

29 April 2019

Mills Oakley
ABN: 51 493 069 734

Our ref: BMSS/AJWS/3343919

All correspondence to:
PO Box H316
AUSTRALIA SQUARE NSW 1215
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Principal Planning Officer
NSW Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000**Contact**
Ben Salon +61 2 8035 7867
Email: bsalon@millssoakley.com.au
Fax: +61 2 9247 1315**Partner**
Anthony Whealy +61 2 8035 7848
Email: awhealy@millssoakley.com.au**Email:** Diana.Mitchell@ipcn.nsw.gov.au

Dear Diana

Crown Cemetery Development Applications – Varroville and WallaciaWe act for Catholic Metropolitan Cemeteries Trust (ABN 84 755 325 709) (**CMCT**).We refer to your letter dated 17 April 2019 requesting a copy of the instrument which appoints CMCT as Crown cemetery operator. Currently, CMCT does not have an instrument of appointment under the *Crown Cemeteries & Crematoria Act 2013* (NSW) because it holds this position by default due to being a Crown land manager under the *Crown Land Management Act 2016* (NSW).Catholic Cemeteries Board (**CCB**) was appointed to manage the affairs of CMCT (also known as, a reserve trust) which is a trust established for cemetery or crematorium purposes pursuant to the *Crown Lands Act 1989* (Cth). We **attach** copies of Government Gazette No. 73 (dated 15 May 2009) (page 2243) and Government Gazette No. 98 (dated 1 July 2009) (page 3851), which confirms the appointment.Schedule 7, Sections 10A and 11(9) of the *Crown Land Management Act 2016* (NSW) provides that a corporation appointed under section 95 of the *Crown Lands Act 1989* (Cth), as described in the Government Gazettes is a transitional reserve trust, which is taken to have been appointed as the Crown land manager of its transitional trust land. By virtue of CMCT being a Crown land manager of Crown cemeteries, it will also be a Crown cemetery operator pursuant to sections 71 & 73 of the *Cemeteries and Crematoria Act 2013* (NSW).

If you have any questions or require further information on the above, please do not hesitate to contact Ben Salon on +61 2 8035 7867 or bsalon@millssoakley.com.au.

Yours sincerely

**VERA VISEVIC**
PARTNER
Enc.**NOTICE**

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 73
Friday, 15 May 2009

Published under authority by Government Advertising

LEGISLATION

Online notification of the making of statutory instruments

Week beginning 4 May 2009

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

Regulations and other statutory instruments

[Supreme Court Rules \(Amendment No. 416\) 2009](#) (2009-165) — published LW 8 May 2009

[Uniform Civil Procedure Rules \(Amendment No. 26\) 2009](#) (2009-166) — published LW 8 May 2009

Environmental Planning Instruments

[Hornsby Shire Local Environmental Plan 1994 \(Amendment No. 96\)](#) (2009-167) – published LW 8 May 2009

[Lake Macquarie Local Environmental Plan 2004 \(Amendment No. 34\)](#) (2009-168) –
published LW 8 May 2009

[Penrith Local Environmental Plan \(Glenmore Park Stage 2\) 2009](#) (2009-170) — published LW 8 May 2009

[Penrith Local Environmental Plan No. 188 \(Amendment No. 6\)](#) (2009-169) — published LW 8 May 2009

Acts of Parliament Assented To

Legislative Assembly Office, Sydney 13 May 2009

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

Act No. 15 2009 – An Act to make miscellaneous amendments to various Acts administered by the Minister for Health; and for other purposes. [**Health Legislation Amendment Bill**]

Act No. 16 2009 – An Act to amend the Telecommunications (Interception and Access) (New South Wales) Act 1987 to harmonise its provisions with those of the Telecommunications (Interception and Access) Act 1979 of the Commonwealth; and for other purposes. [**Telecommunications (Interception and Access) (New South Wales) Amendment Bill**]

Act No. 17 2009 – An Act to amend the Real Property Act 1900 and other legislation to make further provision with respect to indefeasibility of title, compensation, identification requirements and duties of mortgagees; and for other purposes. [**Real Property and Conveyancing Legislation Amendment Bill**]

RUSSELL D. GROVE, P.S.M.,
Clerk of the Legislative Assembly

OFFICIAL NOTICES

Appointments

COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM ACT 2000

Appointment of Part-Time Commissioners

HER Excellency the Governor, with the advice of the Executive Council and pursuant to section 7 of the Community Relations Commission and Principles of Multiculturalism Act 2000, has appointed the following as a part-time commissioners of the Community Relations Commission for terms as shown:

Ms Seini AFEAKI, for a term of three years from 24 March 2009

Ms Wajiha AHMED, for a term of three years from 24 March 2009

Mr Jihad DIB, for a term of three years from 21 April 2009.

The Hon. VIRGINIA JUDGE, M.P.,
Minister for Citizenship

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Serious Offenders Review Council

Re-appointment of Member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of Hatton Tung-Sing KWOK as a community member of the Serious Offenders Review Council for a period of three (3) years dating on and from 13 May 2009 until 12 May 2012.

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Serious Offenders Review Council

Re-appointment of Member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of Ms Jan McLELLAND as a community member of the Serious Offenders Review Council for a period of three (3) years dating on and from 26 April 2009 until 25 April 2012.

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

State Parole Authority

Re-appointment of Community Member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of Donald Graham SAVILLE as a community member of the State Parole Authority for a period of three (3) years dating on and from 13 May 2009 until 12 May 2012.

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

State Parole Authority

Appointment of Community Member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to the Crimes (Administration of Sentences) Act 1999, has approved the appointment of Mr Vernon John DALTON, A.M., as a community member of the State Parole Authority for a period of three (3) years on and from 13 May 2009 up to and including 12 May 2012.

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

State Parole Authority

Re-appointment of Community Member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of Brenda Jean SMITH as a community member of the State Parole Authority for a period of three (3) years dating on and from 13 May 2009 until 12 May 2012.

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

State Parole Authority

Re-appointment of Community Member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to section 183 (2A) of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of Ms Gowan McRae VYSE as a community member of the State Parole Authority for a period of three (3) years dating on and from 13 May 2009 until 12 May 2012.

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

Department of Lands

DUBBO OFFICE

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

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

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.

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

SCHEDULE 1

The Crown public road east of Lot 3 and west of Lot 31 in DP753400 as shown on the associated diagram, Parish of Tonderburnie, County of Gowen.

SCHEDULE 2

Road Authority: Gilgandra Shire Council.

File Nos: W391182 and W451239.

Council's Reference: DA44/05 (PM:JC).



SCHEDULE 1

The Crown public road north and east of Lot 56, DP 755102; east of Lots 13 and 14, DP 253209; section intersecting Sappa Bulga Road; south of Lots 21, 22, 23, 24 and 25, DP 255714, as shown on associated diagram, Parishes of Dungary and Burrabadine, County of Narromine.

SCHEDULE 2

Road Authority: Dubbo City Council.

File No.: W412682.

Council's Reference: RD1750 SC:RL.



GOULBURN OFFICE

159 Auburn Street (PO Box 748), Goulburn NSW 2580

Phone: (02) 4824 3700 Fax: (02) 4822 4287

NOTIFICATION OF CLOSING OF A ROAD

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

Tony Kelly, M.L.C.
Minister for Lands

SCHEDULE

Description

*Parish – Carwoola; County – Murray;
Land District – Queanbeyan; L.G.A. – Queanbeyan City*

Lot 1, DP 1137672 (not being land under the Real Property Act).

File No.: GB06 H 31:JK.

Note: On closing, the title for the land in Lot 1, DP 1137672 remains vested in the State of New South Wales as Crown Land.

RESERVATION OF CROWN LAND

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|------------------------------------|
| Land District: Moss Vale. | Reserve No.: 1018688. |
| Local Government Area: Goulburn Mulwaree Council. | Public Purpose: Public recreation. |
| Locality: Tallong. | |
| Lot 7300, DP No. 1137525#, Parish Wingello, County Camden. | |
| Lot 230, DP No. 751298, Parish Wingello, County Camden. | |
| Area: About 4.039 hectares. | |
| File No.: GB92 H 438/1. | |

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

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

Column 1

Tallong Picnic and Recreation Reserve Trust.

Column 2

Reserve No.: 1018688.
Public Purpose: Public recreation.
Notified: This day.
File No.: GB92 H 438/1.

PART 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.

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

SCHEDULE

Column 1

Land District: Goulburn.
Local Government Area:
Goulburn Mulwaree.
Locality: Goulburn.
Reserve No.: 750015.
Public Purpose: Future public requirements.
Notified: 29 June 2007.
File No.: GB79 A 29.

Column 2

The whole being Lots 407 and 410, DP No. 821783, Parish Goulburn, County Argyle, of an area of 2.37 hectares.

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|--------------------------|--|
| Steve CIRIC (new member), William John EASTLAKE (new member), John ATKINSON (new member), Joanne WELLS (new member), Jane SIBLEY (new member), Philippa JACOBS (new member). | Garibaldi Reserve Trust. | Reserve No.: 1018071. Public Purpose: Public recreation and community purposes. Notified: 3 April 2009. File No.: 09/05397/1. |

Term of Office

For a term commencing the date of this notice and expiring 14 May 2014.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Casino; L.G.A. – Kyogle

Road Closed: Lots 1 and 2, DP 1136820 at Tabulam, Parish Tabulam, County Drake.

File No.: GF05 H 830.

Schedule

On closing, the land within Lots 1 and 2, DP 1136820 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Bellingen; L.G.A. – Clarence Valley

Road Closed: Lot 1, DP 1136805 at Tyringham, Parish Moonpar, County Fitzroy.

File No.: GF05 H 865.

Schedule

On closing, the land within Lot 1, DP 1136805 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lot 1, DP 1135380 at Fortis Creek, Parish Chapman, County Clarence.

File No.: GF05 H 290.

Schedule

On closing, the land within Lot 1, DP 1135380 remains vested in the State of New South Wales as Crown Land.

Description

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

Road Closed: Lot 1, DP 1136815 at Rous, Parish Tuckombil, County Rous.

File No.: GF05 H 564.

Schedule

On closing, the land within Lot 1, DP 1136815 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lots 1, 2, 3 and 4, DP 1136806 at Pillar Valley, Parishes Coldstream and Maryvale, County Clarence.

File No.: 08/7543.

Schedule

On closing, the land within Lots 1, 2, 3 and 4, DP 1136806 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Casino; L.G.A. – Richmond Valley

Road Closed: Lot 1, DP 1136775 at Ellangowan, Parish Ellangowan, County Richmond.

File No.: GF05 H 833.

Schedule

On closing, the land within Lot 1, DP 1136775 remains vested in the State of New South Wales as Crown Land.

HAY OFFICE

126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6990 1800 Fax: (02) 6993 1135

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

SCHEDULE

Description

Land District of Deniliquin; L.G.A. – Deniliquin

Lots 1 and 2, DP 1133317, Parish of South Deniliquin, County of Townsend.

File No.: 08/2976.

Note: On closing, title for the land comprised in Lots 1 and 2 will remain vested in the Deniliquin Council as operational land.

MAITLAND OFFICE

Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323

Phone: (02) 4937 9300 Fax: (02) 4934 2252

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

*Parish – Butterwick; County – Durham;
Land District – Maitland; L.G.A. – Port Stephens*

Road Closed: Lot 1, DP 1136823 (subject to right of carriageway created by the Deposited Plan 1136823 and not being land under the Real Property Act).

File No.: MD05 H 470.

Schedule

On closing, the land within Lot 1, DP 1136823 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Seaham; County – Durham;
Land District – Newcastle;
Local Government Area – Port Stephens*

Road Closed: Lots 4 and 5, DP 1134399 at Seaham.

File No.: MD06 H 239.

Schedule

On closing, the land within Lots 4 and 5, DP 1134399 remains vested in Port Stephens Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: PSC2007-2741.

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.

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

SCHEDULE 1

*Parish – Congewai; County – Northumberland;
Land District – Maitland;
Local Government Area – Cessnock City Council*

That part of Crown road, separating Lot 395, DP 856499 and Lot 1, DP 1127621 having a width of 20.115m located at Laguna.

SCHEDULE 2

Roads Authority: Cessnock City Council.

Council's Reference: AP 1994/24.

Lands File No.: MD03 H 178.001.

SCHEDULE 1

*Parish – Kincumber; County – Northumberland;
Land District – Gosford;
Local Government Area – Gosford*

That part of the Crown public road, being Lot 15, DP 1128019, of variable width and having an area of 308.8 square metres at Wamberal.

SCHEDULE 2

Roads Authority: Gosford City Council.

Council's Reference: IR: 5334430.

Lands File No.: 09/03663.001.

SCHEDULE 1

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

That part of Crown public road 10.06m wide separating Lot 1, DP 917189 and Lot 2, DP 790025 located at Pokolbin.

SCHEDULE 2

Roads Authority: Cessnock City Council.

Council's Reference: AP 1989/80139 Pt 15 and SU 99/12.

Lands File No.: MD04 H 248.

SCHEDULE 1

*Parish – Arndell; County – Hunter;
Land District – Muswellbrook;
Local Government Area – Muswellbrook*

That part of Crown road, north of Lot 1331, DP 1088203 and west of Lots 1331 and 1332, DP 1088203 having a width of 20.12m located at Yarrowa.

SCHEDULE 2

Roads Authority: Muswellbrook Shire Council.

Council's Reference: DA 336/2004.

Lands File No.: MD04 H 349.001.

SCHEDULE 1

*Parish – Ellalong; County – Northumberland;
Land District – Maitland;
Local Government Area – Cessnock City Council*

That part of Crown public road, being north of Lot 50 and 51, DP 755225; 420m west of Lot 50, DP 755225 and Lot 3, DP 786248 having a width of 20.115m located at Ellalong.

SCHEDULE 2

Roads Authority: Cessnock City Council.

Council's Reference: 8/2001/121 and SU 99/12.

Lands File No.: MD03 H 310.

SCHEDULE 1

*Parish – Morisset; County – Northumberland;
Land District – Gosford;
Local Government Area – Lake Macquarie*

35m of Crown public road known as Stockdale Street from the eastern side of Coorumbung Street, Morisset, having a width of 20.116m located at Morisset.

SCHEDULE 2

Roads Authority: Lake Macquarie City Council.

Council's Reference: DA/335/2006.

Lands File No.: MD06 H 240.001.

SCHEDULE 1

*Parish – Belford; County – Northumberland;
Land District – Singleton;
Local Government Area – Singleton*

That part of the Crown public road, being of 20.115m and variable width separating Lot 52, DP 1009687 from Lot 6, DP 812624 and Lot 4, DP 621181 known as Pothana Lane. Crown public road part west of Lot 42, DP 755209 for a distance of 20.115m located at Belford.

SCHEDULE 2

Roads Authority: Singleton Council.

Lands File No.: 09/02430.001.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|------------------------------------|---|
| Graham MULLIGAN (new member), Rodney Wayne WILLIAMS (re-appointment), Ronald Edward SIMMONS (re-appointment), Robert ESLICK (new member). | Alectown Recreation Reserve Trust. | Reserve No.: 20902. Public Purpose: Public recreation. Notified: 16 June 1894. |
| | | Reserve No.: 74950. Public Purpose: Public recreation. Notified: 18 April 1952. File No.: OE79 R 21/3. |

Term of Office

For a term commencing 21 May 2009 and expiring 20 May 2014.

**WITHDRAWAL OF A RESERVE FROM CONTROL
OF A LIVESTOCK HEALTH AND PEST
AUTHORITY**

IN pursuance of the provisions of section 86(1), Rural Lands Protection Act 1998, the reserve specified hereunder is withdrawn from control of the Livestock Health and Pest Authority specified in the notice.

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

*Livestock Health and Pest Authority District –
Tablelands Livestock Health and Pest Authority*

Parish Calvert, County Bathurst, Part of Water Reserve No. 29298, notified 6th May 1899, comprised in Lot 1 in DP 1137918 of 1270 square metres (placed under control, *New South Wales Government Gazette*, 5th October 1934).

File No.: 09/01885.

RESERVATION OF CROWN LAND

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Land District: Blayney. Local Government Area: Blayney Shire Council. Locality: Tallwood. Lot 1, DP No. 1137918, Parish Calvert, County Bathurst. Area: About 1270 square metres. File No.: 09/01885/. | Reserve No.: 1018628. Public Purpose: Rural services. |

Note: The affected part of Water Reserve 29298, notified 6th May 1899, is hereby revoked.

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Tallwood Rural Fire Services Reserve Trust. | Reserve No.: 1018628. Public Purpose: Rural services. Notified: This day. File No.: 09/01885/1. |

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|------------------------|---|--|
| Blayney Shire Council. | Tallwood Rural Fire Services Reserve Trust. | Reserve No.: 1018628. Public Purpose: Rural services. Notified: This day. File No.: 09/01885/1. |

For a term commencing this day.

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Molong; L.G.A. – Cabonne

Road Closed: Lots 1 and 2, DP 1136493 at Molong, Parish Gregra, County Ashburnham.

File No.: CL/00442.

Schedule

On closing, the land within Lots 1 and 2, DP 1136493 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Bathurst; L.G.A. – Bathurst Regional

Road Closed: Lot 1, DP 1136492 at Sofala, Parish Sofala, County Roxburgh.

File No.: CL/00475.

Schedule

On closing, the land within Lot 1, DP 1136492 remains vested in the State of New South Wales as Crown Land.

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

ESTABLISHMENT OF RESERVE TRUST

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

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

The Catholic portions of Field of Mars General Cemetery, dedicated 29 April 1884, as general cemetery. Dedication No.: D500802.

File Nos: MN84 R 95,
MN81 R 47 and
MN81R153.

For a term commencing from the date of this notice.

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Catholic Metropolitan Cemeteries Trust. | The Catholic portions of the Rookwood Necropolis, dedicated 7 April 1868 and 2 December 1887, as cemetery and extension thereto. Dedication No.: D500905. |
| | The Catholic portions of Liverpool General Cemetery, dedicated 16 December 1892, as general cemetery. Dedication No.: D500704. |
| | The Catholic portions of Field of Mars General Cemetery, dedicated 29 April 1884, as general cemetery. Dedication No.: D500802. |
| | File Nos: MN84 R 95, MN81 R 47 and MN81 R 153. |

**APPOINTMENT OF CORPORATION TO
MANAGER RESERVE TRUST**

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|----------------------------|---|--|
| Catholic Cemeteries Board. | Catholic Metropolitan Cemeteries Trust. | The Catholic portions of Rookwood Necropolis, dedicated 7 April 1868 and 2 December 1887, as cemetery and extension thereto. Dedication No.: D500905. |
| | | The Catholic portions of Liverpool General Cemetery, dedicated 16 December 1892, as general cemetery. Dedication No.: D500704. |

DISSOLUTION OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trusts specified in Column 1 of the Schedules hereunder, which were established in respect of the reserves specified opposite thereto in Column 2 of the Schedules, are dissolved.

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

SCHEDULE 1

| <i>Column 1</i> | <i>Column 2</i> |
|--------------------------------------|--|
| Catholic Cemetery Trust, Necropolis. | The Catholic portions of the Rookwood Necropolis, dedicated 7 April 1868 and 2 December 1887, as cemetery and extension thereto. Dedication No.: D500905. File No.: MN84 R 95. |

SCHEDULE 2

| <i>Column 1</i> | <i>Column 2</i> |
|-------------------------------------|---|
| Catholic Cemetery Trust, Liverpool. | The Catholic portions of Liverpool General Cemetery, dedicated 16 December 1892, as general cemetery. Dedication No.: D500704. File No.: MN81 R 47. |

SCHEDULE 3

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| Catholic Cemetery Trust, Field of Mars. | The Catholic portions of Field of Mars General Cemetery, dedicated 29 April 1884, as general cemetery. Dedication No.: D500802. File No.: MN81 R 153. |

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

Description
Land District – Metropolitan; L.G.A. – Canada Bay
 Lot 1, DP 1136926 at Five Dock, Parish Concord, County Cumberland.
 File No.: 08/0843.

Note: On closing, title for the land in Lot 1 remains vested in City of Canada Bay Council as operational land.

NOTIFICATION OF VESTING OF LANDS UNDER THE CROWN LANDS ACT 1989

IN pursuance of the provisions of section 76 of the Crown Lands Act 1989, I, TONY KELLY, Minister for Lands, do by this notification, vest the estate in fee simple of the lands described in the Schedule hereto as Community land, in the Council of the Shire of Sutherland subject to the reservation to the Crown of all minerals which said land contain.

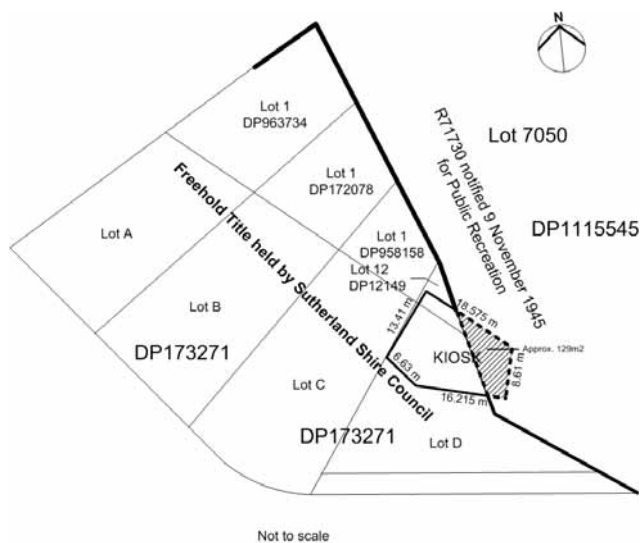
This vesting shall take effect on and from the date of publication of this notification.

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

SCHEDULE

*Land District – Metropolitan; Shire – Sutherland;
 Parish – Sutherland; County – Cumberland*

Approx 129 square metres comprising part of Lot 7050, DP 115545, located at Cronulla and shown by hatching on the diagram hereunder.



Part R71730 for public recreation, notified 9 November 1945, is hereby revoked by this notification.

File No.: MN06 R 65.

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in the Schedule hereunder is established under the name stated.

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

SCHEDULE
 Rookwood Necropolis Trust.
 File No.: MN05 R 24.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder, are appointed for the term of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2.

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

SCHEDULE

| Column 1 | Column 2 |
|--|----------------------------|
| John Gordon DESMOND, Derek Alexander SINCLAIR, Mary Rose THORNE, Ex-officio, the person for the time being occupying the office of Regional Manager, Sydney, Crown Lands Division, Department of Lands. Ex-officio, the person for the time being occupying the office of Senior Heritage Officer (Archaeology), Heritage Branch, Department of Planning | Rookwood Necropolis Trust. |

Term of Office

For a term commencing 15 May 2009 and expiring 14 May 2014.

File No.: MN05 R 24.

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of the 18 January 2002, folio 213, under the heading "Reservation of Crown Land" and detailing "Reserve No. 1002901" in Column 1 of the Schedules delete the words "Lots 478 – 502 & 7026, DP 751646" and insert the words "Lots 476 – 502 & 7026, DP 751646" in lieu thereof.

File No.: MN89 R 45.

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

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

Description

Land District – Penrith; L.G.A. – Blacktown

Lot 1, DP 1138086 at Glendenning, Parish Rooty Hill, County Cumberland.

File No.: 08/11333.

- Notes: (1) On closing, title for the land in lot 1 remains vested in Blacktown City Council as operational land.
- (2) The road is closed subject to: the easements for underground cables and to drain water; and Restrictions and Positive covenant regarding overland flow path as shown in DP 1138086.

Description

Land District – Windsor; L.G.A. – Hawkesbury

Lot 1, DP 1127890 at Kurrajong Heights, Parish Wheeny, County Cook.

File No.: MN05 H 173.

- Notes: (1) On closing, title for the land in Lot 1 remains vested in the Crown.
- (2) The road is closed subject to an easement for overhead power lines 9 wide as shown in DP 1127890.

Description

Land District – Metropolitan; L.G.A. – Hornsby

Lot 1, DP 1132844 at Berowra, Parish Cowan, County Cumberland.

File No.: 07/1245.

- Note: On closing, title for the land in Lot 1 remains vested in the Crown.

Description

Land District – Windsor; L.G.A. – Hawkesbury

Lot 1, DP 1134252 at Colo, Parish Colo, County Hunter.

File No.: 08/1648.

- Notes: (1) On closing, title for the land in Lot 1 remains vested in the Crown.
- (2) The road is closed subject to the right of carriageway 10 wide and variable as shown in DP 1134252.
- (3) The road is closed subject to an easement for overhead power lines 9 wide and variable as shown in DP 1134252.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90(1) 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.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| Land District: Murwillumbah. Council: Tweed Shire Council. Parish: Cudgen. County: Rous. Location: Bogangar. Reserve: 85846. Purpose: For future public requirements. Date of Notification: 24 June 1966. File No.: 09/03342. | The whole of Reserve 85846 created over Lot 7, DP 244787. |

TAMWORTH OFFICE

25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340

Phone: (02) 6764 5100 Fax: (02) 6766 3805

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Locality – Willala; Land District – Gunnedah;
L.G.A. – Gunnedah*

Road Closed: Lot 1 in Deposited Plan 1131650, Parish Denison, County Pottinger.

File No.: TH05 H 200.

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

Description

*Locality – Bomera, Purllewaugh and Tambar Springs;
Land District – Gunnedah; L.G.A. – Warrumbungle*

Road Closed: Lots 1-4 in Deposited Plan 1137201, Parish Saltwater, Tinkrameanah and Wilson, County Pottinger.

File No.: TH06 H 68.

Note: On closing, title to the land comprised in Lots 1-4 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Namoi River; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Road Closed: Lot 1 in Deposited Plan 1136646, Parish Welsh, County Darling.

File No.: TH05 H 194.

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

APPOINTMENT OF TRUST BOARD MEMBER

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--------------------------------------|--|---|
| Lawrence Edward ANTHONY (new member) | Upper Manilla Public Recreation and Public Hall Trust. | Reserve No.: 89020. Public Purpose: Public recreation and public hall. Notified: 21 September 1973. Locality: Upper Manilla. File No.: TH90 R 08. |

Term of Office

For a term commencing this day and expiring 13 January 2010.

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---------------------------------------|--|---|
| Karin OITZINGER (new appointment). | Hannam Vale Recreation Reserve Trust. | Reserve No.: 80942. Public Purpose: Public recreation. Notified: 15 August 1958. File No.: TE80 R 197. |

Term of Office

For a term commencing 15 May 2009 and expiring 29 August 2012.

SCHEDULE 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|--|--|
| Steven KARBOWIAK (new appointment), James HUTCHEON (new appointment), Mark ENNOR (new appointment), Jeffrey Peter FOWLER (new appointment), Jeff ROGERS (new appointment), Rodney Bruce BIRD (re-appointment). | Beechwood Recreation Reserve Trust. | Reserve No.: 43440. Public Purpose: Public recreation. Notified: 28 January 1909. File No.: TE80 R 151. |

Term of Office

For a term commencing 18 May 2009 and expiring 17 May 2014.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Land District: Kempsey. Local Government Area: Armidale Dumaresq Council. Locality: Lower Creek. Reserve No.: 92843. Public Purpose: Future public requirements. Notified: 27 June 1980. File No.: 09/04246. | The whole being Lot 41, DP 751466, Parish Mowle, County Clarke. Area: 203.8 hectares. |

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Land District: Temora Central. | The whole being Lot 57, |
| Local Government Area: Coolamon Shire Council. | DP No. 750870, Parish Yarranjerry, County Bourke, |
| Locality: Yarranjerry. | of an area of 81.14 hectares. |
| Reserve No.: 72799. | |
| Public Purpose: Future public requirements. | |
| Notified: 6 August 1948. | |
| File No.: 09/3296. | |

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|---|--|
| William Maurice HERIOT (new member), Kevin Mark LISTER (new member), Leo George MACKINLAY (new member), Peter STEAD (re-appointment), Wayne Douglas WATSON (re-appointment). | Holbrook Recreation Ground Trust. | Reserve No.: 37798. Public Purpose: Public recreation. Notified: 11 June 1904. File No.: WA79 R 118/2. |

Term of Office

For a term commencing the date of this notice and expiring
7 May 2014.

SCHEDULE 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|---|--|
| Bruce Alexander CHANT (re-appointment), Bruce Malcolm ROLLINS (re-appointment), Geoffrey Francis GRINTER (re-appointment), Garry William MONCRIEFF (re-appointment), Bruce Robert HOLDEN (re-appointment). | Rannock Recreation Reserve Trust. | Reserve No.: 55965. Public Purpose: Public recreation. Notified: 25 January 1923. File No.: WA80 R 92/2. |

Term of Office

For a term commencing 1 June 2009 and expiring 7 May
2014.

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

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

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

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

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

The purpose/conditions of Western Lands Lease 14253, being the land contained within Folio Identifier 6824/46195 has been altered from “Accommodation Paddock” to “Business, Residence and Grazing” effective from 12 May 2009.

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

**CONDITIONS ATTACHED TO WESTERN LANDS
LEASE 14253**

- (1) In the conditions annexed to the leases, the expression “the minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
- (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) “GST” means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
“GST law” includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause “taxes”), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee shall pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee shall hold and use the land leased bona fide for the lessee’s own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee shall not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased shall be used only for the purpose of Business, Residence and Grazing.

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

- may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (28) The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
- (29) The lessee shall, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (30) Whenever so directed by the Commissioner, the lessee shall, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (31) The lessee shall not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (32) The lessee shall, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseeding and regeneration of vegetation and, for that purpose, the lessee shall erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (33) The lessee shall furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (34) The lessee shall, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and shall keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (35) The lessee shall not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or in respect of land in a State Forest, unless the lessee or the person is the holder of a forest materials license under the Forestry Act 1916, and has obtained special authority of the Minister to operate on the land, but the lessee may, with approval of the Commissioner, take from the land such gravel, stone, clay shells or other material for building and other purposes upon the land as may be required by the lessee.
- (36) The lessee must ensure that all loading and unloading activities are located wholly within the boundaries of the lease.
- (37) The lessee must ensure that all equipment, landscaping supplies and other goods stored on the lease are kept in a clean and tidy condition at all times.
- (38) The lessee must ensure that stock piles of landscaping materials and firewood are not within 50 metres from the boundary of the lease.
- (39) The lessee must obtain any relevant planning approvals from Walgett Shire Council prior to erecting any buildings or residential dwellings on the lease.
- (40) The lessee shall effectively prevent any interference with the amenity of the locality by reason of the emission from the land leased of noise, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil or otherwise, and when directed by the Commissioner shall abate that interference forthwith.
- (41) The lessee shall ensure that all waste materials will be disposed of within accordance to the Environment Protection & Assessment Act 1979 and Protection of the Environment Operations (POEO) Act 1997 as well as POEO (Waste) Regulation 2005.
- (42) The lessee shall ensure that all noise levels are in accordance with the Environment Protection & Assessment Act 1979 and Protection of the Environment Operations (POEO) act 1997 as well as POEO (Noise Control) regulation 2002.
- (43) The lessee shall ensure that all air levels are in accordance with the Environment Protection & Assessment Act 1979 and Protection of the Environment Operations (POEO) Act 1997 as well as POEO (Clean Air) Regulation 2002.
- (44) The lessee shall take all necessary steps to minimise dust from industry operations.
- (45) The lessee shall, within 12 months from the date of the commencement of the lease or such period as the Minister may allow, erect business premises on the land in accordance with plans and specifications approved by Council of the local government area.
- (46) The lessee will (without in any way limiting the liability of the lessee under any other provision of this lease) forthwith take out and thereafter during the Term keep current a public risk insurance policy for \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the lessee) whereby the Minister shall during the continuance of this lease be indemnified against all actions suits claims demands proceedings losses damages compensations costs charges and expenses mentioned or referred to in this lease to which the Minister shall or may be liable.
- (47) If the lessee is an Australian registered company then the following conditions shall apply:
- (i) The Lessee will advise the Commissioner of the name, address and telephone number of the Lessee's company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Commissioner of any changes in these details.

- (ii) Any change in the shareholding of the Lessee's company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
- (iii) Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
- (iv) A copy of the company's annual financial balance sheet or other financial statement which gives a true and fair view of the company's state of affairs as at the end of each financial year is to be submitted to the Commissioner upon request.

ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to Clause 4(3) of Schedule 8 of the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder, is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Pooncarie Multi Purpose Park and Golf Course Reserve Trust. | Reserve No.: 230081. Public Purpose: Public recreation. Notified: 13 November 1992. File No.: WL93 R 2/2. |

APPOINTMENT OF CORPORATION TO MANAGE COMMON TRUST

PURSUANT to division 1, section 7, subsection (6) of the Commons Management Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the common trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---------------------------|------------------------|---|
| Brewarrina Shire Council. | Goodooga Common Trust. | Public Purpose: Commonage. Reserve: 35. Notified: 28 July 1879. Public Purpose: Addition and commonage. Reserve: 72693. Notified: 14 May 1948. Public Purpose: Commonage. Reserve: 83770. Notified: 16 March 1962. File No.: WL86 R 34/2. |

For a three year term commencing this day

ERRATUM

IN the notification appearing in the *New South Wales Government Gazette* of 8 May 2009, Folio 2018, appearing under the heading "Granting of a Western Lands Lease", the area of Western Lands Lease 16121 should read 2535.

Department of Primary Industries

APIARIES ACT 1985

Appointment of Inspector

I, ANDREW COLIN SANGER, Manager Agricultural Compliance of the New South Wales Department of Primary Industries, pursuant to section 5 (1) of the Apiaries Act 1985 ("the Act") with powers delegated under section 47A by the Acting Director-General as published in the NSW Government Gazette No. 143 dated 7 November 2008, hereby appoint Johanne Maree TAYLOR as an inspector for the purposes of the Act:

Dated this 12th day of May 2009.

A. C. SANGER,
Manager, Agricultural Compliance,
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Instrument of Appointment to the Seafood Industry Advisory Council

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 229 of the Fisheries Management Act 1994 and the clause of the Fisheries Management (General) Regulation 2002 referred to in Column 1 of the Schedule appoint each person listed in Column 2 of the Schedule as a member of the Seafood Industry Advisory Council from the date of this appointment until 31 July 2010.

SCHEDULE

| Column 1 | Column 2 |
|-------------|---------------|
| 349 (1) (g) | Benjamin Birt |
| 349 (3) (b) | Alan Coutts |
| 349 (3) (c) | John Harrison |

Dated this 6th day of May 2009

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

PLANT DISEASES ACT 1924

PROCLAMATION P205

Proclamation to regulate the importation, introduction and bringing into specified parts of New South Wales of certain fruit originating from or which has moved through other specified parts of New South Wales on account of an outbreak of Queensland fruit fly at Yarrowonga, Victoria.

Her Excellency Professor MARIE BASHIR, AC, CVO,
Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, being of the opinion that the importation, introduction or bringing of fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*), with the advice of the Executive Council and pursuant to section 4 (1) of the Plant Diseases Act 1924 ("the Act"), do by this Proclamation regulate the importation, introduction or bringing of fruit into specified portions of New South Wales in the manner set out in this Proclamation.

1. Host Fruit that originates from or that has moved through the:

- (a) Outbreak Area must not be imported, introduced or brought into the Suspension Area;
- (b) Suspension Area must not be imported, introduced or brought into the Outer Area,

unless:

- (i) a Plant Health Certificate or a Plant Health Assurance Certificate has been issued in respect of the Host Fruit, and
- (ii) the Host Fruit is transported and stored in accordance with any conditions relating to such matters which are stated in the Plant Health Certificate or the Plant Health Assurance Certificate, and
- (iii) the Plant Health Certificate or the Plant Health Assurance Certificate is in the possession of the driver of the vehicle transporting the Host Fruit or the person otherwise having custody or control of the Host Fruit while it is in the Suspension Area or the Outer Area as the case may be, and
- (iv) the Plant Health Certificate or the Plant Health Assurance Certificate is produced on demand to an inspector or a person authorised pursuant to section 11 (3) of the Act.

Definitions

In this Proclamation:

Department means the New South Wales Department of Primary Industries.

Host Fruit means the fruit specified in Schedule 1.

Outbreak Area means the part of New South Wales specified in Schedule 2.

Outer Area means the area known as the New South Wales Fruit Fly Exclusion Zone, as declared in Proclamation P184 published in Government Gazette No. 152 of 28 November 2008, at pages 11434 and 11435, other than the Suspension Area.

Plant Health Assurance Certificate means a certificate –

- issued by a person authorised by the Department to issue Plant Health Assurance Certificates, and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

Plant Health Certificate means a certificate –

- issued by an inspector or a person authorised pursuant to section 11 (3) of the Act and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

Suspension Area means the part of New South Wales specified in Schedule 3.

SCHEDULE 1
Host Fruit

| | |
|--------------------------|------------------------|
| Abiu | Lemon |
| Acerola | Lime |
| Apple | Loganberry |
| Apricot | Longan |
| Avocado | Loquat |
| Babaco | Lychee |
| Banana | Mandarin |
| Black Sapote | Mango |
| Blackberry | Mangosteen |
| Blueberry | Medlar |
| Boysenberry | Miracle Fruit |
| Brazil Cherry | Mulberry |
| Breadfruit | Nashi |
| Caimito (Star Apple) | Nectarine |
| Cape Gooseberry | Orange |
| Capsicum | Passionfruit |
| Carambola (Starfruit) | Pawpaw |
| Cashew Apple | Peach |
| Casimiro (White Sapote) | Peacharine |
| Cherimoya | Pear |
| Cherry | Pepino |
| Chilli | Persimmon |
| Citron | Plum |
| Cumquat | Plumcot |
| Custard Apple | Pomegranate |
| Date | Prickly Pear |
| Dragon Fruit (Than Lung) | Pummelo |
| Durian | Quince |
| Eggplant | Rambutan |
| Feijoa | Raspberry |
| Fig | Rollinia |
| Granadilla | Santol |
| Grape | Sapodilla |
| Grapefruit | Shaddock |
| Grumichama | Soursop |
| Guava | Sweetsop (Sugar Apple) |
| Hog Plum | Strawberry |
| Jaboticaba | Tamarillo |
| Jackfruit | Tangelo |
| Jew Plum | Tomato |
| Ju jube | Wax jambu (Rose Apple) |
| Kiwifruit | |

SCHEDULE 2
Outbreak Area

The part of NSW within a 1.5 kilometre radius of coordinates decimal degrees -36.02129 South and 146.00438 East. This part is represented in Schedule 4 by the map entitled "Yarrowonga Outbreak and Suspension Areas".

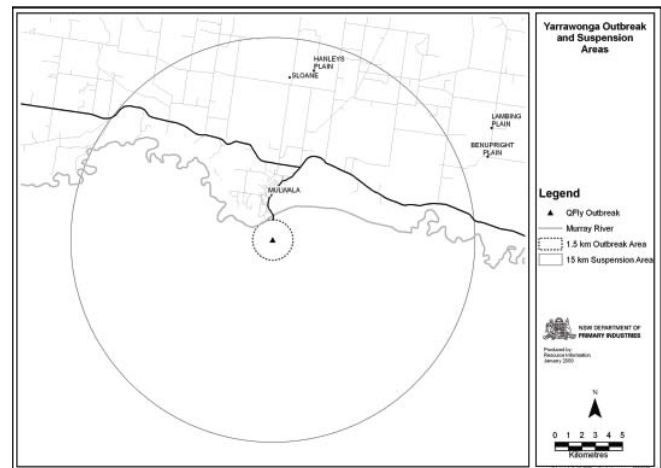
SCHEDULE 3
Suspension Area

The part of NSW within a 15 kilometre radius of coordinates decimal degrees -36.02129 South and 146.00438 East by the map entitled "Yarrowonga Outbreak and Suspension Areas".

SCHEDULE 4

Map

Yarrowonga Outbreak and Suspension Areas.



Note: The NSW Department of Primary Industries reference is P205.

For further information contact the Department (02) 6391 3593.

Signed and sealed at Sydney this 13th day of May 2009.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

PLANT DISEASES ACT 1924

PROCLAMATION P206

Proclamation to regulate the importation, introduction and bringing into specified parts of New South Wales of certain fruit originating from or which has moved through other specified parts of New South Wales on account of an outbreak of Queensland fruit fly at Rankin Springs, New South Wales.

Her Excellency Professor MARIE BASHIR, AC, CVO,
Governor

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, being of the opinion that the importation, introduction or bringing of fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*), with the advice of the Executive Council and pursuant to section 4 (1) of the Plant Diseases Act 1924 ("the Act"), do by this Proclamation regulate the importation, introduction or bringing of fruit into specified portions of New South Wales in the manner set out in this Proclamation.

- Host Fruit that originates from or that has moved through the:
 - Outbreak Area must not be imported, introduced or brought into the Suspension Area;
 - Suspension Area must not be imported, introduced or brought into the Outer Area,

unless:

- (i) a Plant Health Certificate or a Plant Health Assurance Certificate has been issued in respect of the Host Fruit, and
- (ii) the Host Fruit is transported and stored in accordance with any conditions relating to such matters which are stated in the Plant Health Certificate or the Plant Health Assurance Certificate, and
- (iii) the Plant Health Certificate or the Plant Health Assurance Certificate is in the possession of the driver of the vehicle transporting the Host Fruit or the person otherwise having custody or control of the Host Fruit while it is in the Suspension Area or the Outer Area as the case may be, and
- (iv) the Plant Health Certificate or the Plant Health Assurance Certificate is produced on demand to an inspector or a person authorised pursuant to section 11 (3) of the Act.

Definitions

In this Proclamation:

Department means the New South Wales Department of Primary Industries.

Host Fruit means the fruit specified in Schedule 1.

Outbreak Area means the part of New South Wales specified in Schedule 2.

Outer Area means the area known as the New South Wales Fruit Fly Exclusion Zone, as declared in Proclamation P184 published in Government Gazette No. 152 of 28 November 2008, at pages 11434 and 11435, other than the Suspension Area.

Plant Health Assurance Certificate means a certificate –

- issued by a person authorised by the Department to issue Plant Health Assurance Certificates, and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

Plant Health Certificate means a certificate –

- issued by an inspector or a person authorised pursuant to section 11 (3) of the Act and
- which certifies that the Host Fruit has been treated in a manner approved by the Director, Animal and Plant Biosecurity of the Department, and
- which may specify conditions subject to which the Host Fruit must be transported and/or stored.

Suspension Area means the part of New South Wales specified in Schedule 3.

SCHEDULE 1

Host Fruit

| | |
|--------------------------|------------------------|
| Abiu | Lemon |
| Acerola | Lime |
| Apple | Loganberry |
| Apricot | Longan |
| Avocado | Loquat |
| Babaco | Lychee |
| Banana | Mandarin |
| Black Sapote | Mango |
| Blackberry | Mangosteen |
| Blueberry | Medlar |
| Boysenberry | Miracle Fruit |
| Brazil Cherry | Mulberry |
| Breadfruit | Nashi |
| Caimito (Star Apple) | Nectarine |
| Cape Gooseberry | Orange |
| Capsicum | Passionfruit |
| Carambola (Starfruit) | Pawpaw |
| Cashew Apple | Peach |
| Casimiro (White Sapote) | Peacharine |
| Cherimoya | Pear |
| Cherry | Pepino |
| Chilli | Persimmon |
| Citron | Plum |
| Cumquat | Plumcot |
| Custard Apple | Pomegranate |
| Date | Prickly Pear |
| Dragon Fruit (Than Lung) | Pummelo |
| Durian | Quince |
| Eggplant | Rambutan |
| Feijoa | Raspberry |
| Fig | Rollinia |
| Granadilla | Santol |
| Grape | Sapodilla |
| Grapefruit | Shaddock |
| Grumichama | Soursop |
| Guava | Sweetsop (Sugar Apple) |
| Hog Plum | Strawberry |
| Jaboticaba | Tamarillo |
| Jackfruit | Tangelo |
| Jew Plum | Tomato |
| Ju jube | Wax jambu (Rose Apple) |
| Kiwifruit | |

SCHEDULE 2

Outbreak Area

The part of NSW within a 1.5 kilometre radius of coordinates decimal degrees -33.84075 South and 146.26057 East. This part is represented in Schedule 4 by the map entitled “Rankin Springs Outbreak and Suspension Areas”.

SCHEDULE 3

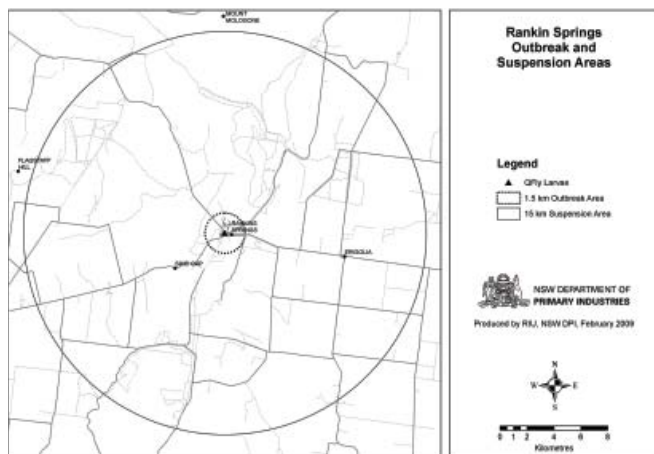
Suspension Area

The part of NSW within a 15 kilometre radius of coordinates decimal degrees -33.84075 South and 146.26057 East by the map entitled “Rankin Springs Outbreak and Suspension Areas”.

SCHEDULE 4

Map

Rankin Springs Outbreak and Suspension Areas.



Note: The NSW Department of Primary Industries reference is P206.

For further information contact the Department (02) 6391 3593.

Signed and sealed at Sydney this 13th day of May 2009.

By Her Excellency's Command,

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

GOD SAVE THE QUEEN!

SUBORDINATE LEGISLATION ACT 1989

Notice of Intention to Remake the Agricultural Industry Services Regulation 2009

NOTICE is given in accordance with section 5 of Subordinate Legislation Act 1989, of the intention to re-make a regulation under the Agricultural Industry Services Act 1998.

The Agricultural Industry Services Act 1998, authorises the creation of committees for the purpose of performing specified agricultural industry services for a specified class of primary producers within a specified area. These committees are created by Regulation.

The proposed Agricultural Industry Services Regulation 2009, is made under the Agricultural Industry Services Act 1998. The object of the proposed Regulation is to provide for:

- (a) The establishment of the Wine Grapes Marketing Board;
- (b) The establishment of the Riverina Citrus Committee;
- (c) The recognition of interstate arrangements, namely with Victoria; and
- (d) The rules, process and forms for polls and elections for the committees established under Regulation made under the Agricultural Industry Services Act 1998.

The proposed Regulation and Regulatory Impact Statement will be available for public comment from 18 May to 15 June 2009. They can be accessed via the DPI website <http://www.dpi.nsw.gov.au/regulation-review>; at the offices of

Riverina Citrus in Banna Avenue, Griffith and the Wine Grapes Marketing Board in Yambil Street, Griffith; on the websites of Riverina Citrus at www.riverina.citrus.com.au and the Wine Grapes Marketing Board at www.wgmb.net.au or by contacting:

Julia Trethowan,
Industry Policy,
NSW Department of Primary Industries,
Locked Bag 21, Orange NSW 2800.
Telephone: (02) 6391 3618.
Fax: (02) 6391 3650.
Email: Julia.Trethowan@dpi.nsw.gov.au.

Submissions on the proposed Regulation are invited and can be sent to the attention of Tony Moody by mail and fax as above or email tony.moody@dpi.nsw.gov.au.

Submissions close at 5pm on 15 June 2009.

SUBORDINATE LEGISLATION ACT 1989

Notice of Intention to Remake the Forestry Regulation 2009

NOTICE is given in accordance with section 5 of Subordinate Legislation Act 1989, of the intention to re-make a regulation under the Forestry Act 1916.

The Forestry Act 1916, establishes the Forestry Commission with the objects of conserving and utilising timber on the lands it controls or manages to the best advantage of the State. The Act further provides for the sustainable use and enjoyment of NSW State forests. This includes the provision of licences for timber harvesting and recreational activities.

The proposed Forestry Regulation 2009, is made under the Forestry Act 1916. The objects of the proposed Regulation are:

- (a) To facilitate the orderly and responsible cutting and removal of timber from Crown timber lands through the licensing system. Furthermore, the licensing system provides for the management of the forest floor in environmentally sensitive areas and for the health and safety of forestry workers and visitors;
- (b) To facilitate the collection of royalty;
- (c) To facilitate the protection of all forest users and the forest environment; and
- (d) To control the use of fire on State forests and flora reserves to protect the forest estate.

The proposed Regulation and Regulatory Impact Statement will be available for public comment from 18 May to 15 June 2009 and can be accessed via the Department of Primary Industries website <http://www.dpi.nsw.gov.au/regulation-review> or by contacting:

Mr Lal Wimalaratne,
Forests NSW,
NSW Department of Primary Industries,
PO Box 100,
Beecroft NSW 2119.
Telephone: (02) 9872 0111.
Fax: (02) 9871 6941.
Email: lalw@sf.nsw.gov.au.

Submissions on the proposed Regulation can be sent to Lal Wimalaratne by mail, fax or email as listed above.

Submissions close at 5pm on 15 June 2009.

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T09-0085)

No. 3693, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), area of 75 units, for Group 1, dated 8 May 2009. (Orange Mining Division).

(T09-0086)

No. 3694, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), area of 9 units, for Group 1, dated 8 May 2009. (Orange Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T08-0235)

No. 3609, now Exploration Licence No. 7341, RAYMOND NOEL RONALD ANDREWS AND JOSEPH ROY TERP, Counties of Hawes and Vernon, Map Sheets (9235, 9335), area of 14 units, for Group 6, dated 1 May 2009, for a term until 1 May 2011.

(T08-0249)

No. 3623, now Exploration Licence No. 7336, ALKANE RESOURCES LTD (ACN 000 689 216), County of Wellington, Map Sheet (8732), area of 45 units, for Group 1, dated 4 May 2009, for a term until 4 May 2011.

(T08-0250)

No. 3624, now Exploration Licence No. 7337, AUGUR RESOURCES LTD (ACN 106 879 690), County of Kennedy, Map Sheets (8332, 8432), area of 35 units, for Group 1, dated 4 May 2009, for a term until 4 May 2011.

(T08-0251)

No. 3625, now Exploration Licence No. 7338, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), County of Roxburgh, Map Sheet (8832), area of 6 units, for Group 2 and Group 5, dated 4 May 2009, for a term until 4 May 2011.

(T08-0258)

No. 3633, now Exploration Licence No. 7340, MINING MANAGEMENT SERVICES PTY LTD (ACN 009 640 902), County of Bathurst, Map Sheets (8730, 8731), area of 24 units, for Group 1, dated 5 May 2009, for a term until 5 May 2011.

(T08-0259)

No. 3635, now Exploration Licence No. 7339, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Cunningham, Map Sheet (8432), area of 6 units, for Group 1, dated 4 May 2009, for a term until 4 May 2011.

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

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

(T02-0791)

Exploration Licence No. 6095, JERVOIS MINING LIMITED (ACN 007 626 575), area of 12 units. Application for renewal received 8 May 2009.

(T02-0445)

Exploration Licence No. 6096, JERVOIS MINING LIMITED (ACN 007 626 575), area of 5 units. Application for renewal received 8 May 2009.

(T03-0027)

Exploration Licence No. 6098, OMYA AUSTRALIA PTY LIMITED (ACN 001 682 533), area of 4 units. Application for renewal received 11 May 2009.

(C02-0226)

Exploration Licence No. 6254, XSTRATA MT OWEN PTY LIMITED (ACN 003 827 361), area of 56.59 hectares. Application for renewal received 8 May 2009.

(05-0161)

Exploration Licence No. 6430, PEREGRINE MINERAL SANDS N.L. (ACN 009 307 591), area of 58 units. Application for renewal received 8 May 2009.

(06-4212)

Exploration Licence No. 6784, CLANCY EXPLORATION LIMITED (ACN 105 578 756), area of 32 units. Application for renewal received 6 May 2009.

(06-4182)

Exploration Licence No. 6795, ST BARBARA LIMITED (ACN 009 165 066), area of 33 units. Application for renewal received 7 May 2009.

(06-4183)

Exploration Licence No. 6796, ST BARBARA LIMITED (ACN 009 165 066), area of 33 units. Application for renewal received 7 May 2009.

(06-4184)

Exploration Licence No. 6797, ST BARBARA LIMITED (ACN 009 165 066), area of 15 units. Application for renewal received 7 May 2009.

(06-4185)

Exploration Licence No. 6798, ST BARBARA LIMITED (ACN 009 165 066), area of 21 units. Application for renewal received 7 May 2009.

(06-4186)

Exploration Licence No. 6799, ST BARBARA LIMITED (ACN 009 165 066), area of 20 units. Application for renewal received 7 May 2009.

(06-4196)

Exploration Licence No. 6800, ST BARBARA LIMITED (ACN 009 165 066), area of 45 units. Application for renewal received 7 May 2009.

(06-4197)

Exploration Licence No. 6801, ST BARBARA LIMITED (ACN 009 165 066), area of 17 units. Application for renewal received 7 May 2009.

(07-110)

Exploration Licence No. 6802, CLANCY EXPLORATION LIMITED (ACN 105 578 756), area of 24 units. Application for renewal received 6 May 2009.

(07-86)

Exploration Licence No. 6803, ARASTRAEXPLORATION PTY LTD (ACN 085 025 798), area of 53 units. Application for renewal received 6 May 2009.

(06-4170)

Exploration Licence No. 6805, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), area of 59 units. Application for renewal received 6 May 2009.

(06-7063)

Exploration Licence No. 6806, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), area of 94 units. Application for renewal received 6 May 2009.

(07-121)

Exploration Licence No. 6816, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 31 units. Application for renewal received 11 May 2009.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(04-538)

Exploration Licence No. 6320, ALKANE RESOURCES LTD (ACN 000 689 216), Counties of Bligh, Lincoln and Wellington, Map Sheet (8732), area of 72 units, for a further term until 11 October 2010. Renewal effective on and from 8 May 2009.

(04-503)

Exploration Licence No. 6389, AUSTRALIA ORIENTAL MINERALS NL (ACN 010 126 708), County of Gough, Map Sheet (9239), area of 9 units, for a further term until 7 March 2011. Renewal effective on and from 5 May 2009.

(06-4113)

Exploration Licence No. 6679, FORGE MINERALS PTY LTD (ACN 121 258 713), County of Brisbane, Map Sheet (9134), area of 14 units, for a further term until 12 December 2010. Renewal effective on and from 24 April 2009.

(C03-0067)

Consolidated Coal Lease No. 701 (Act 1973), NAMOI MINING PTY. LTD. (ACN 071 158 373), Parish of Black Jack, County of Pottinger; Parish of Gill, County of Pottinger; Parish of Gunnedah, County of Pottinger; and Parish of Millie, County of Pottinger, Map Sheets (8935-4-N, 8936-3-S), area of 5685 hectares, for a further term until 19 February 2022. Renewal effective on and from 6 May 2009.

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

PART CANCELLATION

NOTICE is given that the following authority has been cancelled in part:

(08-7108)

Consolidated Coal Lease No. 767 (Act 1973), ENDEAVOUR COAL PTY LTD (ACN 099 830 476), Parish of Camden, County of Camden; Parish of Picton, County of Camden; Parish of Wallandoola, County of Camden; Parish of Wilton, County of Camden; Parish of Woonona, County of Camden; Parish of Appin, County of Cumberland; Parish of Menangle, County of Cumberland; Parish of Southend, County of Cumberland; and Parish of Wedderburn, County of Cumberland, Map Sheet (9029-1-S, 9029-2-N, 9029-3-N, 9029-4-S).

Description of area cancelled:

An area of 0 square kilometres. For further information contact Titles Branch.

Part cancellation took effect on 29 April 2009.

The authority now embraces an area of 71.12 hectares.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following application for cancellation has been received:

(07-327)

Exploration Licence No. 7090 (Act 1992), EDEN ENERGY LTD (ACN 109 200 900), County of Tara, area of 330 units.

Request for cancellation was received on 11 May 2009.

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

TRANSFERS

NOTICE is given that the following transfer application has been withdrawn:

(07-327)

Exploration Licence No. 7090 (Act 1992), EDEN ENERGY LTD (ACN 109 200 900) to TERRATHERMA LTD (ACN 126 933 140), County of Tara, Area of 330 units.

Withdrawal of Transfer Application received on 11 May 2009.

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

COMMONWEALTH OF AUSTRALIA

**OFFSHORE PETROLEUM AND GREENHOUSE
GAS STORAGE ACT 2006**

Instrument of Delegation

I, Ian Macdonald MLC, Designated Authority for the State of New South Wales, being authorised by or under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth) (“the Act”) to delegate any of my powers and functions under the Act, and in the title instruments issued under the Act, (other than the power of delegation), or under an Act that incorporates the Act, do:

hereby revoke all previous delegations made pursuant to Section 72 of the Act; and

delegate to the person who for the time being holds, occupies or performs the duties of the office of Executive Director, Mineral Resources in the Department of Primary Industries - Mineral Resources, all my powers under the Act (other than the power of delegation) and its associated Acts and Regulations listed below:

Petroleum (Submerged Lands) Fees Act 1994

Petroleum (Submerged Lands) (Registration Fees) Act 1967.

Petroleum (Submerged Lands) Regulations 1985;

Petroleum (Submerged Lands) (Management of Environment) Regulations 1999;

Petroleum (Submerged Lands) (Pipelines) Regulations 2001;

Petroleum (Submerged Lands) (Diving Safety) Regulations 2002;

Petroleum (Submerged Lands) (Data Management) Regulations 2004;

Petroleum (Submerged Lands) (Management of Well Operations) Regulations 2004;

Dated at Sydney this 6th day of May 2009.

MADE UNDER THE OFFSHORE PETROLEUM AND
GREENHOUSE GAS STORAGE ACT 2006 OF THE
COMMONWEALTH OF AUSTRALIA.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

MARK RILEY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)
Dated: 5 May 2009

SCHEDULE

1. Citation

This Notice may be cited as Dubbo City Council 25 Metre B-Double route Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

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

5. Routes

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> | <i>Conditions</i> |
|-------------|-----------------|------------------------------|-----------------------|------------------------|-------------------------------------|
| 25. | 000. | Douglas Mawson Drive, Dubbo. | Wheelers Lane. | Lawson Street. | Return route back to Wheelers Lane. |

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

PETER BROOKS,
General Manager,
Griffith City Council
(by delegation from the Minister for Roads)
Dated: 12 May 2009

SCHEDULE

1. Citation

This Notice may be cited as Griffith City Council Road Train Repeal Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General Road Train Permit 2005 is amended by omitting the following from that Notice:

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|------------------|-----------------------|------------------------|
| RT | | Shaw Road | Jensen Road | Lenehan Road |
| RT | | Harris Road | Bridge Road | Oakes Road |

ROAD TRANSPORT (GENERAL) ACT 2005

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

PARRAMATTA CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre high vehicles may be used subject to any requirements or conditions set out in the Schedule.

ROD COOK,
 Manager,
 Technical Services,
 Parramatta City Council
 (by delegation from the Minister for Roads)
 Dated: 15 November 2006

SCHEDULE
1. Citation

This Notice may be cited as Parramatta City Council 4.6 Metre High Vehicle Route Notice No. 01/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2012 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

| <i>Type</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------------------|-----------------------|------------------------|
| 4.6. | Colquhoun Street, Rosehill. | Devon Street. | Unwin Street. |
| 4.6. | Unwin Street, Rosehill. | Colquhoun Street. | Shirley Street. |
| 4.6. | Shirley Street, Rosehill. | Unwin Street. | Entire length. |

ROAD TRANSPORT (GENERAL) ACT 2005

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

MAITLAND CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 19 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

DAVID EVANS,
General Manager,
Maitland City Council
(by delegation from the Minister for Roads)

Dated: 6 May 2009

SCHEDULE
1. Citation

This Notice may be cited as the Maitland City Council 19 metre B-Double route Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 19 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> | <i>Conditions</i> |
|-------------|-----------------|------------------------------|-----------------------|-------------------------------------|-------------------|
| 19 | | Allandale Road, Allandale | New England Highway | Maitland / Cessnock LGA Boundary | |

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

MIKE RAYNER,
General Manager,
Tweed Shire Council
(by delegation from the Minister for Roads)

Dated: 7 May 2009

SCHEDULE
1. Citation

This Notice may be cited as Tweed Shire Council 25 Metre B-Double route Notice No. 01/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

| <i>Type</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|------------------------------|-----------------------|---------------------------------|
| 25. | Tweed Coast Road, Chinderah. | Pacific Highway. | 200 metres north of Depot Road. |

ROADS ACT 1993

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

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Hornsby Shire Council area, Parish of South Colah and County of Cumberland, shown as:

| <u>Description</u> | <u>Title Reference</u> |
|---|----------------------------|
| The area of ¼ perch shown on Deposited Plan 417630 | C.T. Volume 3351 Folio 77 |
| The area of ¾ perch shown on RTA Plan 0010 201 SS 1036, being part of Lot B Deposited Plan 172236 and being also the whole of land transferred to the Commissioner for Main Roads by Transfer dealing H614583 | C.T. Volume 3350 Folio 133 |
| Lot 1 Deposited Plan 211701 | C.T. Volume 5760 Folio 70 |
| Lot 1 Deposited Plan 418361 | Folio Identifier 1/418361 |
| Lot 1 Deposited Plan 419273 | Folio Identifier 1/419273 |
| The area of 3 ¾ perches shown on Deposited Plan 432594 | C.T. Volume 5506 Folio 62 |
| The area of 2 perches shown on Deposited Plan 356011 | C.T. Volume 5506 Folio 63 |
| Lot A Deposited Plan 389559 | C.T. Volume 3948 Folio 180 |
| The area of ½ perch shown on Deposited Plan 417948 | C.T. Volume 2397 Folio 103 |
| The area of 1 ¼ perches shown on RTA Plan 0010 201 SS 1025, being part of Lot B Deposited Plan 306729 and being also the whole of land transferred to the Commissioner for Main Roads by Transfer dealing H674280 | C.T. Volume 3470 Folio 133 |
| The area of 2 perches shown on Deposited Plan 106372 | C.T. Volume 3470 Folio 134 |

(RTA Papers: FPP 9M2177; RO 201.12079)

ROADS ACT 1993

ERRATUM

The notice published in Government Gazette No 60 of 14 March 2003 on page 4151 under the heading "Notice of Dedication of Land as Public Road at Mascot in the Botany Bay City Council", in respect of the dedication of Lot 1 Deposited Plan 34767, should not have been published. This erratum notice serves to advise that the abovementioned notice of dedication is invalid and accordingly the Commonwealth of Australia remains the owner of the title to the said Lot 1 pursuant to notice of acquisition published in Australian Government Gazette dated 18 March 1975.

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

(RTA Papers: FPP 9M1480; RO 51.12062)

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

Notice of Compulsory Acquisition of Land at Yamble in the Mid-Western Regional Council area

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

T D Craig

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

—————
SCHEDULE

ALL that piece or parcel of public road situated in the Mid-Western Regional Council area, Parish of Yarrobil and County of Bligh, shown as Lot 4 Deposited Plan 1083951.

The land is said to be in the possession of Mid-Western Regional Council.

(RTA Papers: FPP 9M1121; RO 308.1157)

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

Notice of Compulsory Acquisition of Land at Mullengandra in the Greater Hume Shire Council area

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

T D Craig

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

—————
SCHEDULE

ALL that piece or parcel of public road situated in the Greater Hume Shire Council area, Parish of Mullengandra and County of Goulburn, shown as Lot 28 Deposited Plan 1132237.

(RTA Papers: FPP 9M1893; RO 2/186.1138)

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

Notice of Compulsory Acquisition of Land at Lawson in the Blue Mountains City Council area

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

T D Craig

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

—————
SCHEDULE

Easement in gross to drain and detain water variable width, as described in Memorandum AE507650 recorded at Land and Property Information NSW, over the part of the site designated (E) on Deposited Plan 1127970 having an area of 3,165 square metres, being part of the land in Certificate of Title 1/337785 and said to be in the possession of Blue Mountains City Council.

(RTA Papers: FPP 9M1375; RO 5/44.12485)

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

Notice of Compulsory Acquisition of Land at Lawson in
the Blue Mountains City Council area

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

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

SCHEDULE

Easement in gross to drain and detain water variable
width, as described in Memorandum AE507650
recorded at Land and Property Information NSW, over
the part of the site designated (E) on Deposited Plan
1127970 having an area of 2,166 square metres, being
part of the land in Reserve No R89440 reserved for
Public Recreation by notification in the Government
Gazette of 16 May 1975 on page 1918.

The land is said to be in the possession of the Crown
and Blue Mountains City Council (reserve trust
manager).

(RTA Papers: FPP 9M1380; RO 5/44.12484 &
5/44.12487)

ROADS ACT 1993

Order

Gosford City Council area

Repeal of Declaration as Freeway of parts of Peats
Ridge Road at Peats Ridge and Somersby

I, the Minister for Roads hereby repeal the parts of the
declaration published in Government Gazette No 6 of
20 January 1967 on page 138 which declared the main
road described in Schedule 1 of that declaration to be
freeway, but only in so far as those parts pertain to the
land described in the Schedule under.

HON MICHAEL DALEY MP
MINISTER FOR ROADS

SCHEDULE

ALL those pieces or parcels of land situated in the
Gosford City Council area, Parishes of Narara,
Eglington and Gosford and County of Northumberland
shown as:

The whole of Lots 1 to 5 inclusive, shown on a plan
registered at the Roads and Traffic Authority of New
South Wales, Sydney and numbered 26.S.101A;
together with that part of the road of variable width
containing an area of 5 acres 1 rood or thereabouts
adjoining the western boundaries of Lot 1, that part of
the road 150 links wide containing an area of 4 acres 1
rood 9½ perches or thereabouts separating Lots 1 and 2,
that part of the road 100 links wide containing an area
of 2 roods or thereabouts separating Lots 2 and 3, that
part of the road 100 links wide containing an area of 3
roods 27½ perches or thereabouts separating Lots 3 and
4, that part of the road 100 links wide containing an area
of 2 roods or thereabouts separating Lots 4 and 5, that
part of the road 100 links wide containing an area of 3
roods 39¼ perches or thereabouts separating Lots 5 and
6; together with the whole of Lot 6 Deposited Plan
505745, Lot 1 Deposited Plan 510804, Lot 1 Deposited
Plan 214861 and Lot 91 Deposited Plan 1133454.

(RTA Papers 184.35 Pt 3)

Department of Water and Energy

WATER ACT 1912

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

Paul Edwin BALFOUR and Susan Margaret BALFOUR for two 100 millimetre centrifugal pumps on the Bega River being Part Lot 5, DP 1113733, Parish Candelo & Kameruka, County Auckland for stock and domestic purposes and the irrigation of 56.5 hectares (improved pasture) (New licence – permanent transfer of 485.0 megalitres from 10SL56634) (exempt from the 2007 South Coast Rivers embargo) (Ref:10SL56786) (GA2:502436)

Graham Douglas & Linda Carol RANSON for a pump on Tantawangalo Creek being Part Road Reserve south of Lot 4, DP 817233, Parish of Tantawangalo, County of Auckland for water supply for stock and domestic purposes. New licence. (Not subject to the 2007 South Coast Unregulated Rivers embargo) (Ref:10SL056848) (GA2:530508)

Any inquiries regarding the above should be directed to the undersigned on (02) 4429 4442. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the Department of Water and Energy, PO Box 309, Nowra NSW 2541, within 28 days of the date of this publication.

WAYNE RYAN,
Licensing Officer

WATER ACT 1912

APPLICATIONS for licences under section 10, Part 2 of the Water Act 1912, has been received from:

North Coast

Peter James CASHMAN and Jennifer Therese CASHMAN for a pump on Orara River Easement within Lot 135, DP 817177, Parish Bagawa, County Fitzroy, for water supply for stock and domestic purposes (new licence) (Reference: 30SL067056).

Leanne Kay DOOHAN and Scott Nicholas DOOHAN for a pump on Richmond River, Lot 131, DP 755738, Parish Stratheden, County Rous, for irrigation of 11.5 hectares (75.5 ML, pastures) (split of existing JWSA – no increase in authorised area/allocation) (Reference: 30SL067057).

Mark Thomas REYNOLDS and Patrick Laurence REYNOLDS for a pump on Richmond River, Lot 132, DP 755738, Parish Stratheden, County Rous, for irrigation of 11.5 hectares (75.5 ML, pastures) (split of existing JWSA – no increase in authorised area/allocation) (Reference: 30SL067058).

Gail Margaret BEBB and Gordon Frank BEBB for two pumps on Eden Creek and Iron Pot Creek, Lot 1, DP 783813 and Lot 1, DP 178266, Parish Queebun, County Rous, for irrigation of 55 hectares (330 ML, pastures) (split of existing license – no increase in authorised area/allocation) (Reference: 30SL067059).

Hunter

Brian William BERRY for two pumps on the Williams River on Lot 45, DP 6253 and Lot 4, DP 875842, both Parish Fosterton, County Gloucester, for irrigation of 12.5

hectares (lucerne/improved pasture) (replacement licence – no increase in entitlement) (Reference: 20SL061783).

James Harrison BIRD and Rosalind Glenyse BIRD for a pump on the Gloucester River on Lot 11, DP 1103380, Parish Barrington, County Gloucester, for irrigation of 4 hectares (pasture/orchard) (split of existing licence) (Reference: 20SL061791).

ALMOND NOMINEES PTY LIMITED for a pump on Martindale Creek on Lot 54, DP 13672, Parish Martindale, County Hunter, for irrigation of 3 hectares (cereal and pasture) (water obtained by permanent transfer – exempt from current embargo) (Reference: 20SL061767).

ALMOND NOMINEES PTY LIMITED for a pump on the Martindale Creek on Lot 54, DP 13672, Parish Martindale, County Hunter, for irrigation of 2.5 hectares (improved pasture) (water obtained by permanent transfer – exempt from current embargo) (Reference: 20SL061768).

David Bruce SYKES for a pump on Martindale Creek on Lots 64 and 65, DP 753794, Parish Martindale, County Hunter, for irrigation of 12.5 hectares (oats/lucerne) (split of existing licence – exempt from current embargo) (Reference: 20SL061784).

Written objections specifying the grounds thereof must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication.

D. MILLING,
Manager, Licensing

WATER ACT 1912

APPLICATIONS for licences under Part 2, section 10 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) has been received as follows:

Barwon

Namoi River Valley

Eleanor Patricia EASON and Garry Wayne EASON for an existing pump on Turragulla Creek on Lot 30, DP 750298, Parish Newman, County Baradine, for irrigation of 80 hectares (cotton) (replacement licence – increase in irrigation area and additional water obtained by permanent transfer scheme) (Reference: 90SL101010).

Gwydir River Valley

SYDNEY MOTOR AUCTIONS PTY LTD for a by-wash dam on unnamed watercourse on Lots 3 and 11, DP 753652 and Lot 1, DP 127824, Parish Clerkness, County Hardinge, to conserve water for stock and store water for irrigation purposes pursuant to licenses 90SL036246 and 90SL037542 (new licence) (Reference: 90SL100972).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected and must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication

D. MILLING,
Manager, Licensing

WATER ACT 1912

APPLICATIONS for licences under Part 2, section 10 of the Water Act 1912, for works within a proclaimed (declared) local area under section 5(4) have been received as follows:

Far West

Barwon Darling River Valley

CLYDE AGRICULTURE LIMITED for 4 pumps on the Barwon River, Lot 1, DP 751597 and 1 pump on an unnamed watercourse, Lot 1, DP 751597, Parish Stonehenge, County Clyde, for irrigation of 1300 hectares (cotton) (replacement licence) (Reference: 85SL105059).

CLYDE AGRICULTURE LIMITED for 4 pumps on the Barwon River, Lot 2694, DP 764775, Parish Welman, County Clyde, for irrigation of 750 hectares (cotton) (replacement licence) (Reference: 85SL105058).

CLYDE AGRICULTURE LIMITED for 1 pump on the Barwon River Lot 1, DP 751597, Parish Stonehenge, County of Clyde, for irrigation of 1300 hectares (cotton) (replacement licence) (Reference: 85SL105056H).

CLYDE AGRICULTURE LIMITED for 1 pump on the Barwon River, Lot 1, DP 751597, Parish Stonehenge, County Clyde, for irrigation of 1300 hectares (cotton) (replacement licence) (Reference: 85SL105057H).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected and must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication

D. MILLING,
Manager, Licensing

Other Notices

ADOPTION ACT 2000

Amended Accreditation Notice

THIS Accreditation Notice is published in accordance with section 15 of the Adoption Act 2000. The notice has been amended to record the name of the new Principal Officer and change of business address. Otherwise all details including the effective date of accreditation are the same as published on 20 June 2008 and 17 October 2008.

Under section 206 of the Adoption Act 2000, the Director-General of the Department of Community Services may delegate the function of accreditation to provide adoption services. The Director-General has delegated this function to me, the Children's Guardian.

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

I authorise Lynne Patricia Moggach, Principal Officer of Barnardos Find-a-Family Adoption Program at 23 Nelson Street, Annandale, to undertake the following domestic adoption services for children, excluding those with special needs, until 30 June 2013:

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

I specify the following conditions:

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

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

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

KERRY BOLAND,
Children's Guardian

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Financial Services
- Financial Services – Accounts Clerical
- Financial Services – Mercantile Agents
- Financial Services – Personal Trust Administration
- Financial Services – Credit Management
- Financial Services – Accounting
- Financial Services – Financial Practice Support
- Financial Services – Finance/Mortgage Broking
- Financial Services – Superannuation
- Financial Services – Bookkeeping,

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the *NSW Government Gazette*.

A copy of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/412.htm>

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 54

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Australia and China Information Communication
Centre Incorporated INC9883294

Australia Association of Chinese Remedial Massage
Incorporated INC9882892

Australian Chinese Immigration Association Sydney Incorporated INC9883946
 Australian Ann Kway Association Incorporated INC9883868
 Australian Metal Recycling Industries Association Australia Incorporated INC9878472
 Byron Bay Netball Club Incorporated Y2251002
 Celebration Life Ministries Inc INC9877539
 Friends of Just Enough Faith Incorporated INC9887378
 Jindabyne Board Riders Incorporated INC9883854
 Hunter Valley Modified Car Club Incorporated INC9884203
 Nahira Incorporated INC9883852
 North Wollongong Community Garden & Cultural Development Association Incorporated INC9876470
 Quit the Communist Party Association Incorporated INC9884306
 The Reccas Cricket Club Incorporated INC9883948
 Sideroxylon Incorporated INC9883963
 Stepfamily Association of Australia - NSW Incorporated INC9884734
 Tweed Coast Slammers Inc INC9875629
 Uki Touch Football Club Incorporated INC9884086
 United Islamic Brotherhood Incorporated INC9883844
 Dated: 22 April 2009.

ROBERT HAYES,
 A/Manager,
 Financial Analysis,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 54

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Australia-China Agriculture Association Incorporated INC9886751
 The Australian & Palestinian Humanitarian Association Inc INC9876399
 Auntie Beryl Association Incorporated INC9885467
 Assembly of God Church of Samoa in Airds Incorporated INC9884229
 Australian Council for the Promotion of Nursing Education Incorporated INC9884334
 Byron Bay Skydivers Incorporated INC9878455
 Bombala & District Motorcross Club Incorporated INC9877117
 Bombala Motorcycle Association Incorporated Y1882208
 Cofochilex-Australia Incorporated INC9884240
 Central West Soccer League Incorporated Y2784642
 The Chronic Pain Power Group Incorporated INC9879812

Central West Through Care Incorporated INC9881429
 For All The People Incorporated INC9886647
 Goori Home Modifications and Maintenance Service Incorporated INC9886780
 Kit for Kids Incorporated INC9884450
 Liverpool Sanatan Ramayan Bhajan Faag Mandali Incorporated INC9876331
 Maidens Brush Tennis & Sporting Club Incorporated INC9876304
 Nonno Club Incorporated INC9883377
 Premananda Swamy Ashram Charity Work Incorporated INC9874382
 Qantas Motorsport Club Incorporated INC9878361
 Terrigal Trojan Rugby Club Inc Y0832626
 Scarlet Letter Productions Incorporated INC9883089
 Samoan Nurses Association Incorporated INC9885469
 Westside Baptist Church Incorporated INC9883101
 Wollongong City Gymnastics Incorporated INC9882052
 Dated: 6 May 2009.

ROBERT HAYES,
 A/Manager,
 Financial Analysis,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Camden Haven Association for Regional Performing Arts Incorporated Y3047923
 Riverina Sire Evaluation Project Incorporated INC9882427
 Roseville Probus Club for Men and Women Inc Y1577310
 Casuarina Beach Dune Care Association Incorporated INC9878429
 Hawkesbury Women and Children's Domestic Violence Crisis Accommodation Service Incorporated INC9880641
 Bigga Landcare Inc INC3466760
 Kanga's House Child Care Centre Inc Y1466420
 The Probus Club of Lindfield Incorporated Y2522241
 Call to Holiness (NSW) Incorporated INC9883784
 Dated: 8 May 2009.

ROBERT HAYES,
 A/Manager,
 Financial Analysis Branch,
 Registry of Co-operatives and Associations,
 Office of Fair Trading,
 Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association pursuant to Section 54A

THE incorporation of Casino Womens Hockey Club Inc (Y1601008), cancelled on 17 April 2009, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 11th day of May 2009.

ROBERT HAYES,
A/G Manager,
Financial Analysis Branch,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation pursuant to Section 55A

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 55A of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Made In Mudgee Incorporated INC9888585
Windsor Cyclists Bug Incorporated INC9887499
The Noszkowski Foundation Incorporated
INC9875592
Tamworth Social Club Incorporated Y2833905

Dated: 30 April 2009.

ROBERT HAYES,
A/Manager,
Financial Analysis Branch,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

CONTAMINATED LAND MANAGEMENT ACT 1997

Section 21

Declaration of Remediation Site

Declaration Number 21116; Area Number 3020

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")
Lot 2, DP 539890 and Lot 2, DP 615549, located at 39 Grand Avenue, Camellia, in the local government area of Parramatta and shown on the map attached.
2. Nature of contamination affecting the site:
The EPA has found that the site is contaminated with hexavalent Chromium [Cr(VI)] ("the contaminant").
3. Nature of harm that the contaminants may cause:
The EPA has considered the matters in section 9 of the Act and has determined that the contamination at the site warrants regulation under the Act for the following reasons:
 - Investigations reported in April 2007 have indicated high concentrations of Cr(VI) in groundwater and in

stormwater at the site and potentially contaminated surface water flows from the northern border of the site into the Parramatta River.

- Water with a bright yellow discoloration [indicative of Cr(VI) contamination] was observed in stormwater seeping from a drain into the Parramatta River.
- A study undertaken by NSW EPA in 2002-3 found:
 - Cr(VI) to be impacting on the marine ecosystem of the Parramatta River in this vicinity.
 - Cr to be present in oysters over a wide area in Camellia at concentrations significantly higher than those in Lane Cove.
- There is the possibility of unintended human exposure to the Cr(VI) contaminated seeps along the foreshore area if access to the foreshore is not appropriately managed.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of section 26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager,
Contaminated Sites,
Department of Environment and Climate Change,
PO Box A290, Sydney South NSW 1232,
or faxed to (02) 9995 5930,

by not later than 5 June 2009.

Dated: 8 May 2009.

NIALL JOHNSTON,
Manager,
Contaminated Sites,
Department of Environment and Climate Change

NOTE:

Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under section 23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy

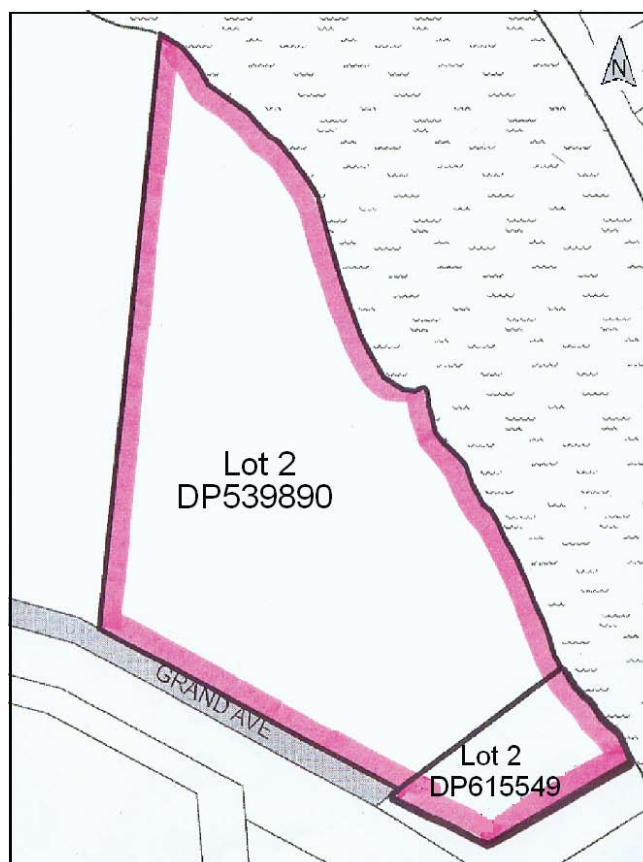
of this remediation declaration will be included in the public record.


Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the section 149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.



 Land to which this Declaration Applies

CONTAMINATED LAND MANAGEMENT ACT 1997

Section 21

Declaration of Remediation Site

Declaration Number 21122; Area Number 3221

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

The site to which this declaration relates is part of the former Millers Point gasworks and is described as:

- Part Lot 5 and Part Lot 3 in Deposited Plan (DP) 876514, Hickson Road, Millers Point
- The part of Hickson Road adjacent to:
 - 30-34 Hickson Road being Lot 11, DP 1065410;
 - 36 Hickson Road being Lot 5, DP 873158 and Lot 12, DP 1065410; and
 - 38 Hickson Road being SP72797, Millers Point

in the City of Sydney local government area. The site coincides with the known foot print of the former gasworks facilities. A map of the site is available for inspection at the offices of the Department of the Environment and Climate Change, Level 14, 59-61 Goulburn Street, Sydney NSW.

2. Nature of contamination affecting the site:

The EPA believes that the site is contaminated with gasworks waste and particularly waste tar as a result of the previous use of the site as a gasworks plant. The chemical composition of gasworks waste includes the following substances ("the contaminants"): polycyclic aromatic hydrocarbons (PAHs); benzene, toluene, ethylbenzene and xylenes (BTEX); total petroleum hydrocarbons (TPHs); ammonia; phenol and cyanide.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in section 9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- Groundwater on the site has been found to be contaminated by TPHs, PAHs, BTEX, ammonia, phenol and cyanide at concentrations significantly exceeding the relevant trigger values for the protection of human health and aquatic ecosystems in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ, 2000).
- These groundwater contaminants include human carcinogens and substances toxic to aquatic ecosystems.
- The contaminated groundwater is impacting on the surrounding areas including the basement of a residential building adjacent to the site, potentially exposing humans in that building to harmful vapours; however it is currently being effectively controlled.
- Contaminated groundwater is likely to be migrating from the site to Darling Harbour and could ultimately affect aquatic ecosystems.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of section 26 of the Act the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites,
Department of Environment and Climate Change
PO Box A290
Sydney South NSW 1232
or faxed to (02) 9995 5930

by no later than 3 June 2009.

NIALL JOHNSTON,
Manager Contaminated Sites,
Department of Environment and Climate Change
Date: 6 May 2009.

NOTE:

Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under section 23 of the Act.

Variation/Revocation

This declaration may be varied by a subsequent declaration. It remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such as way as to present a significant risk of harm (section 44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to inform the relevant local council that this declaration has been made, as soon as practicable. The council is then required to note on its planning certificate issued pursuant to section 149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation area. The EPA is required to notify council as soon as practicable when the declaration is No. longer in force and the notation on the section 149 (2) certificate can be removed.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

CO-OPERATIVES ACT 1992

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

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

Australian Allied Artisan Resource Talent Environ-
Management (AAARTEC) Co-operative Limited.

Dated this 8th day of May 2009.

R. HAYES,
Delegate of the Registrar of Co-operatives

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the names listed hereunder as geographical names.

Assigned Name: Paddington Reservoir Gardens
Designation: Reserve
L.G.A.: City of Sydney Council
Parish: Alexandria
County: Cumberland
L.P.I. Map: Botany Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5322

Assigned Name: Gibson Creek
Designation: Creek
L.G.A.: Ballina Shire Council
Parish: Teven
County: Rous
L.P.I. Map: Lismore
1:100,000 Map: Lismore 9540
Reference: GNB 5347

Assigned Name: Baludarrri Wetland
Designation: Reserve
L.G.A.: Parramatta City Council
Parish: Field of Mars
County: Cumberland
L.P.I. Map: Parramatta River
1:100,000 Map: Sydney 9130
Reference: GNB 5348

Assigned Name: Roberts Reserve
Designation: Reserve
L.G.A.: Blacktown City Council
Parish: Rooty Hill
County: Cumberland
L.P.I. Map: Riverstone
1:100,000 Map: Penrith 9030
Reference: GNB 5354

Assigned Name: Waddangalli Woodland
Designation: Reserve
L.G.A.: Parramatta City Council
Parish: Liberty Plains
County: Cumberland
L.P.I. Map: Prospect
1:100,000 Map: Penrith 9030
Reference: GNB 5364

Assigned Name: Steamroller Park
Designation: Reserve
L.G.A.: Penrith City Council
Parish: Castlereagh
County: Cumberland
L.P.I. Map: Penrith
1:100,000 Map: Penrith 9030
Reference: GNB 5324

Assigned Name: Cargo Village Green
Designation: Reserve
L.G.A.: Cabonne Council
Parish: Cargo
County: Ashburnham
L.P.I. Map: Cudal
1:100,000 Map: Molong 8631
Reference: GNB 5360

Assigned Name: Gorrie Park
 Designation: Reserve
 L.G.A.: Mid Western Regional Council
 Parish: Guntawang
 County: Phillip
 L.P.I. Map: Gulgong
 1:100,000 Map: Gulgong 8833
 Reference: GNB 5349

Assigned Name: Alan Newton Reserve
 Designation: Reserve
 L.G.A.: Warringah Council
 Parish: Manly Cove
 County: Cumberland
 L.P.I. Map: Sydney Heads
 1:100,000 Map: Sydney 9130
 Reference: GNB 5359

Assigned Name: Bong Bong Common
 Designation: Reserve
 L.G.A.: Wingecarribee Shire Council
 Parish: Mittagong
 County: Camden
 L.P.I. Map: Moss Vale
 1:100,000 Map: Moss Vale 8928
 Reference: GNB 5239

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au

WARWICK WATKINS,
 Chairperson

Geographical Names Board,
 PO Box 143,
 Bathurst NSW 2795

HERITAGE ACT 1977

Order under Section 57 (2)

Energy Australia – Site Specific Exemptions

I, the Minister for Planning, on the recommendation of the Heritage Council of New South Wales, in pursuance of section 57 (2) of the Heritage Act 1977, do, by this my order:

- (a) under section 57 (2) of the Heritage Act grant exemption from Heritage Council approval under section 57 (1) of the Heritage Act, as outlined in Schedule A, for the following activities described in 1–15 below, subject to review and approval by a person with demonstrated heritage expertise and experience in similar buildings and sites.

1. Replacement of corrugated asbestos roofing systems, box gutters and eaves with corrugated metal roofing system which maintains the general profile of the building roof and does not require replacement of structural fabric of the roof and retains any decorative features of the original roof design (e.g. exposed eaves, decorative soffits or barge boards). The choice of roofing material should not preclude the reinstatement of the original form of rainwater goods.
2. Replacement of non-original switchgear and associated internal building rearrangements to accommodate new switchgear, which does not require the significant removal of building fabric.
3. Replacement of non-original internal and external transformers.
4. Internal installation of fire mitigation apparatus and mechanisms including fire curtains, sheeting of structural members to improve fire rating and replacement of internal fire doors with asbestos cores.
5. Minor works necessary to preserve and enhance the security of the building including the replacement of locks, installation of internal security screens and grilles and the installation of electronic access control devices.
6. Maintenance and minor repairs that are necessary to preserve and maintain the building and are within the limits of the standard exemptions of the Heritage Act.
7. Excavations and reinstatement associated with installation or replacement of conduits, cables, services and pipes, where this will occur within existing cable egress areas or existing cable jointing areas and there are no known or suspected archaeological relics.
8. Minor works internal to the building including:
 - (a) Replacement of Customer Load Control Equipment.
 - (b) Upgrade of non-original toilet / washroom facilities.
 - (c) Upgrade of control room equipment.
 - (d) Refurbishment of battery rooms.
 - (e) The removal of asbestos materials such as interior and external sheet linings, fire proofing, troughing, conduits, window sealant, asbestos fire doors etc.
 - (f) The removal of devices and equipment containing mercury or other heavy metals.
 - (g) Removal of lead-based paint and reinstatement with the original paint scheme.
 - (h) Replacement of non-original lighting fixtures, including electrical controls where they are required for security or safety.
9. Minor internal works necessary to upgrade and enhance the structural integrity of the building which do not impact on the heritage significance of the building including:
 - (a) The internal fitting of improved handrails and or stairs to access higher stories for the reason of safe access.
 - (b) The upgrade of non-original internal lifting / crane equipment in loading docks specifically required for manual handling of equipment to meet WorkCover requirements.
10. Temporary works including containment areas, scaffolding and enclosures necessary for the carrying out of maintenance, enhancement or upgrading works.

11. Installation of safety or information signs, not being for commercial or advertising purposes.
12. Maintenance and painting of finished building surfaces where colour of finish is matched to the original colour.
13. Decommissioning of a substation and removal of non-original equipment.
14. Installation of oil containment systems in order to meet NSW EPA Pollution Licence requirements, in the following circumstances:
 - (a) Masonry or concrete bunding around transformers and within existing transformer bays.
 - (b) Underground oil containment works or systems in areas where there are no known or suspected archaeological relics.
15. Ventilation and air conditioning works limited to:
 - (a) Replacement of existing external vents and louvres in a style consistent with the external appearance of the building.
 - (b) Replacement of non-mechanical rooftop ventilators in a style consistent with the form, scale and position of existing ventilators.
 - (c) Internal air conditioning systems with no externally visible components and which do not require the removal of original building fabric.

Dated: Sydney, 5th day of May 2009.

KRISTINA KENEALLY, M.P.,
Minister for Planning

SCHEDULE "A"

| <i>Item</i> | <i>State Heritage Register Listing Number</i> |
|--|---|
| Electricity Power House, Crows Nest | SHR 00931 |
| Relay Test Centre, Haberfield | SHR 00933 |
| Substation, Ultimo | SHR 00934 |
| Substation, Randwick | SHR 00935 |
| Substation, Balgowlah | SHR 00936 |
| Substation, Manly | SHR 00938 |
| Substation, Paddington | SHR 00939 |
| Substation, Pymble | SHR 00940 |
| Substation, Annandale | SHR 00941 |
| Electricity Substation No. 167, Auburn | SHR 01790 |
| Electricity Substation No. 269, Bondi | SHR 01791 |
| Electricity Substation No. 349, Randwick | SHR 01792 |

**REPORT
and
DETERMINATION
of
THE LOCAL GOVERNMENT
REMUNERATION TRIBUNAL
under
Sections 239 and 241
of the
LOCAL GOVERNMENT ACT 1993**
29 April 2009

EXECUTIVE SUMMARY

The Tribunal is required to report to the Minister by 1 May each year as to its determinations of categories and the maximum and minimum amounts of fees to be paid during the following year to mayors, councillors, and chairpersons and members of county councils.

Categories: As forecast in the 2008 Report, the Tribunal has undertaken a fundamental review of the categories of Councillor and Mayoral officers in accordance with section 239 of the Act.

The Tribunal's review has had regard to issues raised in submissions received from the Local Government and Shires Associations ("Associations") and individual Councils, as well as advice received from the Department of Local Government. The Tribunal also considered the findings of previous reviews and considered the relative merits of a number of alternate models.

After considering all these factors the Tribunal finds that there is no strong case to significantly alter the current categories of Councillor and Mayoral offices or to move individual Councils between categories.

While the groupings remain unchanged, the Tribunal has applied descriptive titles for each of the categories. The descriptive titles for the categories are as follows:

| <i>Previous Category</i> | <i>New Category</i> |
|--------------------------|------------------------|
| 4 | Rural |
| 3 | Regional Rural |
| 2 | Metropolitan |
| 1 | Metropolitan Centres |
| 1A | Metropolitan Major |
| S2 | Major City |
| S1 | Principal City |
| S3 | County Councils |
| S4 | County Council – Water |

Fees: The Tribunal has also reviewed the minimum and maximum fees applicable to each category.

The Tribunal has had regard to submissions received and to comments made by the Associations and individual Councils with respect to the level of fees. The Tribunal has also considered broader issues facing local government at this time, including the potential impact of State Government

planning reforms and the challenges posed by the global economic downturn and its likely impact upon local communities.

Having regard to these factors and after taking the views of the Assessors into account the Tribunal considers that an increase of 2.5 per cent in the fees for Councillors and Mayors is appropriate for the current year and so determines.

The Tribunal's findings in respect of this review are outlined in detail in the main body of the report. The Tribunal's determination provides the categories of Councillors and Mayoral offices and the range of fees effective from 1 July 2009.

—————

**LOCAL GOVERNMENT REMUNERATION
TRIBUNAL
2009 ANNUAL REVIEW
REPORT**

BACKGROUND

1. Pursuant to Section 241 of the Local Government Act 1993 (the Act) the Local Government Remuneration Tribunal hereby determines in each category of Council, the maximum and minimum amount of fees to be paid to Mayors and Councillors of Councils, as well as chairpersons and members of County Councils.
2. On 26 November 2008 the Tribunal wrote to all Mayors advising of the commencement of the 2009 annual review. In respect of this review the Tribunal advised Councils that in addition to reviewing the minimum and maximum fee levels it would undertake a fundamental review of the categories. Section 239 of the Act requires the Tribunal to determine the categories of Councils and Mayoral offices at least once every 3 years.
3. The Tribunal last undertook a fundamental review of the categories of councils in 2006. As a result of that review the former categories of 4 and 5 were merged to form a new category 4. The background and findings of that review can be found in the 2006 Report and Determination.

2009 REVIEW OF CATEGORIES

4. Section 239 of the Act requires the Tribunal to determine categories for councils and mayoral offices for the purpose of determining fees, and Section 240 of the Act requires the Tribunal to determine categories according to the following matters:

"240 (1)

- the size of areas
- the physical terrain of areas
- the population of areas and the distribution of the population
- the nature and volume of business dealt with by each Council
- the nature and extent of the development of areas
- the diversity of communities served
- the regional, national and international significance of the Council

- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government
 - such other matters as may be prescribed by the regulations."
5. Prior to undertaking its review of categories the Tribunal, as is its normal practice, invited submissions from Mayors. For the current review the Tribunal requested that any submissions made should address the following matters.
 - Should the existing categories be reduced/expanded and if so on what basis.
 - Whether the current categorisation is appropriate for your Council. If not, where you consider it should be categorised and on what basis you consider this re-categorisation should be granted.
 - Significant changes in the role and responsibilities of Councillors and Mayors since 2006.
 - Other matters you may wish the Tribunal to consider as part of this review.
 6. The Tribunal also wrote to the Presidents of the Local Government and Shires Associations (LGSA) in similar terms, and subsequently met with the President of the Shires Association and Deputy President of the Local Government Association. The Tribunal wishes to place on record its appreciation to the President and Deputy President for meeting with the Tribunal.

SUBMISSIONS RECEIVED

7. In response to this review the Tribunal received 25 submissions from individual Councils, two combined submissions and a submission from the Local Government and Shires Association. The key points from those submissions are summarised below.

Category 1A

8. Penrith supports the current system of categorisation for Councils. The Council considers it appropriate to reclassify Penrith from 1A to S2 in view of the Council's identified regional planning and service delivery role and its need to put in place policies and programs that transcend the traditional local government boundaries.

Category 1

9. The Tribunal has received a number of individual submissions and a combined submission on behalf of Bankstown, Baulkham Hills, Fairfield, Gosford, Hornsby, Lake Macquarie and Sutherland Councils.
10. The combined submission largely seeks recategorisation to either 1A or S2 or the creation of a new category for this group. It argues that the nature of change for these Councillors and Mayors has been substantial with greater obligations imposed by legislation, compliance and reporting requirements, community expectations, increased reporting and other complexities attaching to the functions of Council.
11. Individual submissions have been received from Gosford, Randwick, Sutherland, The Hills Shire, Willoughby and Wyong Councils. All Councils in this group have sought recategorisation into either categories 1A or S2.

12. Randwick City Council has sought recategorisation into Category 1A on the basis of the complexity of its environment and operations that distinguish it from other Category 1 Councils, these include high population density, large non-resident population and facilities of State importance.
13. Wyong has sought recategorisation to either 1A or S2 on the basis of its regional responsibilities and in particular the operation of a separate Water Authority (with Gosford City Council) and responsibilities associated with this in regard to workload for Councillors.
14. Willoughby also seeks regional recognition to the same status as Parramatta (S2). A number of factors impacting upon the Council area, including increased budget, population growth, visitor numbers, and the impact of the upgrade of the Chatswood Transport Interchange, require additional time and effort from the Mayor and Councillors for setting the policies and direction for the Council.
21. Tamworth Regional, Shoalhaven City and Hawkesbury Councils support the creation of a new category of larger Category 3 Councils or Regional Councils.
22. Tamworth Regional has argued that a case exists to create a new Category for large rural regional Councils. Such a group should reflect the level of responsibility, accountability, services and facilities provided and functions discharged by the Council.
23. Shoalhaven has argued that a case exists to differentiate the smaller Councils in category 3 from the larger Councils like Shoalhaven. Shoalhaven has also suggested an alternative category structure which would provides for a base level of remuneration together with additional incremental payments based upon the level of Council responsibility ie water/sewerage, population density etc.
24. Submissions received from Cessnock and Lismore have not sought change to the current categories but seek to increase fees in recognition of increased workload.

Category 2

15. Auburn, Burwood, Canterbury, Holroyd and Kogarah Councils have all sought recategorisation to Category 1.
16. The submission from Auburn has argued that there are significant demands placed upon Councillors, much of which stems from the needs of constituents of a multi-cultural and socio-economically diverse community. In that respect the demands placed upon Councillors in Auburn may be greater than others in Category 2 and sufficient to differentiate them from this group.
17. Burwood and Holroyd Councils argue that the Tribunal should recognise their regional focus. Burwood has argued that an over emphasis on geographic size and resident population results in Burwood being categorized with its more suburban neighbours rather than amongst its regional centre peers of Hurstville and Bankstown. Similarly, Holroyd has argued that it is now a centre of regional significance and has grown in much the same way as Hurstville, North Sydney and Willoughby grew into regionally dominant local government areas. In addition, Holroyd has argued that Councillors are now required to have broader skills to enable them to address issues such as climate change and changing development trends and community needs.
18. The submission from Canterbury argues that based on the criteria as outlined in section 240 of the Act the Council is more appropriately grouped in Category 1. The submission also requests that the Tribunal consider alternate existing models for categorising Councils, including the ALGA classification scheme.
19. The submission from Kogarah Council also seeks recategorisation to Category 1 on the basis of the growth and importance of Kogarah Town Centre and the impact this has had on the role and functions of Councillors and the Council.

Category 3

20. Submissions have been received from the following Councils in category 3: Cessnock, Hawkesbury, Kempsey, Lismore, Shoalhaven and Tamworth Regional.

Category 4

25. Submissions from Councils in this group were received from Forbes, Moree Plains, Temora, Upper Lachlan, Glen Innes Severn and a combined submission from the Western Division Group of the Shires Association representing the Councils of Balranald, Bogan, Bourke, Brewarrina, Carrathool, Central Darling, Cobar, Hay, Lachlan, Moree Plains, Walgett, Wentworth and Broken Hill City.
26. Glen Innes Severn and Forbes Councils have supported a remuneration model which would provide levels of fees consistent with fees payable by interstate jurisdictions (QLD and VIC).
27. Upper Lachlan has argued for recategorisation to category 3 on the basis of population and the large number of communities within the Council area.
28. The combined submission from the Western Division Group of the Shires Association has sought to recategorise these Councils into category 3. The submission argues that no matter how small the Local Government areas may be in population size or rate base, there remains a very high demand on the services of Councillors and Mayors, most notably on the Mayors themselves.
29. The submission from the Local Government and Shires Association (the Associations) argues that a number of Councils in category 3 should be reviewed by the Tribunal and placed in category 1. Recategorisation is said to be justified for these Councils on the basis of population, population growth, expenditure and revenue.
30. In addition, the Associations have reiterated their long held position that the maximum fees payable to Mayors and Councillors should be substantially increased in order to adequately remunerate Councillors for their roles and responsibilities.
31. As in previous submissions the Associations have argued that Mayoral and Councillor remuneration should be set as a percentage to MPs remuneration. The following arguments are provided to show congruence in roles:

- Mayors undertake activities in representing the interests of their constituents;
- Mayors attend State, Commonwealth and Local Government functions;
- Mayors participate in the activities of recognized political parties, including participation in national, State and regional conferences, branch meetings, electorate Councils meetings, executive meetings and committee meetings;
- Mayors are elected by their communities;
- as with MPs, the community has access to Mayors who receive petitions, complaints and the like.

CATEGORISATION – FINDINGS

32. Underpinning any categorisation scheme, including that developed by the Tribunal, is the basic premise that Councils in each category have a large number of features in common. This is not straightforward as each Council has challenges and issues which are unique.
33. Councils face a broad and diverse range of issues which reflect the differing needs of their communities and the ability of Councils to serve those needs. For example, some Councils face challenges associated with providing services for tourists and/or a large non-resident daily workforce while other Councils have high proportions of disadvantaged, elderly or non-English-speaking residents. Some Councils are experiencing population growth of more than 2% per annum while others have falling populations. Some are facing the challenges associated with development in high density urban areas and others have scattered populations and long distances. Some have inherited ageing infrastructure and others have low incomes.
34. As each Council is different, there will often be anomalies between Councils in different categories while ever there is a requirement to "categorise" them. The Tribunal recognises this explicitly by providing for a fee structure that overlaps between the categories.
35. In its 1995 review the Tribunal established the features of Councils in each of the categories determined. The categories were developed after extensive consultations with Councils throughout the State as well as consideration of local government schemes existing elsewhere at the time. Since then the Tribunal has comprehensively reviewed the categories on a number of occasions and made changes where necessary, including the introduction of new categories S4 in 1999, 1A in 2002 and the merger of categories 4 and 5 in 2006
36. The Tribunal does and will continue to consider recategorisation. But unless there are to be very large numbers of categories, and fine distinctions to be made among different groupings, there will always be room for differences of view on the relative roles and responsibilities of various Councils.
37. There are presently seven categories of Councils and (apart from the City of Sydney) four levels of remuneration. In the absence of any major change in the structure of Local Government in NSW (as has occurred in Victoria and Queensland) there is no apparent merit in attempting to break those categories up into a greater number of categories or subcategories and making fine distinctions between the relative levels of remuneration – bearing in mind that the only legislative purpose of categorisation is to determine remuneration.
38. In reviewing the existing model of categorisation the Tribunal has given extensive consideration to a number of alternatives. A number of submissions requested that the Tribunal have regard to alternative categorisation models such as that used by the NSW Local Government Grants Commission and developed by the Australian Local Government Association (ALGA).
39. Classification schemes are developed for particular purposes and no two schemes are identical. The classification scheme developed for the ALGA has a purpose different from the categorisation required of the Tribunal under the NSW Local Government Act 1993. The categories as developed by the Tribunal are for the sole purpose of setting fees. Had Parliament wanted the Tribunal to adopt an existing scheme the legislation would have reflected that requirement.
40. In considering the relative merits of the alternate models for the purposes of this review the Tribunal examined a large amount of statistical and demographic material, including population and financial data, indices of diversity and socio-economic status, and indicators of regional significance.
41. The Tribunal has also had regard to the findings of previous reviews and the issues raised by the Associations and individual Councils, as well as advice received from the Department of Local Government.
42. After considering all these factors the Tribunal finds that there is no strong case to significantly alter the current categories of Councillor and Mayoral offices.
43. While the groupings will remain unchanged, the Tribunal has applied descriptive titles for each of the categories. The existing system of numbering the categories creates the perception of a ranking system which is not appropriate and which does not adequately indicate the nature of the differences between the various groups.
44. The descriptive titles for the categories are as follows:
- | <i>Existing Category</i> | <i>New Category</i> |
|--------------------------|------------------------|
| 4 | Rural |
| 3 | Regional Rural |
| 2 | Metropolitan |
| 1 | Metropolitan Centres |
| 1A | Metropolitan Major |
| S2 | Major City |
| S1 | Principal City |
| S3 | County Councils |
| S4 | County Council – Water |
45. The characteristics of Councils categorised into each of these groups are outlined in detail in Appendix A.
46. The Tribunal will again review categories of Councils as part of the 2012 review. Until then the Tribunal would not expect to move Councils within categories

unless there is a significant change in the roles and responsibilities of particular Councils.

REVIEW OF FEES

47. As stated in prior determinations, the Tribunal does not consider that poor performance, perceived or otherwise, by a small number of Councils and/or Councillors is representative of local government across the State. The Tribunal is well aware that many Councils are doing an excellent job in and for their communities. The Tribunal would wish to acknowledge this, but its legislated role is limited to determining fees. As outlined in previous determinations and confirmed by the review the Tribunal has conducted for this year, the Tribunal does not consider it either appropriate or practicable to factor in a measure reflecting performance when determining an overall adjustment in fees.
48. The Tribunal has had regard to the submissions received and to comments made by the Associations in regard to the level of fees. Suggestions that fees be set as a percentage of the salary of a Member of Parliament are not supported. The reasons for this have been outlined in previous determinations.
49. A number of submissions have sought an adjustment in fees to reflect the increasing amount of time Councillors are spending on Council business. As the NSW Local Government Act 1993 provides for a high level of delegation to Council staff, the amount of time devoted to local government is largely within the discretion of Councils themselves. and an increase in time spent does not of itself necessarily indicate any change in the roles and responsibilities of Councillors.
50. Technological advances such as the widespread use of the internet, email and mobile telecommunications mean that members of the public have greater access than ever to their elected representatives. and as matters become more complex and legislation specifies more responsibilities, Councillors and Mayors need to have broader and deeper skills, knowledge and experience than may have been expected in the past. The Tribunal is aware that the Department of Local Government, in association with the LGSA, has provided extensive training for Councillors and Mayors to assist in addressing these issues. While these developments undoubtedly place additional demands upon Councillors and Mayors, the demands are not unique to local government but apply throughout all areas of responsibility in society and in workplaces.
51. The Tribunal notes that despite the additional demands, the number of people seeking election to local government continues to increase. During 2008, 4410 persons nominated for election to local government. This is an increase of 28% over the 3,428 persons who nominated for election in 2004.
52. The Tribunal is aware that there are also broader issues facing local government in NSW at the present time – in particular, the impact of State government planning reforms. These reforms will result in a range of Council development and planning responsibilities being transferred to either the Planning Assessment Commission or to Joint Regional Planning Panels. While these changes are still to be fully realised, the Tribunal will monitor over the coming year the likely impact of planning reforms on Councillor roles and responsibilities.
53. The Tribunal is also aware that the global economic downturn poses significant challenges to local government. The downturn in economic activity has affected and will continue to affect all levels of government including local government. The Tribunal will also monitor how Councils manage these challenges. To offset the likely impact on local communities, Councils across Australia have received grants under the Federal Government Community Infrastructure Program to assist Councils to build and renew local infrastructure. The Tribunal notes that Councils in NSW have already received \$85 million and will be eligible for a share of a further \$500 million to be distributed to Councils and Shires across Australia. These grants will pose challenges to Councils given the timeframes imposed to complete grant related projects.
54. Having regard to these factors and after taking the views of the Assessors into account the Tribunal considers that an increase of 2.5 per cent in the fees for Councillors and Mayors is appropriate for the current year and so determines. An increase greater than this amount would be excessive given the current state of the global economy and local economies as indicated by recent key economic indicators and wage movements across the public and private sectors.

Local Government Remuneration Tribunal
HELEN WRIGHT

Dated: 29 April 2009

DETERMINATION PURSUANT TO SECTION 239 OF CATEGORIES OF COUNCILS AND COUNTY COUNCILS EFFECTIVE FROM 1 JULY 2009

Category – Principal City (1)

Sydney

Category – Major City (3)

Newcastle

Parramatta

Wollongong

Category – Metropolitan Major (2)

Blacktown

Penrith

Category – Metropolitan Centre (16)

Bankstown

Baulkham Hills

Campbelltown

Fairfield

Gosford

Hornsby

Hurstville

Lake Macquarie

Liverpool

North Sydney

Randwick

Ryde

Sutherland

Warringah

Willoughby

Wyong

Category – Metropolitan (21)

Ashfield

Auburn

Botany

Burwood

Camden

Lane Cove

Leichhardt

Manly

Marrickville

Mosman

| | |
|--------------|-------------|
| Canada Bay | Pittwater |
| Canterbury | Rockdale |
| Holroyd | Strathfield |
| Hunters Hill | Waverley |
| Kogarah | Woollahra |
| Ku ring Gai | |

Category – Regional Rural (32)

| | |
|-------------------|-------------------|
| Albury City | Greater Taree |
| Armidale Dumaresq | Griffith |
| Ballina | Hastings |
| Bathurst Regional | Hawkesbury |
| Bega Valley | Kempsey |
| Blue Mountains | Lismore |
| Broken Hill | Maitland |
| Byron | Orange |
| Cessnock | Pt Stephens |
| Clarence Valley | Shellharbour |
| Coffs Harbour | Shoalhaven |
| Dubbo | Tamworth Regional |
| Eurobodalla | Tweed Heads |
| Gt Lakes | Wagga Wagga |
| Goulburn Mulwaree | Wingecarribee |
| Queanbeyan | Wollondilly |

Category – Rural (77)

| | | |
|-----------------|----------------------|-----------------|
| Balranald | Glen Innes Severn | Narromine |
| Bellingen | Gloucester | Palerang |
| Berrigen | Greater Hume | Parkes |
| Bland | Gundagai | Oberon |
| Blayney | Gunnedah | Richmond Valley |
| Bogan | Guyra | Singleton |
| Bombala | Gwydir | Snowy River |
| Boorowa | Harden | Temora |
| Bourke | Hay | Tenterfield |
| Brewarrina | Inverell | Tumbarumba |
| Cabonne | Jerilderie | Tumut |
| Carrathool | Junee | Upper Hunter |
| Central Darling | Kiama | Upper Lachlan |
| City of Lithgow | Kyogle | Uralla |
| Cobar | Lachlan | Urana |
| Conargo | Leeton | Wakool |
| Coolamon | Liverpool Plains | Walcha |
| Cooma-Monaro | Lockhart | Walgett |
| Coonamble | Mid-Western Regional | Warren |
| Cootamundra | Moree Plains | Warrumbungle |
| Corowa | Murray | Weddin |
| Cowra | Murrumbidgee | Wellington |
| Deniliquin | Muswellbrook | Wentworth |
| Dungog | Nambucca | Yass Valley |
| Forbes | Narrabri | Young |
| Gilgandra | Narrandera | |

TOTAL GENERAL PURPOSE COUNCILS 152

Category – County Councils Water (5)

| | |
|--------------------|----------------|
| Central Tablelands | Riverina Water |
| Goldenfields Water | Rous |
| MidCoast | |

Category – County Councils Other (9)

| | |
|-------------------------|-----------------|
| Castlereagh – Macquarie | Richmond River |
| Central Murray | Southern Slopes |
| Far North Coast | Upper Hunter |
| Hawkesbury River | Upper Macquarie |
| New England Weeds | |

TOTAL COUNTY COUNCILS 14

DETERMINATION PURSUANT TO SECTION 241 OF FEES FOR COUNCILLORS AND MAYORS

Pursuant to section 241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, members and chairpersons of County Councils effective on and from 1 July 2009 are determined as follows:

| | <i>Councillor/Member Annual Fee</i> | | <i>Mayor/Chairperson Additional Fee*</i> | |
|------------------------|-------------------------------------|----------------|--|----------------|
| | <i>Minimum</i> | <i>Maximum</i> | <i>Minimum</i> | <i>Maximum</i> |
| Principal City | 21,140 | 31,000 | 126,310 | 170,150 |
| Major City | 14,080 | 23,250 | 29,940 | 67,750 |
| Metropolitan Major | 14,080 | 23,250 | 29,940 | 67,750 |
| Metropolitan Centre | 10,560 | 19,730 | 22,460 | 52,410 |
| Metropolitan | 7,040 | 15,500 | 14,980 | 33,840 |
| Regional Rural | 7,040 | 15,500 | 14,980 | 33,840 |
| Rural | 7,040 | 9,290 | 7,480 | 20,280 |
| County Council – Water | 1,400 | 7,750 | 3,000 | 12,730 |
| County Council – Other | 1,400 | 4,640 | 3,000 | 8,460 |

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (section 249 (2)).

Local Government Remuneration Tribunal
HELEN WRIGHT

Dated: 29 April 2009

• APPENDIX A

CATEGORIES OF COUNCILS AND MAYORAL OFFICES**Principal City**

It is appropriate that the Tribunal retain a separate category for the City of Sydney in recognition of its role as the commercial, cultural, entertainment and ceremonial centre of the City and State. Sydney City Council will be classified as Principal City for this purpose.

Major City

This category includes the large cities of Newcastle City Council, Wollongong City Council and Parramatta City Council.

These Councils are metropolitan in nature with major industrial areas, major residential, commercial and tourism activities and significant education and health care facilities. They may be differentiated from those described as Metropolitan Major and Metropolitan Centres on the basis of their significant regional focus.

Newcastle City Council provides regional services to residents across the Hunter and the Mid North Coast. The Newcastle Port Corporation, which is one of the world's largest coal export ports, is located within the Council area. Ventures such as these, which have a broader State and national focus, impact upon the operations of the Council.

Similarly Wollongong City Council provides regional services to the South Coast region which is an area of significant growth. The City also contains the steel works and the Port Kembla Port Corporation. Traditionally a

commodities good port, the port is currently undergoing major expansion that will see general and bulk cargoes, containers and vehicle handling become increasingly more important.

Parramatta City Council provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. Parramatta is also considered as an alternative CBD for metropolitan Sydney with a number of large public and private sector organisations relocating their head offices to this location.

Metropolitan Major

Blacktown City Council and Penrith City Council are classified as Metropolitan Major. These Councils have a residential population greater than 250,000 or have another special feature of section 240 which the Tribunal considers distinguishes them from other Metropolitan Councils.

Blacktown City Council has the greatest population of all Councils in NSW, with a current population in excess of 280,000. As articulated in the 2001 Report and Determination the Tribunal accepts that such a significant population imposes additional burdens of responsibility on Councillors and Mayors and justifies recognition for remuneration purposes.

The Tribunal recategorised Penrith City Council into the same category as Blacktown City Council in 2002. While Penrith does not have a population greater than 250,000, it provides significant regional services to greater western Sydney, residents of the Blue Mountains and Nepean districts and to residents of the Central West of NSW. The Tribunal's review finds that the unique characteristics of Penrith City Council continue to warrant its inclusion within the category of Metropolitan Major for remuneration purposes. The extent of regional servicing is considered to be greater than those services provided by other Metropolitan Councils.

Metropolitan Centre

These Councils are typically large multi-purpose organisations which serve as regional centres for the interests of a wider number of residents.

They are characterised by large populations, such as Sutherland Shire Council with a population in excess of 200,000, and large revenues, such as Wyong City Council with a total operating revenue in excess of \$200 million per annum. Council business may include significant infrastructure and support for commercial and retail facilities such as Ryde, Willoughby and North Sydney Councils. A number of Councils in this group have high levels of population growth and urban residential development such as The Hills Shire Council. Councils in this category including Randwick City Council also host significant sports/recreation/cultural facilities and major educational and/or health facilities.

The breadth of these operations impacts upon the role and responsibilities of Councillors and Mayors and warrants recognition for remuneration purposes.

Metropolitan

The remaining metropolitan Councils have smaller populations and in some cases smaller areas than other Councils in the metropolitan region. The scale or diversity of operations is less than for the Councils classified as Metropolitan Centres. While a number of the Councils display characteristics similar to those of Councils categorised as

Metropolitan Centres, such as high population densities, the primary activities of these Councils would be expected to be:

- The design and maintenance of public works
- Waste and environmental services
- Upkeep of parks and reserves
- Approval of building and development applications
- Monitoring of services such as building control, health, food etc.
- Strategic planning, child care, community development
- Provision of facilities such as public halls and swimming pools

Other issues for these Councils include environmental issues, ageing infrastructure and urban consolidation, with such activities having neither the scale nor diversity of operation of Metropolitan Centres.

Rural Regional

Characteristics of these Councils are regionalism and growth. The major town centres of regional Council areas are important centres of commerce, trade, work and recreation for thousands of people in and outside the local government area which these towns serve.

This category includes the large rural centres of Wagga Wagga, Tamworth, Armidale, Orange, Albury, Dubbo and Bathurst. These Councils generally have a significant urban population existing alongside their traditional farming sector, and are surrounded by smaller towns and villages. These large rural centres often contain a regional airport and provide significant educational, health, sport and recreational facilities for communities throughout their region. In addition, a number attract large visitor numbers to established tourism ventures, such as the Western Plains Zoo or events, including the Tamworth Country Music Festival and Bathurst Motor races.

This category also contains the large Councils located on or close to the coast. These Councils have high levels of population, including Tweed, Shoalhaven, Port-Macquarie Hastings, Coffs Harbour and Blue Mountains Councils and significant population growth, including Maitland, Tweed and Queanbeyan Councils. These factors impact upon the planning responsibilities of these Councils which are reflected in the high number of development applications, specifically in Tweed, Shoalhaven, Coffs Harbour and Clarence Valley Councils. Several of these areas also provide significant regional services including regional airports and recreation and tourist facilities.

These factors impact upon the roles and responsibilities of Councillors and Mayors and are reflected in the range of remuneration provided for this group.

Rural

These Councils have many of the features of Rural Regional Councils but have smaller populations and are less likely to have a regional focus. They may have one or two significant townships combined with a considerable rural population.

The activities of rural Councils are predominantly concerned with a broad range of community services including the provision of road services and the maintenance of roads, bridge maintenance, weed eradication, rubbish

collection and the maintenance of public conveniences and recreational grounds.

In addition, they are often engaged in tourism promotion on a significant scale and are often involved in industrial development and planning and environment matters.

Categories of County Councils, Chairperson and Member Offices

County Councils Water

These County Councils provide water and/or sewerage functions. While a number of councils provide water and/or sewerage services to their local communities, the joint approach by County Councils in planning and installing large water reticulation and sewerage systems requires additional time and energy of those Councillors who are prepared to accept these additional responsibilities.

County Councils Other

These County Councils are those involved in noxious weed eradication or flood plain management.

County Councils involved in noxious weed eradication are specified as a Local Control Authority under the Noxious Weeds Act 1993. These County Councils are formed to administer, control and eradicate declared noxious weeds.

There is currently one County Council responsible for Flood Plain Management – Richmond River County Council.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as Mullengandra State Conservation Area, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 22nd day of April 2009.

MARIE BASHIR,
GOVERNOR

By Her Excellency's Command,

CARMEL TEBBUTT, M.P.,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Albury; L.G.A. – Greater Hume

County Goulburn, Parish Mullengandra, about 258 hectares, being Lots 260 and 270, DP 753350; also being the land reserved as Mullengandra Reserve in the National Parks Estate (Southern Region Reservation) Act 2000 and designated as 253-01 on the diagrams catalogued Misc R 00004 (Third Edition) and Misc R 00005 (Third Edition) in the New South Wales Department of Environment and Climate Change.

DECC Papers: 03/13306.

NATIONAL PARKS AND WILDLIFE ACT 1974

Ramornie National Park
Susan Island Nature Reserve
Draft Plans of Management

DRAFT plans of management for Ramornie National Park and Susan Island Nature Reserve have been prepared and are available free of charge from the NPWS office at 49 Victoria Street, Grafton ((02) 6641 1500). The plans are also on the website: www.environment.nsw.gov.au. Written submissions on the Ramornie plan must be received by The Ranger, Ramornie National Park, NPWS, PO Box 361, Grafton NSW 2460, by 31st August 2009. Submissions on the Susan Island plan must be received by The Planner, Susan Island NR, NPWS, PO Box 361, Grafton NSW 2460, by 31 August 2009.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request. Your comments may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Kanangra-Boyd National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 29th day of April 2009.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

CARMEL TEBBUTT,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

SCHEDULE

Land District and LGA – Lithgow

County Westmoreland, Parishes Alfred, Ganbenang and Jenolan, about 3,900 hectares, being Lot 7005, DP 1028396 and the area east of Jenolan Caves Road, coloured dark pink on map catalogued MISC R00193 in the Department of Environment and Climate Change and labelled 16-01 on face of map; inclusive of that part of the bed of Little Creek within the dark pink coloured area; exclusive of Lot 74, DP 757051, Council Public Road and strip 10 metres wide embracing the formation of the Six Foot Track.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Coolah Tops National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 29th day of April 2009.

MARIE BASHIR,
Governor,

By Her Excellency's Command,

CARMEL TEBBUTT,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

Description

*Land District – Gunnedah;
LGA – Liverpool Plains*

County Pottinger, Parish Moredevil, 1280 hectares, being Lots 1 and 4 in DP 1131108: DECC07/19701

SUBORDINATE LEGISLATION ACT 1989

Combat Sports Regulation

THE NSW Government has released a public consultation draft of the Combat Sports Regulation, together with a Regulatory Impact Statement.

These documents may be viewed on the website of the Department of the Arts, Sport and Recreation: www.dasr.nsw.gov.au

Public comments should be addressed to Stefan Couani, NSW Sport and Recreation, Locked Bag 1422, Silverwater NSW 2128, or by email to stefan.couani@dasr.nsw.gov.au

The deadline for submission of comments is 10 June 2009.

SUBORDINATE LEGISLATION ACT 1989Marine Parks Authority
Marine Parks Regulation 2009

NOTICE is given in accordance with the Subordinate Legislation Act 1989, of the release of the draft Marine Parks Regulation 2009 and Regulatory Impact Statement for public comment.

The object of the proposed Marine Parks Regulation 2009, is to separate the provisions of the Marine Parks Regulation 1999 into two instruments. The first, the Marine Parks (Zoning Plans) Regulation 1999, will contain the existing zoning plans for all marine parks and related provisions. The second, the Marine Parks Regulation 2009, will contain all other matters prescribed under the Marine Parks Act 1997.

Marine park zoning plans are now subject to statutory review and amendment processes. Consequently, no changes to the substance of any zoning plan will be made by the proposed Regulation. Zoning plan reviews for Jervis Bay and Solitary Islands marine parks remain in progress. If changes to zoning plans are required as an outcome of the current reviews, these will be the subject of separate three-month public exhibition periods as required by the Marine Parks Act 1997.

Copies of the proposed Marine Parks Regulation 2009 and Regulatory Impact Statement are available from the Marine Parks Authority website at www.mpa.nsw.gov.au or by contacting the Environment Line on 131 555.

Written comments and submissions on the proposed Regulation are invited and will be accepted up to 5:00 p.m., on Friday, 12 June 2009. They should be sent via email, post or fax to:

- regulation@mpa.nsw.gov.au.
- Proposed Marine Parks Regulation 2009, Secretariat, Marine Parks Authority, PO Box 1967, Hurstville NSW 1481.
- Fax: (02) 9585 6544.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BEGA VALLEY SHIRE COUNCIL

Tender No. 06/09 – Merimbula Sewerage System Options Investigation for Recycled Water Use and Effluent Disposal

BEGA VALLEY SHIRE COUNCIL is seeking tenders for investigating options for recycled water use and effluent disposal from the Merimbula sewage treatment plant in accordance with licence condition U1 PRP6.

The works covered by the contract include:

- Review of available past reports and studies.
- Investigate and describe potential irrigation scheme options, disposal options and other beneficial reuse options including infrastructure (especially storage) and operational requirements.
- Undertake an impact assessment of options, consistent with DECC requirements (eg. impact on environmental values, EEC, aboriginal cultural heritage, sustainability etc.) outlined in U1 PRP6.
- Facilitate stakeholder workshop to present findings and select preferred option/s.
- Prepare and submit a capital works plan including cost estimates.

You can collect a copy of the tender documents from Council's office in Zingel Place, Bega, or phone Council on (02) 6499 4440.

Tenders will be accepted until the close of business on 17 June 2009 and can either be hand delivered to Council's office in Zingel Place, Bega or mailed to:

Tender 06/09 – Merimbula Sewerage System Options Investigation for Recycled Water Use and Effluent Disposal,
Tender Box,
Bega Valley Shire Council,
PO Box 492, Bega NSW 2550.

The lowest, or any tender will not necessarily be accepted. [4599]

LAKE MACQUARIE CITY COUNCIL

Proposed Renaming of Roads

COUNCIL advises it proposes to rename the roads shown below:

| <i>Location</i> | <i>Name</i> |
|--|---|
| Unnamed lane 6.096 metres wide located between Lot 231, DP 11539; Lot 2, DP 553228; Lot 169, DP 11539 and Lot 1, DP 525986 being 52 and 54 Hampstead Way, Rathmines and 35 and 37 Letchworth Parade, Balmoral. | Memory Lane, Rathmines and Memory Lane, Balmoral. |

Written objections to the proposed renaming will be accepted up to one month after publication date of this notice. The reasons for objection need to be clearly stated. For further information contact Margaret Cumpson on 4921 0323. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre NSW 2310. [4600]

LISMORE CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is given that Lismore City Council, pursuant to the Roads Act 1993, section 162 and Roads Regulation 2008, has named the new road described below:

| <i>Location/Description</i> | <i>New Road Name</i> |
|---|-----------------------|
| New Road running north-east off Acacia Avenue, Goonellabah. | John O'Neill Circuit. |

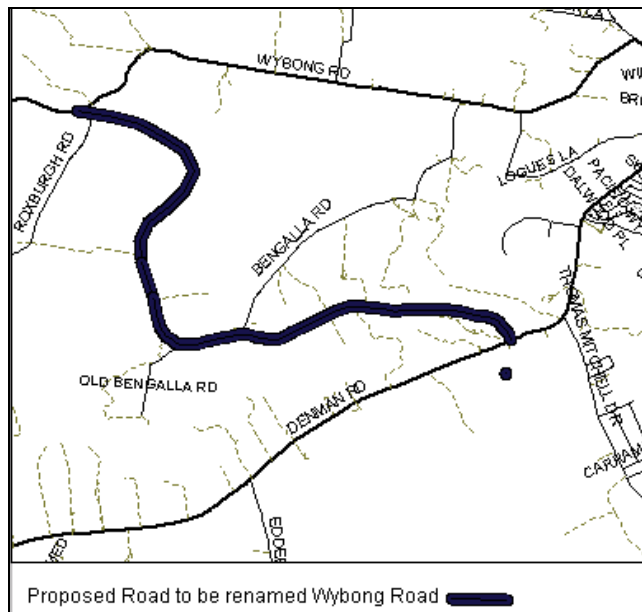
No objections to the proposed name were received. PAUL G. O'SULLIVAN, General Manager, Lismore City Council, PO Box 23A, Lismore NSW 2480. [4601]

MUSWELLBROOK SHIRE COUNCIL

Roads Act 1993

Naming of Public Roads

NOTICE is hereby given that Muswellbrook Shire Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of the Roads (General) Regulations 2000, has renamed the proposed road shown on the accompanying plan, currently known as Bengalla Road and Bengalla Link Road to Wybong Road.



Authorised by a resolution of the Council on 13 August 2007. S. J. McDONALD, General Manager, Muswellbrook Shire Council, PO Box 122, Muswellbrook NSW 2333. [4602]

MUSWELLBROOK SHIRE COUNCIL

Roads Act 1993, Section 10

NOTICE is hereby given that Muswellbrook Shire Council dedicates the land described in the Schedule below as public road under section 10 of the Roads Act 1993. S. J. McDONALD, General Manager, Muswellbrook Shire Council, PO Box 122, Muswellbrook NSW 2333.

SCHEDULE

Lot 11, DP 1101681; Lot 12, DP 1101381 and Lot 17,
DP 1116831. [4603]

NAMBUCCA SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

IN accordance with section 10 of the Roads Act 1993, Nambucca Shire Council dedicates the land held by it and described in the Schedule below as public road. MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447.

SCHEDULE

Lot 2 in Deposited Plan 1126093. [4604]

PORT MACQUARIE-HASTINGS COUNCIL

Section 10, Roads Act 1993

Dedication of Land as Public Road

NOTICE is given that pursuant to section 10 of the Roads Act 1993, that the land described in the Schedule below is hereby dedicated as public road. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, Corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

SCHEDULE

Lot 1, Deposited Plan 1122513, Parish and County Macquarie, being land situated adjacent to 163 Gordon Street, Port Macquarie. [4605]

SNOWY RIVER SHIRE COUNCIL

Roads Act 1993, Section 162

Division 2, Part 2 – Roads (General) Regulation 2000

PURSUANT to section 162 of the Roads Act 1993, Snowy River Shire Council hereby renames Greendale Road to Frampton Road. J. VESCIO, General Manager, Snowy River Shire Council, Myack Street, Berridale NSW 2628. [4606]

SNOWY RIVER SHIRE COUNCIL

Roads Act 1993, Section 162

Division 2, Part 2 – Roads (General) Regulation 2000

PURSUANT to section 162 of the Roads Act 1993, Snowy River Shire Council hereby renames Dry Farm Road to Greendale Road. J. VESCIO, General Manager, Snowy River Shire Council, Myack Street, Berridale NSW 2628. [4607]

TAMWORTH REGIONAL COUNCIL

Roads Regulation 2008
Part 2, Division 2

New Road Names – Piallamore Locality

NOTICE is hereby given that the Tamworth Regional Council, in accordance with the Roads Regulation 2008, Part 2, Division 2, proposes that the roads created by the subdivision of Lots 4 and 5, DP 826712, Nundle Road, Piallamore, be named “Oaklands Drive” and “Valleyview Grove”.

Oaklands Drive intersects Nundle Road at Lot 3, DP 826712 and extends in a north east direction through the previously mentioned allotments.

Valleyview Grove intersects Oaklands Drive approximately 430 metres from the intersection of Nundle Road and Oaklands Drive and extends east for approximately 770 metres.

G. INGLIS, General Manager, Tamworth Regional Council, PO Box 555, Tamworth NSW 2340. [4608]

WOLLONGONG CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

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

SCHEDULE

Lot 1, DP 350766, Osborne Street, Wollongong. [4609]

COMPANY NOTICES

TERMINATION of strata scheme.—Take notice that TRUST COMPANY LIMITED, ACN 004 027 749, will apply to the Department of Lands to terminate strata scheme number SP38120, comprising Folio Identifiers 1-109/SP38120 and CP/SP 38120 being land located at Teramby Road, Nelson Bay, after the expiration of fourteen (14) days from the date of this publication. ELLISON TILLYARD CALLANAN, Solicitors, 2 Market Street, Sydney NSW 2000 (DX 13001, Sydney Market Street), tel.: (02) 9283 5166. [4610]

Authorised to be printed

DENIS H. HELM, Government Printer.

ISSN 0155-6320



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 98
Wednesday, 1 July 2009

Published under authority by Government Advertising

SPECIAL SUPPLEMENT

CONTAMINATED LAND MANAGEMENT ACT 1997

I, Niall Johnston, Manager, Contaminated Sites, in accordance with section 105 (2) (c) of the Contaminated Land Management Act 1997, publish the document "*Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997*". These Guidelines take effect upon publication in the *Government Gazette*, except for Part 2 and Appendices A and B of the Guidelines which will take effect on 1 December 2009. These Guidelines revoke the document entitled "*Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report*" published by the NSW Environment Protection Authority in *Government Gazette* on 4 June 1999.

NIALL JOHNSTON,
Manager,
Contaminated Sites

CONTAMINATED SITES

Guidelines on the Duty to
Report Contamination under
the *Contaminated Land
Management Act 1997*

Limitations

These guidelines should be used in conjunction with other relevant guidelines made or approved by the Department of Environment and Climate Change NSW under section 105 of the *Contaminated Land Management Act 1997* when assessing and managing contaminated land.

These guidelines do not include occupational health and safety procedures. The NSW WorkCover Authority should be consulted on such procedures. Appropriate action must be taken to manage any potential hazard and adequately protect the health of any workers on, or occupiers of, the site.

Disclaimer

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Published by:

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ISBN 978-1-74232-336-7

DECC 2009/438

June 2009

Printed on recycled paper

Contents

| | |
|--|-----------|
| Preface | <i>iv</i> |
| 1 Introduction | 1 |
| 1.1 Background | 1 |
| 1.2 About these guidelines | 1 |
| 1.3 NSW Contaminated Land Management Framework | 1 |
| 1.4 Contaminated Land Management Act | 2 |
| 2 Duty to report contamination | 3 |
| 2.1 The duty to report | 3 |
| 2.2 Determining whether to report | 3 |
| 2.2.1 <i>Indicators of contamination</i> | 6 |
| 2.2.2 <i>Further investigation of land</i> | 7 |
| 2.3 Notification triggers | 8 |
| 2.3.1 <i>Onsite soil contamination</i> | 8 |
| 2.3.2 <i>Offsite soil contamination</i> | 9 |
| 2.3.3 <i>Foreseeable contamination of neighbouring land</i> | 10 |
| 2.3.4 <i>Groundwater</i> | 11 |
| 2.3.5 <i>Surface water or groundwater discharging into surface water</i> | 11 |
| 2.3.6 <i>Foreseeable</i> | 12 |
| 2.4 Other contaminants | 12 |
| 2.5 Situations not intended to be captured by the duty to report | 12 |
| 2.6 When does the duty to report arise? | 13 |
| 2.6.1 <i>Abilities, experience, qualifications and training</i> | 14 |
| 2.6.2 <i>Could reasonably have sought advice, and the circumstances of contamination</i> | 14 |
| 2.6.3 <i>When should a person seek advice about site contamination?</i> | 15 |
| 2.6.4 <i>Examples where further assessment is not needed</i> | 15 |
| 2.6.5 <i>Examples where advice should be sought</i> | 18 |
| 2.7 Form of report | 19 |
| 2.8 Failure to report | 19 |
| 3 DECC regulatory actions | 20 |
| 3.1 Evaluation of the significance of the contamination | 20 |
| 3.2 Contamination significant enough to warrant regulation | 20 |
| 3.3 Sites warranting regulation | 21 |
| 3.4 Where regulation is not warranted | 22 |
| References | 23 |
| Appendices | 24 |
| Appendix A: Notification triggers for groundwater and surface water | 24 |
| Appendix B: Site contamination notification form | 31 |

Preface

Background

This document revokes the former *Contaminated Sites: Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report*, published in 1999. This document has been prepared in light of the amendments to the *Contaminated Land Management Act 1997* ('CLM Act') by the *Contaminated Land Management Amendment Act 2008* ('CLM Amendment Act 2008'). These guidelines are made under section 105 of the *Contaminated Land Management Act 1997*.

Various other guidelines, which may be updated from time to time, are referred to throughout this document. Where a reference guideline that is made by the Department of Environment and Climate Change (DECC) under section 105 of the CLM Act is updated, the relevant reference(s) in this document should be read as if they are part of the endorsed updated version. A reference in these guidelines to any other instrument (e.g. guidelines, standards) made under an Act should be read as a reference to that instrument as in force from time to time.

These guidelines relate to the duty to report under the CLM Act only. It should be noted that there may also be reporting duties required by other legislation, for example, under the *Protection of the Environment Operations Act 1997*.

The Environment Protection Authority (EPA) is part of DECC and exercises certain statutory functions and powers under the CLM Act. In these guidelines, references to DECC should be read as referring to the EPA. It is the latter, rather than DECC, that has powers and functions under the CLM Act.

Commencement

These guidelines take effect upon publication in the Government Gazette, with the exception of Part 2 and Appendixes A and B of the Guidelines, which will take effect on 1 December 2009.

1 Introduction

1.1 Background

Land contamination¹ has the potential to arise from a range of industrial and other activities. The impacts of some activities are only temporary, whereas others carry the risk of leaving an unwanted legacy. In some instances, particularly when the land use has involved hazardous substances, that legacy may be threatening to humans or the environment, or it may affect the current or future use of the land.

Not all contamination will affect the land in such a way that it cannot be used productively for industrial, commercial, agricultural, residential or other purposes. To provide for effective management of contaminated land, it is necessary to distinguish situations where Department of Environment and Climate Change (DECC) regulation is warranted to protect humans or the environment from those where such regulation is not warranted.

The *Contaminated Land Management Act 1997* (CLM Act) establishes a legal framework that gives DECC powers to require the assessment and remediation of sites where contamination is significant enough to warrant regulation. Where DECC's intervention is not needed, the planning process will determine the appropriate use of sites in the future.

1.2 About these guidelines

These guidelines are made under section 105 of the CLM Act. They provide information on two key aspects of the duty to report contamination under the CLM Act. Section 2 of these guidelines sets out the duty of landowners and persons who have responsibility for the contamination to report to DECC. This includes a range of considerations for those who encounter land contamination and information on how to proceed where there is uncertainty. Section 3 of these guidelines outlines how DECC assesses and determines whether or not contamination is significant enough to warrant regulation.

1.3 NSW Contaminated Land Management Framework

The Contaminated Land Management Framework in NSW consists of two tiers:

¹ 'Contamination' of land is defined under the CLM Act as the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

- DECC uses its powers under the CLM Act to deal with sites where the contamination is significant enough to warrant regulation. The contamination of these sites is generally posing an unacceptable risk to human health or the environment, given the site's current or approved use,² and needs to be addressed immediately.
- Local councils deal with other contamination under the planning and development framework, including State Environmental Planning Policy No 55 – Remediation of Land and the *Managing Land Contamination – Planning Guidelines*. This type of site, although contaminated, does not pose an unacceptable risk under its current or approved use. The planning and development process will determine what remediation is needed to make the land suitable for a different use.

1.4 Contaminated Land Management Act

The general objective of the CLM Act is to establish a process for investigating and, where appropriate, remediating land that DECC has reason to believe is contaminated, where that contamination is considered significant enough to warrant regulation under the CLM Act.

The particular objectives of the CLM Act are to:

- set out accountabilities for managing contamination if DECC considers the contamination is significant enough to require regulation
- set out the role of DECC in the assessment of contamination and the supervision of the investigation, remediation and management of contaminated sites
- provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land
- ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.

A number of amendments to the CLM Act commenced on 1 July 2009. A key amendment related to the duty to report is removal of reference to 'significant risk of harm' as a trigger for reporting contaminated land to DECC under the CLM Act. The duty to report is now based on trigger values above which notification is required. Details of these trigger values are given in Section 2.3 of these guidelines.

² 'Approved use' of land is defined under the CLM Act as a use to which the subject land may be put without approval or development consent under Part 3A or 4 of the *Environmental Planning and Assessment Act 1979*.

2 Duty to report contamination

2.1 The duty to report

Under section 60 of the CLM Act, a person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify DECC when they become aware of the contamination.

Such a person is required to notify DECC of contamination in any of the following circumstances:

- The level of the contaminant in, or on, soil exceeds a level of contamination set out in these guidelines with respect to a current or approved use of the land, and people have been, or foreseeably will be, exposed to the contaminant, OR
- The contamination meets a criterion prescribed by the regulations, OR
- The contaminant has entered, or will foreseeably enter, neighbouring land, the atmosphere, groundwater or surface water, and the contamination exceeds, or will foreseeably exceed, a level of contamination set out in these guidelines and will foreseeably continue to remain above that level.

Section 2.3 provides more information on the notification triggers and how they should be used in determining whether the contamination should be reported to DECC. Sections 2.5 and 2.6 clarify situations where the duty to report is not intended and some situations where the duty does arise.

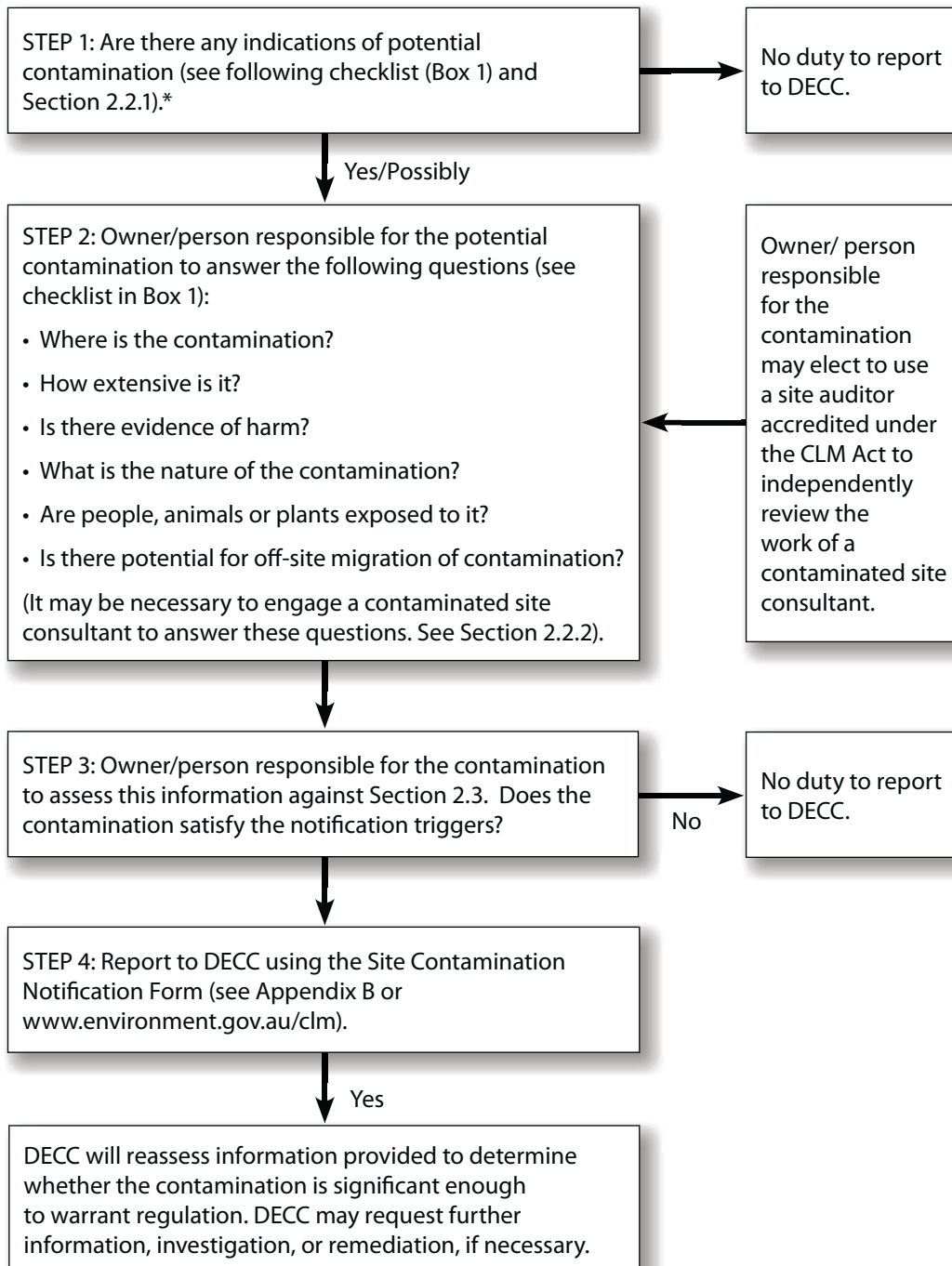
Although the duty to report contamination applies to certain persons in specific circumstances, as described above, any person at any time can report suspected contamination to DECC by calling the Environment Line on 131 555.

2.2 Determining whether to report

To assess whether the contamination of a site should be reported, a review of the site activities and history, and a site inspection to look for indicators of contamination, should be undertaken. There may also be a need for a further, more detailed investigation.

Figure 1 shows the decision process that can be used by a site owner or a responsible person in assessing whether to report under section 60 of the CLM Act. Box 1 is a checklist for site owners or responsible persons to report contamination to DECC.

Figure 1: A decision process for use by site owners or responsible persons considering reporting contamination to DECC under the CLM Act.



* Refer to sections 2.5 and 2.6 for situations and examples not intended to be captured by the duty to report.

Box 1: Checklist for use by site owners and persons responsible for contamination to report contamination to DECC**STEP 1: Indications of possible contamination**

Owner/ person responsible for the potential contamination to review site history and records and to undertake a site inspection to check whether:

- the site or adjacent sites may be associated with potential contaminating activities
- the site or adjacent sites may be associated with complaints about pollution or illegal dumping of wastes
- there are gaps or doubts about the site history that the site could have associated with activities causing contamination
- there are any chemical or physical indicators of contamination, as per Section 2.2.1.

If the answers to all of the above are 'No', reporting to DECC is not required under section 60 of the CLM Act.

STEP 2: Assessing the site

Once the indicators of contamination have been identified, check that:

- an investigation of the potential contaminants of concern in defining the nature, degree and extent of contamination has been conducted
- site investigation/s and reporting follow *Contaminated Sites: Guidelines for Consultants Reporting for Contaminated Sites* (NSW EPA 2000).
- the checklist for Exposure Assessment in Appendix VII of the *Contaminated Sites: Guidelines for the NSW Site Auditor Scheme*, 2nd edition (NSW DEC 2006) has been addressed.
- any evidence of, or potential for, migration of contaminants from the site and its adjacent sites has been appropriately addressed.
- results of the assessment are assessed against the notification requirements in Section 2.3 and Appendix A.

If a contaminated land consultant is engaged to clarify the level of contamination, check that:

- the consultant has appropriate qualifications and is experienced in contaminated site assessment and remediation (refer to 'Where to find a consultant?' on the DECC website for further information).
- the consultant is aware that the investigation is to provide information for assessment of reporting obligations under section 60 of the CLM Act.

2.2.1 *Indicators of contamination*

A review of the site activities and history provides a starting point to assess whether current or past use may have contributed to contamination of the site. This includes consideration of whether the site or adjacent sites may be associated with potentially contaminating activities; complaints about pollution or illegal dumping of wastes; and whether there are gaps in, or doubts about, the site history.

An inspection of the site and its surrounds may provide physical indicators of contamination or harm. Examples of indicators of contamination are:

- case(s) of a biologically plausible illness or health impairment among people who have had exposure to a particular contaminated site
- the presence of chemicals either on, or in, surface water or groundwater at the site (for example, abnormal colouration of the water, odours emanating from the water)
- visible signs of toxic responses to contaminants in flora and fauna (for example, unusual numbers of birds dying on or near the site, abnormal domestic animal or wildlife behaviour, dead vegetation within, or adjacent to, areas of otherwise normal growth)
- the finding of liquid or solid chemicals or chemical wastes on, or in, the soil during site works
- unusual odours emanating from the soil
- the entry of chemicals into on- or off-site service trenches
- the presence of discarded explosive materials on site
- the presence or the storage of bulk liquid dangerous goods on site
- the presence of illegal and/or uncontrolled landfills on site
- evidence of off-site migration of contaminants into adjacent or nearby environments (for example, migration to residential areas, creeks, rivers, wetlands, sediments or groundwater).

Note that this list is not exhaustive, and there may be additional indicators that are relevant to some sites.

In some cases the indicators themselves will provide enough evidence to conclude that the contamination should be reported to DECC. In those cases where the indicators suggest that

contamination is present but there is uncertainty as to whether the contamination should be reported to DECC, further investigation may be needed.

2.2.2 Further investigation of land

Where further investigation of the land is necessary to assess whether contamination should be reported to DECC, a site investigation should:

- describe past and present activities that potentially contaminated the land and the adjacent areas, including groundwater, surface water and sediments
- identify potential contamination types
- assess the site condition
- assess the nature, degree and extent of the contamination
- assess any harm that has been, or is being, caused by the contamination
- assess the possible exposure routes and exposed populations and the nature of any risk presented by the contamination.

A suitably qualified and experienced environmental consultant should be engaged to do the assessment. The consultant should use the publication *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA 2000) as a basis for conducting the investigation and preparing a report. Other guidelines made or approved under section 105 of the CLM Act should also be considered, including the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 1999), which provides a national framework for consistency and practical guidance for the assessment of contaminated sites. Important DECC guidelines related to site assessment include:

- *Contaminated Sites: Guidelines for Assessing Service Station Sites* (NSW EPA 1994)
- *Contaminated Sites: Guidelines for the Assessment and Management of Groundwater Contamination* (NSW DEC 2007).

The investigation should consider the nature, degree and extent of contamination; whether the contamination affects the existing or approved uses of the site and adjacent sites; and potential routes of exposure to humans and the environment. It should give a conclusion as to whether or not the contamination should be reported in consideration of Section 2.3.

Where uncertainties arise from information gathered during the site investigation, there may be a need to undertake a further investigation to obtain more information. Consideration could also be given to engaging an accredited site auditor to review the consultant's report and resolve any uncertainties.

Auditors may be used in other circumstances at the discretion of the person(s) initiating a site investigation.

2.3 Notification triggers

A landowner or a person whose activities have contaminated land is required to notify DECC that the land is contaminated if a substance contaminating the land (a 'contaminant') is present at levels above any of those specified by these guidelines and if certain other factors are met (see below).

2.3.1 Onsite soil contamination

For the purposes of s. 60(3)(b) of the CLM Act, notification of contamination in, or on, soil on the land is required if:

EITHER:

- the 95% upper confidence limit on the arithmetic average concentration³ of a contaminant in, or on, soil on the land is equal to, or above:
 - the Health Investigation Level specified for that contaminant for the current or approved use of the land in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, or
 - (for any current or approved use of the land where the contaminant is benzene, toluene, ethyl benzene or total xylenes) the threshold concentration specified for benzene, toluene, ethyl benzene or total xylenes in soil in the *Contaminated Sites: Guidelines for Assessing Service Station Sites* (NSW EPA 1994),

OR

- the concentration of a contaminant in an individual soil sample from the land is equal to, or above, two and a half times:

³ An example for determining the 95% upper confidence limit on the arithmetic average concentration can be found in the *Sampling Design Guidelines* (NSW EPA 1995).

- the Health Investigation Level specified for that contaminant for the current or approved use of the land in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, or
- (for any current or approved use of the land where the contaminant is benzene, toluene, ethyl benzene or total xylenes) the threshold concentration specified for benzene, toluene, ethyl benzene or total xylenes in soil in the *Contaminated Sites: Guidelines for Assessing Service Station Sites* (NSW EPA 1994).

AND

- a person has been, or foreseeably will be, exposed to the contaminant or any by-product of the contaminant.

Further details on the concept of 'foreseeability' are provided in section 2.3.6.

2.3.2 Offsite soil contamination

For the purposes of s. 60(3)(a) of the CLM Act, notification of contamination in, or on, soil on neighbouring land is required if:

- the contaminant has entered neighbouring land, AND

EITHER:

- the 95% upper confidence limit on the arithmetic average concentration⁴ of a contaminant in, or on, soil on the neighbouring land is equal to, or above:
 - the Health Investigation Level specified for that contaminant for the current or approved use of the land in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, or
 - (for any current or approved use of the land where the contaminant is benzene, toluene, ethyl benzene or total xylenes) the threshold concentration specified for benzene, toluene, ethyl benzene or total xylenes in soil in the *Contaminated Sites: Guidelines for Assessing Service Station Sites* (NSW EPA, 1994).

OR

⁴ Refer to the *Sampling Design Guidelines* (NSW EPA 1995) for determination of the 95% upper confidence limit on the arithmetic average concentration.

- the concentration of a contaminant in an individual soil sample from the land is equal to, or above, two and a half times:
 - the Health Investigation Level specified for that contaminant for the current or approved use of the land in the *National Environment Protection (Assessment of Site Contamination) Measure 1999* as in force from time to time, or
 - (for any current or approved use of the land where the contaminant is benzene, toluene, ethyl benzene or total xylenes) the threshold concentration specified for benzene, toluene, ethyl benzene or total xylenes in soil in the *Contaminated Sites: Guidelines for Assessing Service Station Sites* (NSW EPA 1994).

AND

- the concentration of the contaminant in, or on, the soil on the neighbouring land will foreseeably continue to remain above the specified concentration.

2.3.3 *Foreseeable contamination of neighbouring land*

For the purposes of s. 60(3)(a) of the CLM Act, notification of foreseeable contamination of neighbouring land is required if:

- the contaminant will foreseeably enter neighbouring land

AND

- the concentration of the contaminant in the neighbouring land will foreseeably be above:
 - the Health Investigation Level specified for that contaminant for the current or approved use of the land in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, or
 - (for any current or approved use of the land where the contaminant is benzene, toluene, ethyl benzene or total xylenes) the threshold concentration specified for benzene, toluene, ethyl benzene or total xylenes in soil in the *Contaminated Sites: Guidelines for Assessing Service Station Sites* (NSW EPA 1994).

AND

- the concentration of the contaminant on the neighbouring land will foreseeably continue to remain above the specified concentration.

2.3.4 *Groundwater*

For the purposes of s. 60(3)(a) of the CLM Act, notification of actual or foreseeable contamination of groundwater is required if:

- the contaminant has entered, or will foreseeably enter, groundwater

AND

- the concentration of the contaminant in the groundwater is, or will foreseeably be, above the concentration specified for that contaminant in Column 1 of Appendix A

AND

- the concentration of the contaminant in the groundwater will foreseeably continue to remain above the specified concentration.

Separate-phase contamination of groundwater (i.e. immiscible organic liquid), if found, requires notification regardless of the concentration in the groundwater.

2.3.5 *Surface water or groundwater discharging into surface water*

In the cases of:

- surface water, or
- groundwater discharging into a surface water body or other receptors within a 500-metre radius of the boundary of the contaminant source,

notification of actual or foreseeable contamination is required for the purposes of s. 60(3)(a) of the CLM Act if:

- the contaminant has entered, or will foreseeably enter, the surface water or groundwater

AND

- the concentration of the contaminant in the surface water or groundwater is, or will foreseeably be, above the concentration specified for that contaminant in Column 2 or 3 in Appendix A

AND

- the concentration of the contaminant in the surface water or groundwater will foreseeably continue to remain above the specified concentration.

2.3.6 *Foreseeable*

The key concept of 'foreseeable' in the CLM Act is to determine the likelihood of the presence of contamination or potential routes for contaminant migration.

Foreseeability depends on a number of considerations, including:

- the physical and chemical properties of the contaminants
- the quantity of the contaminants
- the location of the site
- the geological and hydrogeological conditions (soil stratigraphy, depth to groundwater, and direction and rate of groundwater or surface water flow)
- the potential fate and transport mechanisms.

To determine the foreseeable movement of contaminants through various media such as soil, groundwater, surface water or air, a sufficient number of samples should be collected to verify the extent of contamination in the relevant media and the results of the sampling compared with the relevant tables in these guidelines.

Where relevant media have not been sampled, the potential movement of contaminants at levels above the trigger values should be assumed, except where negligible amounts of the contaminants have been released into the environment and at these quantities the environment and the human health are unlikely to be affected.

2.4 **Other contaminants**

In cases where there are no levels specified for any particular contaminants in any environmental media, other reputable regulatory criteria may be used as a reference. Alternatively, a site-specific risk assessment should be considered. Detailed site-specific human health or ecological risk assessments can be both complex and costly, and these considerations will guide decisions as to the level of assessment required.

2.5 **Situations not intended to be captured by the duty to report**

The duty to report is not intended to capture the notification of:

- widespread diffuse urban pollution that is not attributed to a specific industrial, commercial or agricultural activity
- sites without offsite contamination, where:

- the onsite contamination is not likely to migrate to an adjoining property, and
- any onsite contamination has been adequately addressed by the planning process under the *Environmental Planning and Assessment Act 1979*
- sites with substances that are at levels above the triggers but are below, or the same as, the natural background concentration
- sites that have already been notified to DECC under the CLM Act, where there has been no change in circumstances since the previous notification
- sites subject to a declaration, an order or a proposal under Part 3 of the CLM Act
- sites formerly subject to a declaration under Part 3 of the CLM Act but where no potentially contaminating activities have since been carried on
- sites where a site audit statement has been issued certifying that the site is suitable for the current or approved use, and no potentially contaminating activities have since been carried on at the site

While the duty to report under the CLM Act is not intended to capture the above scenarios, DECC may still choose to regulate these sites under the CLM Act or other legislation if it considers that the contamination is significant enough to warrant regulation. In doing so, DECC would consider the circumstances of each site in determining whether to intervene.

2.6 When does the duty to report arise?

The duty to report arises when a landowner or a person whose activities have contaminated the land:

- is aware of the contamination, or
- should reasonably have become aware of the contamination.

The following factors are to be taken into account in determining when a person should reasonably have become aware of the contamination:

- the person's abilities, including his or her experience, qualifications and training
- whether the person could reasonably have sought advice that would have made the person aware of the contamination
- the circumstances of the contamination.

2.6.1 *Abilities, experience, qualifications and training*

DECC considers that a person should reasonably be aware of contamination on land if they have knowledge of:

- the substances that could cause contamination
- how to identify and assess those substances
- the behaviour of those substances in the environment
- how to assess the potential pathways by which those substances could move
- how to assess and identify the exposure pathways available to those substances.

2.6.2 *Could reasonably have sought advice, and the circumstances of contamination*

A range of factors might influence whether a person could reasonably seek advice about contamination. Although it is impossible to exhaustively describe those factors, these guidelines provide some examples as guidance.

For example, the following factors might affect whether a person should reasonably seek advice:

- the circumstances of the contamination (for example, whether there is evidence of the contamination)
- the site history
- the activities currently carried out at the site
- the activities carried out by the landowner
- whether the person, or anyone engaged by that person, is able to access the site to obtain further information about the contamination.

For example, where the person:

- is not a lessee (or sub-lessee) or lessor (or sub-lessor) of the site
- does not own the site
- has no control or management of the site, and
- has no financial interest in the site

then that person might have difficulty accessing a site.

If a person:

- undertakes potentially contaminating commercial or industrial activities on the site, or
- is involved in land development activities and the subject land has been associated with activities that may potentially contaminate land, water or groundwater

then that person should seek advice about the existence, and nature, of any contamination on the site.

If:

- potentially contaminating commercial or industrial activities have previously been carried out on the land, or the land is filled with materials from an unknown origin
- there is evidence of contamination, and
- no prior assessment has been conducted or a management plan for the site has not been developed and implemented

then the landowner or a person who has engaged in an activity that could potentially contaminate the land should seek further advice about the site and determine whether there is any contamination that should be notified to DECC.

2.6.3 When should a person seek advice about site contamination?

The following scenarios provide some guidance in determining whether a person should seek advice about site contamination for the purposes of s. 60(9)(b) of the CLM Act. These examples are not exhaustive and are provided as guidance only. They do not constitute legal advice. The importance of seeking further advice about site contamination will depend on the particular circumstances in each instance, and these may differ from the examples given below. Landowners and persons carrying on potentially contaminating activities should obtain their own independent legal advice.

2.6.4 Examples where further assessment is not needed

A person would not be expected to seek advice in the following situations:

Example 1:

- The site is currently used for residential purposes.
- The site has never been used for commercial or industrial purposes.

- The site has complete coverage with grass and/or pavements and/or buildings.
- Gardens are established at the site with clean topsoil.
- No indicators of contamination are present (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations; no unexplained animal deaths; no unexplained health issues).

Example 2:

- The site is in use for any purpose.
- The site was previously used for commercial or industrial purposes.
- The site has either been filled or not filled. If the site is filled, disturbance of the soil or cap is subject to an environmental management plan or a development consent and is carried out in accordance with that plan or consent.
- A site audit statement has been issued certifying that the site is suitable for the current or approved use.
- No potentially contaminating activities have been carried on at the site since the statement was issued.

Example 3:

- The site is currently used for public open space purposes (for example, parks, playgrounds, playing fields).
- Public access to the site is allowed.
- The site is completely covered with clean materials (for example, grass, soil, pavements).
- An appropriate Environmental Management Plan ('EMP') and Occupational Health and Safety Plan ('OH&S Plan') are being implemented at the site for users and visiting maintenance workers.

Example 4:

- The site is currently used for commercial, industrial or other purposes (for example, infrastructure or utility corridors).
- The site is fenced and members of the public are not able to access the site.
- An appropriate EMP and OH&S Plan are being implemented at the site for users and visiting maintenance workers.

- There is no evidence of contamination (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations; no unexplained animal deaths; no unexplained health issues; no reasons to suspect groundwater is being affected by the activities).
- There is no aboveground or underground storage of bulk liquid chemicals.

Example 5:

- The site is currently used for a commercial or industrial use.
- The site is fenced and members of the public are not able to access the site.
- An appropriate OH&S Plan is being implemented for users of the site and for visiting maintenance workers.
- There is underground storage of bulk liquid chemicals or fuels on the site.
- There is no evidence of contamination (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations (other than the underground storage location); no unexplained animal deaths; no unexplained health issues).
- There are groundwater monitoring wells at the site and no contamination has been detected.
- An appropriate EMP, including an ongoing groundwater monitoring plan, has been implemented in all 6-monthly monitoring periods to date.

Example 6:

- The site is currently used for commercial or industrial purposes, including associated infrastructure such as carparks, roads and open space.
- Public access to the site is allowed.
- The site is permanently covered (for example, by pavements and/or by floor slabs with small landscaped or grassed areas).
- An appropriate EMP and OH&S Plan are being implemented for users and visiting maintenance workers.

- There is no underground storage of bulk liquid chemicals or fuels on the site.
- There is no evidence of contamination (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations (other than the underground storage location); no unexplained animal deaths; no unexplained health issues).

Example 7:

- The site is currently used for industrial purposes.
- There are aboveground and underground storage systems at the site.
- Contamination is present in the groundwater at concentrations above the triggers but is confined within the boundaries of the site.
- A detailed site investigation has been conducted and the nature, degree and extent of contamination have thoroughly been defined.
- An appropriate OH&S Plan and EMP are being implemented for site users and visiting maintenance workers.
- The contaminants have been found not to pose on-site risks (for example, from vapour inhalation).
- Site investigations have confirmed that because the soils are of low permeability the contaminated groundwater is unlikely to move off site.
- Groundwater monitoring close to, or at, the hydraulic down-gradient site boundary continues to confirm that the contaminated groundwater will not migrate off site.

2.6.5 *Examples where advice should be sought*

A person would be expected to seek advice in the following situations to establish the nature and level of the contamination, to determine whether the contamination is likely to migrate to adjoining properties, and to determine whether there is a duty to notify:

Example 8:

- The site is currently used for commercial, industrial or open recreational purposes.
- Public access to the site is allowed.

- The site is uncovered, with access to soil and/or fill materials.
- Large areas of the site are filled with materials of unknown origin and the site is adjacent or close to a sensitive receptor (for example, the site is near land used for residential purposes or for child care use or near a waterway).

Example 9:

- The site is currently used for commercial or industrial purposes.
- The site is either fenced or not fenced and members of the public are, or are not, able to access the site.
- An appropriate OH&S Plan and EMP are being implemented site users, including visiting maintenance workers.
- There is underground or above-ground storage of bulk liquid chemicals or fuels on the site.
- There are no groundwater wells present at the site.
- No environmental assessment has been recently undertaken to assess whether any contaminants at the site have migrated, or are likely to migrate, to adjoining properties.

2.7 Form of report

The CLM Act requires notification to be given in a form approved by DECC. A copy of the approved form is contained in Appendix B. Any supporting information related to the contamination should be attached in, for example, consultants' reports.

2.8 Failure to report

A person who is required to report contamination to DECC but fails to do so may be subject to prosecution. If the person is convicted, the CLM Act currently provides for a maximum penalty of:

- 1500 penalty units (currently \$165,000), with a further penalty of 700 penalty units (currently \$77,000) for each day the offences continues, in the case of a corporation, or
- 700 penalty units (currently \$77,000), with a further penalty of 300 penalty units (currently \$33,000) for each day the offence continues, in the case of an individual.

3 DECC regulatory actions

3.1 Evaluation of the significance of the contamination

When DECC receives a report under section 60 of the CLM Act, it will assess the information, and any other relevant information to which it has access, to determine whether the contamination is significant enough to warrant regulation. The matters that DECC must consider before declaring land to be significantly contaminated land are listed in section 12 of the CLM Act and are described in Section 3.2 of these Guidelines.

DECC has a general obligation under section 8 of the CLM Act to respond within a reasonable time to a person who has furnished information about actual or possible contamination of land, and to record what it has done and the reasons for doing it.

The information provided by a person in complying with the duty to report under section 60 of the CLM Act is not admissible as evidence in any proceedings against that person for an offence under any environment protection legislation administered by DECC (except for proceedings for an offence under s. 60 of the CLM Act).

3.2 Contamination significant enough to warrant regulation

The CLM Act has defined a process that DECC must follow before declaring land to be significantly contaminated land. In determining whether land is contaminated and whether that contamination is significant enough to warrant regulation, DECC must take into account:

- (a) whether the substances have already caused harm or are likely to cause harm (for example, in the form of toxic effects on plant or animal life)
- (b) whether the substances are toxic, persistent or bioaccumulative, or are present in large quantities or in high concentrations, or occur in combinations
- (c) whether there are exposure pathways available to the substances (that is, routes whereby the substance may proceed from the source of the contamination to human beings or into the environment)
- (d) whether the uses to which the land (and any land adjoining it) is currently being put are such as to increase the risk of harm from the substance (for example, using the land for the purposes

of child care, dwellings or production of food for human consumption)

- (e) whether the approved uses of the land and land adjoining it are such as to increase the risk of harm from the substances
- (f) whether the substances have migrated, or are likely to migrate, from the land, because of either the nature of the land or the substances
- (g) any relevant guidelines.

The CLM Act does not define the nature or level of contamination that requires regulation, as this is determined on a case-by-case basis. Determining whether or not contamination is significant enough to warrant regulation involves many considerations, including the type, nature, quantity and concentration of contaminants, how they manifest themselves, the characteristics they display and the nature of their impacts in a particular medium. It also involves broader considerations, such as the current use of the land, who might be exposed to the contaminants under that use, and whether they are likely to be exposed.

3.3 Sites warranting regulation

Once DECC determines that it has reason to believe that the land is contaminated and the contamination is significant enough to warrant regulation, it may take any of a number of actions under Part 3 of the CLM Act. These actions could include:

- declaring the land to be 'Significantly Contaminated Land' (section 11 of the CLM Act)
- issuing Management Orders to require site assessment, remediation and/or monitoring (section 14 of the CLM Act)
- approving voluntary management proposals from interested parties to manage the land voluntarily (section 17 of the CLM Act)
- liaising and negotiating with landowners or land occupiers on appropriate solutions
- undertaking educational programs, public awareness programs and other measures to minimise the environmental and health implications of contamination (section 104 of the CLM Act)
- issuing a clean-up or prevention notice under the *Protection of the Environment Operations Act 1997*, regardless whether or not DECC is the appropriate regulatory authority.

In addition to regulatory actions, and if it is in the public interest, the Minister may also enter into voluntary offset arrangements with a person responsible for contamination of land. Under such arrangements, the person provides help (other than direct monetary help) to communities affected by the contamination (section 111A of the CLM Act).

The actions taken by DECC will depend on the nature of the site, the use to which it is put, the nature of the risk identified by DECC and the management options available for addressing the risk. DECC's primary goal in relation to managing contaminated land where the contamination is significant enough to warrant regulation is to ensure a reduction in the risk posed by the contamination, such that the existing land use may continue or the use for which there is a current approval may proceed.

3.4 Where regulation is not warranted

In some circumstances a site may be contaminated but DECC may consider that the contamination is not significant enough to warrant regulation. A site may contain contaminants at levels above the triggers, but in view of the limited exposure pathways available the contamination will not be considered significant enough to warrant regulation.

Where DECC considers that a contaminated site does not warrant regulation under the CLM Act, the contamination issue should be addressed by the proponent and the planning consent authority as part of the development approval process. If the existing land use is proposed to be changed, the planning authority may require the site to be remediated to a level suitable for the proposed new use. Councils may also consider regulating the contamination, where warranted, under the *Protection of the Environment Operations Act 1997*.

References

ANZECC & ARMCANZ 2000, *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand, Paper No 4, October 2000

NEPC 1999, *National Environment Protection (Assessment of Site Contamination) Measure 1999*, National Environment Protection Council, Canberra

NHMRC & NRMCC 2004, *Guidelines for Drinking Water Quality in Australia*, National Health and Medical Research Council and Natural Resource Management Ministerial Council, Canberra

NSW DEC 2006, *Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2nd edition)*, NSW Department of Environment and Conservation, Sydney.

NSW DEC 2007, *Contaminated Sites: Guidelines for the Assessment and Management of Groundwater Contamination*. NSW Department of Environment and Conservation, Sydney.

NSW EPA 1994, *Contaminated Sites: Guidelines for Assessing Service Station Sites*, NSW Environment Protection Authority, Sydney.

NSW EPA 1995, *Contaminated Sites: Sampling Design Guidelines*, NSW Environment Protection Authority, Sydney.

NSW EPA 2000, *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites*, NSW Environment Protection Authority, Sydney.

Appendix A: Notification triggers for groundwater and surface water

| | Substance | Column 1 | Column 2 | Column 3 |
|--------------------------------|--------------------------------|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| Metals and metalloids | | | | |
| | Aluminium pH >6.5 | | 55 | ID |
| | Antimony | 3 | ID | ID |
| | Arsenic (total) | 7 | | |
| | Arsenic (As III) | | 24 | ID |
| | Arsenic (As V) | | 13 | ID |
| | Barium | 700 | | |
| | Boron | 4000 | 370 | ID |
| | Cadmium | 2 | 0.2 | 5.5 |
| | Chromium (as Cr III) | | ID | 27.4 |
| | Chromium (as Cr(VI)) | 50 | 1 | 4.4 |
| | Cobalt | | ID | 1 |
| | Copper | 2000 | 1.4 | 1.3 |
| | Lead | 10 | 3.4 | 4.4 |
| | Manganese | 500 | 1900 | ID |
| | Mercury (total) | 1 | | |
| | Mercury (inorganic) | | 0.6 | 0.4 |
| | Molybdenum | 50 | ID | ID |
| | Nickel | 20 | 11 | 70 |
| | Selenium | 10 | 11 | ID |
| | Silver | 100 | 0.05 | 1.4 |
| | Tributyltin (as µg/L Sn) | | ID | 0.006 |
| | Uranium | 20 | ID | ID |
| | Vanadium | | ID | 100 |
| | Zinc | | 8 | 15 |
| Non-metallic inorganics | | | | |
| | Ammonia | | 900 | 910 |
| | Bromate | 20 | | |
| | Chlorine | 5000 | 3 | ID |
| | Chlorine dioxide | 1000 | | |
| | Chlorite | 300 | | |
| | Cyanogen chloride (as cyanide) | 80 | 7 | 4 |
| | Fluoride | 1500 | | |
| | Hydrogen sulfide | | 1 | ID |
| | Iodide | 100 | | |
| | Nitrate (as nitrate) | 50000 | 700 | ID |

| | Substance | Column 1 | Column 2 | Column 3 |
|---------------------------------------|--------------------------------------|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| | Nitrite (as nitrite) | 3000 | | |
| | Sulfate | 500000 | | |
| Organic alcohols | | | | |
| | Ethanol | | 1400 | ID |
| Chlorinated alkanes | | | | |
| | Carbon tetrachloride | 3 | ID | ID |
| Chloromethanes | Dichloromethane (methylene chloride) | 4 | ID | ID |
| Chloroethanes | 1,2-dichloroethane | 3 | ID | ID |
| | 1,1,2-trichloroethane | | 6500 | 1900 |
| | Hexachloroethane | | 360 | ID |
| Chlorinated alkenes | | | | |
| | 1,1-dichloroethene | 30 | | |
| | 1,2-dichloroethene | 60 | | |
| | Tetrachloroethene | 50 | | |
| Anilines | | | | |
| | Aniline | | 250 | ID |
| | 2,4-dichloroaniline | | 7 | ID |
| | 3,4-dichloroaniline | | 3 | 150 |
| Aromatic hydrocarbons | | | | |
| | Benzene | 1 | 950 | 700 |
| | Chlorobenzene | 300 | | |
| | Ethylbenzene | 300 | ID | ID |
| | <i>o</i> -xylene | | 350 | ID |
| | <i>p</i> -xylene | | 200 | ID |
| | Toluene | 800 | ID | ID |
| | Trichlorobenzenes (total) | 30 | | |
| | Total Xylenes | 600 | | |
| Polycyclic aromatic hydrocarbons | Benzo(a)pyrene | 0.01 | ID | ID |
| | Naphthalene | | 16 | 70 |
| Nitrobenzenes | Nitrobenzene | | 550 | ID |
| Nitrotoluenes | 2,4-dinitrotoluene | | 65 | ID |
| | 2,4,6-trinitrotoluene | | 140 | ID |
| Chlorobenzenes and chloronaphthalenes | 1,2-dichlorobenzene | 1500 | 160 | ID |
| | 1,3-dichlorobenzene | | 260 | ID |
| | 1,4-dichlorobenzene | 40 | 60 | ID |
| | 1,2,3-trichlorobenzene | | 10 | ID |

| | Substance | Column 1 | Column 2 | Column 3 |
|--|---|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| | 1,2,4-trichlorobenzene | | 170 | 80 |
| Polychlorinated biphenyls (PCBs) and dioxins | Aroclor 1242 | | 0.6 | ID |
| | Aroclor 1254 | | 0.03 | ID |
| Phenols and xylenols | | | | |
| | Phenol | | 320 | 400 |
| | 2-chlorophenol | 300 | 490 | ID |
| | 4-chlorophenol | | 220 | ID |
| | 2,4-dichlorophenol | 200 | 160 | ID |
| | 2,4,6-trichlorophenol | 20 | 20 | ID |
| | 2,3,4,6- tetrachlorophenol | | 20 | ID |
| | Pentachlorophenol | 10 | 10 | 22 |
| Nitrophenols | 2,4-dinitrophenol | | 45 | ID |
| Organic sulfur compounds | | | | |
| Phthalates | Dimethylphthalate | | 3700 | ID |
| | Diethylphthalate | | 1000 | ID |
| | Dibutylphthalate | | 26 | ID |
| Miscellaneous chemicals | | | | |
| | Acrylamide | 0.2 | | |
| | Poly(acrylonitrile-co-butadiene-co-styrene) | | 530 | 250 |
| | Chloroacetic acid | 150 | | |
| | Di(2-ethylhexyl) phthalate | 10 | | |
| | Dichloroacetic acid | 100 | | |
| | Epichlorohydrin | 0.5 | | |
| | Ethylenediamine tetraacetic acid (EDTA) | 250 | | |
| | Formaldehyde | 500 | | |
| | Hexachlorobutadiene | 0.7 | ID | ID |
| | Monochloramine | 3000 | | |
| | Nitrilotriacetic acid | 200 | | |
| | Styrene | 30 | | |
| | Tributyltin oxide | 1 | | |
| | Trichloroacetaldehyde (chloral hydrate) | 20 | | |
| | Trichloroacetic acid | 100 | | |
| | Trihalomethanes (THMs) (Total) | 250 | | |
| | Vinyl chloride | 0.3 | | |
| Pesticides | Acephate | 10 | | |
| | Aldicarb | 1 | | |

| | Substance | Column 1 | Column 2 | Column 3 |
|--|-----------------|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| | Aldrin | 0.3 | ID | ID |
| | Ametryn | 50 | | |
| | Amitrole | 10 | ID | ID |
| | Asulam | 50 | | |
| | Atrazine | 40 | 13 | ID |
| | Azinphos-methyl | 3 | 0.02 | ID |
| | Benomyl | 100 | | |
| | Bentazone | 30 | | |
| | Bioresmethrin | 100 | | |
| | Bromacil | 300 | ID | ID |
| | Bromophos-ethyl | 10 | | |
| | Bromoxynil | 30 | | |
| | Carbaryl | 30 | | |
| | Carbendazim | 100 | | |
| | Carbofuran | 10 | 1.2 | ID |
| | Carbophenothion | 0.5 | | |
| | Carboxin | 300 | | |
| | Chlordane | 1 | 0.08 | ID |
| | Chlorfenvinphos | 5 | | |
| | Chlorothalonil | 30 | | |
| | Chloroxuron | 10 | | |
| | Chlorpyrifos | 10 | 0.01 | 0.009 |
| | Chlorsulfuron | 100 | | |
| | Clopyralid | 1000 | | |
| | 2,4-D | 30 | 280 | ID |
| | DDE | | ID | ID |
| | DDT | 20 | 0.01 | ID |
| | Diazinon | 3 | 0.01 | ID |
| | Dicamba | 100 | | |
| | Dichlobenil | 10 | | |
| | Dichlorvos | 1 | | |
| | Diclofop-methyl | 5 | | |
| | Dicofol | 3 | ID | ID |
| | Dieldrin | 0.3 | ID | ID |
| | Difenzoquat | 100 | | |
| | Dimethoate | 50 | 0.15 | ID |
| | Diphenamid | 300 | | |
| | Diquat | 5 | 1.4 | ID |
| | Disulfoton | 3 | | |
| | Diuron | 30 | ID | ID |

| | Substance | Column 1 | Column 2 | Column 3 |
|--|--------------------|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| | DPA (2,2-DPA) | 500 | | |
| | EDB | 1 | | |
| | Endosulfan | 30 | 0.2 | 0.1 |
| | Endothal | 100 | | |
| | Endrin | | 0.02 | 0.008 |
| | EPTC | 30 | | |
| | Esfenvalerate | | 0.001 | ID |
| | Ethion | 3 | | |
| | Ethoprophos | 1 | | |
| | Etridiazole | 100 | | |
| | Fenamiphos | 0.3 | | |
| | Fenarimol | 30 | | |
| | Fenclorophos | 30 | | |
| | Fenitrothion | 10 | 0.2 | ID |
| | Fenoprop | 10 | | |
| | Fensulfothion | 10 | | |
| | Fenvalerate | 50 | | |
| | Flamprop-methyl | 3 | | |
| | Fluometuron | 50 | | |
| | Formothion | 50 | | |
| | Fosamine | 30 | | |
| | Glyphosate | 1000 | 1200 | ID |
| | Heptachlor | 0.3 | 0.09 | ID |
| | Hexaflurate | 30 | | |
| | Hexazinone | 300 | ID | ID |
| | Lindane | 20 | 0.2 | ID |
| | Malathion | | 0.05 | ID |
| | Maldison | 50 | | |
| | Methidathion | 30 | | |
| | Methiocarb | 5 | | |
| | Methomyl | 30 | 3.5 | ID |
| | Methoxychlor | 300 | ID | ID |
| | Metolachlor | 300 | ID | ID |
| | Metribuzin | 50 | | |
| | Metsulfuron | | ID | ID |
| | Metsulfuron-methyl | 30 | | |
| | Mevinphos | 5 | | |
| | Mirex | | ID | ID |
| | Molinate | 5 | 3.4 | ID |
| | Monocrotophos | 1 | | |

| | Substance | Column 1 | Column 2 | Column 3 |
|--|-----------------------|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| | Napropamide | 1000 | | |
| | Nitralin | 500 | | |
| | Norflurazon | 50 | | |
| | Oryzalin | 300 | | |
| | Oxamyl | 100 | | |
| | Paraquat | 30 | ID | ID |
| | Parathion | 10 | 0.0004 | ID |
| | Parathion methyl | 100 | | |
| | Pebulate | 30 | | |
| | Pendimethalin | 300 | | |
| | Permethrin | 100 | | |
| | Picloram | 300 | | |
| | Piperonyl butoxide | 100 | | |
| | Pirimicarb | 5 | | |
| | Pirimiphos-ethyl | 0.5 | | |
| | Pirimiphos-methyl | 50 | | |
| | Profenofos | 0.3 | ID | ID |
| | Promecarb | 30 | | |
| | Propachlor | 50 | | |
| | Propanil | 500 | | |
| | Propargite | 50 | | |
| | Propazine | 50 | | |
| | Propiconazole | 100 | | |
| | Propyzamide | 300 | | |
| | Pyrazophos | 30 | | |
| | Quintozene | 30 | | |
| | Silvex (see Fenoprop) | | | |
| | Simazine | 20 | 3.2 | ID |
| | Sulprofos | 10 | | |
| | 2,4,5-T | 100 | 36 | ID |
| | Tebuthiuron | | 2.2 | ID |
| | Temephos | 300 | ID | 0.005 |
| | Terbacil | 30 | | |
| | Terbufos | 0.5 | | |
| | Terbutryn | 300 | | |
| | Tetrachlorvinphos | 100 | | |
| | Thiobencarb | 30 | 2.8 | ID |
| | Thiometon | 3 | | |
| | Thiophanate | 5 | | |
| | Thiram | 3 | 0.2 | ID |

| | Substance | Column 1 | Column 2 | Column 3 |
|-------------|--------------------------------------|--|---|--|
| | | Trigger value for drinking water ¹ (µg/L) | Trigger value for fresh water ² (µg/L) | Trigger value for marine water ² (µg/L) |
| | Toxaphene | | 0.2 | ID |
| | Triadimefon | 2 | | |
| | Trichlorfon | 5 | | |
| | Triclopyr | 10 | | |
| | Trifluralin | 50 | 4.4 | ID |
| | Vernolate | 30 | | |
| Surfactants | Alcohol ethoxylated sulfate (AES) | | 650 | ID |
| | Alcohol ethoxylated surfactants (AE) | | 140 | ID |
| | Linear alkylbenzene sulfonates (LAS) | | 280 | ID |

1 Trigger values of Column 1 are taken from the Health values of the *Guidelines for Drinking Water Quality in Australia* (NHMRC & NRMCC 2004).

2 Trigger values of Columns 2 and 3 are taken from the 95% species protection values of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC & ARMCANZ 2000)

ID Insufficient data to derive a reliable trigger

Appendix B: Site contamination notification form

| Contaminated Land Notification Form Section 60 of the <i>Contaminated Land Management Act 1997</i> | |
|---|---|
| This form should be completed by: (a) a person who becomes aware that the person(s) activities in, on or under land have contaminated the land, or (b) an owner of land who becomes aware that the land has been contaminated (whether before or during the owner's ownership of the land). | |
| 1. Where to send completed forms Contaminated Sites Department of Environment and Climate Change PO Box A290 SYDNEY SOUTH NSW 1232 | IMPORTANT TYPE OR PRINT |
| 2. Reporter details | |
| Name: | Telephone Number (business hours): Fax Number (business hours): |
| Address: | I am: <input type="checkbox"/> the owner of the site <input type="checkbox"/> the person whose activities have contaminated the land |
| 3. Site details | |
| Site or establishment name (if appropriate): | Street address: |
| Lot and DP number: | Local Government Area: |
| Owner(s): | Occupier(s): |
| 4. Cause of contamination | |
| Previous/present activities that caused or could have caused the contamination (where known): | |
| 5. Contamination | |
| Contaminants of concern: | Source of information on contamination: |
| 6. What aspects of the environment are affected? | 7. Who/what is potentially at risk? |
| Tick all that apply: <input type="checkbox"/> Air <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface water <input type="checkbox"/> Sediments <input type="checkbox"/> Soil <input type="checkbox"/> Stormwater <input type="checkbox"/> Drinking water catchment <input type="checkbox"/> Wetlands <input type="checkbox"/> Other: (Please specify) _____ _____ | Tick all that apply: <input type="checkbox"/> Residents <input type="checkbox"/> Workers on commercial/ industrial sites <input type="checkbox"/> School/kindergarten children <input type="checkbox"/> Threatened species <input type="checkbox"/> Aquatic life <input type="checkbox"/> Plants <input type="checkbox"/> Animals <input type="checkbox"/> Other: (Please specify) _____ _____ |

| | | |
|--|------------|--|
| 8. Are any other sites affected or at risk? | | |
| Tick appropriate box: <input type="checkbox"/> No <input type="checkbox"/> Yes If 'yes' is ticked, indicate which of the matters listed in items 6 and 7 apply to other sites and where those sites are located: | | |
| 9. Additional pages attached | | |
| If you have attached additional pages to this notification, indicate the number of pages below. When the notification is certified, the person/s who certify the notification must initial each page attached. <div style="text-align: right;">Number of pages attached: _____</div> | | |
| 10. Certification (in the case of a notice lodged by a corporation or a body corporate) | | |
| I/We declare that the information in this form and any accompanying documents is not false or misleading in any material particular. | | |
| Name: | Name: | COMMON SEAL AFFIXED IN ACCORDANCE WITH ANY RELEVANT LAWS |
| Position: | Position: | |
| Signature: | Signature: | |
| Date: | Date: | |
| 11. Signature (in the case of a notice lodged by one or more individuals) | | |
| I/We declare that the information in this form and any accompanying documents is not false or misleading in any material particular. | | |
| Name: | Name: | |
| Signature: | Signature: | |
| Date: | Date: | |
| If the notification is made by one or more individuals, the form must be signed by each individual concerned. If the notification is made by a company, the form must be signed: <ul style="list-style-type: none"> • by affixing the common seal of the company in accordance with the <i>Corporations Act 2001</i>, or • by two directors, or • by a director and a company secretary, or • if a proprietary company that has a sole director who is also the sole company secretary – by that director. If the notification is made by a body corporate, the form must be signed in accordance with any applicable laws. If the notification is made by a local council, the form must be signed: <ul style="list-style-type: none"> • by the general manager in accordance with s. 377 of the <i>Local Government Act 1993</i> ('LG Act'), or • by affixing the seal of the council in a manner authorised under the LG Act. If the notification is made by a public authority other than a local council, the form must be signed: <ul style="list-style-type: none"> • by the chief executive officer of the public authority, or • by a person delegated to sign on the public authority's behalf in accordance with its legislation. (Please note: a copy of the relevant instrument of delegation must be attached to this form.) | | |

CROWN LANDS ACT 1989

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder are appointed, for the term 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 Schedules.

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

SCHEDULE 1

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|-------------------------------------|--|
| Roger Etherden TUCKER Albert John HOUSTON Warwick Victor SINCLAIR Robyn HAWES Harley Owen TARRANT Rodney John McDOUGALL Belinda Mary HOWELL Term of Office: For a period commencing 1 July 2009 and expiring 30 June 2014. File No.: MN88 R 56 | Anglican Cemetery Trust, Necropolis | The Anglican portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500912) |

SCHEDULE 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|---|---|
| John Frederick DONOVAN David Leonard GRAY Peter Brian KILKEARY Samuel Martin SIMPFENDORFER John GRILLIS Barbara Mary HARDER Thomas John Robert AIKEN Term of Office: For a period commencing 1 July 2009 and expiring 30 June 2014. File No.: MN84 R 76 | Independent Cemetery Trust, Necropolis | The Independent portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500906) |

SCHEDULE 3

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|------------------------------------|---|
| Peter John FOSS Roger Etherden TUCKER Albert John HOUSTON Harley Owen TARRANT Robyn HAWES Warwick Victor SINCLAIR Rodney John McDOUGALL Term of Office: For a period commencing 1 July 2009 and expiring 30 June 2014. File No.: MN91 R 22 | General Cemetery Trust, Necropolis | The General portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500913) |

SCHEDULE 4

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|-----------------------------------|--|
| Jack Leonard FISHER Mildred TEITLER Jack HOLLANDER Richard Abraham Samuel SEIDMAN Gary LUKE Susan Sophie KLEINER Term of Office: For a period commencing 1 July 2009 and expiring 30 June 2014. File No.: MN84 R 89 | Jewish Cemetery Trust, Necropolis | The Jewish portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500903) |

SCHEDULE 5

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|--|---|
| <p>Rami ABDALLAH Walid ANNOUS Mohammed A HELAL Ahmad KAMALEDINE Majed KHEIR Adnan MERHI Wasim RAZA Ex-officio; the nominee of the Chairperson of the Community Relations Commission, presently Hakan HARMAN. Ex-officio; the nominee of the Sydney Turkish Islamic Funeral Service, presently Ergun GENEL. Ex-officio; the nominee of the Al Zahra Muslim Association, presently Ahmad HUSSEIN. Ex-officio; the nominee of the Lebanese Moslem Association, presently Shawky KASSIR. Term of Office: For a period commencing 1 July 2009 and expiring 30 June 2014. File No.: MN87 R 41</p> | <p>Muslim Cemetery Trust, Necropolis</p> | <p>The Muslim portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500904)</p> |

SCHEDULE 6

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|----------------------------------|---|
| <p>John Gordon DESMOND Mary Rose THORNE Derek Alexander SINCLAIR Ex-officio; the person for the time being occupying the office of Regional Manager, Sydney, Crown Lands Division, Department of Lands. Ex-officio; the person for the time being occupying the office of Senior Heritage Officer (Archaeology) Heritage Branch, Department of Planning. Term of Office: For a period commencing 1 July 2009 and expiring 30 June 2014. File No.: MN05 R 24</p> | <p>Rookwood Necropolis Trust</p> | <p>Those parts of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887 for which no reserve trust was appointed immediately before 1 July 2009.</p> |

APPOINTMENT OF MULTIPLE TRUST MANAGERS OF A RESERVE TRUST

PURSUANT to section 92 (6B) of the Crown Lands Act 1989, the boards specified in Column 1 of the Schedules hereunder are appointed as reserve trust managers for the reserve trust specified in Column 2 which has been established and appointed as trustee of the reserve referred opposite thereto in Column 3 of the Schedules for the particular functions as determined by the Ministerial direction of 25 June 2009 on file ODG09/470; DOC09/36027.

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

SCHEDULE 1

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|---|---|
| <p>Catholic Cemeteries Board Rookwood Necropolis Trust Board</p> | <p>Catholic Metropolitan Cemeteries Trust</p> | <p>The Catholic portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500905)</p> |

SCHEDULE 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-------------------------------------|--|
| Anglican Cemetery Trust Board Rookwood Necropolis Trust Board | Anglican Cemetery Trust, Necropolis | The Anglican portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500912) |

SCHEDULE 3

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|---|---|
| Independent Cemetery Trust Board Rookwood Necropolis Trust Board | Independent Cemetery Trust, Necropolis | The Independent portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500906) |

SCHEDULE 4

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|------------------------------------|---|
| General Cemetery Trust Board Rookwood Necropolis Trust Board | General Cemetery Trust, Necropolis | The General portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500913) |

SCHEDULE 5

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------------------------|--|
| Jewish Cemetery Trust Board Rookwood Necropolis Trust Board | Jewish Cemetery Trust, Necropolis | The Jewish portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500903) |

SCHEDULE 6

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------------------------|--|
| Muslim Cemetery Trust Board Rookwood Necropolis Trust Board | Muslim Cemetery Trust, Necropolis | The Muslim portions of the Rookwood Necropolis dedicated 7 April 1868 and 2 December 1887. (D500904) |

File No.: MN87 R 34



New South Wales

Health Services Amendment (STARTTS) Order 2009

under the

Health Services Act 1997

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 62 (2) of the *Health Services Act 1997*, make the following Order.

Dated, this 27th day of May 2009.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,
Minister for Health

Explanatory note

The object of this Order is to provide that the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) is an affiliated health organisation for the purposes of the *Health Services Act 1997*.

This Order is made under section 62 (2) of the *Health Services Act 1997*.

Clause 1 Health Services Amendment (STARTTS) Order 2009

Health Services Amendment (STARTTS) Order 2009

under the

Health Services Act 1997

1 Name of Order

This Order is the *Health Services Amendment (STARTTS) Order 2009*.

2 Commencement

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

3 Amendment of Health Services Act 1997 No 154

Schedule 3 Affiliated health organisations

Insert in alphabetical order in Columns 1 and 2 respectively:

| | |
|--|--|
| NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) | NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) |
|--|--|

WATER MANAGEMENT ACT 2000

Order under section 324 (1)

TEMPORARY WATER RESTRICTIONS

(Carry Over)

Murrumbidgee Regulated River Water Source

I, David Harriss, as delegate of the Minister for Water, do, by this Order, repeal the Order made under section 324 (1) of the Water Management Act 2000 for the Murrumbidgee Regulated River Water Source (as defined in the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003) published in the New South Wales Government Gazette on 26 June 2009, No. 95 at page 3800.

This Order takes effect on 1 July 2009.

This Order is not intended to affect the operation of any other order made under section 324 of the Water Management Act 2000 for the Murrumbidgee Regulated River Water Source that is capable of operating concurrently with this Order.

Signed at Sydney this 30th day of June 2009.

DAVID HARRISS,
Deputy Director-General,
Department of Water and Energy
Signed for the Minister for Water
(by delegation)

WATER MANAGEMENT ACT 2000

Order under section 324 (1)

TEMPORARY WATER RESTRICTIONS

(Carry Over)

New South Wales Murray Regulated River Water Source

I, David Harriss, as delegate of the Minister for Water, do, by this Order, repeal the Order made under section 324 (1) of the Water Management Act 2000 for the New South Wales Murray Regulated River Water Source (as defined in the Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003) published in the New South Wales Government Gazette on 26 June 2009, No. 95 at page 3799.

This Order takes effect on 1 July 2009.

This Order is not intended to affect the operation of any other order made under section 324 of the Water Management Act 2000 for the New South Wales Murray Regulated River Water Source that is capable of operating concurrently with this Order.

Signed at Sydney this 30th day of June 2009.

DAVID HARRISS,
Deputy Director-General,
Department of Water and Energy
Signed for the Minister for Water
(by delegation)

WORKERS COMPENSATION (PUBLIC HOSPITAL RATES) ORDER 2009

under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 62 (1) of the Workers Compensation Act 1987 and with the concurrence of the Minister for Health under section 62 (8), make the following Order.

Dated this 25th day of June 2009.

JON BLACKWELL,
Chief Executive Officer,
WorkCover Authority

1. Name of Order

This Order is the Workers Compensation (Public Hospital Rates) Order 2009.

2. Commencement

This Order commences on 1 July 2009.

3. Application of Order

- (1) This Order applies to the hospital treatment of a worker at a public hospital, being treatment or service of a type referred to in clauses 5 to 10 and provided on or after the date of commencement of this Order, whether the treatment relates to an injury that is received before, on or after that date.
- (2) This order does not apply to hospital treatment (excluding Visiting Medical Officer and Salaried Medical Officer services) provided to a worker whose injury has been sustained as a result of a motor vehicle accident in New South Wales. Fees for Visiting Medical Officer and Salaried Medical Officer services are contained in the relevant WorkCover medical services fees order.
- (3) Any previous Order of WorkCover in force under section 62 of the Act continues to apply except to the extent that it is inconsistent with this Order.
- (4) Any order of the Director-General of the Department of Health relating to the classification of hospitals made for the purposes of clause 5 of this Order or any previous Order under section 62 of the Act has effect, subject to any amendment of it made by any subsequent order of the Director-General of the Department of Health.
- (5) Any order relating to the classification of hospitals made for the purposes of clause 5 of this Order may provide that a hospital is not a public hospital of a particular type in respect of treatment provided to a specified class of patient.

4. Definitions

- (1) In this Order:

classification refers to a classification of hospital, category of patient or otherwise (or any combination of them), appearing in Column 1 of the Tables to clauses 5 to 8 of this Order.

the Act means the Workers Compensation Act 1987.

WorkCover means the WorkCover Authority of New South Wales.

- (2) A reference to treatment or services in this Order is (consistent with the definition of “hospital treatment” in section 59 of the Act) a reference to treatment or services provided at a public hospital or at any rehabilitation centre conducted by such a hospital.

5. Fees for hospital patient services generally

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being treatment provided to a worker within a classification specified in Column 1 of the Table to this clause is:
 - (a) in the case of inpatient services, for each day (or part of a day) that the worker is a patient of the hospital, or
 - (b) in the case of outpatient services, for each occasion of service,the corresponding amount specified in Column 2 of that Table.

- (2) This clause does not apply to hospital treatment of a type referred to in clauses 6 to 8 of this Order.

- (3) In this clause and the Table to this clause:

critical care, in relation to a patient, has the same meaning as it has in the “NSW Department of Health – Department of Health Reporting System (DOHRS)” issued by the Department of Health in June 2000 or in any subsequent revision of that document issued by that Department.

metropolitan (non-referral) hospital means a public hospital classified as a metropolitan (non-referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

metropolitan (referral) hospital means a public hospital classified as a metropolitan (referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

non-metropolitan hospital means a public hospital classified as a non-metropolitan hospital in an order published in the Gazette by the Director-General of the Department of Health.

other public hospital means a public hospital other than a metropolitan (non-referral) hospital, a metropolitan (referral) hospital, a non-metropolitan hospital or a psychiatric hospital.

outpatient means a patient who does not undergo a formal admission process.

psychiatric hospital means a public hospital classified as a psychiatric hospital in an order published in the Gazette by the Director-General of the Department of Health.

public hospital means a public hospital within the meaning of section 59 of the Act.

Table Fees for hospital patient services generally

| <i>Column 1</i> <i>Hospital classification</i> | <i>Column 2</i> <i>Amount (\$)</i> |
|--|--|
| (1) Metropolitan (referral) hospital: | |
| (a) Critical care | 2270 per day |
| (b) Other | 915 per day |
| (c) Outpatient occasion of service (excluding physiotherapy) | 105 or the maximum amount payable under the relevant WorkCover practitioner fees order |
| (2) Metropolitan (non-referral) hospital: | |
| (a) Critical care | 1,320 per day |
| (b) Other | 685 per day |
| (c) Outpatient occasion of service (excluding physiotherapy) | 80 or the maximum amount payable under the relevant WorkCover practitioner fees order |
| (3) Non-metropolitan hospital: | |
| (a) Critical care | 1,045 per day |
| (b) Other | 635 per day |
| (c) Outpatient occasion of service (excluding physiotherapy) | 70 or the maximum amount payable under the relevant WorkCover practitioner fees order |
| (4) Psychiatric hospital: | |
| (a) Inpatient | 385 per day |
| (b) Outpatient occasion of service (excluding physiotherapy) | 70 or the maximum amount payable under the relevant WorkCover practitioner fees order |
| (5) Other public hospital: | |
| (a) Inpatient | 215 per day |
| (b) Outpatient occasion of service (excluding physiotherapy) | 70 or the maximum amount payable under the relevant WorkCover practitioner fees order |

6. Fees for brain injury rehabilitation services

(1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being brain injury rehabilitation services within a classification specified in Column 1 of the Table to this clause, is the corresponding amount specified in Column 2 of that Table.

(2) This clause does not apply to hospital treatment of a type referred to in clause 5, 7 or 8 of this Order.

(3) In this clause and the Table to this clause:

Category A patient means a patient being assessed for or receiving active rehabilitation.

Category B patient means a patient receiving personal and nursing support who is resident in a brain injury program unit.

Category X patient means a patient needing an extremely high level of support.

metropolitan (non-referral) hospital means a public hospital classified as a metropolitan (non-referral) hospital in an order published in the Gazette by the Director-General of the Department of Health.

outpatient means a patient who does not undergo a formal admission process.

Table Fees for brain injury rehabilitation services

| <i>Column 1</i> <i>Item/Hospital classification</i> | <i>Column 2</i> <i>Amount (\$)</i> |
|--|---------------------------------------|
| (1) Admitted patient services: | |
| (a) Category A patient | 960 per day |
| (b) Category B patient | 615 per day |
| (c) Category X patient | 1,356 per day |
| (2) Metropolitan (non-referral) hospital: | |
| (a) Category A patient | 685 per day |
| (b) Category B patient | 340 per day |
| (3) Non-admitted patient services | 65 per half hour |
| (4) Outpatient medical clinic appointments | |
| (a) Medical consultation – initial assessment | 225 |
| (b) Medical consultation – follow-up assessment | 115 |
| (5) Group activities | |
| (a) directly supervised by qualified allied health clinician | 40 per half hour |
| (b) not directly supervised by qualified allied health clinician | 30 per half hour |

7. Fees for spinal injury rehabilitation services

- (1) Spinal injury rehabilitation rates apply to services provided at Royal Rehabilitation Centre Sydney.
- (2) The rate for inpatient spinal injury rehabilitation services is that which applies for hospital patients in the metropolitan non-referral classification, that is \$685 per day.
- (3) The rate for outpatient/outreach spinal injury rehabilitation services is that which applies for Brain Injury Program non-inpatient services/outreach rate, that is, \$65 per half hour or part thereof.

8. Fee amount payable for physiotherapy outpatient services

- (1) The amount for which an employer is liable under the Act for hospital treatment of a worker, being physiotherapy services provided to the worker as an outpatient is according to the relevant Workers Compensation (Physiotherapy Fees) Order (Schedule B) in effect at the time.

9. Charges for health records and medical reports

- (1) In this clause a health record means a document account, whether in hard or electronic form, of a workers health, illness and treatment during each visit or stay at a health service.
- (2) In relation to Categories A, B and C below the amount for which an employer is liable under the Act for charges within a Description specified in a Table to this clause is the corresponding amount specified in Column A of that Table.
- (3) In relation to Category D below the amount for which an employer is liable under the Act for charges for health records required to be produced by subpoena within a Description specified in the Table to Category D, is the corresponding amount specified in Column A of that Table.
- (4) The following are charges for health records and medical reports and are to apply except where rates are otherwise provided under specific legislation.

A – Charges for medical/clinical reports**Table Charges for medical reports**

| <i>Description</i> | <i>Column A</i> |
|--|-----------------|
| (1) Preparation of a medical report by a medical practitioner appointed to or employed by the health institution/hospital requiring no further examination of the patient. This applies to the treating medical practitioner or a medical practitioner who has not previously treated the patient. | \$260 |
| (2) A report made by a treating medical practitioner appointed to or employed by the health institution/hospital where a re-examination of the patient is required. The fee includes the cost of examination. | \$370 |
| (3) A report made by a medical practitioner appointed to or employed by the health institution/hospital who has not previously treated the patient where an examination is required. The fee includes the cost of examination. | \$670 |
| (4) Preparation of a report by an allied health professional, other than a medical practitioner, appointed to or employed by the health institution/hospital | \$260 |

Category B – Other charges**1(a) Charges for clinical notes requested by an injured worker or a person acting on behalf of the injured worker**

An injured worker may apply for access to their own personal health information held by a public health organisation, by contacting the medical records department for that organisation. In addition, the Freedom of Information Act 1988 and the Health Records and Information Privacy Act 2002 provide statutory rights for individuals to apply for access to information held about them.

These laws allow other persons to apply for access to an injured worker's personal health information on behalf of the injured worker and with their consent, such as a solicitor, interpreter or employer. Alternatively where the injured worker lacks capacity to consent or is deceased a person who is the authorised representative of the injured worker can apply for access to the injured worker's health information.

Copies of clinical notes supplied in response to a request may typically include, as a minimum: patient registration/front sheet, consent to treatment, discharge summary, referral/transfer letters, ambulance report, continuation notes, operation reports (including anaesthetists' and nursing reports), radiology and pathology reports, and nursing care plans. Where additional information is held by a hospital but not routinely released, the person making the request should be made aware that such additional information exists but has not been supplied. A further request for such additional information should be considered as forming part of the original request and no additional charge (other than photocopying, where appropriate) should be raised.

1(b) Charges for information requested by an insurer

Health facilities should not provide clinical notes or photocopies of notes to the insurer, but may supply a "Medical Report" or "Summary of Injuries" (Category A or C) if provided with a Statutory Declaration signed by the claimant or a declaration signed by the claimant on the Workers Compensation Claim Form. Such reports should only provide information relevant to the claim. This will necessitate the insurer detailing the nature of the claim. Health facilities will be required to exercise their judgment in determining what is relevant information.

If clinical notes, or part of the clinical notes, are requested by an insurer, the insurer should be requested to provide written consent from the patient stating that the patient:

- agrees to allow the insurer to have a copy of all or part of the clinical notes, and
- the patient is aware that clinical notes, or part of the clinical notes, will inevitably include confidential medical information which is irrelevant to the claim.

In the absence of clearly documented written consent, as detailed above, hospitals are not required to provide clinical notes to insurers.

Charges in respect of paragraphs 1(a) and 1(b) above

The charge applicable in respect of paragraphs 1(a) and 1(b) (except requests under FOI), which includes search fees, photocopying charges, labour costs, administrative charges and postage, is as follows:

| <i>Description</i> | <i>Column A</i> |
|--|-----------------|
| Provision of a copy of the medical record, or part thereof, eg continuation notes, pathology reports, charts. Maximum eighty pages | \$30 |
| Pages in excess of eighty (per page) | \$0.35 |

2 Search fees – other than requests made by a party concerned with a patient's continued treatment or future management.

The search fee should be charged:

- for searching for the medical record, irrespective of whether the medical record is found. If however, the Patient Master Index (PMI) or other indexes showed that the patient was treated in that health institution but the record cannot be found because it has been destroyed, misplaced or lost, the fees should be refunded in full;
- where the applicant subsequently advises that a report/record is no longer required, or where a thorough search has ascertained that the patient has never attended that health institution for that particular episode of illness;
- for information on date or time of birth, including requests from the registry of Births deaths and marriages in relation to enquiries on hospitals to verify birth details;
- for Motor Accident and WorkCover medical certificates completed at other than time of consultation;
- NOTE – The search fee is a component of the fees charged for the preparation of reports, summaries or the production of health records required by subpoena, ie additional fees should not be charged on top of those for the preparation of reports, summaries and the production of health records required by subpoena.

The fee covers processing time which includes time for locating the information, decision-making and consultation where necessary.

Table Charges for search fees

| <i>Description</i> | <i>Column A</i> |
|--|-----------------|
| Search fees - other than requests made by a party concerned with a patient's continued treatment or future management. | \$30 |

C – Summary of injuries

A "Summary of Injuries" is generally requested by Compulsory Third Party Insurers for patients whose fees are covered by the Bulk Billing Agreement.

The "Summary of Injuries" should include:

- Identifying information (name, date of birth, medical record number)
- Date of first attendance,
- Whether patient was admitted. If so, specify dates,
- Positive findings on examination,
- Level of consciousness, if documented,
- Diagnosis, if known.

A standard form letter may be appropriate.

If a discharge summary, or appropriate correspondence that provides this minimum information, is available at the time of the request, a copy of this may be sufficient. Should further information be required, the appropriate report charge as specified in Sections A or B should be raised. There is no requirement to provide the full clinical notes to third party insurers.

The purpose of the "Summary of Injuries" in relation to the bulk-billing agreement is to establish that the admission occurred as a result of a motor vehicle accident.

If the information contained in the "Summary of Injuries" is insufficient or unavailable and a medical practitioner (or other treating health professional, where appropriate) is required to prepare a report, charges for a medical report (or report by a treating health professional) should be raised.

Health Information Managers should consult with the requesting solicitor/insurer/ other party to determine which is required before a fee is raised or report is prepared.

Table Charges for preparation of "Summary of injuries"

| <i>Description</i> | <i>Column A</i> |
|---|-----------------|
| Preparation and/or provision of "Summary of injuries" | \$30 |

Goods and Services Tax (GST) in relation to Sections A, B & C (above)

Charges relating to categories A, B and C (above) are taxable supplies (ie subject to GST) unless deemed GST-free under the provisions of the Goods and Services Tax Act. The criteria to be followed by the Area Health Services/ Hospitals assess the GST status by applying certain tests. Where the service is determined as being 'GST-free' the rates as advised by this Order apply. Where the GST free tests are not satisfied the service is therefore a taxable supply (subject to GST) and the rates as advised in this Order are to be grossed-up by 10%.

D – Health records required to be produced by subpoena

This refers to the retrieval of all the information required by the schedule noted on the subpoena and forwarding it to Court.

- Multiple requests on a subpoena should be charged on a fee-per-patient basis.
- In a situation where no record is found, it is appropriate to raise a Search Fee for each record, particularly in situations where incorrect details are given or "blanket" subpoenas are issued and considerable time is spent in locating the record. However, if the PMI or other indexes shows that the patient was treated in that health institution but the record cannot be found because it has been destroyed, misplaced or lost, the search fee should not be charged.
- Charges under this category are not subject to GST.

Table Charges for health records required to be produced by subpoena

| <i>Description</i> | <i>Column A</i> |
|--|-----------------|
| (1) Where at least 5 working days notice is given for the production of the record to Court * plus a photocopying charge of \$0.30 per page | \$60* |
| (2) Where less than 5 working days notice is given * plus a photocopying charge of \$0.30 per page | \$90* |

E – Administrative procedures

1. Policies and procedures regarding access to health records and disclosure of personal information should be made in accordance with the NSW Health Privacy Manual Version 2.
2. Applicants should be asked to put all requests in writing and to provide as much information as possible. A patient's solicitor should include consent by the patient for access to personal records as detailed in the Information Privacy Code of Practice.
3. Where the original of a health institution's health record leaves the institution (e.g. health records being tendered to a Court under subpoena), a copy of those records should generally be made beforehand and kept in the institution.
Charges for photocopying should be charged at the appropriate per page rate. This charge does not apply to Coronial or Complaints Unit cases.
4. Charges should be collected in advance, where appropriate. For government departments, reimbursement may be sought subsequently from the relevant department or authority. Even where health records are required to be produced by subpoena, payment should still be sought in advance. It is emphasised that a hospital or organisation is expected to comply in due time with the requirements of a subpoena. Non-compliance may result in contempt of Court, which is punishable by fine or in certain cases imprisonment.
5. It may be decided that an examination of the patient (by either the treating medical practitioner or a medical practitioner who has not previously treated the patient) is required. Under such circumstances, the applicant should be asked to pay the balance of the money for the higher fee before proceeding with the request.
6. Fees collected are to be recorded as revenue in the General Fund.
7. Where there are disputes regarding fees or the amount of information, attempts should be made to resolve the matter between the parties involved. This would normally involve the Chief Health Information Manager and/or the General/Medical administration of the health facility.

F – Circumstances under which a charge should not be raised

1. When the request has been made by a party concerned only with the patient's continued treatment and/or future management, no charge should be raised (e.g. where a medical practitioner requests information from a health institution to assist him/her with that patient's treatment);
2. The Fund Managers, or solicitors acting for the Fund Managers in such matters, in respect of claims for workers compensation for employees of Public Hospitals, Public Psychiatric Hospitals (former 5th Schedule hospitals), the NSW Ambulance Service and the NSW Department of Health. Health facilities should ensure that solicitors acting for GIO, EML or Allianz specify in writing this is the case.
3. Medical Services Committees of Inquiry established by the Commonwealth Government for purposes of detecting fraud and controlling over servicing;
4. The Department of Community Services or the Police in respect of children suspected of being abused, or of a parent of a child so suspected;
5. The completion of medical certificates at the time of consultation - no charge should be made as the forms for motor accident and WorkCover certificates are in the nature of a certificate and not a report. If not completed at the time of consultation, a search fee may be raised.

G – Circumstances under which charges should be raised

In all cases where the conditions in Section F have not been met including:

1. When medical reports/records are requested by individuals, solicitors, insurance companies, and government departments (with the exception of those indicated in Section F) for purposes other than the patient's continued treatment or future management.
2. The Department of Veterans' Affairs and the Department of Social Security for the purpose of pension/benefits assessment;
3. Interstate Health Authorities in respect of the eligibility of candidates for appointment to the relevant Public Service.
4. NSW Compulsory Third Party Insurers, in respect of a "Summary of Injuries". (Refer to Section C).
5. Discharge summaries requested by health professionals not involved in the care or management of the patient (past, present or future). This includes health professionals employed by insurers.
6. Release of information under the Adoption Act 2000. Charges should be raised in accordance with Guideline GL2005_055 or any circular subsequently amending its provisions.

ISSN 0155-6320

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