remediation option or options proposed by the consultant, they must clearly justify the reasons for their support in terms of relative advantages, as well as the reasons for the rejection of particular options.

#### 4.3.3 On-site containment and capping

Site auditors must, where relevant, demonstrate in their site audit reports that they have considered the technical issues associated with on-site capping or the use of other physical barriers to contain contamination.

Such options should be considered only where other preferred approaches from the remediation hierarchy, set out in s.6(16) Assessment of Site Contamination Policy Framework of Schedules A and B of the NEPM, are not applicable.

The capping and/or containment strategy must be appropriate for the contaminants of concern. Before endorsing any capping and/or containment proposal site auditors must check that it:

- maximises the long-term stability of the capping and/or containment system(s) and any proposed structures above it (from an engineering perspective) and, where applicable, minimises the potential for leachate formation and/or volatilisation
- does not include the erection of structures on the capped and/or contained area that may result in a risk of harm to public health or the environment
- recommends a notification mechanism to ensure that the capped and/or contained areas are protected from any unintentional or uncontrolled disturbance that could breach the integrity of the physical barrier, such as recommending placing a notation or covenant on the property title or a notation on a s.149 certificate or issuing an order or placing a covenant on the title to land under the CLM Act to require ongoing maintenance under the Act.

See also Sections 3.4.5 and 3.4.6 regarding conditions placed on site audit statements and reliance on environmental management plans.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

#### 4.3.4 Contamination at depth

As a general principle, contamination at a site must be remediated to meet the appropriate remediation criteria.

Remediation criteria for contaminated soils at depth may differ from the criteria for shallow soils due to differences in exposure opportunities. However, the inhalation of volatile contaminants and the need to protect groundwater require consideration, irrespective of depth. Where remediation criteria for contaminated soils at depth are different from those for shallower soils, an auditor must consider, in the site audit report, the need for any ongoing management of the contamination at depth in addition to any requirements for managing shallow soil contamination. An auditor must document in their report the rationale supporting the conclusion on this issue.

Irrespective of the depth of contamination, an auditor must not endorse any proposal to leave contamination which may pose an unacceptable human health or environmental risk in situ unless they have first checked that the following issues are satisfactorily addressed:

- Investigation has demonstrated the remaining contamination will not adversely affect the groundwater quality and that any contaminant vapours will not migrate to the surface and pose a risk to human health.
- An environmental management plan has been developed, will be implemented, and can be enforced under relevant laws to ensure that, if the contaminated soil is disturbed, it will be handled in an appropriate manner to avoid any increase in potential risks to human health or the environment.
- The local authority is notified that contamination remains at depth on the site, together with its location, nature and extent, details of the environmental management plan and any other regulatory requirements that relate to the contamination, thus allowing the local authority to record this information, as it considers appropriate, in its property information system for the site, such as s.149 certificates.

#### 4.3.5 Vertical mixing or other mixing techniques

The technique of mechanically mixing the contaminated surface soil with cleaner soil found at greater depths ('vertical mixing') has been developed for use on broadacre agricultural land where there is no readily available or economically feasible method available for remediating large quantities of soil with low levels of contamination.

Vertical mixing must only be carried out where **all** prerequisites listed in *Guidelines for the Vertical Mixing of Soil on Former Broad-acre Agricultural Land* (EPA 2003) are satisfied. These guidelines are available from [Statutory guidelines: www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/statutory-guidelines](http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/statutory-guidelines).

#### 4.3.6 Bioremediation

Where relevant, site auditors must demonstrate in their site audit reports an awareness of the issues associated with the introduction of imported organisms for bioremediation. The EPA encourages the use of local species in bioremediation because this eliminates the risks associated with introducing foreign living organisms to the environment. However, where imported organisms are used, a site auditor must not endorse the use of those organisms unless they are satisfied that:

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- for species imported from overseas, details of the relevant Biosecurity Import Conditions System Permit, including any conditions accompanying the permit, are contained in the consultant's report
- a certificate from a recognised laboratory identifying the species to be released is contained in the report
- an assessment of the human and animal health risks arising from the use of the imported organisms has been made and is presented in the report, and these risks are acceptable
- the distribution of the organisms in Australia and the dispersal mechanisms in air, water and soil are known
- the expected survival period of the organisms in the environment and the possible consequences of the release have been assessed and are acceptable
- an estimate of the number of organisms to be released and the frequency of release has been documented
- the survival of the organism in the environment has been monitored by appropriate methodologies
- contingency measures are in place to remove or destroy the organisms if a hazard becomes evident during the course of the release.

#### Landfarming

Landfarming is a form of bioremediation. The auditor must check that any proposal for landfarming demonstrates adequate safeguards for the protection of human health and the environment. The potential for uncontrolled emissions of, for example, volatile organic compounds, leachates and odours and any other adverse effects from treatment must be considered on a site-specific basis according to the nature of the contamination and the conditions of the site.

#### 4.3.7 Waste management

When reviewing information relating to the management of waste, site auditors must have regard to the provisions of the NSW Government's framework for managing wastes. In New South Wales, it is an offence to transport waste to a place that cannot lawfully receive it, or use a site to receive waste that cannot lawfully be used as a waste facility. To ensure that waste generators (or their representatives) do not trigger such offences:

- in relation to disposal, they must ensure their waste is carefully classified in accordance with the *Waste Classification Guidelines – Part 1: Classifying Waste* (EPA 2014) as in force from time to time (the 'Waste Guidelines', available from [Waste classification guidelines: www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines](http://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines)), and the waste is taken to a facility that is lawfully able to receive that waste; and
- in relation to re-use for land application purposes, they must ensure their waste meets the requirements of the resource recovery order and resource recovery exemption framework.

For consultants who have been engaged to classify waste, or to assist their client in complying with the order and exemption framework, they must ensure their work complies with all of the requirements of the Waste Guidelines, and the relevant order and exemption. It is an offence to supply information about waste that is false or misleading.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

**Waste classification**

Auditors must check the consultant or waste generator (or their representative) has classified the waste in accordance with the Waste Guidelines.

The Waste Guidelines set out six important steps for classifying waste. Auditors must check the consultant or waste generator (or their representative):

- has assessed the waste against the relevant step(s) of the Waste Guidelines
- has provided adequate justification for the determined classification of the waste.

Where a waste has **undergone chemical assessment** to determine its classification, auditors must check and review the consultant or waste generator (or their representative) has provided adequate justification for:

- sampling density
- sampling pattern and method used
- selection of contaminants of potential concern for laboratory analysis
- leachate analysis using the toxicity characteristics leaching procedure
- the determined classification of the waste based on chemical assessment.

Where an auditor is not satisfied with the classification of the waste, and **the waste is still on site**, the auditor must suggest that further work is undertaken by the consultant to ensure the waste is classified appropriately.

Where an auditor is not satisfied with the classification of the waste, and **the waste has already been moved off site**, the auditor must note this in the site audit report and notify the EPA in accordance with the EPA notification policy for waste, outlined below.

**Waste disposal and recycling**

Auditors must check that waste generated from the audit site has been taken to a facility lawfully able to receive that waste. Auditors must check the consultant or waste generator (or their representative) has demonstrated the following:

- If the waste is taken to a facility licensed by the EPA for waste disposal, the facility's environment protection licence (EPL) must show it can lawfully receive that waste. A waste facility licensed by the EPA does not necessarily mean it can lawfully receive a class of waste for disposal.
- If the waste is taken for processing to a facility licensed by the EPA, that waste must meet the 'limit conditions' for that waste in the EPL.
- If the waste facility is not licensed by the EPA, the facility must have consent from the appropriate regulatory authority to receive that waste for its waste activities.

Where the above information has not been provided by the consultant or waste generator (or their representative), auditors must either request this information from the consultant, or check the relevant EPL or consent. Alternatively, auditors can obtain a written confirmation from the waste facility that they can lawfully receive that class of waste for the waste activities.

Auditors must check the consultant or waste generator (or their representative) has provided the following:

- the estimated volume of waste taken off site

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

- receipts verifying the facility has received that volume and class of waste from the waste generator (or its representative). This may include a valid consignment authorisation.
- reconciliation documents demonstrating the total volume of waste taken off site is consistent with the total volume of waste generated from the site.

Where the above information has not been provided by the consultant or waste generator (or their representative), auditors must request this information.

Where an auditor is not satisfied the waste has been taken to a lawful facility, the auditor must note this in the site audit report and notify the EPA in accordance with the EPA notification policy for waste, outlined below.

**Inappropriate use of investigation and screening levels for assessing fill material**

The resource recovery order ('order') and resource recovery exemption ('exemption') framework facilitates the lawful re-use of waste received from off site, including for filling purposes. Auditors must check that fill material received, or that is intended to be received, has been assessed against the relevant order and exemption. Soil investigation and screening levels are not appropriate criteria for assessing incoming fill material. Soil investigation and screening levels may be used in addition to orders and exemptions to ensure incoming material does not pose an unacceptable risk to human health or the environment at the site and the site is suitable for the proposed use.

**Receiving excavated natural material (ENM) or exempt waste from off site**

Where a waste-derived material subject to an order and exemption has been applied to land, or is proposed to be applied to land on the audit site, auditors must check:

- the waste material meets the definition for that waste in the order and exemption
- the supplier of that waste has complied with the conditions of the order in relation to sampling, chemical and other attribute requirements, and the supply of a statement of compliance (where relevant)
- the waste has been applied, or will be applied, to land in accordance with the conditions of the exemption.

Where an auditor is not satisfied the waste has met the conditions of the order, and **the waste has not been applied to land on the audit site**, the auditor must advise the consultant or waste generator (or their representative) in writing not to supply the waste to the audit site.

Where an auditor is not satisfied the waste has met the conditions of the order, and **the waste has been applied to land on the audit site**, the auditor must note this in the site audit report and notify the EPA in accordance with the EPA notification policy for waste, outlined below.

**Receiving virgin excavated natural material (VENM) from off site**

Auditors must check the consultant or waste generator (or their representative) has provided a VENM certificate along with adequate justification that demonstrates the waste applied, or proposed to be applied, to land at the audit site meets the definition of VENM as stated in the POEO Act.

Where an auditor is not satisfied the waste has met the definition of VENM, and **the waste has not been applied to land on the audit site**, the auditor must advise the consultant or waste generator (or their representative) in writing not to supply the waste to the audit site.



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

Where an auditor is not satisfied the waste has met the definition of VENM, and **the waste has been applied to land on the audit site**, the auditor must note this in the site audit report and notify the EPA in accordance with the EPA notification policy for waste, outlined below.

**Exporting ENM and exempt waste from the audit site**

Where a material from the audit site is proposed to be transported off the audit site to another site for land application, auditors must check:

- the material meets the definition for that waste in the order and exemption
- the consultant or waste generator (or its representative) has complied with all conditions of the order, including sampling, chemical and other attribute requirements, and the supply of a statement of compliance (where relevant).

Where an auditor is not satisfied the waste has met the conditions of the order, and **the waste is still on site**, the auditor must suggest in writing that further work is undertaken by the consultant or waste generator (or their representative) to ensure the waste complies with the order.

Where an auditor is not satisfied the waste has met the conditions of the order, and **the waste has already been moved off site**, the auditor must note this in the site audit report and notify the EPA in accordance with the EPA notification policy for waste, outlined below.

**Exporting VENM from the audit site**

Auditors must check the consultant or waste generator (or their representative) has generated a VENM certificate along with adequate justification to demonstrate the material proposed to be transported off the audit site to another site for land application meets the definition of VENM as stated in the POEO Act.

Where an auditor is not satisfied the waste has met the definition of VENM, and **the waste is still on site**, the auditor must suggest in writing that further work is undertaken by the consultant or waste generator (or their representative) to ensure the waste complies with the definition of VENM.

Where an auditor is not satisfied the waste has met the definition of VENM, and **the waste has already been moved off site**, the auditor must note this in the site audit report and notify the EPA in accordance with the EPA notification policy for waste, outlined below.

**EPA notification policy for waste**

Site auditors must notify in writing the person who engaged them to undertake the site audit, and the EPA, as soon as practicable under the following circumstances:

- where an auditor is not satisfied the waste has been taken to a lawful facility
- where an auditor is not satisfied with the classification of the waste, and the waste has been moved off site
- where the auditor suspects that waste received on the audit site from off site does not meet the definition of VENM, or the conditions of an order. This may include a statement of compliance, the definition of the waste, sampling, chemical and other attribute requirements in accordance with the order (where relevant), or a supplied VENM certificate.
- where the auditor suspects that waste from the audit site does not meet the definition of VENM or the conditions of an order, and has been supplied to another site for land application. This may include a statement of compliance, the definition of the waste,



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

sampling, chemical and other attribute requirements in accordance with an order (where relevant), or a supplied VENM certificate.

Notification to the EPA must be made to the Director of Waste Compliance at [waste.operations@epa.nsw.gov.au](mailto:waste.operations@epa.nsw.gov.au) and must include details of why the auditor is notifying the EPA.

Before notifying the EPA of the above, auditors should clarify or seek further information from the consultant or waste generator (or their representative) to assist in determining if the above circumstances have occurred. If the information provided does not satisfy the auditor, the notification requirements must be followed.

The written notification to the person who engaged the auditor to undertake the site audit and the EPA should be appended to the site audit report and also noted or summarised in the site audit statement.

Where a site has been notified under the EPA notification policy for waste but the circumstance does not or is unlikely to make the site unsuitable for use because it does not pose an unacceptable risk to users of the site, an auditor may issue a site audit statement certifying the land is suitable for a specific use despite the notification.

**4.3.8 Chemicals and wastes controlled by chemical control orders**

Chemical control orders (CCOs) are a primary regulatory tool under the EHC Act and are used by the EPA to selectively and specifically control particular chemicals of concern, and limit their potential or actual impact on the environment. CCOs complement other environmental legislation by providing a rapid and flexible mechanism for responding to emerging chemical issues.

CCOs can set controls on activities throughout the chemical’s life cycle through general requirements and by requiring that certain things be subject to particular licence conditions. A CCO can be made in relation to single substances, groups of substances (e.g. scheduled chemicals) or particular waste streams (e.g. aluminium smelter wastes). The five CCOs currently in place in New South Wales are listed in Table 1.

**Table 1** Chemicals and declared chemical wastes controlled by chemical control orders in New South Wales

<b>Chemical or declared chemical waste</b>	<b>Chemical control order</b>
Aluminium smelter wastes	Chemical Control Order in Relation to Aluminium Smelter Wastes Containing Fluoride and/or Cyanide 1986
Dioxin-contaminated wastes	Chemical Control Order in Relation to Dioxin-contaminated Waste Materials 1986
Organotin wastes	Organotin Waste Materials Chemical Control Order 1989
Polychlorinated biphenyls (PCBs) and PCB wastes	PCB Chemical Control Order 1997

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

Chemical or declared chemical waste	Chemical control order
Scheduled chemical wastes (pertaining to certain chlorinated chemicals)	Scheduled Chemical Wastes Chemical Control Order 2004

Site auditors should be aware that CCOs may be revised by the EPA as part of the implementation of national management plans, and auditors must check the requirements of the current version of the CCO have been complied with by a consultant.

A site auditor must not endorse a management strategy proposed for a site which involves chemicals or chemical wastes subject to a CCO, unless they are satisfied it complies with the requirements set down in the CCO. For example, certain chemicals occurring above the prescribed concentrations are prohibited from being disposed of at any landfill.

There is a program of national management plans for Schedule X wastes (ANZECC 1994). Schedule X wastes are those associated with:

- hexachlorobenzene (HCB) (ANZECC 1996a)
- polychlorinated biphenyls (PCBs) (ANZECC 1996b)
- organochlorine pesticides (OCPs) (ANZECC 1999).

The national management plans set time lines for the destruction and disposal of Schedule X wastes. The EPA implements the regulatory aspects of those plans through CCOs. Various Australian Government agencies assess specific types of chemicals. These agencies evaluate potential risks to human health or the environment associated with chemicals and make recommendations about reducing these risks. Where a national assessment incorporates all the legislative requirements of the EHC Act, a CCO may be used to implement the national recommendations in New South Wales.

**4.3.9 Asbestos and asbestos waste**

Detailed guidance on how to deal with material containing asbestos is now available from a number of relevant sources. Schedules B1 and B2 of the NEPM contain details about the nationally agreed process for the assessment of asbestos in soils.

The NSW Heads of Asbestos Coordinating Authorities have also published guidance on [Managing asbestos in or on soils: www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/asbestos-in-soils](http://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/asbestos-in-soils). Auditors must exercise their professional judgement when assessing whether a site is suitable for a specific use in the light of evidence that asbestos may be a contaminant of concern. There are particular requirements for asbestos waste in the Protection of the Environment Operations (Scheduled Activities and Waste) Regulation 2014. Auditors must check that documentation is produced for the disposal of asbestos at appropriate waste facilities in accordance with the Regulation.

There are also specific laws about working with asbestos. Information about this is available from [Asbestos at work: www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/asbestos-at-work](http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos/asbestos-at-work).

## Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

**4.3.10 Unexploded ordnance**

A site containing unexploded ordnance (UXO) represents a safety hazard and must only be assessed by someone qualified to manage UXO safely. Where it is not within an auditor's area of expertise to assess whether a site is safe or whether there has been an appropriate level of site investigation in relation to UXO, an auditor must obtain advice from someone qualified to draw conclusions on the presence of UXO or future likelihood of finding it on the site.

Where an auditor suspects that a site may contain ordnance, they should be satisfied that appropriate searches have been undertaken to ensure that the site's history has been adequately assessed. Land and Property Information holds records of lands affected by military activities. These records must be searched before the Department of Defence will provide additional details about the site. See [Unexploded ordnance \(UXO\) in Australia: www.defence.gov.au/UXO/default.asp](http://www.defence.gov.au/UXO/default.asp).

The Department of Defence is able to provide advice on suitably qualified experts who can assess the presence of UXO on the site. The expert should also be able to assess the risk of future finds of UXO and develop a management plan for addressing any risks associated with them.

**4.3.11 Groundwater remediation and management**

*Guidelines for the Assessment and Management of Groundwater Contamination* (DEC 2007), available from [Statutory guidelines: www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/statutory-guidelines](http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/statutory-guidelines), outline a best practice framework for the assessment, remediation and management of contaminated groundwater in New South Wales. The guidelines are made under s.105 of the CLM Act and therefore auditors must consider these guidelines when finalising site audits.

**Source removal**

Site auditors must check that all primary sources of groundwater contamination (e.g. leaking infrastructure) and secondary sources (e.g. non-aqueous phase liquids and adsorbed phase product) have been removed or otherwise addressed appropriately.

If a source cannot be removed, the auditor must clearly state in the site audit report the reasons why and also the implications this has for groundwater quality.

Light non-aqueous phase liquid (LNAPL) must be cleaned up to such an extent that remaining LNAPL does not present an unacceptable risk to health or the environment. In any case, LNAPL clean-up should continue if the LNAPL is still spreading. The need for LNAPL clean-up would also be indicated by a dissolved phase plume that continues to spread.

**Impacts of groundwater contamination**

If groundwater beneath a site is contaminated, the site auditor should ensure the investigation and remediation reports have adequately considered:

- the nature and extent of contamination including:
  - the toxicity effects of the contaminants
  - all potential contaminant transport pathways
  - all potential biotic and abiotic receptors
- the risks which the contamination may be posing to human health and the environment.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

If the auditor concludes groundwater contamination may be having an impact on human health or the environment by moving off site:

- this should be specifically discussed in the site audit report and noted on the site audit statement
- the auditor must as soon as practicable take reasonable steps clearly and in writing to advise the person who commissioned the site audit of the duty of site owners and polluters to notify the EPA of contamination under the CLM Act.

If a proposal to remediate groundwater is reviewed as part of a site audit, in the site audit report the auditor should comment on:

- the adequacy of the data available to support the proposed remedial design
- whether the remediation proposal has examined in detail the adequacy and practicability of other remedial options, not just the preferred option
- the technical feasibility of the proposed remediation in being able to meet the remediation objectives
- the likely time frame for remediation
- the monitoring requirements
- validation requirements.

**Monitored natural attenuation (MNA)**

EPA policy is that a natural attenuation proposal must be accompanied by an appropriate monitoring program. MNA should only be considered as a remediation methodology where the following conditions are met:

- the source of the contamination has been removed as far as practicable
- the lateral and vertical extent of the contamination has been defined
- the site and hydrogeology have been adequately characterised, and there is clear evidence that attenuation rates are sufficient to achieve the remedial goals at the site within a reasonable time frame
- the effects of the products of degradation have been considered.

Where MNA is proposed as part of an overall remedial strategy for ongoing management of groundwater contamination, the site auditor must assess whether or not the appropriateness of using MNA has been comprehensively examined by the proponent in the remediation plan and whether the proponent's conclusions are appropriate.

A proposal for MNA at a site must demonstrate an understanding of the particular attenuation processes relevant to the contaminants of concern under the conditions at the site. MNA proposals must be supported by sufficient and appropriate field data and an ongoing monitoring program.

The auditor's role is to critically review the evidence presented by the MNA proposal and assess the applicability of MNA to the site in accordance with Appendix 3 of Guidelines for the Assessment and Management of Groundwater Contamination (DEC 2007).

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

#### 4.3.12 Hazardous ground gas remediation and management

If hazardous ground gases are identified as a potential concern at a site, the site auditor must ensure the investigation and remediation reports have adequately considered:

- the nature and extent of the hazardous ground gases including:
  - the toxic effects of the hazardous ground gases
  - all potential transport pathways
  - all potential biotic and abiotic receptors
- the risks which the hazardous ground gases may be posing to human health and the environment.

If the auditor concludes hazardous ground gases may be having an impact on human health or the environment on site, or, due to its presence off site, either due to the migration of hazardous ground gases or the movement of soil or groundwater contamination, this should be specifically discussed in the site audit report and noted on the site audit statement.

If the auditor concludes there are risks associated with the vapour inhalation pathway, the auditor must take reasonable steps clearly and in writing to advise the person who commissioned the site audit of the duty of site owners and polluters to notify the EPA of contamination under the CLM Act. A copy of the written advice must also be provided to the EPA at the same time it is provided to the person who commissioned the site audit and the advice should be emailed to the EPA at [nswauditors@epa.nsw.gov.au](mailto:nswauditors@epa.nsw.gov.au).

If a proposal to remediate groundwater or soil to minimise the vapour concentrations is reviewed as part of a site audit, in the site audit report the auditor must comment on:

- the adequacy of the data available to support the proposed remedial design
- whether the remediation proposal has examined in detail the adequacy and practicability of other remedial options, not just the preferred option
- the technical feasibility of the proposed remediation in being able to meet the remediation objectives
- the likely time frame for remediation
- the monitoring requirements
- validation requirements.

Where vapour mitigation technologies are proposed, the site auditor must assess whether or not the appropriateness of using such mitigation measures has been comprehensively examined by the proponent in the remediation plan and whether the proponent's conclusions are appropriate. The site auditor must also assess whether or not the technology proposed has been appropriately explained and justified (including consideration of the duration required for the mitigation measures). Appropriate checks to ensure correct installation may be required and must be documented by the site auditor.

## 4.4 Evaluating land-use suitability

### 4.4.1 Decision-making process

In assessing the suitability of a site for an existing or proposed land use in an urban context, site auditors must follow the decision-making process for assessing urban redevelopment sites, as presented in Appendix A.

Where more than one land use is proposed for the site to which the audit relates, an auditor's assessment of the suitability of the site must be related to the more sensitive of the proposed land uses (see Schedule B7 of the NEPM).

### 4.4.2 Assessing land-use suitability where groundwater contamination is present

Where groundwater contamination is present, an auditor must discuss its impact on the suitability of the site for a proposed use in the site audit report. This applies equally to contamination originating from the site and contamination sourced off site.

Where groundwater contamination under a site poses an unacceptable risk to users of the site for a proposed use, an auditor must indicate in the site audit statement that the site is unsuitable for that use.

Where groundwater contamination is present under a site but does not or is unlikely to make the site unsuitable for use because it does not pose an unacceptable risk to users of the site, an auditor may issue a site audit statement certifying that the land is suitable for a specific use despite the contamination, provided:

- the auditor has advised the person who commissioned the site audit in writing that groundwater contamination is present
- a copy of the advice to the person who commissioned the audit is appended to the site audit report and is also noted or summarised in the site audit statement
- the auditor has discussed with the EPA whether any remediation may be required to address off-site contamination and, if so, what regulatory mechanism may be required for this further work.

The auditor should explain that if future remediation is required this could interfere with activities on the site while remediation is carried out. The auditor should take reasonable steps to draw attention to any duty to report contamination under the CLM Act (see Section 3.8).

#### Impacts on buildings and structures

Where a site auditor considers that building structures on the site may be affected by the presence of contaminants in groundwater, they should recommend in the site audit report that specialist advice on possible impacts on structures is obtained.

### 4.4.3 Assessing land-use suitability where hazardous ground gases are present

Where hazardous ground gases are present, an auditor must discuss their impact on the suitability of the site for a proposed use in the site audit report. This applies equally to hazardous ground gases originating from the site and sourced off site.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

Where hazardous ground gases under a site pose an unacceptable risk to users of the site for a proposed use, an auditor must indicate in the site audit statement that the site is unsuitable for that use.

Where hazardous ground gases are present under a site but do not or are unlikely to make the site unsuitable for use because they do not pose an unacceptable risk to users of the site, an auditor may issue a site audit statement certifying that the land is suitable for a specific use despite the ground gases, provided:

- the auditor has advised the person who commissioned the site audit in writing that hazardous ground gases are present
- a copy of the advice to the person who commissioned the audit is appended to the site audit report and is also noted or summarised in the site audit statement
- the auditor has discussed with the EPA whether any remediation may be required to address potential risks to off-site receptors and, if so, what regulatory mechanism may be required for this further work.

The auditor should explain that if future remediation is required this could interfere with activities on the site while remediation is carried out. The auditor should take reasonable steps to draw attention to any duty to report contamination under the CLM Act (see Section 3.8).

## Appendix A: Decision-making process for assessing urban redevelopment sites

Note: Where investigation levels are not available, or assessment against them is inconclusive for the site, and either an abridged or detailed human health site-specific risk assessment has been undertaken, check all the requirements in Section 4.2.5 are satisfied.

Current or proposed land use		Procedure
<p>Is the current or proposed land use to be:</p> <p>Commercial or industrial?</p> <p>or</p> <p>Residential with minimal access to soil (e.g. high-rise apartments and flats)?</p> <p>or</p> <p>Residential with gardens and accessible soil (home produce contributing less than 10% fruit and vegetable intake; no poultry), including children's day care centres, preschools or primary schools, or town houses or villas?</p> <p>or</p> <p>Parks, recreational open space or playing fields, including secondary schools?</p>	<p>Yes</p>	<p>A. Check that:</p> <ul style="list-style-type: none"> <li>– all site assessment, remediation and validation reports follow applicable guidelines</li> <li>– any aesthetic issues relating to site soils have been adequately addressed</li> <li>– soils have been assessed against relevant health-based investigation levels and potential for migration of contamination from soils to groundwater has been considered</li> <li>– groundwater (where relevant) has been assessed against relevant health-based investigation levels and, if required, any potential impacts to buildings and structures from the presence of contaminants considered</li> <li>– hazardous ground gases (where relevant) have been assessed against relevant health-based investigation levels and screening values</li> <li>– any issues relating to local area background soil concentrations that exceed relevant investigation levels have been adequately addressed in the site assessment report(s)</li> <li>– the impacts of chemical mixtures have been assessed</li> <li>– any potential ecological risks have been assessed</li> <li>– any evidence of, or potential for, migration of contaminants from the site has been appropriately addressed, including potential risks to off-site receptors, and reported to the site owner or occupier</li> <li>– the site management strategy (where relevant) is appropriate including post-remediation environmental plans.</li> </ul> <p>B. Prepare a site audit report and site audit statement.</p>



Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

Current or proposed land use		Procedure
<p>Is the current or proposed land use to be: Residential with substantial vegetable garden and/or poultry or A more sensitive land use?</p>	<p>Yes</p>	<p>A. Check that:</p> <ul style="list-style-type: none"> <li>– all site assessment, remediation and validation reports follow applicable guidelines</li> <li>– any aesthetic issues relating to site soils have been adequately addressed</li> <li>– the consultant has undertaken a detailed site-specific human health risk assessment that satisfies all the requirements of NEPM Schedule B4</li> <li>– any issues relating to local area background soil concentrations that exceed relevant investigation levels have been adequately addressed in the site assessment report(s)</li> <li>– any potential impacts to buildings and structures from the presence of contaminants considered</li> <li>– the impacts of chemical mixtures have been assessed</li> <li>– any potential ecological risks have been assessed</li> <li>– any evidence of, or potential for, migration of contaminants from the site has been appropriately addressed, including potential risks to off-site receptors, and reported to the site owner or occupier</li> <li>– the site management strategy (where relevant) is appropriate including post-remediation environmental plans.</li> </ul> <p>B. Prepare a site audit report and site audit statement.</p>

## Appendix B: Recognition of applicants under other schemes under the *Mutual Recognition Act 1992* (Cth)

### Mutual recognition provisions and process

Part 3 of the Commonwealth *Mutual Recognition Act 1992* applies the principle of mutual recognition to occupations. It deals with the ability of a person who is registered in connection with an occupation in one Australian state to carry on an equivalent occupation in another state<sup>7</sup>. Registration includes accreditation.

The mutual recognition principle is that, subject to the provisions of Part 3 of the Mutual Recognition Act, if an individual is registered for an occupation in the first state, after notifying the local registration authority for the equivalent occupation in the second state, they are entitled:

- to be registered for the equivalent occupation in the second state
- pending their registration, to carry on the equivalent occupation in the second state.

Auditors registered/accredited in another state who wish to be accredited in New South Wales under the mutual recognition principle must lodge a written notice with the EPA. The written notice form and applicant declaration which must accompany the written notice are available on the EPA webpage [NSW site auditor scheme: www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme](http://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme).

The notice must be accompanied by a document that is either the original or a copy of the instrument evidencing the existing registration in the other state (or if there is no such instrument, by sufficient information to identify them and their registration).

The notice must certify that the accompanying document evidencing the person's existing registration is the original or a complete and accurate copy of the original. The statements and other information in the notice must be verified by a statutory declaration.

The EPA may permit the notice to be amended after it is lodged.

The EPA must either grant, postpone or refuse to grant accreditation within one month of the notice being lodged with it. When granted, accreditation takes effect from the date of the lodgement.

If the EPA fails to grant, postpone or refuse accreditation within one month, the person concerned is entitled to accreditation immediately at the end of that period, and no objection may be taken to the notice on any of the grounds on which accreditation may be refused or postponed, except where fraud is involved.

Prior to being accredited, applicants must pay the appropriate accreditation fee.

Once accredited in New South Wales, an auditor's entitlement to accreditation continues, whether or not their accreditation continues in the other state. However, if accreditation in one state is cancelled or suspended or is subject to a condition on disciplinary grounds, or as a result of or in anticipation of criminal, civil or disciplinary proceedings, then accreditation in the other state is affected in the same way. The authority in the other state can choose to reinstate the auditor or waive the conditions.

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<sup>7</sup> All references to 'state' should also be read as including the Australian Capital Territory and the Northern Territory.

## Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

The EPA may impose conditions on accreditation, but may not impose conditions that are more onerous than would be imposed in similar circumstances (having regard to relevant qualifications and experience) if the accreditation were granted under the CLM Act instead of Part 3 of the Mutual Recognition Act. This is subject to the proviso that the EPA may attach the conditions that apply to the accreditation in the other state or that are necessary to achieve equivalence of occupations.

Once an individual is registered in New South Wales through mutual recognition, continuance of registration is subject to the laws of New South Wales.

### Postponement of accreditation

The EPA may postpone the granting of accreditation if:

- any of the statements or information in the notice as required under the Mutual Recognition Act is materially false or misleading
- any document or information that must accompany the notice has not been provided or is materially false or misleading
- an auditor's circumstances have materially changed since the date of the notice or the date on which they lodged the notice
- the EPA decides that the occupation in which they are seeking accreditation is not an equivalent occupation.

If the EPA postpones the granting of accreditation, it may subsequently either grant accreditation or refuse to grant it, provided that the postponement is for not longer than six months. At the end of this period, unless registration has been refused, auditors are entitled to be accredited immediately.

### Refusal of accreditation

The EPA may refuse accreditation if:

- any of the statements or information given in the notice is materially false or misleading
- any document or information that must accompany the notice has not been provided or is materially false or misleading
- the EPA decides that the occupation in which accreditation is being sought is not an equivalent occupation, and equivalence cannot be achieved by imposing conditions.

If the EPA refuses accreditation on the last ground above, that decision takes effect at the end of a specified period (not less than two weeks) after an auditor is notified of the decision, unless in the meantime the decision is revoked or they make an application for review of decision under the provisions of the Mutual Recognition Act. If they apply for review, the review body (the Administrative Appeals Tribunal) can make whatever orders it considers appropriate.

### Deemed accreditation

The mutual recognition principle includes provision that once a person seeking accreditation as a site auditor in New South Wales under the Mutual Recognition Act has notified the EPA in accordance with the requirements of the Act, that person is entitled to carry on that occupation pending notice of the EPA's decision. This is called 'deemed accreditation'. Note, however, that deemed accreditation in one state cannot itself provide the basis for accreditation or registration in another state.

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

If an auditor has deemed accreditation in New South Wales, that deemed accreditation ceases if:

- they are granted substantive accreditation in New South Wales
- the EPA refuses to grant substantive accreditation (subject to determination of any application for review of that decision)
- they cease to be registered in every other state on the basis of which the notice seeking accreditation in New South Wales has been lodged
- they request cancellation.

Deemed accreditation is not affected if the EPA decides to postpone the grant of substantive accreditation.

If an auditor has deemed accreditation in New South Wales, they may carry on the activities of a site auditor, but only:

- within the limits of their registration/accreditation in another state, and subject to any conditions that apply to it in that state (unless the EPA in New South Wales has waived those conditions)
- within the limits conferred by the deemed accreditation in New South Wales and subject to any conditions that the EPA imposes on that deemed accreditation.

Note that, so far as deemed accreditation in New South Wales is concerned, the EPA has the power to waive any conditions that apply to a registration/accreditation in another state.

However, the EPA may impose conditions on deemed accreditation in New South Wales, provided those conditions are not more onerous than those that would be imposed in similar circumstances (having regard to relevant qualifications and experience) if the accreditation were effected under the CLM Act. This is subject to the proviso that the EPA may attach conditions that apply to the accreditation in another state or that are necessary to achieve equivalence of occupations.

Note also that the EPA imposes the following conditions on deemed accreditation in New South Wales:

- the site auditor must comply with insurance requirements specified by the EPA, which are designed to protect the public, clients, customers or others
- the site auditor is subject to any disciplinary provisions and arrangements that apply to accredited site auditors
- the site auditor must comply with all laws of New South Wales that apply to accredited site auditors.

## Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

## Appendix C: Activities eligible for site auditor continuous professional development

Site auditors must undertake a minimum of 50 hours of continuous professional development (CPD) per calendar year.

Type of CPD	Hours eligible for site auditor CPD per year
Formal post-graduate study or individual tertiary course units not undertaken for award purposes	No limit
Short courses, workshops, seminars and discussion groups, conferences, technical tours and technical meetings	No limit
Learning activities in the workplace	A maximum of 25 hours
Private study of relevant journals, texts etc.	A maximum of 10 hours
Service to the contaminated land industry profession, for example membership of relevant committees and boards	A maximum of 12 hours
The preparation and presentation of material for courses, conferences, seminars and symposia	No limit but a maximum of 15 hours per presentation may be claimed
Publication of technical or research papers	No limit
Tertiary teaching or academic research	No limit
Other structured activities which an auditor can justify to the EPA as eligible for CPD	No limit provided justification is provided

## Appendix D: Examples of consent, licence, notification and other requirements

Regulatory consent, licences, notifications and other requirements may apply for some aspects of contaminated site investigation, remediation and validation work. These may include:

- a licence from WaterNSW to establish a groundwater bore where required
- a controlled activity approval (under the *Water Management Act 2000*) from DPI Water, where necessary, for undertaking a controlled activity (building work, removal or deposition of material or any other activity affecting a water source) on waterfront land (the bed of any river, lake [including wetlands] or estuary, and 40 metres from the top of bank).
- approval from Sydney Water, or the relevant local water authority, for the discharge of contaminated water to sewer
- approval from Sydney Water for groundwater remediation injection works
- some classes of demolition work to be undertaken by contractors licensed by SafeWork NSW, for example licensed asbestos removalists
- development consent or building approval for some classes of demolition work from the relevant consent authority
- notifications of SafeWork NSW when an underground, partially underground or fully mounded tank that has previously contained a flammable liquid or a flammable gas has been abandoned or removed
- notifications of the consent authority of, and in some cases seeking consent for, remediation activities in accordance with the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land* (NSW Government) (SEPP 55)
- remedial works that:
  - are classed as Category 1 works under SEPP 55 and require development consent
  - can constitute a ‘designated development’ under schedule 3 of the Environmental Planning and Assessment Regulation 2000 requiring development consent by the consent authority
  - must comply with the requirements of any relevant state environmental planning policies, and local environmental plans
  - must comply with guidelines made or approved by the EPA under the CLM Act or any other legislation
- EPA and/or consent authority licences or approvals for the discharge of chemicals into the environment, such as the release of chemicals to air, or discharge of potentially contaminated waters to surface water bodies and stormwater drains
- EPA licences for the operation of scheduled activities under the POEO Act or application for the surrender of such a licence
- EPA licences for the transportation, treatment and disposal of wastes under the POEO Act
- sites subject to EPA regulatory control, where written consent must be obtained before prescribed actions are commenced, such as notices issued under s.35 of the EHC Act and s.28 of the CLM Act.

## Appendix E: Human health risk assessment checklist

The following is a checklist that must be used by an auditor to review any human health risk assessments undertaken by a consultant. Where the auditor's check reveals the consultant's risk assessment has omitted one or more of the points specified in this checklist, the auditor must document this in the site audit report and take this into account in reaching their site audit conclusions.

### Hazard identification

- Have all appropriate sources of information regarding chemicals of potential concern been identified and assessed?
- Has justification been given for the selection of the chemicals of potential concern?

### Toxicological information

- Have the critical toxic effects been identified?
- Have the effects on each body system (for example renal, hepatic, cardiovascular and developmental) and the types of effects (for example genotoxic and carcinogenic) been summarised?
- Has the dose–response relationship for chemicals of potential concern been discussed?
- Have all relevant toxicological data been considered and checked for accuracy?
- Has the adequacy of the available toxicological database been commented on?
- Have relevant primary toxicological resources been considered?
- Have different toxicity data from different resources been assessed and discussed?
- Have the selected toxicity data been adequately justified?

### Exposure assessment

- Has a comprehensive and appropriate conceptual site model been presented that indicates all potential pathways and receptors?
- Have all potential receptors been identified?
- Have the estimated or measured exposure concentrations for each exposure route and chemical of potential concern been quantified?

### Risk characterisation

- Has the acceptable risk level been identified and justified?
- Have all potential receptors and pathways been considered?
- Has the relative significance of each exposure pathway, based on the risk analysis, been discussed?
- Has a sensitivity/uncertainty analysis been presented?

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

**Equations**

- Have all equations used in the risk assessment been presented in the report?
- Are all equations consistent?
- Have all parameters and values used in each equation been clearly defined?
- Have the correct units been allocated to each parameter?
- Are all equations dimensionally correct?
- Have all unit conversion factors, where applicable, been included in the equations?
- Has all pertinent information been provided to enable calculations to be checked through in a step-wise process?

**Data evaluation**

- Have the data collection objectives been stated and are they consistent with the requirements of the risk assessment?
- Have the laboratories that did the chemical analyses been noted, and do they have NATA accreditation (or equivalent) to perform each chemical analysis?
- Has laboratory quality assurance/quality control (QA/QC) been reported and analysed?
- Has field QA/QC been reported and analysed?
- Have statements of the accuracy of the laboratory data for each contaminant been made and have these been considered in the risk assessment?

**Assessment and report presentation**

- Has information been presented coherently and in an appropriate sequence to enable efficient appraisal of the report?
- Have the objectives and scope been clearly stated?
- Has information from previous reports on the site been appropriately selected and incorporated into this report?
- Has the analysis been based on up-to-date literature?
- Have all assumptions and data been identified and justified?
- Have all tables and figures been referred to correctly in the text of the report?
- Has adequate data been presented to support the conclusions?



## Appendix F: Further reading

### NSW EPA documents

- DEC 2005, *Information for the Assessment of Former Gasworks Sites*, Department of Environment and Conservation NSW, Sydney, available at [www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites](http://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/former-gasworks-sites)
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### ANZECC documents

- ANZECC 1994, *Financial Liability for Contaminated Site Remediation: A Position Paper*, Australian and New Zealand Environment and Conservation Council, Canberra
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**enHealth documents**

enHealth 2005, *Management of asbestos in the non-occupational environment*, Department of Health and Aging, Canberra

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Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

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- El Saadi O & Langley A (eds) 1991, *Workshop Proceedings of the National Workshop on the Health Risk Assessment and Management of Contaminated Sites*, South Australian Health Commission, Adelaide
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- Langley A, Markey B & Hill H (eds) 1996, *The Health Risk Assessment and Management of Contaminated Sites, Proceedings of the Third National Workshop on the Health Risk Assessment and Management of Contaminated Sites*, Contaminated Sites Monograph Series, No.5, South Australian Health Commission, Adelaide
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**Quality assurance/quality control methodologies**

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- USEPA 2004, *Risk Assessment Guidance for Superfund, Volume 1: Human Health Evaluation Manual (Part E) Supplemental guidance for dermal risk assessment*, United States Environmental Protection Agency, Washington DC
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Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

## Abbreviations

CCO	chemical control order
CLM Act	<i>Contaminated Land Management Act 1997</i>
CPD	continuous professional development
DQO	data quality objective
EHC Act	<i>Environmentally Hazardous Chemicals Act 1985</i>
EMP	environmental management plan
ENM	excavated natural material
EPA	NSW Environment Protection Authority
EPL	environment protection licence
LNAPL	light non-aqueous phase liquid
MNA	monitored natural attenuation
NEPM	national environment protection measure
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
SEPP 55	<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>
UXO	unexploded ordnance
VENM	virgin excavated natural material

Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme

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**PROFESSIONAL STANDARDS ACT 1994**

Notification Pursuant to Section 13

Pursuant to section 13 of the *Professional Standards Act 1994*, I authorise the publication of the Instrument amending the Institute of Public Accountants Professional Standards Scheme. The amendment will commence on the day after the publication of the Instrument in the NSW Government Gazette.

MATT KEAN, MP  
Minister for Innovation and Better Regulation

*Professional Standards Act 1994 (New South Wales)*

**INSTRUMENT AMENDING THE  
INSTITUTE OF PUBLIC ACCOUNTANTS PROFESSIONAL STANDARDS SCHEME**

**PREAMBLE**

- A. The Institute of Public Accountants (IPA) is an occupational association.
- B. The Institute of Public Accountants Professional Standards Scheme (the scheme) commenced on 1 January 2013 and will expire on 31 December 2018, unless it is revoked or otherwise ceases to operate.
- C. This instrument of amendment is prepared by the IPA for the purposes of amending the scheme.

**AMENDMENT TO THE SCHEME**

- 1.0 This instrument to amend the scheme is prepared under the *Professional Standards Act 1994 (NSW)* (the Act) by the IPA whose business address is Level 6, 555 Lonsdale Street, Melbourne, Victoria, 3000.

**Preamble**

- 1.1 Delete from recital D of the Preamble the phrase "...who are ordinarily resident in NSW and who..." such that recital D is rendered:

"The scheme propounded by the IPA is to apply to all members of the IPA who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded."

- 1.2 Delete the text of recital G of the Preamble "The scheme is not intended to apply in other jurisdictions at the time of lodgement" and replace with the following paragraph:

"The scheme is intended to apply in New South Wales, the Australian Capital Territory, Victoria, Tasmania, South Australia, Western Australia, the Northern Territory, and Queensland, under the mutual recognition provisions of the Act and the respective professional standards legislation of the other jurisdictions."

**Persons to whom the scheme applies**

- 1.3 Delete the text of clause 2.1 of the scheme "The scheme applies to all members of the Institute of Public Accountants who are all members of the IPA who are ordinarily resident in NSW and who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded" and replace with the following paragraph:

"The scheme applies to all members of the IPA who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded."

- 1.4 Insert a new clause 2.5, thus:

“The scheme applies to all person to whom the scheme applies by virtue of ss.18-20 of the Act and the corresponding sections of the relevant interstate laws.”

- 1.5 Insert a new clause 3.6:

“Notwithstanding anything to the contrary contained in this scheme, if in particular circumstances giving rise to occupational liability the liability of any person who is subject to this scheme should be capped both by this scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.”

- 1.6 Insert a new section heading 7, “**Jurisdiction**”, followed by a new clause 7.1, thus:

“The scheme will apply in New South Wales and the Australian Capital Territory, Victoria, Tasmania, South Australia, Western Australia, the Northern Territory, and Queensland, pursuant to the mutual recognition provisions of the Act and the corresponding laws of each of those jurisdictions respectively.”

## **COMMENCEMENT**

- 2.0 The amendments made to the scheme by this instrument will commence in New South Wales on the date immediately following the date of its publication in the Government Gazette, and the scheme as amended will commence in other jurisdictions pursuant to the provisions of their respective professional standards legislation.

*Professional Standards Act 1994 (NSW)*

**THE INSTITUTE OF PUBLIC ACCOUNTANTS  
PROFESSIONAL STANDARDS SCHEME**

**PREAMBLE**

- A. The Institute of Public Accountants (IPA) is an occupational association.
- B. The IPA has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 1994 (NSW)* (the Act), for a scheme under the Act.
- C. The scheme is prepared by the IPA for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The scheme propounded by the IPA is to apply to all members of the IPA who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded.
- E. The IPA has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. The scheme is intended to commence on 1 January 2013 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to s32 the Act.
- G. The scheme is intended to apply in New South Wales, the Australian Capital Territory, Victoria, Tasmania, South Australia, Western Australia, the Northern Territory, and Queensland, under the mutual recognition provisions of the Act and the respective professional standards legislation of the other jurisdictions.

**THE INSTITUTE OF PUBLIC ACCOUNTANTS  
PROFESSIONAL STANDARDS SCHEME**

**1. Occupational association**

- 1.1 The Institute of Public Accountants Professional Standards Scheme (the scheme) is a scheme under the *Professional Standards Act 1994 (NSW)* (the Act) prepared by the Institute of Public Accountants (IPA) whose business address is: Level 6, 555 Lonsdale Street, Melbourne, Victoria, 3000.

**2. Persons to Whom the Scheme Applies**

- 2.1 The scheme applies to all members of the IPA who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded.
- 2.2 No person to whom the scheme applies may be exempted from the scheme other than a person who, on application to the IPA Board of Directors, is able to satisfy the Board that he/she is also a participating member of another

occupational association that is covered by a scheme limiting liability and has not opted out of that scheme.

- 2.3 This scheme also applies to all persons to whom the scheme applied under clause 2.1 at the time of any act or omission giving rise to occupational liability.
- 2.4 The scheme does not apply to financial services licensees.
- 2.5 The scheme applies to all person to whom the scheme applies by virtue of ss.18-20 of the Act and the corresponding sections of the relevant interstate laws.

### **3 Limitation of liability**

- 3.1 This scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$1,000,000.
- 3.2 If a person, who was at the time of the act or omission giving rise to occupational liability, a person to whom the scheme applied, against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person has the benefit of an insurance policy:
  - (a) of a kind which complies with the standards determined by the IPA,
  - (b) insuring such person against that occupational liability, and
  - (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in this scheme.

that person is not liable in damages in relation to that cause of action above the monetary ceiling specified in this scheme.

- 3.3 The monetary ceiling is \$1,000,000.
- 3.4 Clause 3.2 does not limit the amount of damages to which a person to whom the scheme applies is liable if the amount is less than the amount specified for the purpose in this scheme in relation to a person to whom the scheme applies.
- 3.5 This scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the scheme was in force of any person to whom the scheme applied at the time the act or omission occurred.
- 3.6 Notwithstanding anything to the contrary contained in this scheme, if in particular circumstances giving rise to occupational liability the liability of any person who is subject to this scheme should be capped both by this scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

### **4. Conferral of Discretionary Amount**

- 4.1 Pursuant to s24 of the Act this scheme confers on IPA a discretionary authority to specify, on application by a person to whom the scheme applies, in relation to that

person, a higher monetary ceiling (maximum amount of liability) not exceeding \$20,000,000 in relation to that person either in all cases or in any specified case or class of case.

## **5 Duration**

- 5.1 This scheme will be in force for a period of 5 years from the date of commencement.

## **6 Commencement**

- 6.1 This scheme will commence on 1 January 2013. In the event the Scheme, or a Notice relating to the Scheme, is published in the Government Gazette after 1 January 2013, the Scheme will commence on such day 2 months after the date of its publication.

## **7 Jurisdiction**

- 7.1 The scheme will apply in New South Wales and the Australian Capital Territory, Victoria, Tasmania, South Australia, Western Australia, the Northern Territory, and Queensland, pursuant to the mutual recognition provisions of the Act and the corresponding laws of each of those jurisdictions respectively.

# COUNCIL NOTICES

## HAWKESBURY CITY COUNCIL

### ROADS ACT 1993

#### Naming of Roads

Notice is hereby given that Hawkesbury City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

<b>Name</b>	<b>Locality</b>
Mahony Street	Pitt Town
<b>Description</b>	
Bounded by Wells Street, Lots 117-129 DP 1233378 and Johnston Street.	
<b>Origin</b>	
Michael and Patrick Mahony arrived as convicts 1815. Granted land in the Pitt Town area. The barn built by them still remains at Pitt Town Bottoms. Relative John Mahony built "Murtle Cottage" 1882 on Bathurst Street and is still there today. Descendants of the family still live in the area.	

<b>Name</b>	<b>Locality</b>
Stubbs Street	Pitt Town
<b>Description</b>	
Bounded by Wells Street, Lots 102-105, 107-109, 111-114 DP 1233378 and Johnston Street.	
<b>Origin</b>	
Pioneering Hawkesbury family. William Stubbs arrived on the "Coromandel" free in 1802. Descendants of William and Mary lived in the Pitt Town area since early 1800s. The road is located on a past property owned by a Stubbs family descendant. The road has also been named in memory of the late long term Councillor, Dr Rex Stubbs. He was also a descendant of this pioneering family.	

The attached diagram shows the extent of the road(s):



PETER CONROY, General Manager, Hawkesbury City Council, PO Box 146, WINDSOR NSW 2756

GNB Ref: 0190

[9364]

**MID-COAST COUNCIL**

**ROADS ACT 1993**

**Naming of Roads**

Notice is hereby given that Mid-Coast Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

<b>Name</b>	<b>Locality</b>
Philip Street	Gloucester
<b>Description</b>	
Philip Street will extend from the intersection of Philip Street and Railway Street, Gloucester along the existing MacLaurin Street east to the left hand bend on MacLaurin Street, which is approximately 420m.	

GLENN HANDFORD, General Manager, Mid-Coast Council, 4 Breese Parade, Forster NSW 2428

[9365]

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**CITY OF PARRAMATTA COUNCIL**

**VESTING OF PUBLIC GARDEN AND RECREATION SPACE - JAMES HOSKIN RESERVE**

**LOCAL GOVERNMENT ACT 1993, Section 50**

**Vesting of Public Garden and Recreation Space - James Hoskin Reserve**

NOTICE is hereby given that Public Garden and Recreation Space - James Hoskin Reserve, being Lot 86 DP30610 (also known as Folio 86/30610) created by subdivision registered on 11 May 1960, or thereabouts, is vested in City of Parramatta Council.

[9366]