



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 263
Friday, 20 December 2002

Published under authority by the Government Printing Service

LEGISLATION

Assents to Acts

ACT OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 22 November 2002

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

Act No. 90 2002 - An Act to amend the Crimes (Sentencing Procedure) Act 1999 to provide for standard minimum sentencing and to constitute a New South Wales Sentencing Council; to amend the Crimes Act 1900 with respect to sexual assaults on children; and for other purposes. **[Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Bill]**

Russell D. Grove PSM

ACTS OF PARLIAMENT ASSENTED TO**Legislative Assembly Office, Sydney, 5 December 2002**

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. 113 2002 - An Act to amend the Motor Accidents Compensation Act 1999 to exclude, temporarily, liability for acts of terrorism from the coverage provided by compulsory third-party insurance under that Act. **[Motor Accidents Compensation Further Amendment (Terrorism) Bill]**

Act No. 114 2002 - An Act to refer certain matters relating to terrorist acts to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth. **[Terrorism (Commonwealth Powers) Bill]**

Act No. 115 2002 - An Act to give special powers to police officers to deal with terrorist acts; to amend the State Emergency and Rescue Management Act 1989 to give police officers additional powers to protect people in emergencies; and for other purposes. **[Terrorism (Police Powers) Bill]**

Russell D. Grove PSM
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO**Legislative Assembly Office, Sydney, 12 December 2002**

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. 117 2002 - An Act to amend the Public Finance and Audit Act 1983 with respect to the disclosure of information and documents concerning the Treasury costing of election promises. **[Public Finance and Audit Amendment (Costing of Election Promises) Bill]**

Act No. 118 2002 - An Act to amend the Summary Offences Act 1988 to provide for an offence of selling spray paint cans to persons under 18 years of age. **[Summary Offences Amendment (Spray Paint Cans) Bill]**

Act No. 119 2002 - An Act to amend the Guardianship Act 1987, the Protected Estates Act 1983 and the Administrative Decisions Tribunal Act 1997 to make provision for the Administrative Decisions Tribunal to hear and determine appeals against, or to review, certain decisions and orders relating to guardianship matters and the management of estates of protected persons; to make further provision with respect to the functions of the Protective Commissioner; and for other purposes. **[Guardianship and Protected Estates Legislation Amendment Bill]**

Act No. 120 2002 – An Act to amend the Industrial Relations Act 1996 with respect to certain fee agreements and industrial agents; and for other purposes. **[Industrial Relations Amendment (Industrial Agents) Bill]**

Act No. 121 2002 - An Act to amend the Pay-roll Tax Act 1971 and the Taxation Administration Act 1996 to make further provision with respect to liability for pay-roll tax and the grouping of businesses; and for other purposes. **[Pay-roll Tax Legislation Amendment (Avoidance) Bill]**

Russell D. Grove PSM
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO**Legislative Council Office Sydney 17 December 2002**

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

Act No. 130, 2002 - An Act to amend certain Acts with respect to criminal offences and procedure; and for other purposes. [**Crimes Legislation Amendment Act 2002**]

Act No. 131, 2002 - An Act to amend the *Disorderly Houses Act 1943* with respect to declarations under that Act and the closure of commercial premises on grounds relating to the illegal supply of prohibited drugs; to amend various other Acts consequentially; and for other purposes. [**Disorderly Houses Amendment (Commercial Supply of Prohibited Drugs) Act 2002**]

Lynn Loverlock
Acting Clerk of the Parliaments

ACTS OF PARLIAMENT ASSENTED TO**Legislative Council Office Sydney 12 December 2002**

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

Act No. 116, 2002 - An Act to amend the *Privacy and Personal Information Protection Act 1998* to prohibit damages from being payable for contraventions of privacy laws in relation to persons serving sentences of imprisonment; and for other purposes. [**Privacy and Personal Information Protection Amendment (Prisoners) Act 2002**]

Lynn Loverlock
Acting Clerk of the Parliaments

Proclamations



Proclamation

under the

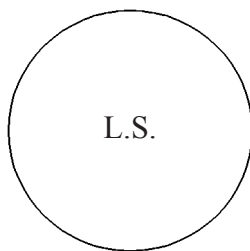
Courts Legislation Miscellaneous Amendments Act 2002 No 99

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Courts Legislation Miscellaneous Amendments Act 2002*, do, by this my Proclamation, appoint 20 December 2002 as the day on which that Act (except for Schedules 1 and 4.1) commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The object of this Proclamation is to commence all of the provisions of the *Courts Legislation Miscellaneous Amendments Act 2002*, other than:

- (a) Schedule 1 (which relates to criminal, committal and application proceedings under the *Criminal Procedure Act 1986* and the *Local Courts Act 1982*), and
- (b) Schedule 4.1 (whose commencement is dealt with separately in section 2 of the *Courts Legislation Miscellaneous Amendments Act 2002*).



Proclamation

under the

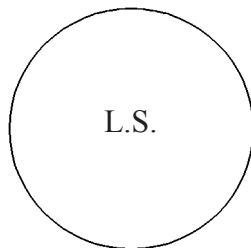
Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002 No 90

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002*, do, by this my Proclamation, appoint 1 February 2003 as the day on which that Act (other than Schedule 1 [5] and [7] and Schedule 3.2 [2]) commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

This proclamation commences amendments to the *Crimes (Sentencing Procedure) Act 1999* relating to standard minimum sentencing, and to the *Crimes Act 1900* relating to child sexual assault. Certain amendments relating to the proposed New South Wales Sentencing Council remain uncommenced.



Proclamation

under the

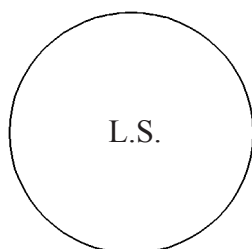
Drug Court Amendment Act 2002 No 93

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Drug Court Amendment Act 2002*, do, by this my Proclamation, appoint 23 December 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!



Proclamation

under the

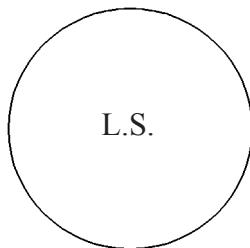
Drug Misuse and Trafficking Amendment (Dangerous Exhibits)
Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Drug Misuse and Trafficking Amendment (Dangerous Exhibits) Act 2002*, do, by this my Proclamation, appoint 1 January 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!



Proclamation

under the

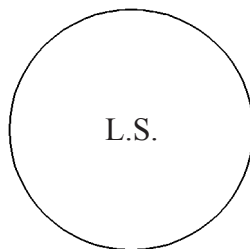
Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Act 2002*, do, by this my Proclamation, appoint 1 January 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



KIM YEADON, M.P.,
Minister for Energy

GOD SAVE THE QUEEN!



Proclamation

under the

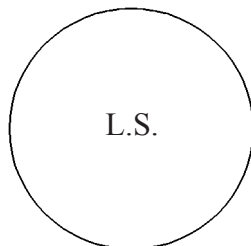
Farm Debt Mediation Amendment Act 2002 No 82

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Farm Debt Mediation Amendment Act 2002*, do, by this my Proclamation, appoint 3 January 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



RICHARD AMERY, M.P.,
Minister for Agriculture

GOD SAVE THE QUEEN!



Proclamation

under the

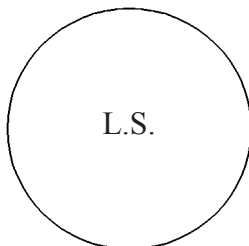
Gaming Machines Further Amendment Act 2002 No 102

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Gaming Machines Further Amendment Act 2002*, do, by this my Proclamation, appoint 1 January 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

GOD SAVE THE QUEEN!



Proclamation

under the

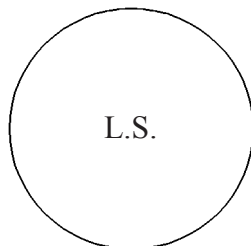
Guardianship Amendment (Enduring Guardians) Act 2002 No 89

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Guardianship Amendment (Enduring Guardians) Act 2002*, do, by this my Proclamation, appoint 1 January 2003 as the day on which that Act (other than Schedule 1 [13]) commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



CARMEL TEBBUTT, M.L.C.,
Minister for Disability Services

GOD SAVE THE QUEEN!

Explanatory note

This Proclamation commences all of the provisions of the *Guardianship Amendment (Enduring Guardians) Act 2002*, other than the provision enabling the recognition of enduring guardians appointed in other States or Territories.



Proclamation

under the

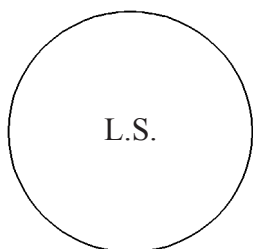
Murray-Darling Basin Amendment Act 2002 No 87

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Murray-Darling Basin Amendment Act 2002*, do, by this my Proclamation, appoint 1 January 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

GOD SAVE THE QUEEN!



Proclamation

under the

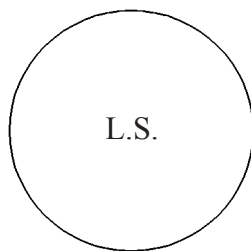
National Parks and Wildlife Amendment Act 2001 No 130

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *National Parks and Wildlife Amendment Act 2001*, do, by this my Proclamation, appoint 20 December 2002 as the day on which Schedule 1 [53]–[60], [61] (except to the extent that it inserts section 151D), [62], [63], [152] and [153] to that Act commence.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence amendments made by the *National Parks and Wildlife Amendment Act 2001* to the *National Parks and Wildlife Act 1974* relating to plans of management and leases and licences of reserved land.



Proclamation

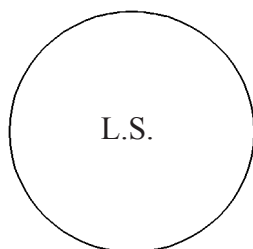
under the

Regulatory Reduction Act 1996 No 107

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Regulatory Reduction Act 1996*, do, by this my Proclamation, appoint 1 January 2003 as the day on which Schedules 1.11, 1.12 and 2.14 to that Act commence. Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



RICHARD AMERY, M.P.,
Minister for Agriculture

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provisions of the *Regulatory Reduction Act 1996* that amend or repeal certain provisions of the *Stock (Artificial Breeding) Act 1985*, the *Stock (Artificial Breeding) Regulation 1995* and the *Veterinary Surgeons Act 1986* so as to abolish the requirements for:

- (a) certificates of competency to carry out artificial breeding procedures in relation to stock, and
- (b) instructors' certificates to conduct courses of instruction in artificial breeding procedures in relation to stock.



Proclamation

under the

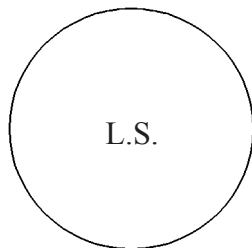
Water Management Act 2000 No 92

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Water Management Act 2000*, do, by this my Proclamation, appoint 20 December 2002 as the day on which sections 55A and 71L of that Act commence.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence sections 55A and 71L of the *Water Management Act 2000*. Section 55A provides for the application of Part 2 of Chapter 3 of that Act to specified locations. Section 71L (which is in Part 2 of Chapter 3) provides for the establishment of access licence dealing principles to regulate the kinds of access licence dealing rules that can be established by certain management plans under Part 3 of Chapter 2. Section 71L will not have effect in relation to any location until it is applied to that location by a proclamation under section 55A.



Proclamation

under the

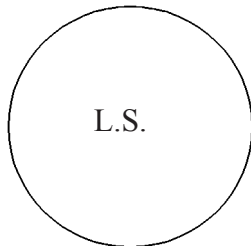
Water Management Act 2000 No 92

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 55A (2) of the *Water Management Act 2000*, do, by this my Proclamation, apply section 71L of that Act to the whole of the State on and from 20 December 2002.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

GOD SAVE THE QUEEN!

Explanatory note

Section 55A of the *Water Management Act 2000* restricts the application of Part 2 of Chapter 3 of that Act to locations to which that Part is applied by proclamation under that section. Under section 55A (2), specified provisions of that Part may be declared by proclamation to apply to the whole of the State. Section 71L (which is in Part 2 of Chapter 3) provides for the establishment of access licence dealing principles to regulate the kinds of access licence dealing rules that can be established by certain management plans under Part 3 of Chapter 2. The object of this Proclamation is to apply section 71L to the whole of the State.



Proclamation

under the

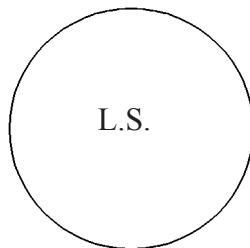
Water Management Amendment Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Water Management Amendment Act 2002*, do, by this my Proclamation, appoint 20 December 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

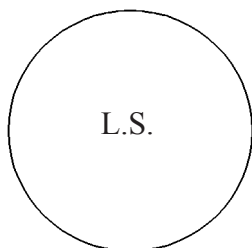
Westpac Banking Corporation (Transfer of Incorporation) Act
2000

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 12 of the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*, do, by this my Proclamation, repeal all of the Acts and regulations referred to in section 12 (a)–(m) of that Act on 20 December 2002.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

Westpac Banking Corporation (*Westpac*) became a public company limited by shares for the purposes of the *Corporations Act 2001* of the Commonwealth on 23 August 2002.

The object of this Proclamation is to repeal the following State Acts and regulations relating to the constitution and governance of Westpac consequent on Westpac becoming a public company for the purposes of the Commonwealth Act:

Proclamation

Explanatory note

- (a) *Bank of New South Wales Act of 1850,*
- (b) *Bank of New South Wales Act of 1852,*
- (c) *Bank of New South Wales Act of 1854,*
- (d) *Bank of New South Wales Act of 1864,*
- (e) *Bank of New South Wales Act of 1870,*
- (f) *Bank of New South Wales Act of 1886,*
- (g) *Bank of New South Wales Act 1905,*
- (h) *Bank of New South Wales Act 1910,*
- (i) *Bank of New South Wales Act 1923,*
- (j) *Bank of New South Wales (Amendment) Act 1962,*
- (k) *Bank of New South Wales (Change of Name) Act 1982,*
- (l) *Westpac Banking Corporation Act 1995,*
- (m) any regulation made under an Act referred to in paragraphs (a)–(l).

This Proclamation is made under section 12 the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*.



Proclamation

under the

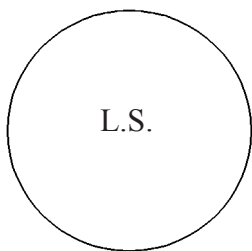
Workers Compensation Amendment (Terrorism Insurance Arrangements) Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Workers Compensation Amendment (Terrorism Insurance Arrangements) Act 2002*, do, by this my Proclamation, appoint 20 December 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!



Proclamation

under the

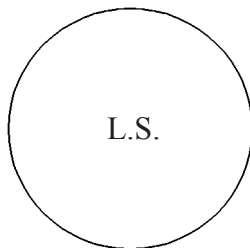
Workers Compensation Legislation Amendment Act 2002

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Workers Compensation Legislation Amendment Act 2002*, do, by this my Proclamation, appoint 20 December 2002 as the day on which Schedule 4.1 [5] to that Act (and section 3 of that Act in its application to that item) commence.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence an amendment to the *Workplace Injury Management and Workers Compensation Act 1998* relating to the protection of approved medical specialists from personal liability.

This Proclamation is made under section 2 of the *Workers Compensation Legislation Amendment Act 2002*.

Regulations



New South Wales

Drug Court Amendment Regulation 2002

under the

Drug Court Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Drug Court Act 1998*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Drug Court Regulation 1999* to impose a duty to promptly notify the Drug Court registrar of any failure by a drug offender to comply with a program under the *Drug Court Act 1998* on all persons acting for or on behalf of organisations providing treatment to drug offenders in connection with such programs.

This Regulation is made under the *Drug Court Act 1998*, including sections 31 and 32 (the general regulation-making power).

Clause 1 Drug Court Amendment Regulation 2002

Drug Court Amendment Regulation 2002

under the

Drug Court Act 1998

1 Name of Regulation

This Regulation is the *Drug Court Amendment Regulation 2002*.

2 Commencement

This Regulation commences on 23 December 2002.

3 Amendment of Drug Court Regulation 1999

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

Drug Court Amendment Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3))

Clause 9 Provision of information to Drug Court: section 31

Omit clause 9 (1) (d), (e) and (f). Insert instead:

- (d) persons acting for or on behalf of an organisation providing treatment to a drug offender in connection with the drug offender's program.

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

under the

Electricity Supply Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

KIM YEADON, M.P.,
Minister for Energy

Explanatory note

The objects of this Regulation are to provide for the following matters as a consequence of the commencement of the *Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Act 2002*:

- (a) the prescription of sulphur hexafluoride as a greenhouse gas,
- (b) the persons who may elect to become benchmark participants under the greenhouse gas benchmark scheme enacted by that Act,
- (c) the persons who are to be large customers for the purposes of electing to become benchmark participants,
- (d) the making and duration of elections to become benchmark participants,
- (e) the liability of former benchmark participants for greenhouse penalties,
- (f) the adjustment of the amount of greenhouse penalty in line with the consumer price index, after the first year of the greenhouse gas benchmark scheme,
- (g) when Commonwealth renewable energy certificates may be used to offset a potential liability to pay a greenhouse penalty,

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction)
Regulation 2002

Explanatory note

- (h) the assessment of a benchmark participant's greenhouse shortfall (if any) and liability for greenhouse penalty,
- (i) other minor consequential matters.

This Regulation is made under the *Electricity Supply Act 1995*, including sections 97AB, 97BB, 97CA, 97CD and 106 (the general regulation-making power).

Electricity Supply (General) Amendment (Greenhouse Gas Emission
Reduction) Regulation 2002

Clause 1

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

1 Name of Regulation

This Regulation is the *Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002*.

2 Commencement

This Regulation commences on 1 January 2003.

3 Amendment of Electricity Supply (General) Regulation 2001

The *Electricity Supply (General) Regulation 2001* is amended as set out in Schedule 1.

Electricity Supply (General) Amendment (Greenhouse Gas Emission
Reduction) Regulation 2002

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

greenhouse gas benchmark statement means a statement required to be lodged by a benchmark participant under section 97CB of the Act.

[2] Clause 3 (2)

Insert at the end of the clause:

- (2) Expressions defined for the purposes of Part 8A of the Act have the same meaning in this Regulation as they have in that Part.

[3] Part 8A

Insert after Part 8:

Part 8A Greenhouse gas benchmarks

Division 1 General

73A Greenhouse gases

For the purposes of the definition of *greenhouse gas* in section 97AB of the Act, sulphur hexafluoride is prescribed as a greenhouse gas.

Division 2 Benchmark participants

73B Benchmark participants

Macquarie Generation is prescribed as an electricity generator for the purposes of section 97BB (1) (b) of the Act in respect of its supply of electricity to the Tomago Aluminium Company Pty Ltd.

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Amendments

Schedule 1

73BA Circumstances in which customer is taken to be a large customer

- (1) For the purposes of section 97BB (2) (d) of the Act, a customer is taken to be a large customer if:
 - (a) the amounts of electricity required to be used for the purposes of the definition of *large customer* in section 97AB of the Act, as measured from the point of consumption, are used by the customer in the year preceding the making of the election to be an elective participant, or
 - (b) the Tribunal is satisfied that the customer is likely to use the required amounts of electricity in the year in which the election is to have effect.
- (2) For the purposes of section 97BB (2) (d) of the Act, a customer is taken to be a large customer who uses electricity at more than one site in this State if:
 - (a) subsection (1) applies to the customer, and
 - (b) each site is owned or occupied by the customer.

73BB Elections to become benchmark participants

- (1) An election by a person to become an elective participant is to be made in the form and manner approved by the Tribunal and is to specify the period (being 1 year or a specified number of years) for which the election is to have effect.
- (2) An election must indicate the retail supplier or electricity generator who is to supply electricity to the person making the election.
- (3) An election must be made not later than 30 June in the year preceding the year in which the election is to have effect or on any later day approved by the Tribunal.
- (4) Despite subclause (3), an election to be a benchmark participant in respect of the year commencing 1 January 2003 may be made not later than 1 April 2003 or any later day approved by the Tribunal.

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Schedule 1 Amendments

73BC Elections by large customers

- (1) A customer who makes an election to become an elective participant as a large customer must, before or when making the election, provide to the Tribunal evidence that the customer used or is likely to use 100 gigawatt hours or more of electricity at a single site, or at more than one site (one of which uses 50 gigawatt hours or more), in this State, as referred to in clause 73BA.
- (2) For that purpose, the Tribunal may require the customer to provide specified information and documents.
- (3) A customer may make an election to become an elective participant as a large customer in respect of part of the customer's electricity load (whether or not it is part of a load related to a single site or more than one site) if that part meets the requirements under the Act and this Regulation for classification as a large customer.
- (4) A customer may not make an election to become an elective participant as a large customer unless each electricity load or part of the load covered by the election is capable of being separately metered.

73BD Duration of election to be elective participant

- (1) An election to be an elective participant has no effect unless it is accepted by the Tribunal.
- (2) The Tribunal must, as soon as practicable after accepting an election, give written notice of the acceptance to:
 - (a) the person who made the election, and
 - (b) any other benchmark participant that supplies electricity to that person.
- (3) An election to be an elective participant that is accepted by the Tribunal has effect, subject to this clause, for the period specified in the notice of acceptance.
- (4) An election by a large customer to be an elective participant ceases to have effect at the end of a year in which the Tribunal gives the customer written notice of cancellation or the customer notifies the Tribunal of its intention not to continue as an elective participant.

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Amendments

Schedule 1

- (5) An elective participant who does not wish to continue to be an elective participant in the succeeding year must notify the Tribunal not later than 30 June in the preceding year.
- (6) Notice for the purpose of subclause (5) must be given in the form and manner approved by the Tribunal.

73BE Tribunal may cancel election

- (1) The Tribunal may cancel an election by an elective participant that has made an election as a large customer if it is satisfied, or reasonably suspects, that the elective participant was not eligible to make the election or does not meet the requirements for making an election as a large customer.
- (2) In considering whether to take action under subclause (1), the Tribunal is not required to consider any reduction in the consumption or anticipated consumption of electricity by an elective participant that is due to abatement measures carried out for the purposes of the Act, this Regulation or the greenhouse gas benchmark rules.

73BF Payment of greenhouse penalty when election ceases to have effect

If an election by an elective participant ceases to have effect and a further election is not made by the participant or is refused by the Tribunal:

- (a) any greenhouse penalty payable in respect of the election period, and any greenhouse penalty payable for greenhouse shortfall carried forward from the previous year, is to be assessed and paid at the end of that period as if the election were still in force, and
- (b) a greenhouse shortfall may not be carried forward if so provided by the greenhouse gas benchmark rules.

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Schedule 1 Amendments

Division 3 Adjustment of greenhouse penalty**73C CPI adjustment to greenhouse penalty**

- (1) For the purposes of section 97CA (3) of the Act, the amount of the greenhouse penalty is to be adjusted, on and from 1 July in each year (commencing on 1 July 2004) by the following formula:

$$P = M \times \frac{A}{B}$$

where:

P is the amount of the adjusted penalty (rounded to the nearest 50 cents).

M is the greenhouse penalty for the previous year.

A is the sum of the consumer price index numbers for each quarter of the year previous to the year commencing on 1 July when the adjustment is to be made.

B is the sum of the consumer price index numbers for each quarter of the year 2 years previous to the year commencing on 1 July when the adjustment is to be made.

- (2) In this clause:

consumer price index has the same meaning as it has in section 97CA of the Act.

Division 4 Renewable energy certificates**73D Definitions**

In this Division:

relevant acquisition has the same meaning as it has in the *Renewable Energy (Electricity) Act 2000* of the Commonwealth.

renewable power percentage has the same meaning as it has in the *Renewable Energy (Electricity) Act 2000* of the Commonwealth.

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Amendments

Schedule 1

73DA Circumstances in which renewable energy certificates may be counted towards greenhouse gas benchmark

- (1) A renewable energy certificate may be counted towards the greenhouse gas benchmark, or to abate a greenhouse gas shortfall, for a year by a benchmark participant (other than an elective participant) if the following are satisfied:
 - (a) the certificate has been surrendered by the participant under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth or the Tribunal is satisfied that an offer to surrender the certificate has been made under that Act for that year,
 - (b) the participant's greenhouse gas benchmark statement specifies the number of renewable energy certificates surrendered or proposed to be surrendered under that Act for that year,
 - (c) the costs of, or associated with, the certificate have not been paid or reimbursed to the participant by an elective participant or otherwise passed on by the participant to an elective participant.
- (2) A renewable energy certificate may be counted towards the greenhouse gas benchmark, or to abate a greenhouse gas shortfall, for a year by an elective participant if the following are satisfied:
 - (a) the certificate has been surrendered by another benchmark participant under the *Renewable Energy (Electricity) Act 2000* of the Commonwealth or the Tribunal is satisfied that an offer to surrender the certificate has been made under that Act for that year,
 - (b) the elective participant's greenhouse gas benchmark statement specifies the number of renewable energy certificates proposed to be counted for that year,
 - (c) the costs of, or associated with, the certificate have been paid by or reimbursed by the elective participant to another benchmark participant or have been otherwise passed on to the elective participant by another benchmark participant,

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Schedule 1 Amendments

- (d) evidence satisfactory to the Tribunal of the matters referred to in paragraph (c) has been provided to the Tribunal with the elective participant's greenhouse gas benchmark statement.

73DB Limit on number of renewable energy certificates that may be counted

- (1) The maximum number of renewable energy certificates that may be counted by a benchmark participant towards the participant's greenhouse gas benchmark in a year is the number calculated in accordance with this clause.
- (2) In the case of a benchmark participant that is a market customer (other than a retail supplier), the total number of the certificates is calculated by multiplying the total amount in MWh of the participant's relevant acquisitions of electricity purchased for use in this State in the year concerned by the renewable power percentage for the year and rounding the result to the nearest MWh.
- (3) In the case of a benchmark participant that is a retail supplier or a participant referred to in section 97BB (1) (b) of the Act, the total number of the certificates is calculated:
 - (a) by multiplying the total amount in MWh of the participant's relevant acquisitions of electricity purchased for use in this State in the year concerned by the renewable power percentage for the year and rounding the result to the nearest MWh, and
 - (b) by subtracting from that amount the number of any certificates of a kind referred to in clause 73DA (2) (c) applicable to the year.
- (4) In the case of an elective participant, the total number of the certificates is calculated:
 - (a) if electricity is purchased at a connection point located in a distribution network, by multiplying the total amount in MWh of electricity purchases related to the electricity load covered by the election in the year concerned by the renewable power percentage for the year and by the distribution loss factor applicable to the

Electricity Supply (General) Amendment (Greenhouse Gas Emission Reduction) Regulation 2002

Amendments

Schedule 1

-
- connection point and rounding the result to the nearest MWh, or
- (b) if electricity is not so purchased, by multiplying the total amount in MWh of electricity purchases related to the electricity load covered by the election in the year concerned by the renewable power percentage for the year and rounding the result to the nearest MWh.
- (5) In this clause:
- connection point* has the same meaning as it has in the *National Electricity Code*.
- distribution network* has the same meaning as it has in the *National Electricity Code*.
- distribution loss factor* has the same meaning as it has in the *National Electricity Code*.

Division 5 Assessment of compliance with greenhouse gas benchmarks

73E Assessment of compliance with greenhouse gas benchmarks

- (1) The assessment of the greenhouse shortfall (if any) and of liability for greenhouse penalty set out in the greenhouse gas benchmark statement of a benchmark participant is, unless another assessment is or has been made by the Tribunal, taken to be the greenhouse shortfall or the liability of the participant for greenhouse penalty for the participant for the year concerned.
- (2) The assessment has effect as if it were a notice of assessment signed by the Tribunal and given to the participant on the day on which the assessment is taken to have been made.
- (3) The assessment is taken to have been made on 1 March in the following year, or the day on which the greenhouse gas benchmark statement is lodged, whichever is the later.

Electricity Supply (General) Amendment (Greenhouse Gas Emission
Reduction) Regulation 2002

Schedule 1 Amendments

73EA Default assessments

- (1) The Tribunal may make an assessment of the greenhouse shortfall (if any), and of the liability for greenhouse penalty, for a year of a benchmark participant if the participant fails to lodge a greenhouse gas benchmark statement for the year in accordance with the Act.
- (2) In making an assessment under this section, the Tribunal may:
 - (a) base its assessment on its best estimate of the participant's sale or use of electricity in this State, verified by NEMMCO where possible, and
 - (b) take into account any other matters the Tribunal considers appropriate.

73EB Amendment of assessments

- (1) The Tribunal may at any time amend any assessment of the greenhouse shortfall (if any), and of the liability for greenhouse penalty, for a year of a benchmark participant by making any alterations or additions that the Tribunal thinks necessary, whether or not a greenhouse penalty has been paid for the year.
- (2) If the Tribunal is of the opinion that there has been an avoidance of a greenhouse penalty, the Tribunal may:
 - (a) if of the opinion that the avoidance of the penalty is due to fraud or evasion—at any time, or
 - (b) in any other case—within 1 year from the day on which the assessment is made,amend the assessment by making the alterations or additions that the Tribunal thinks necessary to correct the assessment.
- (3) A benchmark participant may, not later than 1 year from the day on which an assessment is made, apply to the Tribunal for an amended assessment.
- (4) An application by a benchmark participant must be in writing and state the grounds on which it is made.

Electricity Supply (General) Amendment (Greenhouse Gas Emission
Reduction) Regulation 2002

Amendments

Schedule 1

- (5) A benchmark participant may, for the purposes of an application under this clause or, with the consent of the Tribunal, submit details of abatement certificates sought to be surrendered, and of renewable energy certificates sought to be counted, that have not been submitted previously in respect of the year concerned for consideration for the purposes of an amended assessment.
- (6) The Tribunal may take into account details submitted under subclause (5) when determining whether to amend an assessment.
- (7) A benchmark participant whose liability for a greenhouse penalty is reduced as a result of an amended assessment is entitled to a refund of any additional greenhouse penalty paid under the previous assessment.

73EC Time limits for amended assessments

- (1) An amendment that reduces a benchmark participant's liability to pay a greenhouse penalty is not effective unless it is made within 1 year from the day on which the assessment was made.
- (2) If an assessment has been amended in any particular, the Tribunal may, within 1 year from the day on which a greenhouse penalty became payable under the amended assessment, make, in or in relation to any particular, any further amendment of the assessment that, in the Tribunal's opinion, is necessary to effect any just reduction in the benchmark participant's liability under the assessment.
- (3) If an application is made by a benchmark participant for an amendment of an assessment within 1 year after a greenhouse penalty became payable under that assessment, the Tribunal may amend the assessment even though the period of 1 year has elapsed.

73ED Amended assessments generally

- (1) Nothing in this Division prevents the amendment of an assessment of the greenhouse shortfall (if any), and of the liability for greenhouse penalty, of a benchmark participant to give effect to:
 - (a) the decision on any review or appeal under the Act, or

Electricity Supply (General) Amendment (Greenhouse Gas Emission
Reduction) Regulation 2002

Schedule 1 Amendments

- (b) its amendment by reduction of any particular following the participant's objection or pending any review or appeal under the Act.
- (2) A greenhouse penalty payable under an assessment amended under this Division is taken to be payable:
 - (a) if the amendment is wholly or partly as a result of an error by the Tribunal—on the day on which the amended assessment is made, or
 - (b) in any other case—on the day on which a greenhouse penalty became payable under the original assessment.
- (3) An amended assessment is taken to be an assessment for the purposes of the Act and this Regulation.

73EF Notice of assessments

As soon as practicable after an assessment of the greenhouse shortfall (if any), and of the liability for greenhouse penalty, of a benchmark participant is made or amended under this Division, the Tribunal must give written notice of the assessment or amended assessment to the participant.



Gaming Machines Amendment Regulation (No 3) 2002

under the

Gaming Machines Act 2001

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

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Gaming Machines Regulation 2002*:

- (a) to create offences relating to:
 - (i) the installation of equipment (referred to as a *coin blanking plate*) designed to prevent persons from operating approved gaming machines by means of inserting coins, and
 - (ii) the operation of approved gaming machines equipped with coin blanking plates, and
- (b) to clarify the basis on which the local community is comprised for the purposes of the social impact assessment of applications in connection with gaming machines, and
- (c) to exclude certain kinds of accidental or incidental gaming machine advertising from the operation of section 43 of the Act which prohibits persons from publishing, or causing to be published, gaming machine advertising, and
- (d) to allow gaming machine tickets to be redeemed through the use of customer-operated payment machines, and

Gaming Machines Amendment Regulation (No 3) 2002

Explanatory note

- (e) to provide for the continuation of the conditions to which existing gaming-related licences were subject before 2 April 2002, and
- (f) to make consequential amendments.

This Regulation is made under the *Gaming Machines Act 2001*, including sections 35, 43 and 210 (the general regulation-making power).

Gaming Machines Amendment Regulation (No 3) 2002

Clause 1

Gaming Machines Amendment Regulation (No 3) 2002

under the

Gaming Machines Act 2001

1 Name of Regulation

This Regulation is the *Gaming Machines Amendment (Miscellaneous) Regulation 2002*.

2 Commencement

- (1) This Regulation commences on 1 January 2003, except as provided by subclause (2).
- (2) Schedule 1 [2]–[6] are taken to have commenced on 2 April 2002.

3 Amendment of Gaming Machines Regulation 2002

The *Gaming Machines Regulation 2002* is amended as set out in Schedule 1.

Gaming Machines Amendment Regulation (No 3) 2002

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

cash-back terminal means a customer-operated payment machine that enables gaming machine players to cash in their credits or winnings.

coin blanking plate means subsidiary equipment designed to prevent a person from operating an approved gaming machine by means of inserting a coin.

[2] Clause 8 Reduction of number of poker machine entitlements (large-scale clubs)

Omit “section 13” wherever occurring in clause 8 (1) and (3) and in the note to clause 8 (3).

Insert instead “section 15A”.

[3] Clause 8 (1) (b), (2), (4) and (5)

Omit “approved gaming machines” wherever occurring.

Insert instead “poker machine entitlements”.

[4] Clause 8 (1) (b)

Omit “dispose of in respect of”. Insert instead “transfer from”.

[5] Clause 8 (4)

Omit “disposed of”. Insert instead “transferred”.

[6] Clause 8 (5)

Omit “dispose of”. Insert instead “transfer”.

Gaming Machines Amendment Regulation (No 3) 2002

Amendments

Schedule 1

[7] Clause 20A

Insert after clause 20:

20A Requirements for gaming machines equipped with coin blanking plate

A hotelier or registered club must not permit an approved gaming machine that is equipped with a coin blanking plate to be operated in the hotel or club unless the gaming machine:

- (a) is connected to centralised cash control equipment, or
- (b) is an electronic payment gaming machine within the meaning of Part 6, or
- (c) is capable of issuing (by means of subsidiary equipment or otherwise) gaming machine tickets within the meaning of Part 7.

Maximum penalty: 50 penalty units.

[8] Clause 27 Signage to be displayed on ATMs and cash-back terminals

Insert “that can be operated by means of a player card” after “terminal” in clause 27 (3A).

[9] Clause 27 (6)

Omit the subclause.

[10] Clause 35 Class 2 social impact assessment

Omit clause 35 (4). Insert instead:

- (4) For the purposes of subclause (3) and section 37 (3) (d) of the Act, the local community includes, in addition to the people in the area or group from which the persons utilising the services and facilities of the hotel or registered club concerned are likely to be drawn, those people in the area or who belong to a group:
 - (a) that is to derive, or that the Board considers is likely to derive, social or economic benefit if the application to which the social impact assessment relates is granted, or

Gaming Machines Amendment Regulation (No 3) 2002

Schedule 1 Amendments

-
- (b) that is to suffer, or that the Board considers is likely to suffer, social or economic detriment if the application is granted.

Note. Examples of areas that may benefit or suffer from the approval of an application to which the social impact assessment relates are the local government area in which the hotel or registered club is situated and any adjoining local government area or part of an adjoining local government area.

[11] Clause 41 Gaming machine advertising and signs—exclusions

Insert at the end of clause 41 (1) (d):

or

- (e) as an accidental or incidental accompaniment to advertising of other matter and for which the person publishing, or causing to publish, the advertising of the other matter does not receive any direct or indirect benefit (whether financial or not),

[12] Clause 41 (5A)

Insert after clause 41 (5):

- (5A) The mention of the name of a dealer who supplies, sells or manufactures poker machines, or devices in the nature of approved amusement devices, does not, in itself, constitute gaming machine advertising for the purposes of section 43 of the Act.

[13] Clause 57A

Insert after clause 57:

57A Installation of coin blanking plates

A person must not install a coin blanking plate on a poker machine or on a device that is in the nature of an approved amusement device unless the person is a dealer or technician.

Maximum penalty: 20 penalty units.

Gaming Machines Amendment Regulation (No 3) 2002

Amendments

Schedule 1

[14] Clause 97 Persons or machines that may redeem gaming machine tickets

Insert after clause 97 (5):

- (6) Despite anything in this clause, gaming machine tickets issued in a hotel or registered club may be redeemed through the use of cash-back terminals approved, or of a class approved, by the Board for the purposes of this subclause.

[15] Clause 149

Insert after clause 148:

149 Saving of existing gaming-related licences

- (1) An existing gaming-related licence (within the meaning of clause 3 of Schedule 1 to the Act) that is taken to be a gaming-related licence of the kind determined by the Board is subject to the same conditions as it was subject under a provision of the *Liquor Act 1982* or the *Registered Clubs Act 1976* immediately before 2 April 2002.
- (2) The conditions to which an existing gaming-related licence is subject may be varied or revoked in accordance with the Act.

[16] Schedule 3 Penalty notice offences

Insert after the matter relating to clause 57 (2) under the heading “**Offences under this Regulation**”:

Clause 57A	Unauthorised installing of coin blanking plate	\$500
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National Parks and Wildlife Amendment Regulation 2002

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

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

Explanatory note

The object of this Regulation is to amend the *National Parks and Wildlife Regulation 2002* to update cross references, make changes to terminology and remove obsolete provisions as a result of certain amendments made by the *National Parks and Wildlife Amendment Act 2001*.

This Regulation is made under the *National Parks and Wildlife Act 1974*, including section 154 (the general regulation-making power).

Clause 1 National Parks and Wildlife Amendment Regulation 2002

National Parks and Wildlife Amendment Regulation 2002

under the

National Parks and Wildlife Act 1974

1 Name of Regulation

This Regulation is the *National Parks and Wildlife Amendment Regulation 2002*.

2 Commencement

This Regulation commences on 20 December 2002.

3 Amendment of National Parks and Wildlife Regulation 2002

The *National Parks and Wildlife Regulation 2002* is amended as set out in Schedule 1.

National Parks and Wildlife Amendment Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clauses 3 (1), definitions of park, park authority and trustees and 84 (2) and (6) (c)

Omit “state recreation area” wherever occurring.

Insert instead “state conservation area”.

[2] Clause 3 (1), definitions of park and park authority

Omit “state game reserve,” wherever occurring.

[3] Clauses 11 (1) (f), 15 (3) (b), (c) and (e) and 92 (1) (f)

Omit “relic” wherever occurring. Insert instead “Aboriginal object”.

[4] Clause 69 Land for community development purposes

Omit “section 72 (2AA)”. Insert instead “section 72AA (6) (c)”.

[5] Clause 69

Omit the note to the clause. Insert instead:

Note. Section 72AA (6) (c) of the Act provides that a plan of management for lands reserved under Part 4A of the Act may provide for the use of lands for any community development purpose prescribed by the regulations.

[6] Clause 75 Application of Part

Omit “state recreation areas”. Insert instead “state conservation areas”.

[7] Clause 87

Omit the clause. Insert instead:

87 Notice of preparation of plans of management

For the purposes of section 73A of the Act, notice of the preparation of a plan of management is to be given in the form of an advertisement published in the Gazette.

[8] Clause 88 Transfer of Aboriginal objects

Omit “relics” wherever occurring in the note to the clause.

Insert instead “Aboriginal objects”.

National Parks and Wildlife Amendment Regulation 2002

Schedule 1 Amendments

[9] Clause 91 Notification of site of Aboriginal objects

Omit “a relic”. Insert instead “an Aboriginal object”.

[10] Clause 96 Nomination by universities of persons for appointment to Advisory Council

Omit the clause.

[11] Schedule 2 Penalty notice offences

Omit the matter relating to section 108.



New South Wales

Ombudsman Amendment (Designated Government Agency) Regulation 2002

under the

Ombudsman Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Ombudsman Act 1974*.

BOB CARR, M.P.,
Premier

Explanatory Note

The object of this Regulation is to prescribe the Department of Ageing, Disability and Home Care as a designated government agency for the purposes of Part 3A (Child protection) of the *Ombudsman Act 1974*. As a result, the provisions of that Part concerning the monitoring and investigation of child abuse allegations will apply in respect of that Department.

This Regulation is made under the *Ombudsman Act 1974*, including paragraph (c) of the definition of *designated government agency* in section 25A and section 39 (the general regulation-making power).

Clause 1 Ombudsman Amendment (Designated Government Agency) Regulation
2002

Ombudsman Amendment (Designated Government Agency) Regulation 2002

under the

Ombudsman Act 1974

1 Name of Regulation

This Regulation is the *Ombudsman Amendment (Designated Government Agency) Regulation 2002*.

2 Amendment of Ombudsman Regulation 1999

The *Ombudsman Regulation 1999* is amended by inserting at the end of clause 6:

- (d) the Department of Ageing, Disability and Home Care.

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to make further provision for the safe, reliable and efficient operation of private hire vehicle services in the Sydney Airport precinct by:

- (a) increasing the penalty applicable in respect of various offences involving private hire vehicles or drivers of private hire vehicles if the offence is committed in the Sydney Airport precinct, and
- (b) introducing new offences relating to the provision of private hire vehicle services in the Sydney Airport precinct.

In respect of the following offences, the Regulation increases the maximum penalty that may be imposed by a court for the offence or the penalty applicable if the offence is dealt with by the issue of a penalty notice (or both), if the offence is committed by the driver of a private hire vehicle in the Sydney Airport precinct:

- (a) the offence of failing to produce a driver authority card if required by an authorised officer,
- (b) the offence of failing to ensure that a private hire vehicle is clean and tidy,

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport)
Regulation 2002

Explanatory note

- (c) the offence committed by a driver if he or she fails to be clean and tidy when driving the private hire vehicle as part of a private hire vehicle service,
- (d) the offence of touting or soliciting for passengers or hirings,
- (e) the offence of plying or standing a private hire vehicle for hire on any road or road related area.

In addition, the following provisions will apply in relation to the Sydney Airport precinct:

- (a) the driver of a private hire vehicle must comply with any request by an authorised officer for information as to whether the vehicle is hired and details of the hiring,
- (b) the driver of a private hire vehicle must comply with any direction given by an authorised officer in the Sydney Airport precinct requiring the driver to stop the private hire vehicle or to move the private hire vehicle in a particular direction or to a particular location,
- (c) the driver of a private hire vehicle must not set down or pick up passengers except in an area designated for that purpose by the Sydney Airport Corporation Limited.

The Regulation also allows the following offences to be dealt with by issue of a penalty notice:

- (a) the offence of failing to pick up or set down passengers close to and parallel with the side of the carriageway of a road or road related area,
- (b) the offence of obstructing or hindering an authorised officer.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 59 and 63 (the general regulation-making power).

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002 Clause 1

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

1 Name of Regulation

This Regulation is the *Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002*.

2 Commencement

This Regulation commences on 20 December 2002.

3 Amendment of Passenger Transport (Private Hire Vehicle Services) Regulation 2001

The *Passenger Transport (Private Hire Vehicle Services) Regulation 2001* is amended as set out in Schedule 1.

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

Sydney Airport precinct means the area known as the Sydney Domestic Airport and the Sydney International Airport terminals and operation district, Sydney, bounded by Airport Drive, Qantas Drive, Joyce Drive, General Holmes Drive, Marsh Street and the M5 Motorway.

[2] Clause 16 Driver to produce driver's authority card

Omit the maximum penalty. Insert instead:

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[3] Clause 17 Private hire vehicle to be clean

Omit the maximum penalty. Insert instead:

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 2 penalty units (in any other case).

[4] Clause 24 No touting or soliciting for passengers or hirings

Omit the maximum penalty from clause 24 (1). Insert instead:

Maximum penalty: 50 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Amendments

Schedule 1

[5] Clause 24 (2)

Omit the maximum penalty. Insert instead:

Maximum penalty: 50 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[6] Part 3A

Insert after clause 30:

Part 3A Sydney Airport precinct—special provisions

30A Information on hirings to be supplied

- (1) An authorised officer may require the driver of a private hire vehicle who is in the Sydney Airport precinct to answer questions relating to the following:
 - (a) whether the private hire vehicle is hired,
 - (b) if the driver indicates that the private hire vehicle is hired, the details of that hiring.
- (2) The driver of a private hire vehicle must not, without reasonable excuse, fail to comply with a requirement made of the driver under this clause.

Maximum penalty: 10 penalty units.

- (3) The driver of a private hire vehicle must not, in purported compliance with a requirement made under this clause, provide any information knowing that it is false or misleading in a material particular.

Maximum penalty: 10 penalty units.

30B Directions by authorised officers

- (1) An authorised officer may, for the purpose of ensuring that public passenger services are provided in the Sydney Airport precinct in a manner that is safe, reliable and efficient, direct the driver of a private hire vehicle in the Sydney Airport precinct, by means of a sign or by any other reasonable method:

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Schedule 1 Amendments

- (a) to stop the private hire vehicle, or
 - (b) to move the private hire vehicle in a particular direction or to a particular location in the Sydney Airport precinct.
- (2) The driver of a private hire vehicle must not, without reasonable excuse, fail to comply with a direction given to the driver under this clause.

Maximum penalty: 10 penalty units.

30C Private hire vehicles to pick up and set down in designated areas only

- (1) The driver of a private hire vehicle must not, while in the Sydney Airport precinct, stop the vehicle for the purpose of setting down or picking up passengers except in a designated area.

Maximum penalty: 7 penalty units.

- (2) In this clause:

designated area means an area in the Sydney Airport precinct designated by signs erected with the approval of the Sydney Airport Corporation Limited as an area for the setting down and picking up of passengers of private hire vehicles.

[7] Clause 45 Penalty notice offences

Omit clause 45 (1) (b). Insert instead:

- (b) the prescribed penalty for such an offence is as follows:
 - (i) the amount specified in Column 2 of Schedule 1, unless subparagraph (ii) applies,
 - (ii) in the case of an offence for which an amount is specified in Column 3 of Schedule 1, and that is an offence committed in the Sydney Airport precinct, the amount specified in Column 3 of Schedule 1.

[8] Clause 46 Short descriptions

Omit the clause.

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Amendments

Schedule 1

[9] Schedule 1 Penalty notice offences

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 45)

Part 1 Offences under Passenger Transport Act 1990

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Section 37 (1) (a)	\$1,000	
Section 37 (1) (b)	\$1,000	
Section 38D (3)	\$500	
Section 40 (2)	\$500	
Section 53B (1)	\$500	
Section 53B (2)	\$500	
Section 56	\$300	

Part 2 Offences under Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 7 (4)	\$500	
Clause 8	\$150	

Page 7

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 9	\$200	
Clause 10 (a)	\$200	
Clause 10 (b)	\$200	
Clause 11 (1) (a)	\$200	
Clause 11 (1) (b)	\$200	
Clause 11 (2) (a)	\$150	
Clause 11 (2) (b)	\$200	
Clause 12 (b)	\$200	
Clause 12 (c)	\$200	
Clause 12 (d)	\$200	
Clause 13 (1)	\$300	
Clause 16	\$150	\$750
Clause 17	\$150	\$750
Clause 18 (a)	\$200	
Clause 18 (b)	\$200	
Clause 19	\$150	
Clause 20	\$100	
Clause 21 (1) (a)	\$150	
Clause 21 (1) (b)	\$150	
Clause 21 (1) (c)	\$150	
Clause 21 (1) (d)	\$200	
Clause 23 (a)	\$75	\$750

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 23 (b)	\$200	
Clause 23 (c)	\$150	
Clause 24 (1)	\$150	\$5,000
Clause 24 (2)	\$150	\$5,000
Clause 25 (a)	\$750	\$1,500
Clause 25 (b)	\$750	
Clause 26 (1) (a)	\$150	
Clause 26 (1) (b)	\$150	
Clause 26 (2)	\$150	\$300
Clause 28 (a)	\$150	
Clause 29 (a)	\$150	
Clause 29 (b)	\$150	
Clause 30 (1)	\$100	
Clause 30 (3)	\$100	
Clause 30A (2)	Not applicable	\$750
Clause 30A (3)	Not applicable	\$750
Clause 30B (2)	Not applicable	\$750
Clause 30C (1)	Not applicable	\$500
Clause 31 (a)	\$200	
Clause 31 (b)	\$200	
Clause 32 (1)	\$150	
Clause 33 (2)	\$100	

Passenger Transport (Private Hire Vehicle Services) Amendment (Sydney Airport) Regulation 2002

Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 34 (2)	\$100	
Clause 35 (2)	\$100	
Clause 36	\$100	
Clause 37 (4)	\$300	
Clause 39 (a)	\$150	
Clause 39 (b)	\$150	
Clause 41 (2) (a)	\$150	
Clause 41 (2) (b)	\$150	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport) Regulation 2002

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to make further provision for the safe, reliable and efficient operation of taxi-cab services in the Sydney Airport precinct by:

- (a) increasing the penalty applicable in respect of various offences involving taxi-cabs or drivers of taxi-cabs if the offence is committed in the Sydney Airport precinct, and
- (b) introducing new offences relating to the provision of taxi-cab services in the Sydney Airport precinct.

In respect of the following offences, the Regulation increases the maximum penalty that may be imposed by a court for the offence or the penalty applicable if the offence is dealt with by the issue of a penalty notice (or both), if the offence is committed by the driver of a taxi-cab in the Sydney Airport precinct:

- (a) the offence of failing to display a driver authority card as required,
- (b) the offence of failing to ensure that a taxi-cab is clean and tidy,
- (c) the offence committed by a taxi-cab driver if he or she fails to be clean and tidy when driving the taxi-cab for hire,

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport) Regulation 2002

Explanatory note

- (d) the offence committed by a taxi-cab driver if he or she is more than 3 metres from the taxi-cab without reasonable excuse,
- (e) the offence of touting or soliciting for passengers or hirings,
- (f) the offence of failing to pick up or set down passengers close to and parallel with the side of the carriageway of a road or road related area.

In addition, the following provisions will apply in relation to the Sydney Airport precinct:

- (a) the driver of a taxi-cab will commit an offence if he or she accepts a hiring in the Sydney Airport precinct otherwise than while standing in a taxi zone (unless the hiring was accepted through a taxi-cab booking service),
- (b) the driver of a taxi-cab must comply with any request by an authorised officer for information as to whether the taxi-cab is hired and details of the hiring,
- (c) the driver of a taxi-cab must comply with any direction given by an authorised officer in the Sydney Airport precinct requiring the driver to stop the taxi-cab or to move the taxi-cab in a particular direction or to a particular location.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 59 and 63 (the general regulation-making power).

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Clause 1

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport) Regulation 2002

1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport) Regulation 2002*.

2 Commencement

This Regulation commences on 20 December 2002.

3 Amendment of Passenger Transport (Taxi-cab Services) Regulation 2001

The *Passenger Transport (Taxi-cab Services) Regulation 2001* is amended as set out in Schedule 1.

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

Sydney Airport precinct means the area known as the Sydney Domestic Airport and the Sydney International Airport terminals and operation district, Sydney, bounded by Airport Drive, Qantas Drive, Joyce Drive, General Holmes Drive, Marsh Street and the M5 Motorway.

[2] Clause 35 Driver to display driver's authority card

Omit the maximum penalty from clause 35 (2). Insert instead:

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[3] Clause 39 Taxi-cab to be clean

Omit the maximum penalty. Insert instead:

Maximum penalty: 10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 2 penalty units (in any other case).

[4] Clause 47 Driver to remain with taxi-cab

Omit the maximum penalty. Insert instead:

Maximum penalty: 15 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Amendments

Schedule 1

[5] Clause 47 (2)

Insert at the end of clause 47:

- (2) This clause does not apply:
 - (a) if the driver of a taxi-cab moves more than 3 metres from the taxi-cab for the purpose of loading luggage or goods into, or removing luggage or goods from, the taxi-cab, or
 - (b) to the driver of a taxi-cab while the taxi-cab is in a holding bay in the Sydney Airport precinct.
- (3) In this clause:

holding bay means an area in the Sydney Airport precinct designated by signs erected with the approval of the Sydney Airport Corporation Limited as a holding bay for taxi-cabs.

[6] Clause 54 No touting or soliciting for passengers or hirings

Omit the maximum penalty from clause 54 (1). Insert instead:

Maximum penalty: 50 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

[7] Clause 54 (2)

Omit the maximum penalty. Insert instead:

Maximum penalty: 50 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 5 penalty units (in any other case).

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Schedule 1 Amendments

[8] Part 3A

Insert after clause 70:

Part 3A Sydney Airport precinct—special provisions

70A Taxi-cabs to be hired only at taxi zones

- (1) The driver of a taxi-cab must not accept a hiring in the Sydney Airport precinct unless, at the time the taxi-cab is hired, the taxi-cab is in a taxi zone.

Maximum penalty: 50 penalty units.

- (2) This clause does not apply in respect of a hiring that is made by means of a taxi-cab booking service.

70B Information on hirings to be supplied

- (1) An authorised officer may require the driver of a taxi-cab who is in the Sydney Airport precinct to answer questions relating to the following:

- (a) whether the driver's taxi-cab is hired,
- (b) if the driver indicates that the taxi-cab is hired, the details of that hiring.

- (2) The driver of a taxi-cab must not, without reasonable excuse, fail to comply with a requirement made of the driver under this clause.

Maximum penalty: 10 penalty units.

- (3) The driver of a taxi-cab must not, in purported compliance with a requirement made under this clause, provide any information knowing that it is false or misleading in a material particular.

Maximum penalty: 10 penalty units.

70C Directions by authorised officers

- (1) An authorised officer may, for the purpose of ensuring that public passenger services are provided in the Sydney Airport precinct in a manner that is safe, reliable and efficient, direct the driver of a taxi-cab in the Sydney Airport precinct, by means of a sign or by any other reasonable method:

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Amendments

Schedule 1

- (a) to stop the taxi-cab, or
 - (b) to move the taxi-cab in a particular direction or to a particular location in the Sydney Airport precinct.
- (2) The driver of a taxi-cab must not, without reasonable excuse, fail to comply with a direction given to the driver under this clause.

Maximum penalty: 10 penalty units.

[9] Clause 90 Penalty notice offences

Omit clause 90 (1) (b). Insert instead:

- (b) the prescribed penalty for such an offence is as follows:
 - (i) the amount specified in Column 2 of Schedule 2, unless subparagraph (ii) applies,
 - (ii) in the case of an offence for which an amount is specified in Column 3 of Schedule 2, and that is an offence committed in the Sydney Airport precinct, the amount specified in Column 3 of Schedule 2.

[10] Clause 91 Short descriptions

Omit the clause.

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Schedule 1 Amendments

[11] Schedule 2 Penalty notice offences

Omit the Schedule. Insert instead:

Schedule 2 Penalty notice offences

(Clause 90)

**Part 1 Offences under Passenger Transport Act
1990**

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Section 30 (1) (a)	\$1,000	
Section 30 (1) (b)	\$1,000	
Section 31D (3)	\$500	
Section 33 (2)	\$500	
Section 34D (3)	\$1,000	
Section 53B (1)	\$500	
Section 53B (2)	\$500	
Section 56	\$300	

Part 2 Offences under Passenger Transport (Taxi-cab Services) Regulation 2001

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 8 (a)	\$400	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 8 (b)	\$400	
Clause 8 (c)	\$400	
Clause 9 (1)	\$200	
Clause 10 (1)	\$300	
Clause 10 (2)	\$300	
Clause 11 (1)	\$300	
Clause 11 (5)	\$300	
Clause 12 (1)	\$300	
Clause 12 (2)	\$300	
Clause 13 (1)	\$300	
Clause 13 (3)	\$300	
Clause 14 (1)	\$300	
Clause 14 (2)	\$300	
Clause 14 (3)	\$300	
Clause 14 (4)	\$300	
Clause 15	\$300	
Clause 16	\$150	
Clause 17 (1)	\$150	
Clause 18	\$300	
Clause 19	\$200	
Clause 20 (8)	\$200	
Clause 20 (9)	\$300	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 21 (1) (a)	\$150	
Clause 21 (1) (b)	\$150	
Clause 22 (1)	\$150	
Clause 23	\$150	
Clause 24 (2)	\$200	
Clause 24 (3)	\$100	
Clause 25	\$150	
Clause 26	\$200	
Clause 27 (a)	\$200	
Clause 27 (b)	\$200	
Clause 28	\$200	
Clause 30 (1)	\$200	
Clause 30 (2) (a)	\$150	
Clause 30 (2) (b)	\$200	
Clause 30 (2) (c)	\$200	
Clause 30 (3)	\$150	
Clause 31	\$200	
Clause 32 (1)	\$300	
Clause 34	\$400	
Clause 35 (1)	\$150	
Clause 35 (2)	\$150	\$750
Clause 36 (1)	\$300	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 38 (1)	\$75	
Clause 38 (2)	\$75	
Clause 39	\$150	\$750
Clause 40 (a)	\$200	
Clause 40 (b)	\$200	
Clause 41 (1)	\$200	
Clause 41 (2)	\$150	
Clause 41 (4)	\$200	
Clause 42	\$150	
Clause 43 (1) (a)	\$150	
Clause 43 (1) (b)	\$150	
Clause 43 (1) (c)	\$75	
Clause 43 (1) (d)	\$75	
Clause 43 (1) (e)	\$150	
Clause 43 (1) (f)	\$200	
Clause 45 (a)	\$75	\$750
Clause 45 (b)	\$200	
Clause 45 (c)	\$150	
Clause 46	\$75	
Clause 47 (1)	\$150	\$1,000
Clause 48 (1)	\$150	
Clause 48 (2)	\$150	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 48 (6)	\$200	
Clause 49	\$150	
Clause 50 (a)	\$150	
Clause 50 (b)	\$150	
Clause 50 (c)	\$150	
Clause 51 (3) (a)	\$150	
Clause 51 (3) (b)	\$150	
Clause 54 (1)	\$150	\$5,000
Clause 54 (2)	\$150	\$5,000
Clause 55 (1)	\$150	
Clause 56 (1)	\$150	
Clause 56 (2)	\$150	
Clause 57 (2)	\$150	
Clause 58 (1) (a)	\$150	
Clause 58 (1) (b)	\$150	
Clause 58 (3)	\$150	\$300
Clause 59	\$200	
Clause 60	\$150	
Clause 62 (1)	\$150	
Clause 62 (3)	\$150	
Clause 63 (1)	\$150	
Clause 65 (2)	\$150	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 66 (a)	\$150	
Clause 66 (b)	\$150	
Clause 67 (2)	\$150	
Clause 67 (3)	\$150	
Clause 68 (2)	\$150	
Clause 69 (1)	\$150	
Clause 70 (1)	\$150	
Clause 70 (2)	\$100	
Clause 70 (3)	\$150	
Clause 70 (4)	\$150	
Clause 70 (7)	\$150	
Clause 70A (1)	Not applicable	\$5,000
Clause 70B (2)	Not applicable	\$750
Clause 70B (3)	Not applicable	\$750
Clause 70C (2)	Not applicable	\$750
Clause 71 (a)	\$200	
Clause 71 (b)	\$200	
Clause 72 (1)	\$150	
Clause 72 (2)	\$150	
Clause 73	\$50	
Clause 74 (2)	\$100	
Clause 75 (2)	\$100	

Passenger Transport (Taxi-cab Services) Amendment (Sydney Airport)
Regulation 2002

Schedule 1 Amendments

Column 1	Column 2	Column 3
Provision	Penalty	Penalty (Sydney Airport precinct)
Clause 76 (2)	\$100	
Clause 81 (4)	\$300	
Clause 83	\$200	
Clause 84 (1)	\$150	
Clause 84 (2)	\$150	
Clause 85 (2)	\$150	
Schedule 1, clause 2	\$500	
Schedule 1, clause 3	\$200	
Schedule 1, clause 4 (1)	\$200	



New South Wales

Public Authorities (Financial Arrangements) Amendment (Crown Transactions Entity) Regulation 2002

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

An authority referred to in Schedule 3 to the *Public Authorities (Financial Arrangements) Regulation 2000* is declared to have, in respect of all funds of or under the control of the authority, the investment powers described in Part 4 of Schedule 4 to the *Public Authorities (Financial Arrangements) Act 1987*.

The entities listed in Schedule 4 to the *Public Authorities (Financial Arrangements) Regulation 2000* are prescribed as being within the definition of **authority** in section 3 (1) of the *Public Authorities (Financial Arrangements) Act 1987*.

The object of this Regulation is to omit the Crown Transactions Entity, the Treasury from Schedules 3 and 4 to the *Public Authorities (Financial Arrangements) Regulation 2000*.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including the definition of **authority** in section 3 (1), section 24 and section 43 (the general regulation-making power).

Clause 1 Public Authorities (Financial Arrangements) Amendment (Crown
Transactions Entity) Regulation 2002

Public Authorities (Financial Arrangements) Amendment (Crown Transactions Entity) Regulation 2002

under the

Public Authorities (Financial Arrangements) Act 1987

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements)
Amendment (Crown Transactions Entity) Regulation 2002*.

2 Amendment of Public Authorities (Financial Arrangements) Regulation 2000

The *Public Authorities (Financial Arrangements) Regulation 2000*
is amended as set out in Schedule 1.

Public Authorities (Financial Arrangements) Amendment (Crown
Transactions Entity) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedules 3 and 4

Omit “Crown Transactions Entity, the Treasury” from Schedules 3 and 4.

Public Authorities (Financial Arrangements) Amendment (Public Trustee) Regulation 2002

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to amend the *Public Authorities (Financial Arrangements) Regulation 2000* to provide for additional investment powers for the Public Trustee in respect of the operation of a bond portfolio.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including clause 2 (c) of Schedule 4 and section 43 (the general regulation-making power).

Clause 1 Public Authorities (Financial Arrangements) Amendment (Public Trustee)
 Regulation 2002

Public Authorities (Financial Arrangements) Amendment (Public Trustee) Regulation 2002

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Public Trustee) Regulation 2002*.

2 Amendment of Public Authorities (Financial Arrangements) Regulation 2000

The *Public Authorities (Financial Arrangements) Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 52L

Insert after clause 52K:

52L Additional investment powers—Public Trustee

The following additional investments are prescribed in respect of the Public Trustee for the purposes of clause 2 (c) of Schedule 4 to the Act:

Any investment in bonds that have an eligible rating and that are issued by a bank, building society or credit union or by an eligible entity.



Public Finance and Audit Amendment (Hour-Glass Investment Facility) Regulation 2002

under the

Public Finance and Audit Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Finance and Audit Act 1983*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to amend the *Public Finance and Audit Regulation 2000* to provide that deposits with the New South Wales Treasury Corporation, a prescribed investment for the purposes of section 20 (e) of the *Public Finance and Audit Act 1983*, include investments in an Hour-Glass investment facility.

This Regulation is made under the *Public Finance and Audit Act 1983*, including sections 20 and 64 (the general regulation-making power).

Clause 1 Public Finance and Audit Amendment (Hour-Glass Investment Facility)
 Regulation 2002

Public Finance and Audit Amendment (Hour-Glass Investment Facility) Regulation 2002

under the

Public Finance and Audit Act 1983

1 Name of Regulation

This Regulation is the *Public Finance and Audit Amendment (Hour-Glass Investment Facility) Regulation 2002*.

2 Amendment of Public Finance and Audit Regulation 2000

The *Public Finance and Audit Regulation 2000* is amended as set out in Schedule 1.

Public Finance and Audit Amendment (Hour-Glass Investment Facility)
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 16 Prescribed investments

Omit clause 16 (1) (i). Insert instead:

- (i) deposits with the New South Wales Treasury Corporation, including investments in an Hour-Glass investment facility of the Treasury Corporation (being a unit trust scheme within the meaning of the *Duties Act 1997*),



New South Wales

Road Transport (Driver Licensing) Amendment (Level Crossing Offences) Regulation 2002

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to prescribe specified demerit points for certain offences relating to level crossings.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 (offences for which demerit points are incurred) and 19 (the general regulation-making power).

Clause 1 Road Transport (Driver Licensing) Amendment (Level Crossing Offences)
Regulation 2002

Road Transport (Driver Licensing) Amendment (Level Crossing Offences) Regulation 2002

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Level Crossing Offences) Regulation 2002*.

2 Commencement

This Regulation commences on 1 January 2003.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Level Crossing Offences)
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 1 Demerit points offences and penalties

Insert the following matter at the end of Part 2:

Enter a level crossing when warning lights or bells operating	3	4	Rule 123 (a) of <i>Australian Road Rules</i>
Enter a level crossing when gate, boom or barrier is closed, opening or closing	3	4	Rule 123 (b) of <i>Australian Road Rules</i>
Enter a level crossing when a train or tram is on or entering the crossing	3	4	Rule 123 (c) of <i>Australian Road Rules</i>
Enter a level crossing when a train or tram is approaching the crossing	3	4	Rule 123 (d) of <i>Australian Road Rules</i>
Enter a level crossing when crossing or road beyond is blocked	3	4	Rule 123 (e) of <i>Australian Road Rules</i>
Fail to leave a level crossing	3	4	Rule 124 of <i>Australian Road Rules</i>



Road Transport (General) (Penalty Notice Offences) Amendment (Level Crossing Offences) Regulation 2002

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* to increase the penalty notice amount for certain offences relating to level crossings to \$300.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 and 71 (the general regulation-making power).

Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment (Level Crossing Offences) Regulation 2002

Road Transport (General) (Penalty Notice Offences) Amendment (Level Crossing Offences) Regulation 2002

under the

Road Transport (General) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Level Crossing Offences) Regulation 2002*.

2 Commencement

This Regulation commences on 1 January 2003.

3 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 1999

The *Road Transport (General) (Penalty Notice Offences) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment (Level Crossing Offences) Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Schedule 2 Penalty notice offences

Omit “Rule 121; Rule 122;”, “Rule 123 (e); Rule 124;” and “; Rule 123” from Column 1 of the matter relating to the Australian Road Rules.

[2] Schedule 2

Insert in appropriate order in the matter relating to the Australian Road Rules:

Rule 121; Rule 122; Rule 123; Rule 124

1

300

Road Transport (General) (Penalty Notice Offences) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to introduce penalties for fitting non-complying bullbars, roobars, nudge bars and other frontal protection systems to motor vehicles.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 and 71 (the general regulation-making power).

Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

Road Transport (General) (Penalty Notice Offences) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

1 Name of Regulation

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002*.

2 Commencement

This Regulation commences on 1 January 2003.

3 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 2 Penalty notice offences

Insert after paragraph (u) in the matter relating to clause 57 (1) (a) of the *Road Transport (Vehicle Registration) Regulation 1998*:

- (v) clause 25 (3), motor vehicle manufactured on or after 1, 2 99
1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002, *Motor Vehicle Frontal Protection Systems, Part 1: Road User Protection* because of:
- (i) incorrect method of mounting vehicle frontal protection system, or
 - (ii) exposed edges, or
 - (iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or
 - (iv) use of non-standard or non-approved vehicle frontal protection system, or
 - (v) dangerous protrusions (such as fishing rod holders, aerials, winches and brackets for the mounting of spot lamps) fitted to vehicle frontal protection system.



Road Transport (General) (Penalty Notice Offences) Amendment Regulation 2002

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* so as:

- (a) to abolish Class 11 and Class 12 officers (within the meaning of that Regulation), and
- (b) to renumber Class 13 officers (within the meaning of that Regulation) as Class 12 officers for the purpose of preserving a cross-reference in another statutory rule, and
- (c) to make consequential amendments to Schedule 2 to that Regulation, which (among other things) prescribes the various classes of officers who may issue penalty notices for the purposes of the *Road Transport (General) Act 1999*, and
- (d) to omit references to “authorised officers” in certain definitions and replace them with references to “enforcement officers” to reflect a recent change in their titles, and
- (e) to correct a typographical error in the amount of a fine carried over from the former *Road Transport (General) (Short Descriptions and Penalty Notice Offences) Regulation 1999*.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general power to make regulations) and section 15.

Clause 1 Road Transport (General) (Penalty Notice Offences) Amendment
 Regulation 2002

Road Transport (General) (Penalty Notice Offences) Amendment Regulation 2002

under the

Road Transport (General) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (General) (Penalty Notice Offences) Amendment Regulation 2002*.

2 Amendment of Road Transport (General) (Penalty Notice Offences) Regulation 2002

The *Road Transport (General) (Penalty Notice Offences) Regulation 2002* is amended as set out in Schedule 1.

Road Transport (General) (Penalty Notice Offences) Amendment
Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Authorised officers

Omit “authorised officer” wherever occurring in the definitions of *Class 6 officer* and *Class 7 officer*.

Insert instead “enforcement officer”.

[2] Schedule 1

Omit the definitions of *Class 11 officer*, *Class 12 officer* and *Class 13 officer*.

Insert instead:

Class 12 officer means a person:

- (a) who is employed by a local council, or
- (b) who is subject to the control and direction of a local council,

and who is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 of that Act.

[3] Schedule 2 Penalty notice offences

Omit “, 11”, “, 11, 12”, and “, 12, 13” wherever occurring in Column 2.

Insert instead “, 12”.

[4] Schedule 2

Omit “25” from Column 3 of the matter relating to clause 59 (2) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead “275”.

Road Transport (Vehicle Registration) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 1998* to provide for safety standards for vehicle frontal protection systems (such as bullbars, roobars and nudge bars) fitted to certain motor vehicles.

The new standard (AS 4876.1—2002, *Motor Vehicle Frontal Protection Systems*) is in addition to Australian Design Rule 69 and other relevant Australian Design Rules. The new standard covers, among others, the mountings, exposed edges, shape of material and profile used for bumper replacement bullbars, over-bumper bullbars and nudge bars.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 14 (the general regulation-making power) and 15A.

Clause 1 Road Transport (Vehicle Registration) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

Road Transport (Vehicle Registration) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002*.

2 Commencement

This Regulation commences on 1 January 2003.

3 Amendment of Road Transport (Vehicle Registration) Regulation 1998

The *Road Transport (Vehicle Registration) Regulation 1998* is amended as set out in Schedule 1.

Road Transport (Vehicle Registration) Amendment (Motor Vehicle Frontal Protection Systems) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Schedule 4 Vehicle standards

Insert after clause 25 (2):

- (3) A vehicle frontal protection system that is fitted on a motor vehicle that:
- (a) has a GVM not over 3.5 tonnes, and
 - (b) is manufactured on or after 1 January 2003,

must comply with AS 4876.1—2002, *Motor Vehicle Frontal Protection Systems* (except clause 3.2).

Note. Under clause 3.1 of AS 4876.1—2002, a vehicle fitted with a vehicle frontal protection system must continue to comply with all applicable Australian Design Rules.

- (4) Subclause (3) does not apply to a vehicle frontal protection system fitted on a motor vehicle if the model of the vehicle is a model of a kind manufactured before 1 January 2003.
- (5) In this clause:

vehicle frontal protection system means a structure fitted to the front of a vehicle to reduce damage to the vehicle structure and systems in the event of either a front-end impact or an animal strike.

Note. Examples of vehicle frontal protections systems are bullbars, roobars and nudge bars. Vehicle frontal protections systems may be fitted in front of, or in place of, vehicle bumpers.

Sydney Water Catchment Management (General) Amendment (Fees) Regulation 2002

under the

Sydney Water Catchment Management Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Water Catchment Management Act 1998*.

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

Explanatory note

The object of this Regulation is to prescribe the fees that the Sydney Catchment Authority may charge, pursuant to section 24E of the *Sydney Water Catchment Management Act 1998*:

- (a) for supplying water to water supply authorities, local councils and county councils, as referred to in section 16 (1) (b) of that Act, and
- (b) for supplying water to other persons and bodies, as referred to in section 16 (1) (c) of that Act.

This Regulation also confers on the Sydney Catchment Authority an express power to waive, reduce or remit any such fee in such circumstances as it considers appropriate.

This Regulation is made under the *Sydney Water Catchment Management Act 1998*, including section 74 (the general power to make regulations) and section 24E.

Clause 1 Sydney Water Catchment Management (General) Amendment (Fees)
 Regulation 2002

Sydney Water Catchment Management (General) Amendment (Fees) Regulation 2002

1 Name of Regulation

This Regulation is the *Sydney Water Catchment Management (General) Amendment (Fees) Regulation 2002*.

2 Amendment of Sydney Water Catchment Management (General) Regulation 2000

The *Sydney Water Catchment Management (General) Regulation 2000* is amended as set out in Schedule 1.

Sydney Water Catchment Management (General) Amendment (Fees)
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clauses 29A and 29B

Insert after clause 29:

29A Prescribed local councils

The following local councils are prescribed for the purposes of section 16 (1) (b) of the Act:

Wingecarribee Shire Council

Shoalhaven City Council

29B Fees

- (1) For the purposes of section 24E of the Act, the fees chargeable by the Authority:
 - (a) for water supplied to prescribed local councils, as referred to in section 16 (1) (b) of the Act, and
 - (b) for water supplied to other persons and bodies, as referred to in section 16 (1) (c) of the Act,are the fees fixed in that regard by the Independent Pricing and Regulatory Tribunal in Determination No 10, 2000, made under the *Independent Pricing and Regulatory Tribunal Act 1992* and published in Gazette No 125 of 22 September 2000 at pages 10,778 to 10,787.
- (2) The Authority may waive, reduce or remit any such fee in such circumstances as it considers appropriate.

Threatened Species Conservation Regulation 2002

under the

Threatened Species Conservation Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Threatened Species Conservation Act 1995*.

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

Explanatory note

The object of this Regulation is to provide for the protection of critical habitat, declared under the *Threatened Species Conservation Act 1995*, in particular the critical habitat of the Little Penguin population in North Sydney Harbour. The Regulation:

- (a) prohibits a person from allowing a companion animal to enter the critical habitat, except for an animal that is being used as an assistance animal by a person with a disability, and
- (b) prohibits a person from taking fish from the critical habitat between sunset and sunrise during the Little Penguin breeding season, and
- (c) prohibits a person from interfering with a burrow or nesting box in the critical habitat, and
- (d) prohibits a person from knowingly being within 5 metres of a Little Penguin while that penguin is on land in the critical habitat or from knowingly disturbing a Little Penguin in the critical habitat if the bird is moulting, and
- (e) permits an authorised officer to make one or more of the following directions if the officer is of the opinion that a person is contravening the Regulation or disturbing a Little Penguin's breeding or moulting activities, or is likely to do so:

Threatened Species Conservation Regulation 2002

Explanatory note

- (i) direct the person to cease a particular activity within the critical habitat,
- (ii) direct the person to leave the critical habitat, and
- (f) provides a number of defences to prosecution under the Regulation.

This Regulation is made under the *Threatened Species Conservation Act 1995*, including sections 51 and 150 (the general regulation-making power).

Threatened Species Conservation Regulation 2002

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Clause 1 Threatened Species Conservation Regulation 2002

Part 1 Preliminary

Threatened Species Conservation Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Threatened Species Conservation Regulation 2002*.

2 Commencement

This Regulation commences on 1 January 2003.

3 Definitions

In this Regulation:

authorised officer means:

- (a) an officer or employee of the National Parks and Wildlife Service, or
- (b) a person who is authorised by the Director-General to exercise the powers conferred on an authorised officer by this Regulation, or
- (c) a police officer.

the Act means the *Threatened Species Conservation Act 1995*.

4 Notes

The notes in the text of this Regulation do not form part of this Regulation.

Threatened Species Conservation Regulation 2002

Clause 5

Little Penguin critical habitat

Part 2

Part 2 Little Penguin critical habitat

5 Definitions

In this Part:

Little Penguin breeding season means the period from 1 July in any year until 28 February in the following year (both dates inclusive).

Little Penguin critical habitat means the area of land declared to be the critical habitat of the endangered population of Little Penguin at North Sydney Harbour, as described in the notification published in the Gazette under section 47 of the Act (as amended from time to time under section 49 of the Act).

Little Penguin critical habitat area A means the area marked A on the Little Penguin critical habitat map.

Little Penguin critical habitat area B means the area marked B on the Little Penguin critical habitat map.

Little Penguin critical habitat map means the map showing the location of the Little Penguin critical habitat, as published in the Gazette under section 53 of the Act.

6 Application of Part

This Part does not have effect until the notification referred to in the definition of *Little Penguin critical habitat*, and the Little Penguin critical habitat map, are published in the Gazette.

7 Companion animals prohibited

- (1) A person must not bring a companion animal into the Little Penguin critical habitat.

Maximum penalty: 50 penalty units.

- (2) If a companion animal is found in the Little Penguin critical habitat:

- (a) the owner of the companion animal, or
- (b) if the owner is not present at the time of the offence and another person who is of or above the age of 16 years is in charge of the companion animal at that time, that other person, is guilty of an offence.

Maximum penalty: 50 penalty units.

Clause 7 Threatened Species Conservation Regulation 2002

Part 2 Little Penguin critical habitat

- (3) In any prosecution for an offence against this clause it is a defence if the defendant establishes that the relevant companion animal is an assistance animal that was being used by a person with a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth).
- (4) In any prosecution of the owner of a companion animal for an offence against this clause it is a defence if the defendant establishes that:
- (a) another owner of the animal has been convicted of an offence arising out of the same circumstances, or
 - (b) the commission by another owner of the animal of an offence arising out of the same circumstances has been proved but a court has made an order under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in respect of the offence, or
 - (c) the offence could not have been avoided by any reasonable efforts on the defendant's part.

- (5) In this clause:

assistance animal means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

Note. That section refers to a guide dog, a dog trained to assist a person in activities where hearing is required and any other animal trained to assist a person to alleviate the effect of a disability.

companion animal and **owner** of a companion animal have the same meaning as in the *Companion Animals Act 1998*.

8 Fishing

- (1) A person must not take or attempt to take fish from the Little Penguin critical habitat between sunset and sunrise during the Little Penguin breeding season.

Maximum penalty: 50 penalty units.

- (2) In this clause, **take** fish has the same meaning as in section 4 (1) of the *Fisheries Management Act 1994*.

9 Interference with burrows or nests

A person must not interfere with a burrow or nesting box in the Little Penguin critical habitat.

Maximum penalty: 50 penalty units.

Threatened Species Conservation Regulation 2002

Clause 9

Little Penguin critical habitat

Part 2

Note. Section 118C of the *National Parks and Wildlife Act 1974* also provides that a person must not, by an act or an omission, do anything that causes damage to any critical habitat. The maximum penalty for a contravention is 2,000 penalty units or imprisonment for 2 years or both.

10 Interference with penguins

- (1) A person must not knowingly be within 5 metres of a Little Penguin while that penguin is on land in the Little Penguin critical habitat.

Maximum penalty: 50 penalty units.

- (2) A person must not knowingly disturb a Little Penguin in the Little Penguin critical habitat if the bird is moulting.

Maximum penalty: 50 penalty units.

- (3) In this clause, *disturb* a Little Penguin includes shining a light on the penguin.

11 Directions given by an authorised officer

- (1) If an authorised officer is of the opinion that a person is contravening this Regulation or disturbing a Little Penguin's breeding or moulting activities, or is likely to do so, the officer may make one or more of the following directions:

- (a) direct the person to cease a particular activity within the Little Penguin critical habitat,
- (b) direct the person to leave the Little Penguin critical habitat.

- (2) A person must not, without reasonable excuse, fail to comply with a direction given under subclause (1).

Maximum penalty: 50 penalty units.

- (3) A person is not guilty of an offence of failing or refusing to comply with a direction given under subclause (1) unless it is established that the authorised officer:

- (a) warned the person that a failure or refusal to comply with the direction is an offence, and
- (b) identified himself or herself as an authorised officer.

12 Defences

It is a defence to a prosecution for an offence against this Regulation if the defendant proves that the act constituting the offence:

Clause 12 Threatened Species Conservation Regulation 2002

Part 2 Little Penguin critical habitat

- (a) was authorised to be done, and was done in accordance with, a licence granted under the *National Parks and Wildlife Act 1974* or under Part 6 of the *Threatened Species Conservation Act 1995*, or
- (b) was the subject of a certificate issued under section 95 (2) of the *Threatened Species Conservation Act 1995*, or
- (c) was essential for the carrying out of:
 - (i) development in accordance with a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*, or
 - (ii) an activity, whether by a determining authority or pursuant to an approval of a determining authority within the meaning of Part 5 of that Act, if the determining authority has complied with that Part, or
- (d) was authorised to be done by or under Part 2 of the *Rural Fires Act 1997*, the *State Emergency and Rescue Management Act 1989* or the *State Emergency Service Act 1989* and was reasonably necessary in order to avoid a threat to life or property, or
- (e) was carried out:
 - (i) by an officer or employee of the National Parks and Wildlife Service in the exercise of his or her functions as such an officer or employee, or
 - (ii) by an authorised officer in the exercise of his or her functions as such an officer, or
 - (iii) by an officer or employee of Manly Council, NSW Fisheries, the Waterways Authority or the Environment Protection Authority in the exercise of his or her monitoring or enforcement functions as such an officer or employee, or
 - (iv) with the consent of the Director-General given in the form of a licence, permit, approval or other form of written authorisation.



New South Wales

Westpac Banking Corporation (Transfer of Incorporation) Amendment (Savings and Transitional Provisions) Regulation 2002

under the

Westpac Banking Corporation (Transfer of Incorporation) Act
2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to make provision of a savings and transitional nature consequent on the repeal of certain legislation relating to Westpac Banking Corporation (*Westpac*) under the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000* on 20 December 2002.

Westpac became a public company limited by shares under the *Corporations Act 2001* of the Commonwealth on 23 August 2002. The repeal of the State legislation relating to Westpac will include the repeal of legislation that constituted Westpac Banking Corporation as a body corporate under State law. The provision to be inserted in the *Westpac Banking Corporation (Transfer of Incorporation) Regulation 2001* makes it clear that Westpac (as constituted as a company under the *Corporations Act 2001* of the Commonwealth) is a continuation of, and the same legal entity as, the body corporate originally constituted under the repealed State law.

This Regulation is made under the *Westpac Banking Corporation (Transfer of Incorporation) Act 2000*, including section 13 (the general regulation-making power) and clause 1 of Schedule 1.

Clause 1 Westpac Banking Corporation (Transfer of Incorporation) Amendment
(Savings and Transitional Provisions) Regulation 2002

Westpac Banking Corporation (Transfer of Incorporation) Amendment (Savings and Transitional Provisions) Regulation 2002

under the

Westpac Banking Corporation (Transfer of Incorporation) Act 2000

1 Name of Regulation

This Regulation is the *Westpac Banking Corporation (Transfer of Incorporation) Amendment (Savings and Transitional Provisions) Regulation 2002*.

2 Commencement

This Regulation commences on 20 December 2002.

3 Amendment of Westpac Banking Corporation (Transfer of Incorporation) Regulation 2001

The *Westpac Banking Corporation (Transfer of Incorporation) Regulation 2001* is amended as set out in Schedule 1.

Westpac Banking Corporation (Transfer of Incorporation) Amendment
(Savings and Transitional Provisions) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 5

Insert after clause 4:

5 Westpac company same legal entity as Westpac

Westpac company is taken to be a continuation of, and the same legal entity as, Westpac.

Other Legislation



Notice of Final Determination and Amendment of Schedule 1 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following species of insect as endangered species in Part 1 of Schedule 1 to that Act and, accordingly, that Schedule is amended as set out in Annexure “A” to this Notice:

Animals

Invertebrates

Arthropoda

Insecta

Lepidoptera

Hesperiidae

Ocybadistes knightorum (Lambkin & Donaldson, 1994)

Black Grass-dart
Butterfly

Nymphalidae

Argyreus hyperbius (Linnaeus, 1763)

Laced Fritillary or
Australian Fritillary

The final determination to insert these species in Part 1 of Schedule 1 has been made because the Scientific Committee is of the opinion that these species are likely to become extinct in nature in New South Wales unless the circumstances

Notice of Final Determination and Amendment of Schedule 1 to Act

and factors threatening their survival or evolutionary development cease to operate.

Copies of the final determination may be inspected during business hours at:

The National Parks Centre
102 George St
The Rocks
Sydney

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Signed at Sydney, this 11th day of December 2002.

Dr Chris Dickman
Chairperson
Scientific Committee

Annexure "A"

Schedule 1 to the *Threatened Species Conservation Act 1995* is amended by inserting in Part 1 under the heading "Animals" and the sub-headings "Invertebrates", "Arthropoda", "Insecta" and "Lepidoptera" and immediately before the sub-heading "Lycaenidae" the matter:

Hesperiidae

Ocybadistes knightorum (Lambkin & Donaldson, 1994)

Black Grass-dart
Butterfly

Nymphalidae

Argyreus hyperbius (Linnaeus, 1763)

Laced Fritillary or
Australian Fritillary



New South Wales

Notice of Final Determination and Amendment of Schedule 1 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following species of fungi as endangered species in Part 1 of Schedule 1 to that Act and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Animals

Invertebrates

Fungi

Basidiomycota

Hygrophoraceae

Hygrocybe collucera A.M.Young, R Kearney & E. Kearney

Hygrocybe griseoramosa A.M.Young, R Kearney & E. Kearney

The final determination to insert these species in Part 1 of Schedule 1 has been made because the Scientific Committee is of the opinion that these species are likely to become extinct in nature in New South Wales unless the circumstances and factors threatening their survival or evolutionary development cease to operate.

Notice of Final Determination and Amendment of Schedule 1 to Act

Copies of the final determination may be inspected during business hours at:

The National Parks Centre
102 George St
The Rocks
Sydney

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Signed at Sydney, this 11th day of December 2002.

Dr Chris Dickman
Chairperson
Scientific Committee

Annexure "A"

Schedule 1 to the *Threatened Species Conservation Act 1995* is amended by inserting in Part 1 in alphabetical order under the heading "Animals" and the sub-headings "Invertebrates", "Fungi", "Basidiomycota" and "Hygrophoraceae" the matter:

Hygrocybe collucera A.M.Young, R Kearney & E. Kearney

Hygrocybe griseoramosa A.M.Young, R Kearney & E. Kearney



Notice of Final Determination and Amendment of Schedule 1 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following population of plant as an endangered population in Part 2 of Schedule 1 to that Act and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Plants

Asclepiadaceae

Marsdenia viridiflora R. Br. subsp. *viridiflora*

Marsdenia viridiflora R. Br. subsp. *viridiflora* population in the Bankstown, Blacktown, Camden, Campbelltown, Fairfield, Holroyd, Liverpool and Penrith local government areas

The final determination to insert this population in Part 2 of Schedule 1 has been made because the Scientific Committee is of the opinion that the population's numbers have been reduced to such a critical level, and its habitat has been so drastically reduced, that it is in immediate danger of extinction, that it is not a population of a species already listed in Schedule 1 and that it is disjunct and at or near the limit of its geographic range.

Notice of Final Determination and Amendment of Schedule 1 to Act

Copies of the final determination may be inspected during business hours at:

The National Parks Centre
102 George St
The Rocks
Sydney

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Signed at Sydney, this 11th day of December 2002.

Dr Chris Dickman
Chairperson
Scientific Committee

Annexure "A"

Schedule 1 to the *Threatened Species Conservation Act 1995* is amended by inserting in Part 2 immediately under the heading "Plants" the matter:

Asclepiadaceae

Marsdenia viridiflora R. Br. subsp. *viridiflora*

Marsdenia viridiflora R. Br. subsp. *viridiflora* population in the Bankstown, Blacktown, Camden, Campbelltown, Fairfield, Holroyd, Liverpool and Penrith local government areas



New South Wales

Notice of Final Determination and Amendment of Schedules 1 and 2 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination as follows:

- (a) to insert the following species of plant as an endangered species in Part 1 of Schedule 1 to that Act:

Plants

Myrtaceae

Micromyrtus minutiflora (F. Muell.) Benth.

- (b) as a consequence, to omit reference to that species of plant as a vulnerable species in Schedule 2,

and, accordingly, those Schedules are amended as set out in Annexure "A" to this Notice.

The final determination to insert this species in Part 1 of Schedule 1 has been made because the Scientific Committee is of the opinion that the species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Notice of Final Determination and Amendment of Schedules 1 and 2 to Act

Copies of the final determination may be inspected during business hours at:

The National Parks Centre

102 George St

The Rocks

Sydney

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Signed at Sydney, this 11th day of December 2002.

Dr Chris Dickman

Chairperson

Scientific Committee

Annexure "A"

Schedule 1 to the *Threatened Species Conservation Act 1995* is amended by inserting in Part 1 in alphabetical order under the heading "Plants" and the sub-heading "Myrtaceae" the matter:

Micromyrtus minutiflora (F. Muell.) Benth.

Schedule 2 to the *Threatened Species Conservation Act 1995* is amended by omitting the following matter under the heading "Plants" and the sub-heading "Myrtaceae":

**Micromyrtus minutiflora* (F. Muell.) Benth.



New South Wales

Notice of Final Determination and Amendment of Schedule 1 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following species of plant as an endangered species in Part 1 of Schedule 1 to that Act and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Plants

Orchidaceae

Oberonia complanata (A. Cunn.) M.A. Clem. & D.L. Jones

The final determination to insert this species in Part 1 of Schedule 1 has been made because the Scientific Committee is of the opinion that the species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Copies of the final determination may be inspected during business hours at:

The National Parks Centre

102 George St

The Rocks

Sydney

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Notice of Final Determination and Amendment of Schedule 1 to Act

Signed at Sydney, this 11th day of December 2002.

Dr Chris Dickman
Chairperson
Scientific Committee

Annexure "A"

Schedule 1 to the *Threatened Species Conservation Act 1995* is amended by inserting in Part 1 in alphabetical order under the heading "Plants" and the sub-heading "Orchidaceae" the matter:

Oberonia complanata (A. Cunn.) M.A. Clem. & D.L. Jones



Notice of Final Determination and Amendment of Schedule 2 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following species of plant as a vulnerable species in Schedule 2 to that Act and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Plants

Rhamnaceae

Pomaderris notata S.T. Blake

The final determination to insert this species in Schedule 2 has been made because the Scientific Committee is of the opinion that the species is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Copies of the final determination may be inspected during business hours at:

The National Parks Centre

102 George St

The Rocks

Sydney

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Signed at Sydney, this 11th day of December 2002.

Notice of Final Determination and Amendment of Schedule 2 to Act

Dr Chris Dickman
Chairperson
Scientific Committee

Annexure "A"

Schedule 2 to the *Threatened Species Conservation Act 1995* is amended by inserting in alphabetical order under the heading "Plants" and the sub-heading "Rhamnaceae" the matter:

Pomaderris notata S.T. Blake



Notice of Final Determination and Amendment of Schedule 1 to Act

under the

Threatened Species Conservation Act 1995 No 101

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has, in pursuance of Division 3 of Part 2 of that Act, made a final determination to insert the following species of reptile as an endangered species in Part 1 of Schedule 1 to that Act and, accordingly, that Schedule is amended as set out in Annexure "A" to this Notice:

Animals

Vertebrates

Reptiles

Agamidae

Ctenophorus decresii (Duméril and Bibron) 1837 Tawny Crevice-dragon

The final determination to insert this species in Part 1 of Schedule 1 has been made because the Scientific Committee is of the opinion that the species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Copies of the final determination may be inspected during business hours at:

The National Parks Centre
102 George St
The Rocks
Sydney

Notice of Final Determination and Amendment of Schedule 1 to Act

and at Area Offices or Visitor Centres of the National Parks and Wildlife Service.

Signed at Sydney, this 11th day of December 2002.

Dr Chris Dickman
Chairperson
Scientific Committee

Annexure "A"

Schedule 1 to the *Threatened Species Conservation Act 1995* is amended by inserting in Part 1 in alphabetical order under the heading "Animals" and the sub-headings "Vertebrates", "Reptiles" and "Agamidae" the matter:

Ctenophorus decresii (Duméril and Bibron) 1837 Tawny Crevice-dragon

OFFICIAL NOTICES

Appointments

ART GALLERY OF NEW SOUTH WALES ACT 1980

Appointment of Trustees

Art Gallery of New South Wales Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Art Gallery of New South Wales Act 1980, the following persons being appointed as trustees of the Art Gallery of NSW from 1 January 2003 to 31 December 2005:

- (i) Janet LAURENCE, pursuant to section 6 (1) (re-appointment)
- (ii) Pierce CODY (re-appointment)
- (iii) Dr John YU (re-appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

AUSTRALIAN MUSEUM TRUST ACT 1975

Appointment of Trustees

Australian Museum Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Australian Museum Trust Act 1975, the following persons being appointed as trustees of the Australian Museum from 1 January 2003 to 31 December 2005:

- (i) Associate Professor Helen Ronnie HARDING, pursuant to Schedule 1, Clause 1(a) (new appointment)
- (ii) Andrew ROBERTS (re-appointment)
- (iii) Sam MOSTYN (new appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

The Cabinet Office, Sydney
18 December 2002

CONSTITUTION ACT 1902

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR HEALTH

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable JR Face, MP, Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development, to act for and on behalf of the Minister for Health, as of and from 21 December 2002, with a view to him performing the duties of the Honourable C J Knowles, MP, during his absence from duty.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
18 December 2002

CONSTITUTION ACT 1902

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR PUBLIC WORKS AND SERVICES, MINISTER FOR SPORT AND RECREATION, AND MINISTER ASSISTING THE PREMIER ON CITIZENSHIP

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable H F Woods, MP, Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs, to act for and on behalf of the Minister for Public Works and Services, and Minister for Sport and Recreation, as on and from 23 December 2002, with a view to him performing the duties of the Honourable M Iemma, MP, during his absence from duty.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
18 December 2002

CONSTITUTION ACT 1902

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE MINISTER FOR SMALL BUSINESS, MINISTER FOR TOURISM, AND MINISTER FOR WOMEN

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable AJ Refshauge, MP, Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing, to act for and on behalf of the Minister for Small Business, Minister for Tourism, and Minister for Women from 28 December 2002 with a view to him performing the duties of the Honourable SC Nori, MP, during her absence from duty.

BOB CARR, M.P.,
Premier

The Cabinet Office, Sydney
11 December 2002

CONSTITUTION ACT 1902

MINISTERIAL ARRANGEMENTS DURING THE ABSENCE OF THE DEPUTY PREMIER, MINISTER FOR PLANNING, MINISTER FOR ABORIGINAL AFFAIRS, AND MINISTER FOR HOUSING

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable KM Yeadon, MP, Minister for Information Technology, Minister for Energy,

Minister for Forestry, and Minister for Western Sydney, to act for and on behalf of the Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing, from 13 December 2002, with a view to him performing the duties of the Honourable AJ Refshauge, MP, during his absence from duty.

BOB CARR, M.P.,
Premier

FILM AND TELEVISION OFFICE ACT 1988

Appointment of Members

Board of the New South Wales Film and Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Film and Television Office Act 1988, the following persons being appointed as members of the Board of the New South Wales Film and Television Office from 1 January 2003 to 31 December 2005:

- (i) Shane SIMPSON, (re-appointment)
- (ii) Sarah DOWLAND, (re appointment)
- (iii) Andrew MASON, (new appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974

HER Excellency the Governor, with the advice of the Executive Council, and pursuant to the provisions of the Growth Centres (Development Corporations) Act 1974, appoints Tony POOLEY as a member of the South Sydney Development Corporation for a term commencing 23 October 2002 and ending on 1 August 2004 or until he ceases to hold office as Mayor of South Sydney, whichever first occurs.

ANDREW REFSHAUGE, M.P.,
Deputy Premier,
Minister for Planning,
Minister for Aboriginal Affairs
and Minister for Housing

HISTORIC HOUSES ACT 1980

Appointment of Trustees

Historic Houses Trust of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Historic Houses Act 1980, the following persons being appointed as Trustees of the Historic Houses Trust of New South Wales from 1 January 2003 to 31 December 2005:

- i) Neville ALLEN (re-appointment)
- ii) Elaine LAWSON (new appointment)
- iii) Bruce McWILLIAM (new appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

LIBRARY ACT 1939

Appointment of Members

Library Council of New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Library Act 1939, the following persons being appointed as members of the Library Council of New South Wales:

- (i) Robert KNIGHT pursuant to Schedule 1, Clause 1(b) (re-appointment) from 1 January 2003 to 31 December 2005
 - (ii) Robert PURVES (re-appointment) from 1 January 2003 to 31 December 2005
 - (iii) Paul MURNANE (new appointment) from 1 January 2003 to 31 December 2005,
- and
- (iv) Dr Bridget GRIFFEN-FOLEY (new appointment) from 1 January to 31 December 2003

BOB CARR, M.P.,
Premier and Minister for the Arts

MUSEUM OF APPLIED ARTS AND SCIENCES ACT 1945

Appointment of Trustees

Board of Trustees of the Museum of Applied Arts and Sciences

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 4 of the Museum of Applied Arts and Sciences Act 1945, the following persons being appointed as Trustees of the Museum of Applied Arts and Sciences:

- (i) Dr Anne SUMMERS, AO (re-appointment) from 1 January 2003 to 31 December 2005
- (ii) Susan GRAY (re-appointment) from 1 January 2003 to 31 December 2005
- (iii) Mark BOURIS (new appointment) from 1 January 2003 to 31 December 2005, and
- (iv) Trisha DIXSON (new appointment) from 1 January to 31 December 2003

and Professor Ron Johnston being designated pursuant to section 4 (2) (b) from 1 January to December 2003

BOB CARR, M.P.,
Premier and Minister for the Arts

NOXIOUS WEEDS ACT 1993

Authorised Officer

I, RICHARD FREDRICK SHELDRAKE, Director-General of the Department of Agriculture, pursuant to section 42(1) of the Noxious Weeds Act 1993, authorise the persons listed in the Schedule to act as border inspectors for the purposes of the said Act.

Dated this 12th day of December 2002.

R. F. SHELDRAKE,
Director-General

Schedule

Darryl Thomas Amos	Robert Brian Maloney
Trevor John Batterham	Graham Patrick MCGovern
David John Beck	Maxwell Brian McLeod
Peter Michael Benn	Kevin Alexander McMahon
Gregory John Betland	Ian Alfred Molyneaux
Cheryl Margaret Bradford	Allan John Morton
Michael Edwin	Victor Charles Muller
Francis Bernadone	Marie Therese Nolan
Barry James Chapman	James Nugent
Kenneth George Chittick	Dennis O'donnell
Stephen Barry Coleman	Robert Henry Pellagreen
Allan John Collett	Stephen Ross Petrie
Ivan Daniel Connor	Douglass Bruce Redmond
Geraldine Mary Crawley	Nancy Richardson
Michael Gary Cusack	Janine Louise Roche
Rodney Keith Devantier	Anne Rowsell
Alan Doust	Alan Joshua Saul
Glenn Dransfield	Ian Richardson Schnitzerling
Colin Keith Dwyer	Beverley Joan Schnitzerling
Edward Leonard Elford	Harold Martin Schnitzerling
Larry Alexander Falls	Neil John Smith
Nola May Farrowell	Carolyn Clare Smith
Vida Rose Faulkner	Allyssa Mary Staggs
Arthur John Felton	Daniel James Sullivan
John Thomas Fields	Mark Dwayne Tully
Alister Bryant Flint	Peter Malcolm Turgeon
Patricia Beryl Garth	Paul Veares
Kenneth Edward Hickling	Steven Waterson
Frederick Hobday	Robert Fairley Whelan
Jaqueline Jerome	Kenneth Ross Wilcock
Mervyn George Johnson	Catherine Diane Williams
Beth Michele Johnston	Kenneth Leslie Williams
Graham Charles Kellaway	Ronald John Williams
Audrey Sophia Knight	Barrie Robert Willows
	Eric Leslie Young

PLANT DISEASES ACT 1924

Appointment Of Inspectors

I, RICHARD FREDERICK SHELDRAKE, Director General of the Department of Agriculture, pursuant to section 11(1) of the Plant Diseases Act 1924 ("the Act") appoint the person named in the Schedule as inspectors under the Act:

Schedule

Paul HANRAHAN.

Dated this 12th day of December 2002

R. F. SHELDRAKE,
Director-General

STATE RECORDS ACT 1998

Appointment of Members

Board of the State Records Authority of
New South Wales

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 69 of the State Records Act 1998, the following persons being appointed as members of the Board of the State Records Authority from 1 January 2003 to 31 December 2005:

- (i) Councillor Darreia TURLEY, pursuant to section 69 (2) (a) and (3) (b) (new appointment)
- (ii) Peter LOXTON, pursuant to section 69 (2) (b) and (4) (a) (new appointment)
- (iii) Peter TINSLAY, pursuant to section 69 (2) (a) and (3) (c) (re-appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

SYDNEY OPERA HOUSE TRUST ACT 1961

Appointment of Trustees

Sydney Opera House Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Sydney Opera House Trust Act 1961, the following persons being re-appointed as Trustees of the Sydney Opera House Trust from 1 January 2003 to 31 December 2005:

- (i) Gail BURKE (re-appointment)
- (ii) Jacqueline KOTT (re-appointment)
- (iii) Tim McFARLANE (re-appointment)

BOB CARR, M.P.,
Premier and Minister for the Arts

VETERINARY SURGEONS ACT 1986

Appointment of President and Members

Veterinary Surgeons Board

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 5(2) and Section 6 of the Veterinary Surgeons Act 1986, has been pleased to make the following appointment of the President and the members of the Board of Veterinary Surgeons of New South Wales for a term commencing on 1 January 2003 and expiring on 31st December 2005.

Pursuant to section 5(2)(a)	Dr Garth McGILVRAY Dr Ruth THOMPSON Dr Tanya STEPHENS
Pursuant to section 5(2)(b)	Dr Richard JANE Dr Timothy CRISP
Pursuant to section 5(2)(c)	Associate Professor David EVANS
Pursuant to section 6	Dr Garth McGILVRAY (President of the Board)

Dated this 18th day of December 2002

RICHARD AMERY M.P.,
Minister For Agriculture

NSW Agriculture

PLANT DISEASES ACT 1924

Authority to Exercise Inspectors' Functions

I HEREBY authorise, pursuant 11 (3) of the Plant Diseases Act 1924, the undermentioned persons to exercise such of the functions of an Inspector as are specified in this authority, for the purpose of eradicating and preventing the spread of fruit fly (Family *Tephritidae*).

List of Authorised Persons:

Rodney HONSON
Wayne RALPH
Donald KEMP
Desmond HAND

FUNCTIONS of an inspector authorised to be exercised:

Sections 9(1)	seizure of plants
13(1)	powers to display stop signs, stop vehicles etc
13(1B)(a)	power to enter vehicles for the purpose of searching for or inspecting any fruit, etc.
13(1B)(c)	power to enter vehicles for the purpose of determining whether any duty or obligation imposed by or under the Act has been discharged
13(1BA)	power to open any part of a vehicle and to open any coverings, for the purpose of searching for or inspecting any fruit or coverings
25A	demand name and place of abode of person committing an offence.

The specified functions may be exercised by an authorised person:

- Only on a road or in a public place or vehicle on a road or in any public place; and
- Only in relation to fruit which the authorised person: has reasonable grounds of suspecting are infected or likely to convey infection; or to have been introduced into the State or any portion of the State; or
- Which are being conveyed or dealt with in contravention of any proclamation, notification, order under the Plant Diseases Act 1924 or under the Plant Regulation 1996.

This authority is limited in its operation to:

NSW Portion of the Fruit Fly Exclusion Zone pursuant to section 11 (4) of the Plant Diseases Act.

R. F. SHELDRAKE,
Director-General

Dated this 12th day of December 2002.

STOCK DISEASES ACT 1923

Notification No. 1763 – OJD

“Green Bank” Quarantine Area – Jindera

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to section 10 of the Stock Diseases Act 1923 (‘the Act’), declare the land described in the Schedule to be a quarantine area on account of the presence or suspected presence of Johne’s disease in sheep, goats, and deer (other than fallow deer) (“the stock”).

Note: It is an offence under section 20C(1)(c) of the Act to move any of the stock or cause or permit any of the stock to be moved out of a quarantine area, unless they are moved in accordance with a permit under section 7(6) or an order under section 8(1)(b) or when all of the conditions set out in section 20C(3) are satisfied.

The course of action to be taken by the owner or occupier of the land in the quarantine area or the owner or person in charge of the stock in the quarantine area shall be as ordered by an inspector.

Schedule

Owner:	R. G. NATION
Shire:	Hume
County:	Goulburn
Parish:	Huon
Land:	Lots 28, 53, 58, 132, 145, 146, and 191 in DP 753342, Lots 169 and 170 in DP 753345, Lot 301 in DP 806527

Dated this 15th day of December 2002.

RICHARD AMERY, M.P.,
Minister For Agriculture

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following class 1 Aquaculture Lease:

OL57/306 within the estuary of Port Stephens having an area of 1.9825 hectares to Kim Louise Post and Leon Maxwell Post of Karuah, NSW, for a term of 15 years expiring on 29 August 2017.

OL72/060 within the estuary of Port Stephens having an area of 0.9225 hectares to Kim Louise Post and Leon Maxwell Post of Karuah, NSW, for a term of 15 years expiring on 30 June 2017.

OL56/179 within the estuary of Port Stephens having an area of 0.4225 hectares to Kim Louise Post and Leon Maxwell Post of Karuah, NSW, for a term of 15 years expiring on 31 May 2017.

Clause 37 (3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 aquaculture lease:

AL02/004 within the estuary of the Crookhaven River having an area of 0.6032 hectares to John Collison and Annette Collison of Myola, NSW, for a term of 15 years expiring on 18 July 2017.

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Aquaculture Lease Application – Wonboyn River

Notification under s.163(7) of the Fisheries Management Act 1994, and cl.33 of the Fisheries Management (Aquaculture) Regulation 2002

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

Location is at Wonboyn River, identical to former oyster lease OL73/300, Parish of Wonboyn, County of Auckland, Shire of Imlay, area approx. 1.7153 hectares. Further details about the location of the proposed lease may be obtained by contacting NSW Fisheries', Aquaculture Administration Section, on (02) 4982 1232. If granted, the lease will be subject to standard covenants and conditions of an aquaculture lease as imposed by NSW Fisheries.

NSW Fisheries is calling for written objections from any persons wishing to object to the leasing of the area, citing the reasons for objection.

NSW Fisheries is also calling for expressions of interest from other persons or corporations interested in leasing the area specified above, for the purposes of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL73/300, signed and dated with a return address. Enquiries contact NSW Fisheries, Aquaculture Administration Section, on (02) 4982 1232.

Objections or expressions of interest must be received at the address below, within 40 days from the date of publication of this notification.

If additional expressions of interest are received within 40 days, NSW Fisheries may offer the area for leasing through a competitive public tender process. If no expressions of interest are received, the application pending will be considered as a new application under either Part 4 or Part 5 of the Environmental Planning and Assessment Act 1979.

The Director of Fisheries
NSW Fisheries
Aquaculture Administration Section
Port Stephens Fisheries Centre
Private Bag 1
NELSON BAY NSW 2315

The Hon EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

Department of Land and Water Conservation

Land Conservation

DEPARTMENT OF LAND AND WATER CONSERVATION

Land Conservation

ERRATUM

THE Department of Land and Water Conservation section of the Government Gazette of the 13 December 2002, No 255 starting at folio 10641 was published with an incorrect date in the header

“13 December 2001”

this should have read

“13 December 2002”

this erratum amends that error.

DUBBO OFFICE
Department of Land and Water Conservation
142 Brisbane Street (PO Box 865), Dubbo, NSW 2830
Phone: (02) 6841 5200 Fax: (02) 6841 5231

ERRATUM

IN the notice which appeared in the Government Gazette of the 1 November, 2002, Folio 9374 under the heading of "Notification of Closing of Roads", the Notice is hereby amended by the deletion of the text "Local Government Area of Dubbo", and the insertion of the text "Local Government Area of Narromine" in Lieu of. File No. DB98H72.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation
and Minister for Fair Trading

FAR WEST REGIONAL OFFICE
Department of Land and Water Conservation
45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 of the Crown Lands Act 1989, the land described in the Schedule hereunder is declared to be Crown land within the meaning of that Act.

(WL88H14).

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

—————
SCHEDULE

All that parcel of land compulsorily acquired by the Roads and Traffic Authority by notification in the Government Gazette of 8 September 2000, Folio 10316, under the Land Acquisition (Just Terms Compensation) Act of 1991, being Lot 1 DP 1006604 in the Parish of Euminbah, County of Finch of 3.874 hectares. Folio Identifier 1/1006604.

—————

GOULBURN OFFICE
Department of Land and Water Conservation
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151 of the Act, 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.

John Aquilina, M.P.,
Minister for Land and Water Conservation

—————
SCHEDULE 1

Parish — Boro;
County — Argyle;
Land District — Goulburn;
Shire — Mulwaree

DESCRIPTION: Crown road though Lot 89, DP 750004 and Lot 34, DP 665174.

—————
SCHEDULE 2

Roads Authority: The Council of the Shire of Mulwaree.

Council's Ref: 012/414.

Reference: GB02H344.

GRAFTON OFFICE
Department of Land and Water Conservation
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE**COLUMN 1**

Land District: Grafton
 Local Government Area: Maclean Shire Council
 Locality: Yamba

Lot	Sec.	D.P. No.	Parish	County
186		47046	Yamba	Clarence
187		47046	Yamba	Clarence

Area: 504m².
 File Reference: GF02R82.

COLUMN 2

Reserve No. 1003009
 Public Purpose:
 Public Recreation And Coastal Environmental
 Protection
 Notified: 7 September 2001

Lot	Sec.	D.P. No.	Parish	County
7040		1023318	Yamba	Clarence
7041		1023320	Yamba	Clarence
7042		1023322	Yamba	Clarence
7030		751395 #	Yamba	Clarence
7045		1045348	Yamba	Clarence

New Area: 46.5ha.

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

DISSOLUTION OF RESERVE TRUST

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1
 Mallanganee (R83808)
 Reserve Trust

COLUMN 2
 Reserve No. 83808
 Public Purpose:
 Public Recreation Resting Place
 Notified: 19 April 1962
 File Reference: GF02R53

APPOINTMENT OF TRUST BOARD MEMBERS

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Raymond Francis Jeffery (ex-officio member) Gordon Richard Gates (new member) Patrick Julian Byrnes (new member) Kenneth Brown (new member) Ellen White (new member) Barbara Joyce Jeffery (new member) Ronald Leslie Doyle (re-appointment) James Kevin Saul (re-appointment)	Dirawong Reserve Trust	Reserve No. 140012 Public Purpose: Conservation of Aboriginal Heritage Preservation of Native Flora Preservation of Fauna Public Recreation Notified: 9 January 1987 File Reference: GF86R65

For a term commencing the date of this notice and expiring 12 December 2007.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1
 Mallanganee Public Hall
 Trust

COLUMN 2
 Reserve No. 83808
 Public Purpose:
 Public Recreation Resting Place
 Notified: 19 April 1962
 File Reference: GF02R53

**REVOCAION 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.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1

COLUMN 2

Land District: Grafton	The whole being Lot 274, DP No
Local Government Area: Maclean Shire Council	751388, Parish Taloumbi, County Clarence of an area of 177.1m2
Locality: Taloumbi	
Reserve No. 93149	
Public Purpose: Future Public Requirements	
Notified: 18 July 1980	
File Reference: GF80H526	

Note: Land previously reserved for Public Recreation.

MAITLAND OFFICE
Department of Land and Water Conservation
Newcastle Road (PO Box 6), East Maitland, NSW 2323
Phone: (02) 4934 2280 Fax: (02) 4934 2252

ROADS ACT 1993**ORDER**

Transfer of Crown Roads to a Council

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE 1

Parish — Teralb;
County — Northumberland;
Land District — Newcastle;
Local Government Area — Lake Macquarie

That part of the Crown public roads being Northlakes Drive and Crane Close Estelville, 20.115 metres wide and variable width, as shown by hatching hereunder.

**SCHEDULE 2**

Roads Authority: Lake Macquarie City Council.

File No: MD96H326.

Council's Reference: 1/2518/0010.

ROADS ACT 1993

ORDER

Transfer of Crown Roads to a Council

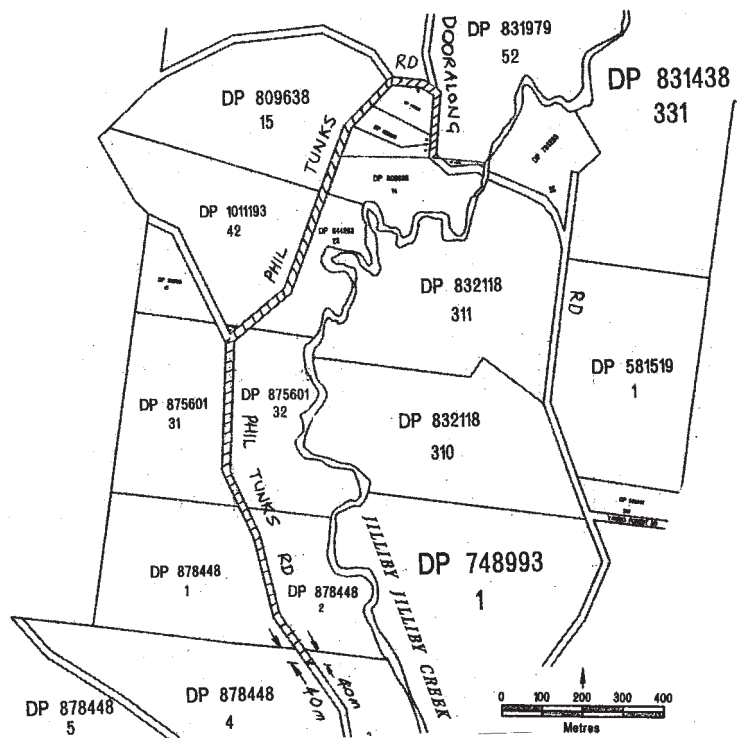
IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown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

SCHEDULE 1

*Parish — Olney;
County — Northumberland;
Land District — Gosford;
Local Government Area — Wyong*

That part of the Crown public roads being Dooralong Road and Phil Tunks Road Lemon Tree, 20.115 metres wide and variable width, as shown by hatching hereunder.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation



SCHEDULE 2

SCHEDULE 2

Roads Authority: Wyong Shire Council.

File No: MD97 H142.

Council's Reference: R2278.

ORANGE OFFICE
Department of Land and Water Conservation
92 Kite Street (PO Box 2146), Orange, NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

**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.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Blayney Shire Council	Carcoar Bush Fire Reserve Trust	Reserve No. 1004248 Public Purpose: Public Recreation Rural Services Notified: This Day File Reference: OE92R2/1

For a term commencing this day.

APPOINTMENT OF TRUST BOARD MEMBERS

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

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Terrence Eugene Reardon (re-appointment) Darryl Norman Henley (re-appointment) Jill Mary Slennett (re-appointment) Robert Ernest Helyar (re-appointment)	West Milby Recreation Reserve Trust	Reserve No. 84196 Public Purpose: Public Recreation Notified: 15 February 1963 Reserve No. 45614 Public Purpose: Public Hall Notified: 17 August 1910 File Reference: OE81R73/3

For a term commencing this day and expiring 19 December 2007.

SYDNEY METROPOLITAN OFFICE
Department of Land and Water Conservation
Level 12, Macquarie Tower 10 Valentine Avenue, Parramatta NSW 2124
(PO Box 3935, Parramatta NSW 2124
Phone: (02) 9895 7657 Fax: (02) 9895 6227

NOTIFICATION OF CLOSING OF ROAD

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation.

Descriptions

*Land District — Metropolitan;
 L.G.A.— Holroyd*

Lot 1, D.P. 1045966 at Greystanes, Parish Prospect (Sheet 4), County Cumberland, (being land in CT Vol. 11261 Folio 239 and CT Vol. 11262 Folio 52).

MN00H125.

Note: On closing, title for the land in lot 1 remains vested in Holroyd City Council as operational land.

REVOCATION OF PROCLAMATION OF CROWN LAND FOR A PUBLIC PURPOSE

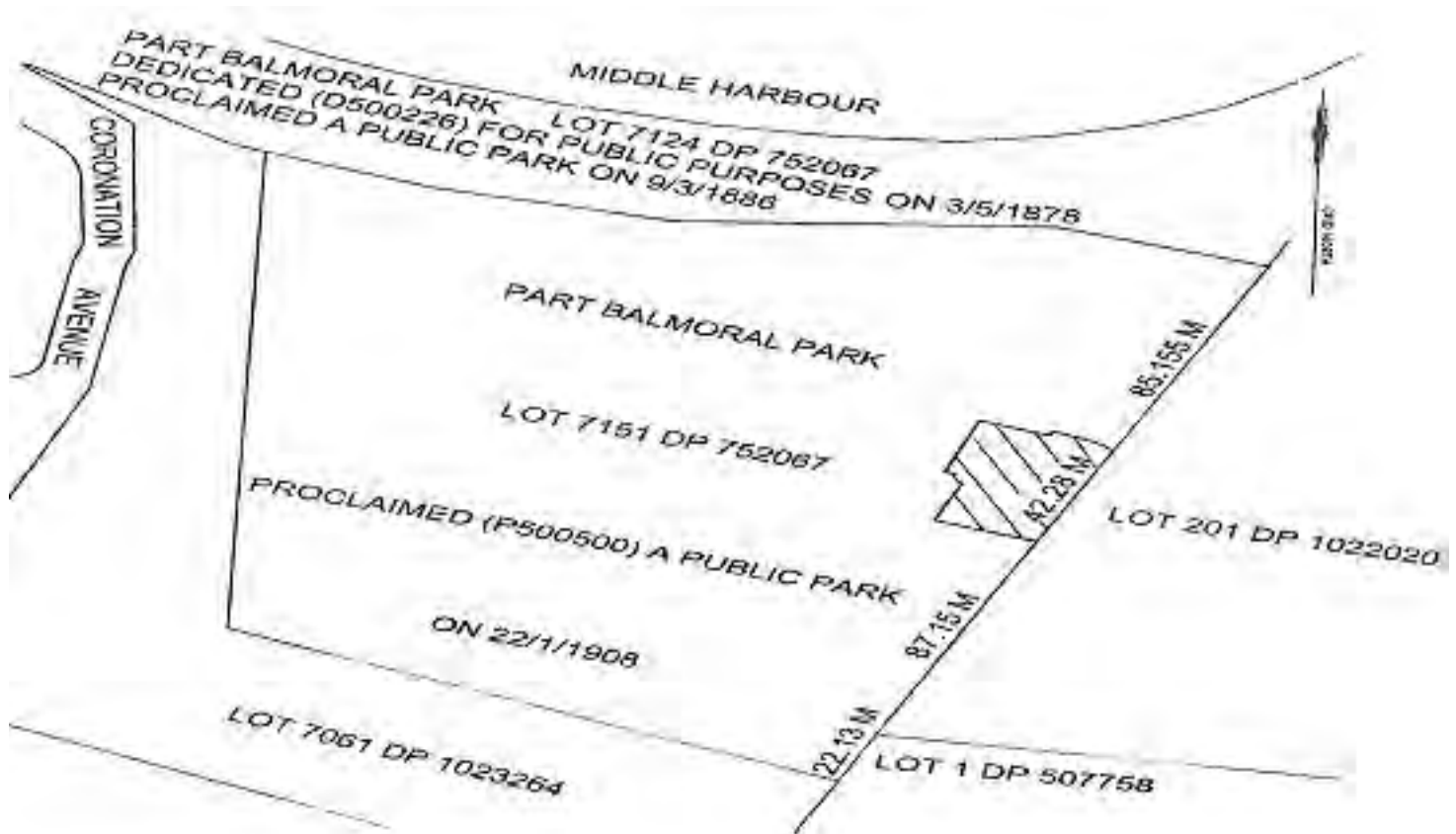
PURSUANT to section 84 of the Crown Lands Act 1989, the proclamation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1
 Land Distric: Metropolitan
 Municipality: Mosman
 Parish: Willughby
 County: Cumberland
 Locality: Balmora

COLUMN 2
 The part within Lot 7151 DP 752067 as shown hatched on diagram hereunder comprising about 1267 square metres.
 File No. MN02R72



RESERVATION OF CROWN LAND

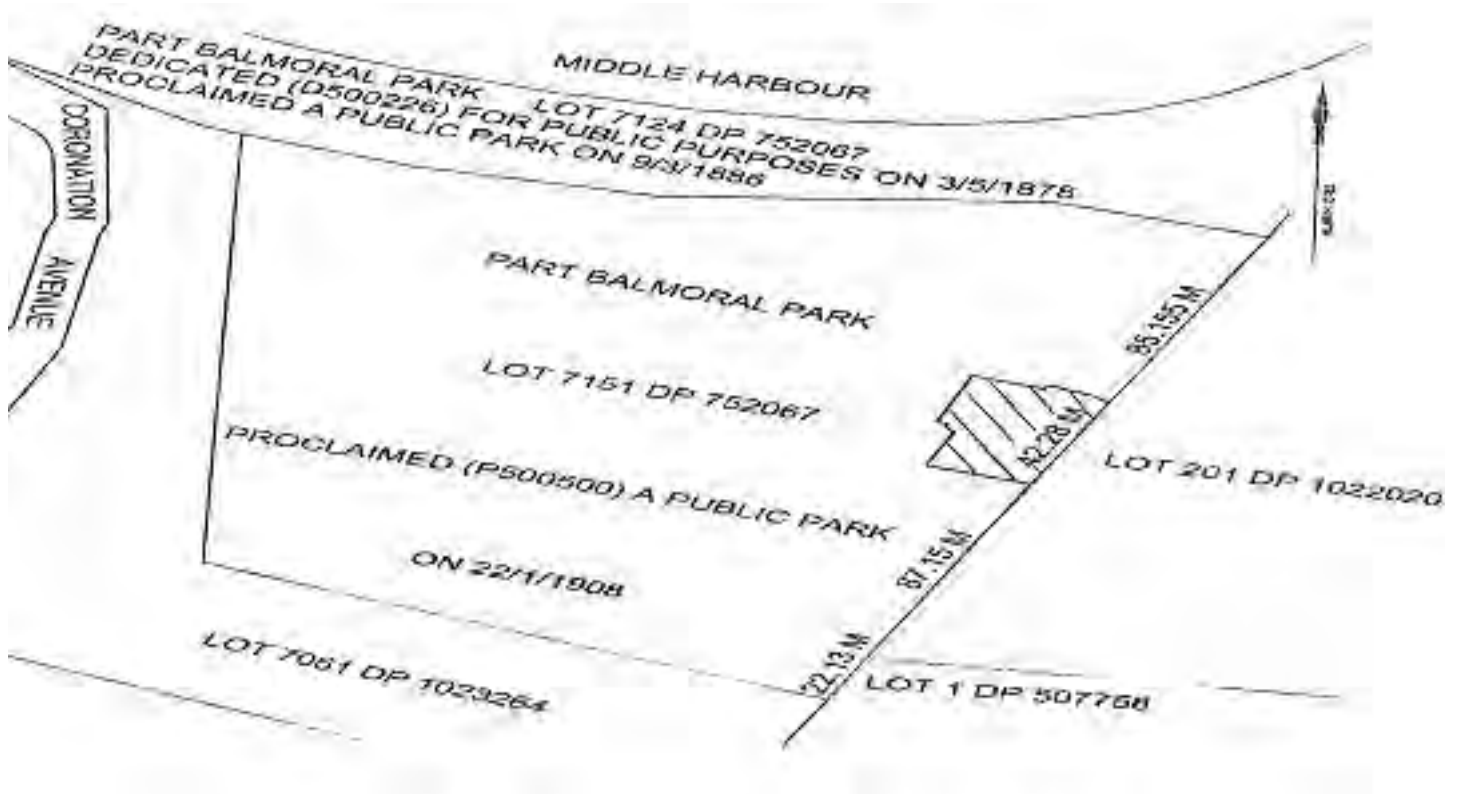
PURSUANT to Section 87 of the Crown Lands Act, 1989, the Crown land specified in Column 1 of the Schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

COLUMN 1
Land District :
Metropolitan
Municipality: Mosman
Parish : Willoughby
County : Cumberland
Locality : Balmoral
Area : The part within
Lot 7151 DP 752067
as shown hatched on
diagram hereunder
comprising
about 1267 square
metres
(File No: MN02R72)

SCHEDULE

COLUMN 2
Reserve No. 1004168 for
Community purposes



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.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

APPOINTMENT OF CORPORATION TO MANAGE A 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.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2
Part Balmoral Park	Reserve No. 100468 at
(R1004168) Reserve Trust	Balmoral for Community purposes
File No: MN02R72	notified this day

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Mosman Council	Part Balmoral	Reserve No. 1004168 at
	Park (R1004168)	Balmoral for Community
	Reserve Trust	Purposes notified this day.
		File Ref: MN02R72

TAREE OFFICE
Department of Land and Water Conservation
102-112 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

**DRAFT ASSESSMENT OF LAND UNDER PART 3
OF THE CROWN LANDS ACT 1989 AND CROWN
LANDS REGULATION 1995**

THE Minister for Land and Water Conservation has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Department of Land and Water Conservation, 102-112 Victoria Street, Taree and at the Offices of Greater Taree City Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 20 December 2002 to 20 January 2002 and should be sent to the Manager, Resource Knowledge, Department of Land and Water Conservation, P.O. Box 440, Taree, 2430. Telephone enquiries should be directed to the Taree office on 02 6552 2788.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation
and Minister for Fair Trading

Description: Part Bed of Manning River being R56146 from Sale or Lease Generally (notified 11 May 1923) fronting 11 Newtons Rd, Dumaresq Island.

Reason: Consideration of application for licence for domestic jetty fronting freehold land.

Contact Officer: Bob Birse.

(File No. TE02 H 131).

WAGGA WAGGA OFFICE
Department of Land and Water Conservation
43–45 Johnston Street (PO Box 10), Wagga Wagga, NSW 2650
Phone: (02) 6923 0400 Fax: (02) 6931 0397

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

Parish - Morven;
County - Hume;
Land District - Albury;
Shire - Culcairn

SCHEDULE 1

Crown Public Road 20.115 metres wide within the Village of Morven being Richmond Street between Culcairn and Brownrigg Streets including the intersection of Herriott Street; Greene Street between Culcairn and Brownrigg Streets including the intersection of Henty and Herriott Streets and between Brownrigg and Huon Streets including the intersection of Atkins Street; Purtell Street between Culcairn and Brownrigg Streets including the intersections of Regent, Henty and Herriott Streets; Mate Street between Brownrigg and East Streets including the intersections of Atkins, Keating, Huon and East Streets; East Street between Mate Street and Mazzochi's Road excluding the intersections of Mazzochi's Road and Mate Street; Henty Street between Greene and Purtell Streets; Regent Street between Ingram and Purtell Streets; Mazzochi's Road commencing from East Street including the intersection and continuing east to the eastern boundary of Lot 180 DP 753751.

SCHEDULE 2

Roads Authority: Culcairn Shire Council.

File No: WA02H135.

APPOINTMENT OF TRUST BOARD MEMBERS

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

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Barry William Roberts (new member)	Kindra Park Trust	Dedication No. 620051
Harvey Vaughan Higgins (new member)		Public Purpose: Recreation
Peter Leonard Bartholomew (new member)		Public Notified: 5 June 1894
Sheree Ann Rudd (new member)		File Reference: WA82R83

For a term commencing the date of this notice and expiring 31 January 2004.

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to Section 138 of the Crown Lands Act, 1989, the land described in the schedule hereunder, is declared to be Crown land within the meaning of that Act.

JOHN AQUILINA, M.P.,
 Minister for Land and Water Conservation

SCHEDULE

Folio Identifiers 1/396538 and 1/795365 in the Parish of South Wagga Wagga, County Wynyard, L.G.A.: City of Wagga Wagga.

WA02H196.

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

The Minister for Land and Water Conservation has prepared a draft assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Griffith District Office of the Department of Land and Water Conservation, Banna Street, Griffith, and at the Bland Shire Council Chambers, Shire Street, West Wyalong, during normal working hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of forty (40) days commencing from the 20th December 2002 until the 31st January 2003 and should be sent to the Land Assessment Officer, Department of Land and Water Conservation, PO Box 10 Wagga Wagga 2650. Please quote reference number 109973A. Griffith District Office File - GH00H89.

Reason for assessment: The purpose of this assessment is to address the future use of the land described hereunder.

JOHN AQUILLINA, M.P.,
Minister for Land and Water Conservation

Description: Crown land at Mt Narriah comprising a total area of approximately 19.48 hectares being Lot 7001 DP 96988. Parish of Narriah, County of Cooper and Local Government Area of Bland.

Contact Officer: Shona Cowley 02-6923 0474.

Water Conservation

WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under section 20E (2) of the Water Act 1912, as amended.

An application for an Amended Authority within a proclaimed local area as generally described hereunder has been received as follows:

Namoi River Valley

J & P CAROLAN INVESTMENTS PTY LIMITED and OTHERS for an Amended Authority for a joint water supply scheme for works on Pian Creek on Part TSR 27150, DP753945, Parish of Merah North, County of Jamison for stock and domestic purposes and irrigation of 1,791 hectares. (To amend 90SA11654 to include 1,126 megalitres of existing entitlement by way of permanent transfer (J & P Carolan, D Phelps and J Phelps) and additional lands). LO Papers 90SA11685.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON
Manager Resource Access
Department of Land and Water Conservation
PO Box 550
TAMWORTH NSW 2340

WATER ACT 1912

AN APPLICATION under Part 2 of the Water Act 1912, being within a Proclaimed (declared) Local Area under section 5 (4) of the Act.

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

Barwon/Darling River Valley

Bruce Edward CAULFIELD for 1 pump on the Darling River Lot 40/756969, Parish of Palinyewah, County of Wentworth, for irrigation of 7 hectares (replacement licence – due to permanent interstate transfer- no increase in commitment to Murray River storages) (Ref:60SL085404) (GA2:512556).

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

P. WINTON
Natural Resource Project Officer
Murray Region
Department of Land and Water Conservation
PO Box 363
32 Enterprise Way
BURONGA NSW 2739
Phone (03) 5021 9400

WATER ACT 1912

APPLICATIONS under Part 2 within a Proclaimed (declared) Local Area under section 5 (4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

Murrumbidgee Valley

Gino Rino and Gloria Antonietta Serafina ALTIN for a pump on the Murrumbidgee River, Lot 1, DP 867699, Parish of Tubbo, County of Boyd, for a water supply for stock purposes and irrigation of 66.66 hectares (pasture). Licence application as a result of a permanent water transfer of 200 megalitres, no increase in valley allocation. Reference: 40SL70856.

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

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB
Resource Access Manager
Murrumbidgee Region
Department of Land & Water Conservation
PO Box 156
LEETON NSW 2705

WATER ACT 1912

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

An application for a licence under section 10 of Part 2 of the Water Act has been received as follows:

Lachlan River Valley

Paul Nelson GREENWOOD for a pump on the Lachlan River on Lot 1104, DP 762352, Parish of Wyadra, County of Franklin for water supply for domestic and stock purposes and for irrigation of 445.50 hectares. (New Licence – replacing existing entitlement.) (GA2:512468) (70SL090870)

Written Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

VIV RUSSELL
Manager Resource Access
Central West Region
Department of Land and Water Conservation
PO Box 136
FORBES NSW 2871
Phone 6852 1222

WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

An application for a licence within a proclaimed local area as generally described hereunder has been received as follows:

Gwydir River Valley

MORETON PASTORAL CO. for two (2) pumps on the Mehi River on Lot 11, DP 751796 and Lot 20, DP 751796, Parish of Whittaker, County of Courallie for water supply for stock and irrigation of 850 hectares (cotton). This application is a permanent transfer of 54 megalitres of Gwydir River entitlement. LO Papers 90SL100633. GA2460829.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON
Manager Resource Access
Department of Land and Water Conservation
PO Box 550
TAMWORTH NSW 2340

WATER ACT 1912

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

An Application for a licence under section 10 of Part 2 of the Water Act has been received as follows:

Lachlan River Valley

Reginald George BUTTERWORTH and Suzane Hoskins BUTTERWORTH for a pump on Murringo Creek on Reserve R54695, Lot 7009, DP 1026391, Parish of Murringo, County of Monteagle for water supply for stock and domestic purposes. (New Licence) (GA2:512469) (70SL090871)

Written Objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

VIV RUSSELL
Manager Resource Access
Central West Region
Department of Land and Water Conservation
PO Box 136
FORBES NSW 2871
Phone 6852 1222

WATER ACT 1912

AN APPLICATION for a licence under Part 5 of the Water Act 1912, as amended has been received from:

WALGETT SHIRE COUNCIL for a proposed artesian bore Lot 1, Section 11, DP 45034, Parish of Cumborah, County Finch for water supply for town water (new license, Cumborah Town Water Supply drought contingency) (80BL241255)

Any inquiries regarding the above should be directed to the undersigned (telephone 6872 2144).

Formal objections with grounds stating how your interests may be affected must be lodged by 13 January 2003, as prescribed by the Act. (GA2: 494460)

ALLAN AMOS
Natural Resource Project Officer (Resource Access)
Department of Land and Water Conservation
PO Box 342
BOURKE NSW 2840

WATER ACT 1912

An APPLICATION for a licence under Part 5 of the Water Act 1912, as amended, has been received as follows:

Murrumbidgee Valley

David John FAIREY and Gweneth Fay FAIREY for a bore on Lot 298, DP 753632, Parish of Wilkie, County of Harden for a water supply stock, domestic and for the irrigation of 6 hectares (Lucerne, Orchard). New Licence. 40BL189120

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 20 January 2003 as prescribed by the Act.

S. F. WEBB
Resource Access Manager
Murrumbidgee Region
Department of Land and Water Conservation
PO Box 156
LEETON NSW 2705

WATER ACT 1912 – Section 22B**PUMPING RESTRICTIONS**

Commissioners Waters, Apsley River, Tilbuster Ponds, Dumaresq Creek, Tia River, Styx River and their Tributaries, Macleay River and the Tidal Pool

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Commissioners Waters, Apsley River, Tilbuster Ponds, Dumaresq Creek, Tia River, Styx River and their tributaries, Macleay River and the tidal pool is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Friday 13 December 2002 and until further notice, the right to pump water is RESTRICTED to a maximum of twelve hours in any twenty four hour period between the hours of 4 pm and 10 am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00. (GA2: 464885)

DATED this thirteenth day of December 2002.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

WATER ACT 1912 – Section 22B

PUMPING RESTRICTIONS

Pappinbarra River, Hastings River, Forbes River, Thone River, Ellenborough River and their Tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Pappinbarra River, Hastings River, Forbes River, Thone River, Ellenborough River and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Thursday 19 December 2002 and until further notice, the right to pump water is **RESTRICTED** to a maximum of ten hours in any twenty four hour period between the hours of 4 pm and 10 am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00. (GA2: 464886)

DATED this seventeenth day of December 2002.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

WATER ACT 1912 – Section 166A

Notice of Adoption of Floodplain Management Plan

Lower Edward-Wakool Floodplain Management Plan

PURSUANT to clause 15 of Schedule 2 of the Water Act 1912, and having considered the matters set out in section 166C of the Water Act 1912, the Water Administration Ministerial Corporation adopts the Lower Edward-Wakool Floodplain Management Plan as a flood plain management plan for the lands set out in the Schedule of Notice.

SCHEDULE

That part of the Murray-Edward-Wakool Floodplain, designated as a floodplain by order published in the Gazette, 28 September 1984, p 4848, being the area situated in New South Wales and in the:

- (i) floodplain of the Wakool River and Merran Creek downstream of Noorong Road;
- (ii) Edward River floodplain from “Liewah” to the confluence with the Wakool River;
- (iii) Murray River floodplain from the Wakool Junction to “Windomal”. (Y01/1619) (GA2 477330)

JOHN AQUILINA MP
Minister for Land and Water Conservation
for Water Administration Ministerial Corporation

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T02-0468)

No. 2037, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 33 units, for Group 10, dated 9 December, 2002. (Broken Hill Mining Division).

(T02-0469)

No. 2038, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 23 units, for Group 1, dated 13 December, 2002. (Broken Hill Mining Division).

EDWARD OBEID MLC
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T00-0111)

No. 1653, now Exploration Licence No. 6031, MACAPIKA PTY LTD (ACN 083 661 401), County of Kilferra, Map Sheet (7529), area of 5 units, for Group 2, dated 10 December, 2002, for a term until 9 December, 2004.

(T02-0092)

No. 1930, now Exploration Licence No. 6030, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), County of Yancowinna, Map Sheet (7134), area of 14 units, for Group 1, dated 10 December, 2002, for a term until 9 December, 2004.

(C02-0001)

No. 1957, now Exploration Licence No. 5988, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), Counties of Denison and Urana, Map Sheet (8126), area of 7.898 square kilometres, for Group 9, dated 30 August, 2002, for a term until 30 August, 2003.

(T02-0391)

No. 1964, now Exploration Licence No. 6029, MOUNT ISA MINES LIMITED (ACN 009 661 447), County of Ashburnham, Map Sheet (8631), area of 3 units, for Group 1, dated 6 December, 2002, for a term until 5 December, 2004.

MINING LEASE APPLICATION

(C02-0434)

Singleton No. 215, now Mining Lease No. 1525 (Act 1992), MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) and CONSOL ENERGY AUSTRALIA PTY LTD (ACN 097 238 349), Parish of Vane, County of Durham, Map Sheet (9133-3-S), area of 3.992 hectares, for the purpose of cable, telephone line, ventilation shaft, signalling system and generation and transmission of electricity, dated 18 November, 2002, for a term until 17 November, 2023.

EDWARD OBEID MLC
Minister for Mineral Resources

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

(T96-1184)

Exploration Licence No. 5188, AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), area of 8 units. Application for renewal received 9 December, 2002.

(T98-1140)

Exploration Licence No. 5548, ALKANE EXPLORATION LTD (ACN 000 689 216), area of 27 units. Application for renewal received 9 December, 2002.

(T98-1003)

Exploration Licence No. 5662, PEREGRINE MINERAL SANDS N.L. (ACN 009 307 591), area of 400 units. Application for renewal received 13 December, 2002.

(C01-0632)

Consolidated Coal Lease No. 770 (Act 1973), THE WALLERAWANG COLLIERIES LTD (ACN 000 001 436), area of 432 hectares. Application for renewal received 10 December, 2002.

(T02-0160)

Mining Lease No. 1046 (Act 1973), JANDEW PTY LTD (ACN 003 474 557), area of 9.383 hectares. Application for renewal received 11 December, 2002.

(T02-0163)

Mining Purposes Lease No. 132 (Act 1973), ALLAN BAMFORD and FIONA BAMFORD, area of 9416 square metres. Application for renewal received 13 December, 2002.

(T96-0409)

Mining Purposes Lease No. 319 (Act 1973), TIMOTHY IAN ELLIS, area of 2.98 hectares. Application for renewal received 13 December, 2002.

EDWARD OBEID MLC
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T91-0375)

Private Lands (Mining Purposes) Lease No. 3417 (Act 1906), BORAL LIMITED (ACN 008 421 761), Parish of Marulan, County of Argyle, Map Sheet (8928-3-N), area of 6778 square metres, for a further term until 26 February 2023. Renewal takes effect on and from the date of this notice.

(T98-1178)

Exploration Licence No. 5726, TRI ORIGIN AUSTRALIA NL (ACN 062 002 475), Counties of Argyle and Murray, Map Sheet (8727, 8728, 8827, 8828), area of 40 units, for a further term until 9 May, 2004. Renewal effective on and from 13 December, 2002.

(T00-0021)

Exploration Licence No. 5751, ILUKA RESOURCES LIMITED (ACN 008 675 018), Counties of Cairn, Kilfer and Taila, Map Sheet (7529), area of 45 units, for a further term until 11 July, 2004. Renewal effective on and from 3 December, 2002.

EDWARD OBEID MLC
Minister for Mineral Resources

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(T93-0792)

Gold Lease No. 5634 (Act 1906), EVELYN MAY GAZLEY and REGINALD WILLIAM GAZLEY, Parish of Nundle, County of Parry, Map Sheet (9135-3-S), area of 1.09 hectares. The authority ceased to have effect on 9 December, 2002.

EDWARD OBEID MLC
Minister for Mineral Resources

WITHDRAWAL OF APPLICATIONS FOR RENEWAL

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

(T98-1141)

Exploration Licence No. 5653, MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), County of Gloucester, Map Sheet (9232), area of 12 units. The authority ceased to have effect on 11 December, 2002.

(T94-0098)

Mining Lease No. 1316 (Act 1992), MINERAL DEPOSITS (OPERATIONS) PTY LTD (ACN 083 091 963), Parish of Beryan, County of Gloucester, Map Sheet (9433-4-N), area of 73.22 hectares. The authority ceased to have effect on 6 December, 2002.

EDWARD OBEID MLC
Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDERS

NOTICE is given that the following authority has been cancelled:

(T00-0106)

Exploration Licence No. 5819, JERVOIS MINING LIMITED (ACN 007 626 575), County of Forbes and County of Montegale, Map Sheet (8530), area of 20 units. Cancellation took effect on 8 December, 2002.

EDWARD OBEID MLC
Minister for Mineral Resources

TRANSFERS

(C02-0039)

Authorisation No. 268, formerly held by CNA RESOURCES LIMITED (ACN 004 447 938) has been transferred to RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761). The transfer was registered on 11 December, 2002.

(C02-0151)

Consolidated Coal Lease No. 723 (Act 1973), formerly held by CNA RESOURCES LIMITED (ACN 004 447 938) has been transferred to RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761). The transfer was registered on 11 December, 2002.

(C02-0039)

Exploration Licence No. 5297, formerly held by CNA RESOURCES LIMITED (ACN 004 447 938) has been transferred to RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761). The transfer was registered on 11 December, 2002.

(C02-0152)

Mining Lease No. 1357 (Act 1992), formerly held by CNA RESOURCES LIMITED (ACN 004 447 938) has been transferred to RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761). The transfer was registered on 11 December, 2002.

(C02-0039)

Mining Lease No. 1415 (Act 1992), formerly held by CNA RESOURCES LIMITED (ACN 004 447 938) has been transferred to RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761). The transfer was registered on 11 December, 2002.

(C02-0039)

Mining Lease No. 1475 (Act 1992), formerly held by CNA RESOURCES LIMITED (ACN 004 447 938) has been transferred to RAVENSWORTH OPERATIONS PTY LIMITED (ACN 098 937 761). The transfer was registered on 11 December, 2002.

EDWARD OBEID MLC
Minister for Mineral Resources

COAL MINES REGULATION ACT 1982

Approval No.: MDA Ex d 17050 (issue 0)

File No.: C02/0665

Date: 5 November, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: L J H Electrical Mining. ABN 11 948 891 072
Address of Approval Holder: 10 Calistemon Close, WARABROOK NSW 2304
Description of Item/s & Variations: Flameproof Cable Reel
Manufacturer and model / type: L J H Electrical Mining. Type H3227
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof (Ex d)

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No.: C02/0665	Doc No.: d\wes\appmaster\LJH17050priapp.doc	Page 2 of 4
App Holder: L J H Electrical Mining		

COAL MINES REGULATION ACT 1982

Approval No.: MDA Ex ia 17049 (issue 0)

File No.: C02/0596

Date: 2 October, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Austdac Pty Ltd (ABN 31 002 654 695)
Address of Approval Holder: 1 / 4 Packard Avenue CASTLE HILL NSW 2154
Description of Item/s & Variations: Display Trip Amplifier
Manufacturer and model / type: Ausdac Pty Ltd / Type ABBD1
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Intrinsically Safe Ex ia

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0596	Doc No :d\wes\appmaster\AusdacExia17049priapp.doc	Page 2 of 5
App Holder : Austdac Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDCA Ex d 17048 (issue 0)

File No.: C02/0492

Date: 20 August, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Nautitech Mining Services Pty Ltd. (ABN 40 094 272 616)
Address of Approval Holder: Unit 9/6 Anella Ave., CASTLE HILL. NSW 2154
Description of Item/s & Variations: Flame Trap
Manufacturer and model / type: Nautitech Mining Services Pty Ltd / Type 1116-003
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof Exd

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0492	Doc No :d\wes\appmaster\NMS\MDCAExd17048priapp.doc	Page 2 of 3
App Holder : Nautitech Mining Services Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDCA Ex d 17041 (issue 0)

File No.: C02/0493

Date: 21 August, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Nautitech Mining Services Pty Ltd. (ABN 40 094 272 616)
Address of Approval Holder: Unit 9/6 Anella Ave., CASTLE HILL. NSW 2154
Description of Item/s & Variations: Flameproof Enclosure
Manufacturer and model / type: Nautitech Mining Services Pty Ltd / Type 1116-001
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof Exd

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0493	Doc No :d\wes\appmaster\NMS\MDAExd17041priapp.doc	Page 2 of 3
App Holder : Nautitech Mining Services Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDA Ex d 17045 (issue 0)

File No.: C02/0664

Date: 5 November, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: L J H Electrical Mining. ABN 11 948 891 072
Address of Approval Holder: 10 Calistemon Close, WARABROOK. NSW. 2304
Description of Item/s & Variations: Flameproof Headlight
Manufacturer and model / type: L J H Electrical Mining. Type H3220
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof (Ex d)

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

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App Holder : L J H Electrical Mining		

COAL MINES REGULATION ACT 1982

Approval No.: MDA Ex e d s m [ib] 17035 (issue 0)

File No.: C02/0529

Date: 1 September, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Burn Brite Lights (Vic) Pty Ltd
Address of Approval Holder: 2/18 Canterbury Road, KILSYTH, VIC 3137. ABN 53 109 655 654
Description of Item/s & Variations: Ex e S/S Isolator ISPS Boxes
Manufacturer and model / type: Burn Brite Lights Model 480937 & 480945
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Increased Safety (e), Flameproof (d), Special (s), ncapsulated (m) & Intrinsically Safe (ib).

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0529	Doc No :d\wes\appmaster\BBExe17035\priapp.doc	Page 2 of 4
App Holder : Burn Brite Lights (Vic) Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDA Ex d 17052 (issue 0)

File No.: C02/0642

Date: 28 September, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Burn Brite Lights (Vic) Pty Ltd
Address of Approval Holder: 2/18 Canterbury Road, KILSYTH, VIC 3137. ABN 53 109 655 654
Description of Item/s & Variations: Flourescent Luminaire
Manufacturer and model / type: Burn Brite Lights Type FLP1
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof (Ex d).

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0642	Doc No :d\wes\appmaster\BBExd17052\priapp.doc	Page 2 of 4
App Holder : Burn Brite Lights (Vic) Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDCA Ex d s 17051 (issue 0)

File No.: C02/0613

Date: 28 September, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Burn Brite Lights (Vic) Pty Ltd
Address of Approval Holder: 2/18 Canterbury Road, KILSYTH, VIC 3137. ABN 53 109 655 654
Description of Item/s & Variations: Ex d s Primary Plug / Socket Assembly
Manufacturer and model / type: Burn Brite Lights Type 24021 / 28012
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof (d), Special (s)

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0613	Doc No :d\wes\appmaster\BBExds17051\priapp.doc	Page 2 of 3
App Holder : Burn Brite Lights (Vic) Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDCA Ex d 17036 (issue 0)

File No.: C02/0550

Date: 28 September, 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation 1999.

This APPROVAL is issued to: Burn Brite Lights (Vic) Pty Ltd
Address of Approval Holder: 2/18 Canterbury Road, KILSYTH, VIC 3137. ABN 53 109 655 654
Description of Item/s & Variations: Ex d Secondary Socket Assembly
Manufacturer and model / type: Burn Brite Lights Type 28064
C.M.R.A Regulation: Electrical Underground Clause 140 (l)
Specific Approval Category: Explosion Protected – Flameproof (d).

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purposes of the Occupational Health and Safety Act 2000, appended a list of conditions / recommendations, (including drawings, documents, etc.) that are applicable to this Approved Item, as identified during test and / or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and / or User to ensure the Approved Item, and any deviation from the list of conditions / recommendations, in reference to that Item is not inferior in any way to the Item tested and / or assessed, this includes the supply, installation and continuing use of the Approved Item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept File No : C02/0550	Doc No :d\wes\appmaster\BBExd17036\priapp.doc	Page 2 of 3
App Holder : Burn Brite Lights (Vic) Pty Ltd		

COAL MINES REGULATION ACT 1982

Approval No.: MDA Exd 10232

ISSUE: A2586-00

Date: 16 October 2002

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements, and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 71 of the Coal Mines Regulation (General) Regulation 1999.

This APPROVAL is issued to: VA Eimco Australia Pty Ltd ABN 38 070 973 330
Address of Approval Holder: Old Punt Road, TOMAGO NSW 2322
Description of Item/s: ABLS 1100V Flameproof Control Enclosure
Manufacturer: VA Eimco Australia Pty Ltd
Model/Type: –
C.M.R.A Regulation: Coal Mines (Underground) Regulation 1999 Clause: 140 (1)
Specific Approval Category: Explosion Protected – Flameproof

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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L. R. JEGO
 Accredited Assessing Authority (MDA-A2586)
 FOR CHIEF INSPECTOR OF COAL MINES

Dept. File No: C02 / 0618	Page 1 of 3
Approval Holder : VA Eimco Australia Pty Ltd	

Department of Planning

State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy No 62—Sustainable Aquaculture
(Amendment No 1)

State Environmental Planning Policy No 62— Sustainable Aquaculture (Amendment No 1)

1 Name of this Policy

This Policy is *State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 1)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 62—Sustainable Aquaculture* is referred to as the Principal Policy.

3 Aims, objectives etc

This Policy aims:

- (a) to clarify the minimum performance criteria for pond-based and tank-based aquaculture, and
- (b) to clarify that it is for the opinion of the consent authority:
 - (i) as to whether proposed aquaculture development complies with the site location and operational requirements specified in the minimum performance criteria, and
 - (ii) how proposed aquaculture development is to be categorised for the purposes of determining the level of assessment of a development application for consent to carry out the proposed aquaculture development.

4 Land to which this Policy applies

This Policy applies to the land to which the Principal Policy applies.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

State Environmental Planning Policy No 62—Sustainable Aquaculture
(Amendment No 1)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 5)

[1] Clause 7 Pond-based and tank-based aquaculture permissible with consent

Insert “, in the opinion of the consent authority,” after “if” in clause 7 (2).

[2] Clause 8 Natural water-based aquaculture permissible with consent

Insert “, in the opinion of the consent authority,” after “if” in clause 8 (2).

[3] Clause 13 Categorisation of development having regard to project profile analysis

Omit “, by the consent authority in accordance with” from clause 13 (1).
Insert instead “ in accordance with the opinion of the consent authority formed having regard to”.

[4] Clause 18

Insert after clause 17:

18 Application of amendments made by SEPP 62 (Amdt No 1)

The amendments made to this Policy by *State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 1)* extend to a development application made but not finally determined before the amendments commence.

[5] Schedule 1 Pond-based and tank-based aquaculture

Omit clause 3. Insert instead:

3 Acceptable areas for estuarine pond-based aquaculture

Within an area coloured green on the Estuarine Aquaculture maps deposited in the head office of the Department of Planning and marked as follows:

1 Tweed River Estuary Edition 2, January 2000

State Environmental Planning Policy No 62—Sustainable Aquaculture
(Amendment No 1)

Schedule 1 Amendments

2	Brunswick River Estuary	Edition 2, January 2000
3	Richmond River Estuary	Edition 2, January 2000
4	Clarence River Estuary	Edition 2, January 2000
5	Bellinger and Kalang River Estuaries	Edition 2, January 2000
6	Nambucca River Estuary	Edition 2, January 2000
7	Macleay River Estuary	Edition 2, January 2000
8	Hastings River Estuary	Edition 2, January 2000
9	Camden Haven River Estuary	Edition 2, January 2000
10	Manning River Estuary	Edition 2, January 2000

[6] Schedule 1, clause 4

Omit the clause and the note to the clause. Insert instead:

**4 Elevation Australian Height Datum (AHD) for tank-based
aquaculture and freshwater pond-based aquaculture**

Within an area the mean elevation of which is above 1 metre
AHD.

Project Profile Analysis

NSW North Coast Sustainable Aquaculture Strategy

Land Based Aquaculture
Version 2 December 2002

Project Profile Analysis for the Purposes of State Environmental
Planning Policy No 62 – Sustainable Aquaculture

This Page and the following 28 pages are the Project Profile Analysis approved for publication in the Government Gazette by the Director-General of PlanningNSW under clause 12 of the State Environmental Planning Policy No 62 – Sustainable Aquaculture for pond-based and tank-based aquaculture development in the North Coast Region of New South Wales.

This version replaces the version gazetted on 25 August 2000.

A NSW Government initiative of NSW Fisheries, Department of Urban Affairs and Planning, Department of State and Regional Development, Environment Protection Authority, Department of Land and Water Conservation, National Parks and Wildlife Service and NSW Agriculture to encourage sustainable aquaculture in New South Wales

Project Profile Analysis

North Coast Sustainable Aquaculture Strategy
December 2002

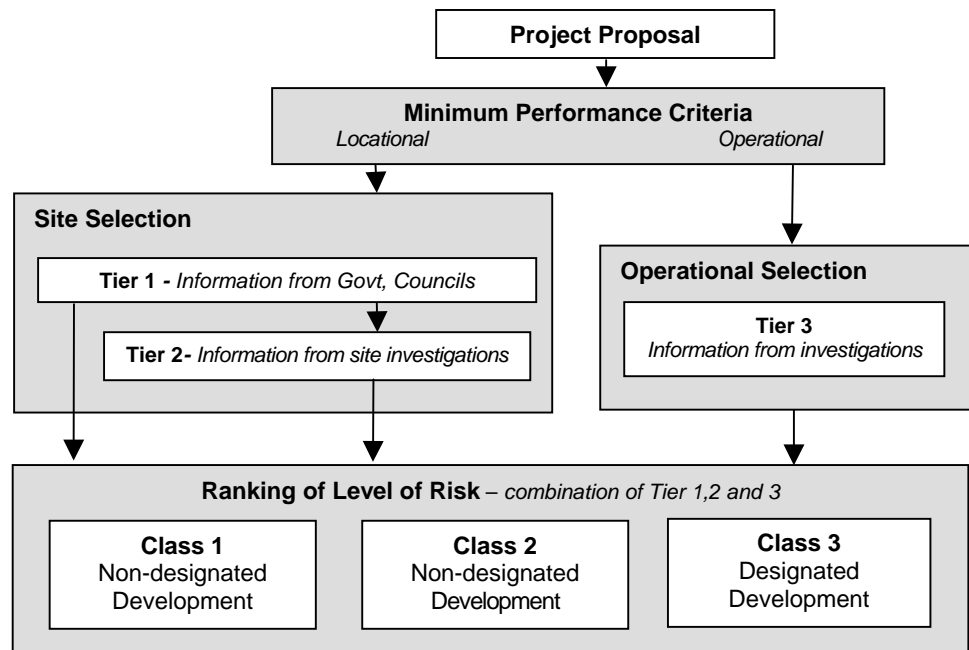
1. Overview of Project Profile Analysis

The Aquaculture Industry Development Plan (AIDP) sets out best practice for the establishment and operation of land based aquaculture projects. Based on this information, a Project Profile Analysis has been developed to enable a preliminary evaluation of the risks associated with site selection, species, design and planning and operational criteria. These criteria allow the applicant and the consent authority to evaluate the likely risks associated with a project and to establish the level of assessment to match the likely risks to the environment.

The Project Profile Analysis provides three “sieves” to evaluate options.

- The **Minimum Performance Criteria** provides the first environmental sieve for selecting sites and project characteristics. These must be met in order for the project to proceed.
- The **Site Selection Criteria** (Tier 1 and Tier 2) provide the next two environmental sieves to determine the acceptability of risks. Tier 1 information is available from Government or Council sources. Tier 2 information will need to be obtained from site investigation or studies.
- Following the selection of a site, **Operational Selection Criteria** (Tier 3) provide the next “sieve” to evaluate various options including species, layout and operation factors. The Tier 3 evaluation can serve as a cost-effective device to determine the relative risk associated with species, design and operational options and to assist in deciding if certain options should be excluded from further consideration.

Figure 9. “Sieves” in Project Profile Analysis



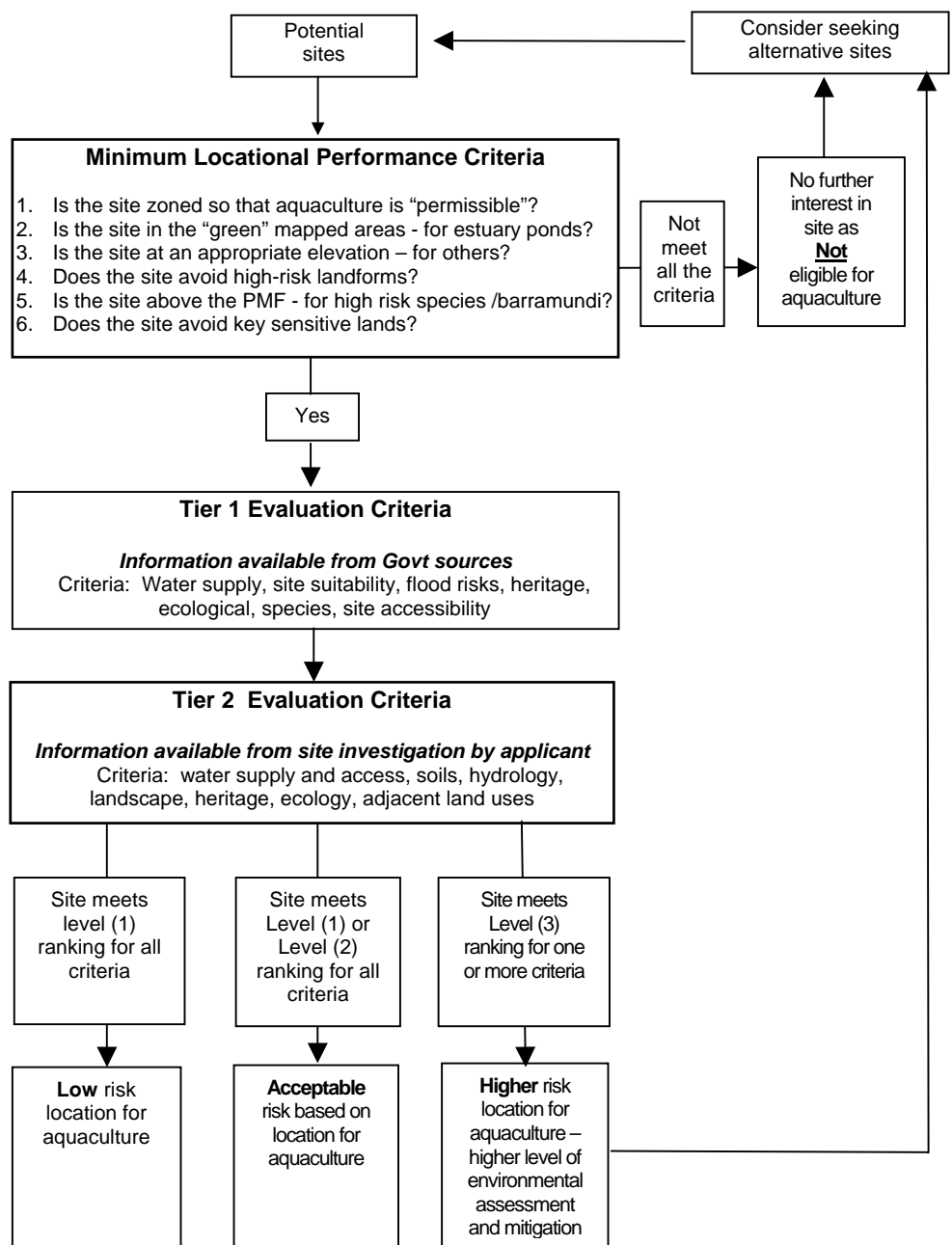
Project Profile Analysis

North Coast Sustainable Aquaculture Strategy
December 2002

2. Site evaluation criteria

The Site Selection Section of the AIDP has identified environmental and other factors that should be considered when selecting a site for aquaculture. These factors can be used to rank the likely risks associated with establishing an aquaculture facility in a particular location, eg. as representing a Level 1, 2 or 3 risk.

Figure 10. Site Selection



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2.1 Minimum Site Performance Criteria

It is essential at the outset, that the *Minimum Performance Criteria for Land-based Aquaculture in the North Coast Region* (see Project Profile Analysis) is considered as aquaculture projects that cannot meet these minimum performance criteria, are not permissible on the North Coast. Information regarding the minimum locational performance criteria is readily available from Council or DLWC maps. For estuarine pond sites, the site must be within the area coloured green on the *Estuarine Aquaculture Map* for the particular estuary.

2.2 Tier 1 Evaluation

For sites that meet the Minimum Locational Performance Criteria, the Tier 1 information should be sourced to determine the relative acceptability of the site for aquaculture. The Tier 1 criteria can be sourced from information held by Council, NSW Fisheries, NPWS and DLWC. The ranking of Level 1, 2 or 3 for individual criteria will begin to provide a picture of the potential hurdles in developing a site and the likely level of environmental assessment and regulation which could apply – the lower the level of risk, the lower the level of assessment and regulation required. Whenever possible, higher risk sites should be avoided at the Tier 1 evaluation level.

2.3 Tier 2 Evaluation

For sites that are not eliminated as a result of Tier 1 evaluation, the next layer of information should be sourced. Tier 2 investigations may involve significant expenditure with site investigations by technical experts, and in some cases, laboratory analysis. For example, investigations by consultants may be required

- to confirming the levels of acid sulfate soils or soil contamination and develop management options
- to determine soil suitability for dam construction,
- to identify threatened species, populations or ecological communities or their habitat
- to locate any Aboriginal sites and establish their significance
- to assess of potential water supply quality and security of supply.

It should be noted that the level of analysis at this stage need not be as detailed as would be required once the site has been selected and the detailed project design is being undertaken. However, it should provide sufficient information for an informed decision to be made so that there will be no unpleasant surprises later, resulting in costly management options.

The level of risks associated with the location along with the risks levels associated with operational constraints (see Section 3) will decide the assessment regime for the project. The lower the risks, the lesser the level of assessment complexity, the lower the costs in assessment and mitigation, and the lower the level of environmental supervision by Councils and government agencies.

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3. Estuarine Aquaculture Maps

Sound site selection is particularly important in estuarine areas where problems related to suitable water quality, drainage and acid sulfate soils could impose costly constraints on the long-term aquaculture viability in those areas.

Estuarine Aquaculture Maps have been developed for the ten North Coast Region estuaries from Tweed River to the Manning River:

1. Tweed
2. Brunswick
3. Richmond
4. Clarence
5. Bellinger and Kalang
6. Nambucca
7. Macleay
8. Hasting
9. Camden Haven
10. Manning

These maps will play a pivotal role in identifying sites that meet the minimum locational performance criteria for prawn and other estuarine pond aquaculture. The maps have been developed using GIS information and identify potential locations based on attributes including

- elevation above Australian Height Datum,
- spatial salinity for the estuary and bathymetry assessment,
- acid sulfate soil profile,
- land use zoning, and
- conservation exclusion zones.

These maps identify land which meet the Minimum Locational Performance Criteria for estuarine aquaculture. Other evaluation criteria must still be considered in assessing the suitability of a particular site for aquaculture. The Tier 1 and Tier 2 selection criteria are in the Project Profile Analysis provides details of these site selection factors.

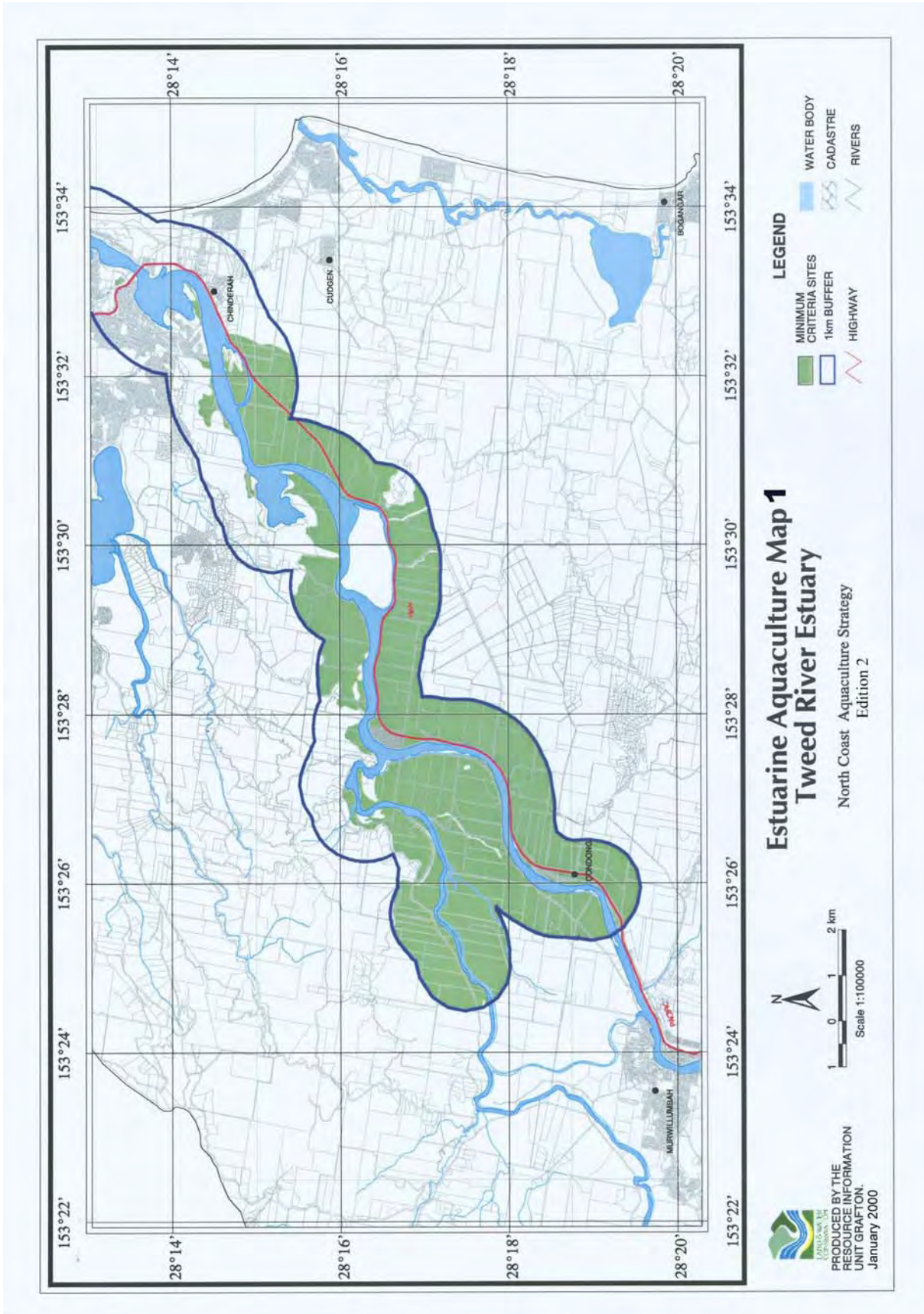
While A4 versions of the Estuarine Aquaculture Maps are included in the AIDP, the North Coast Office of the Department of State and Regional Development and the Aquaculture Division of NSW Fisheries can provide access to larger Estuarine Aquaculture Maps for all estuaries on the North Coast from Manning to the Tweed which identify potentially suitable areas as well as in some cases, specific sites with potential for estuarine aquaculture.

Because of the extent of locational possibilities for freshwater tank and ponds, a mapping approach to identify land that meets the Minimum Locational Performance Criteria has not been taken. The criteria should be applied on a case by case basis, at the preliminary stage, to eliminate any sites that do not meet these criteria.

The site selection factors are discussed in more detail in the Site Selection Section of the AIDP.

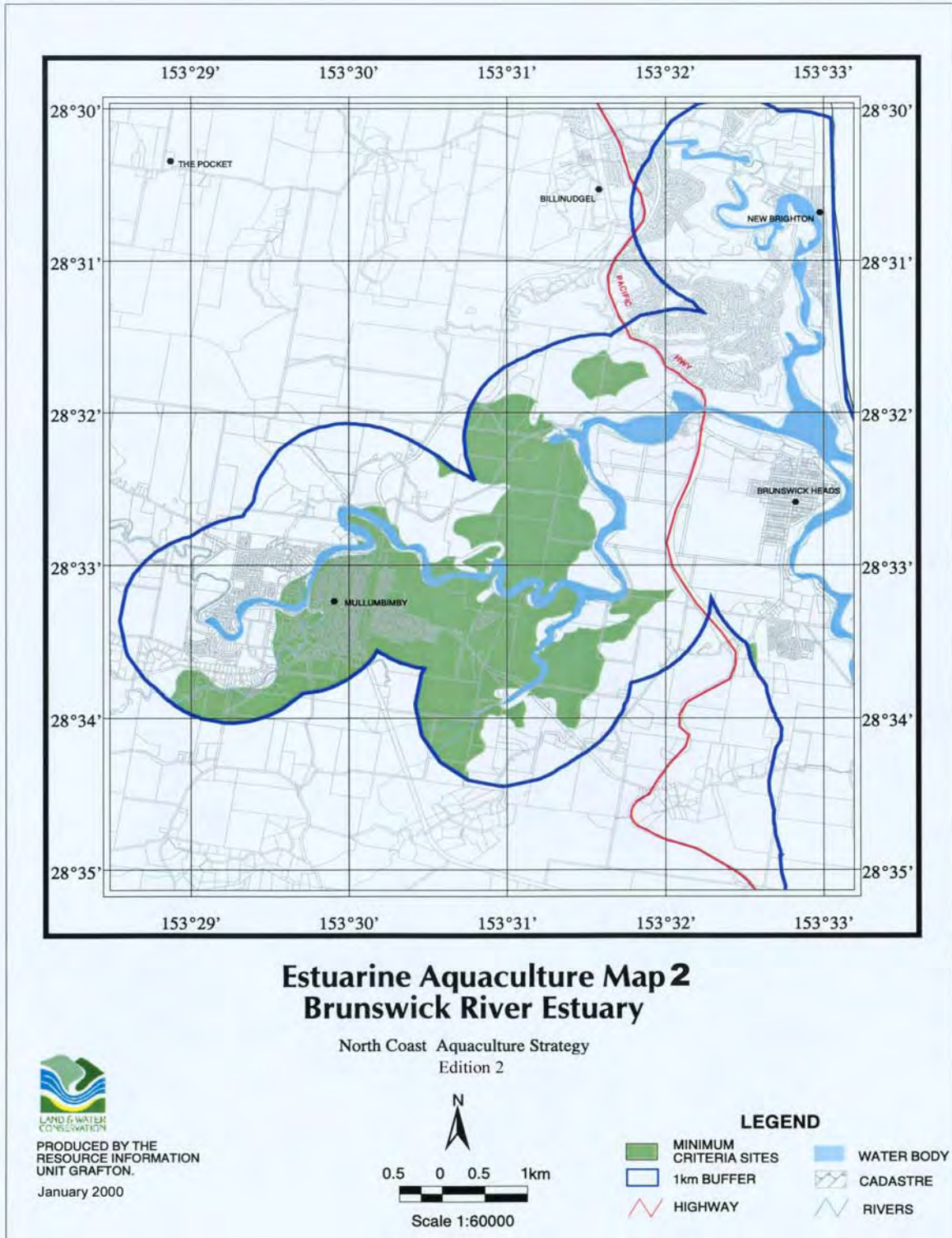
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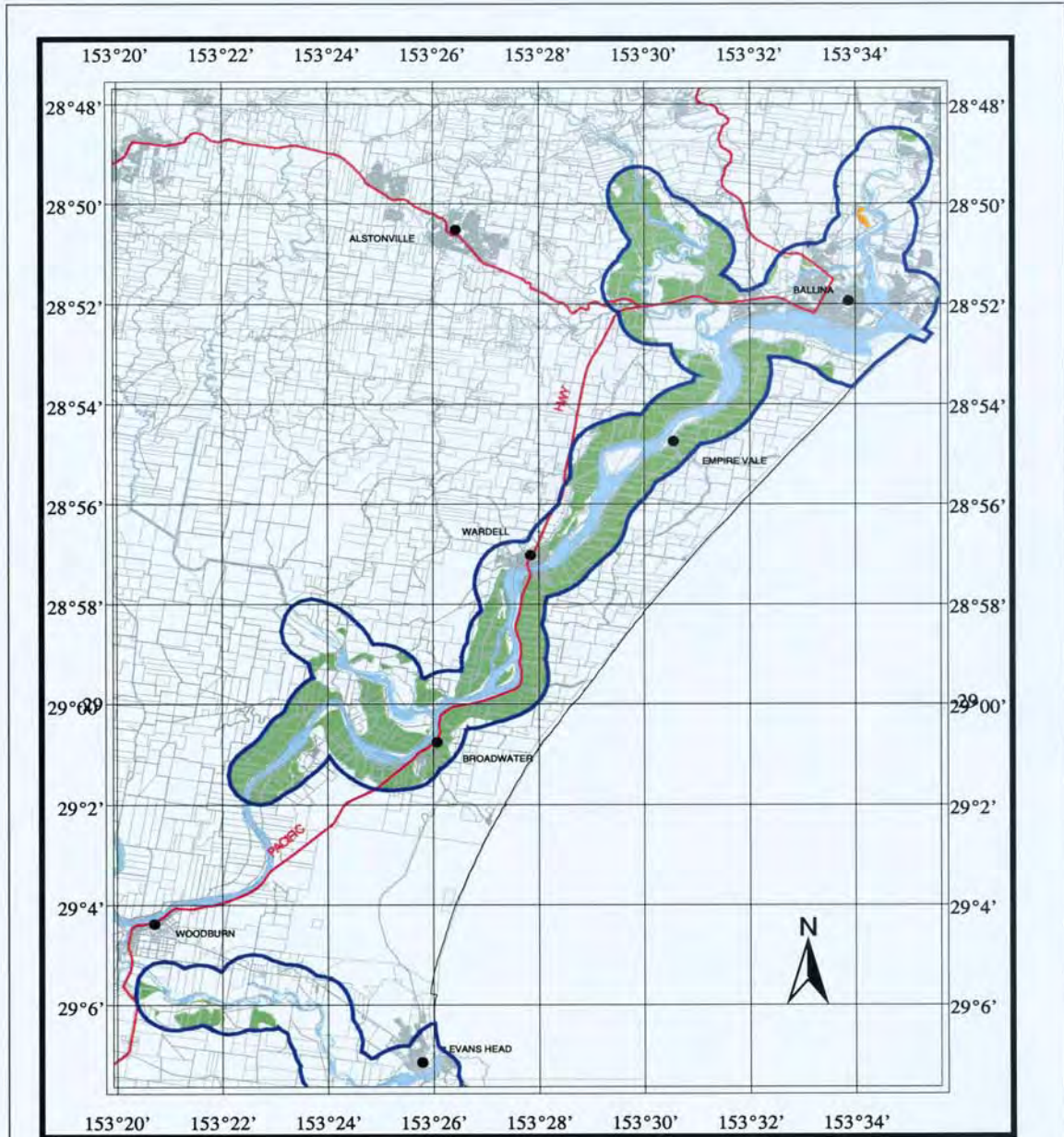
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Estuarine Aquaculture Map 3 Richmond River Estuary

North Coast Aquaculture Strategy
Edition 2



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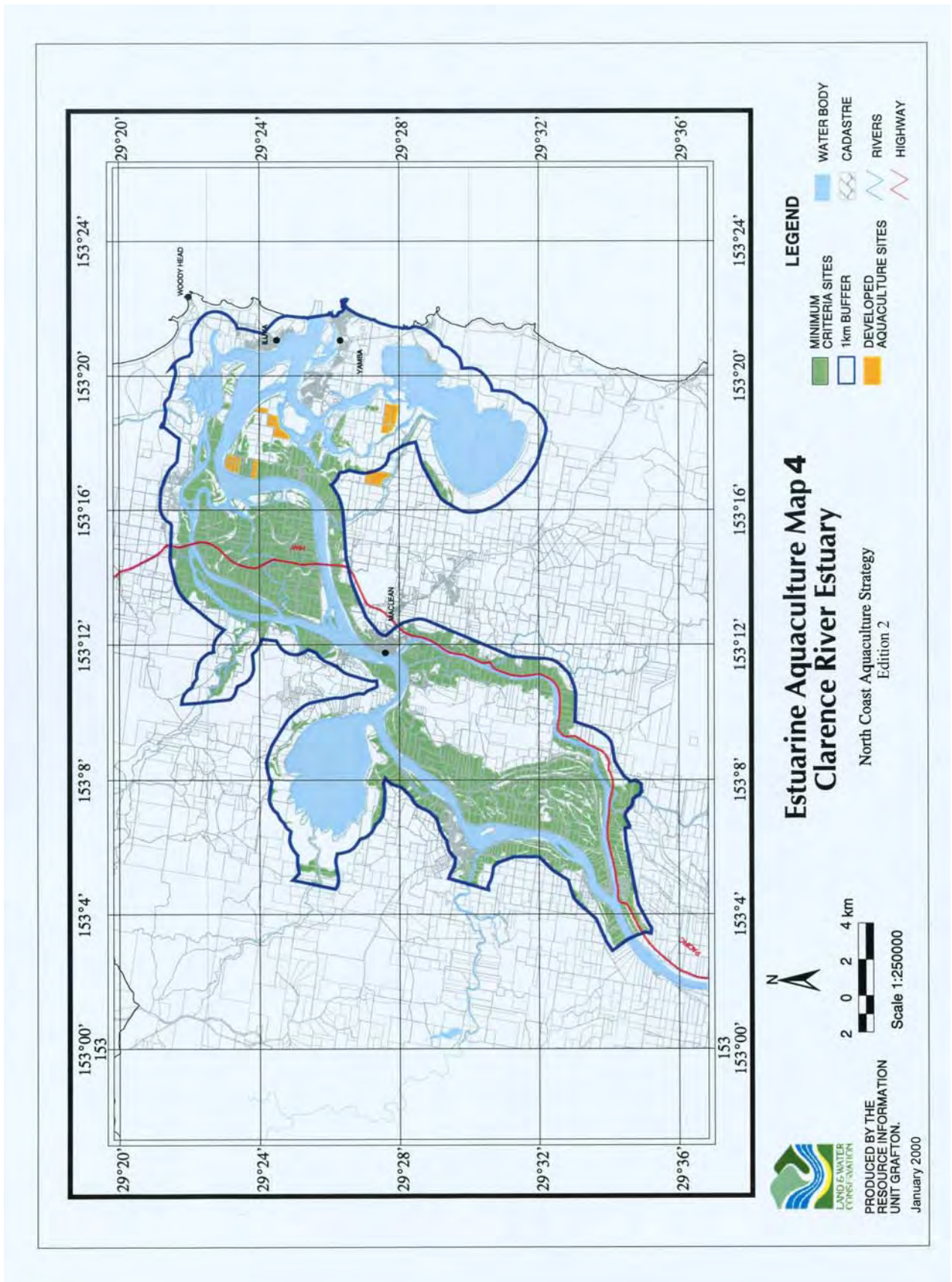
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LEGEND

- MINIMUM CRITERIA SITES
- 1km BUFFER
- DEVELOPED AQUACULTURE SITES
- WATER BODY
- CADASTRE
- RIVERS
- HIGHWAY

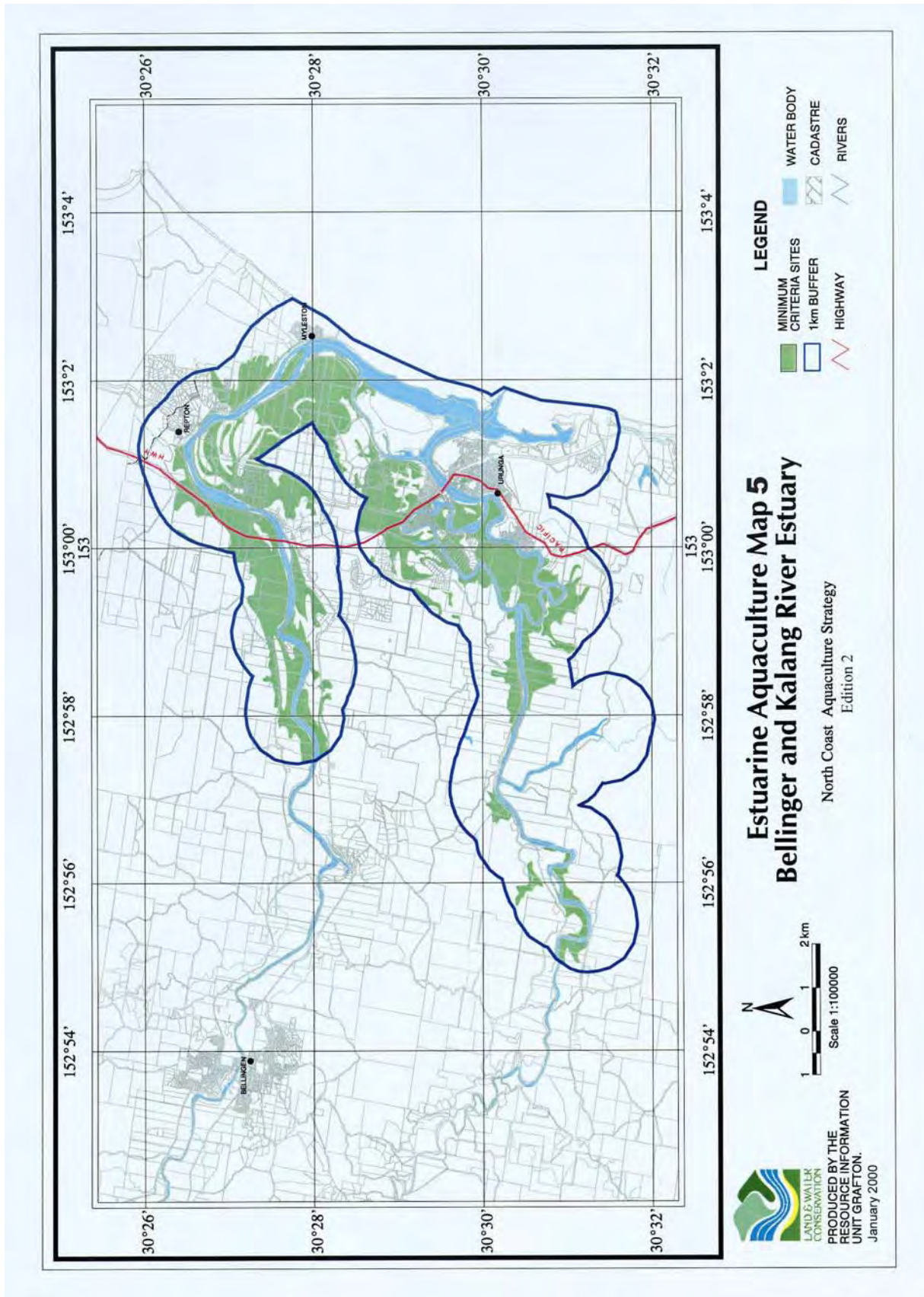
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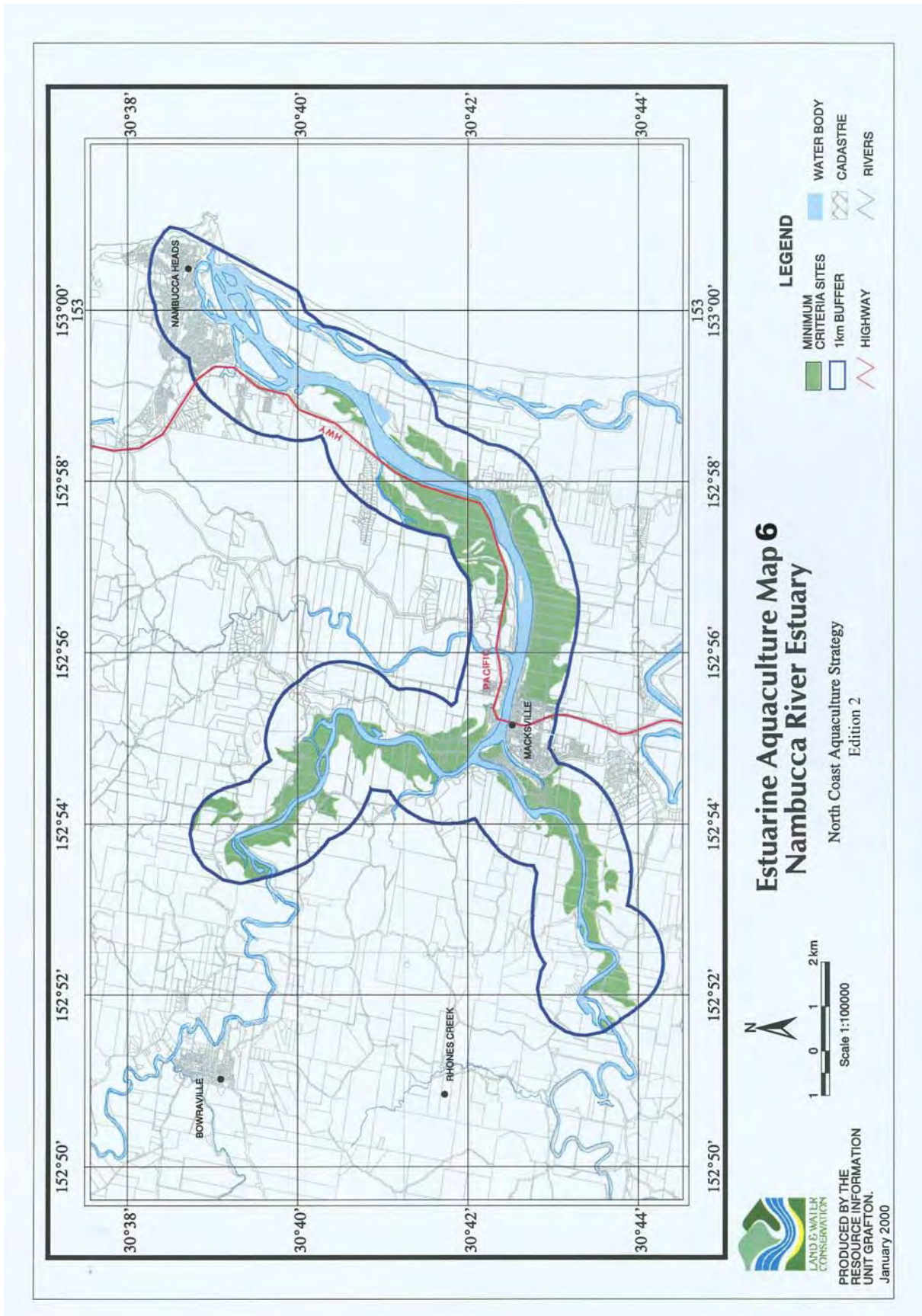
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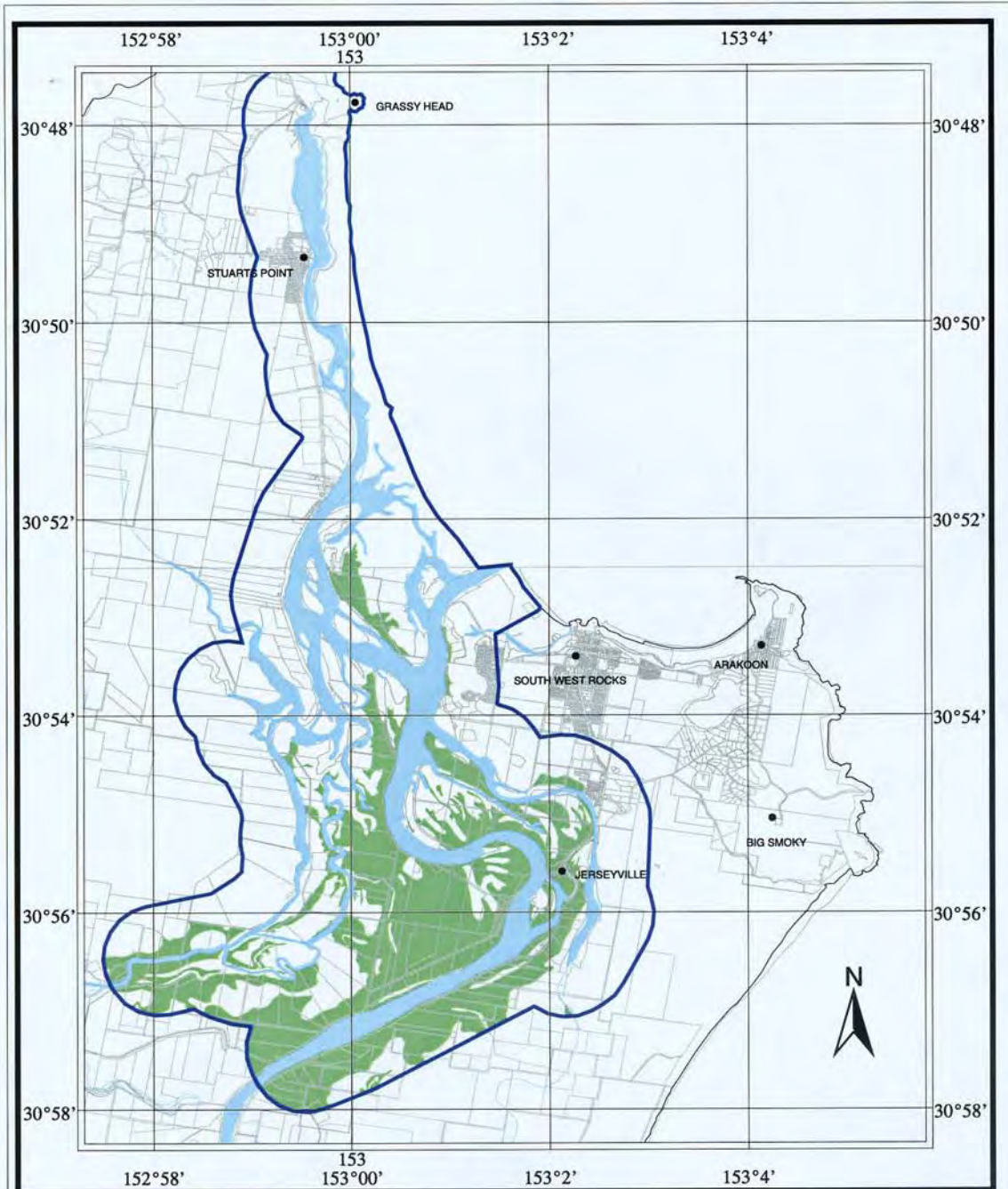
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Estuarine Aquaculture Map 7 Macleay River Estuary



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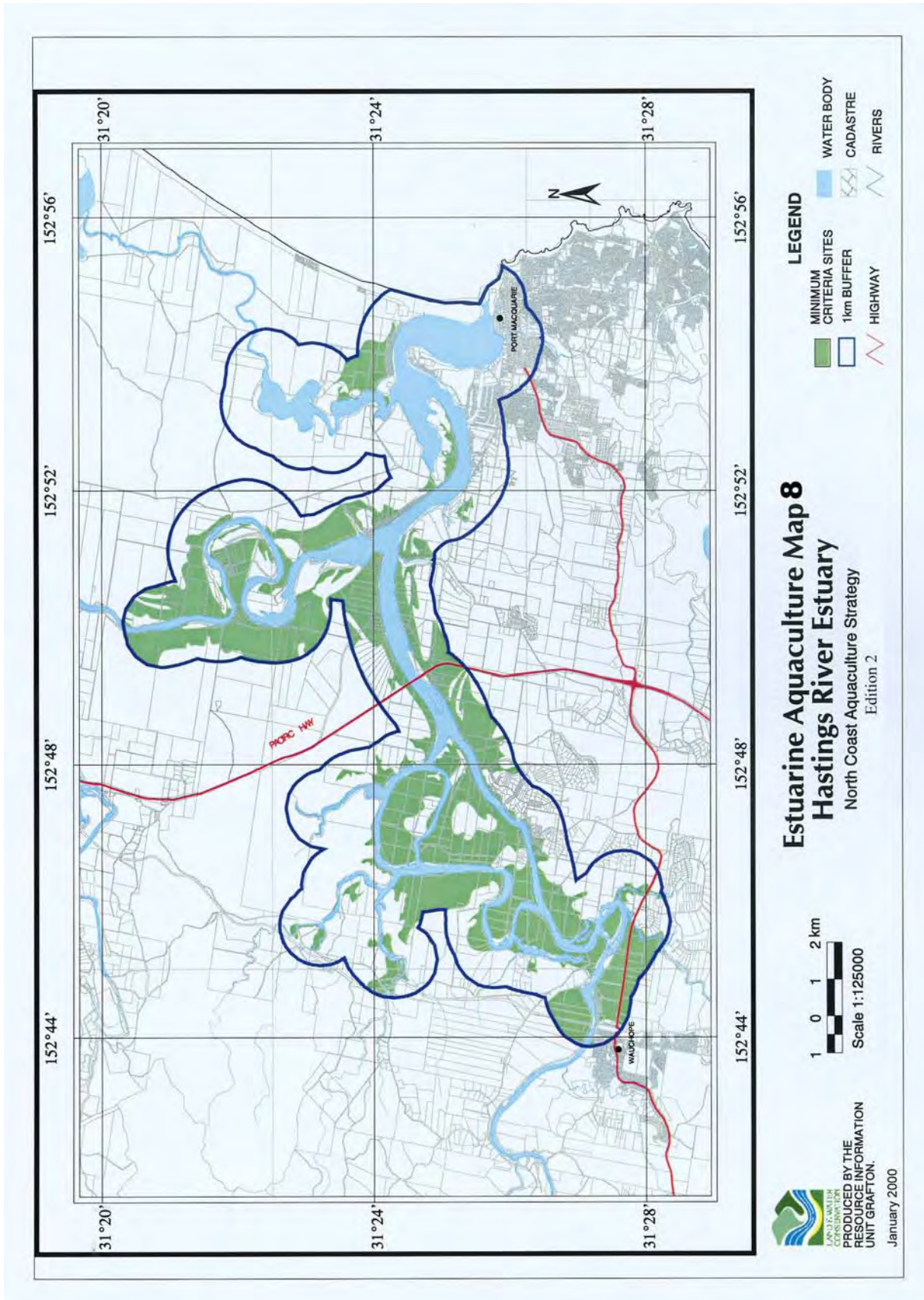
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LEGEND

- MINIMUM CRITERIA SITES
- 1km BUFFER
- CADASTRE
- HIGHWAY
- WATER BODY
- RIVERS

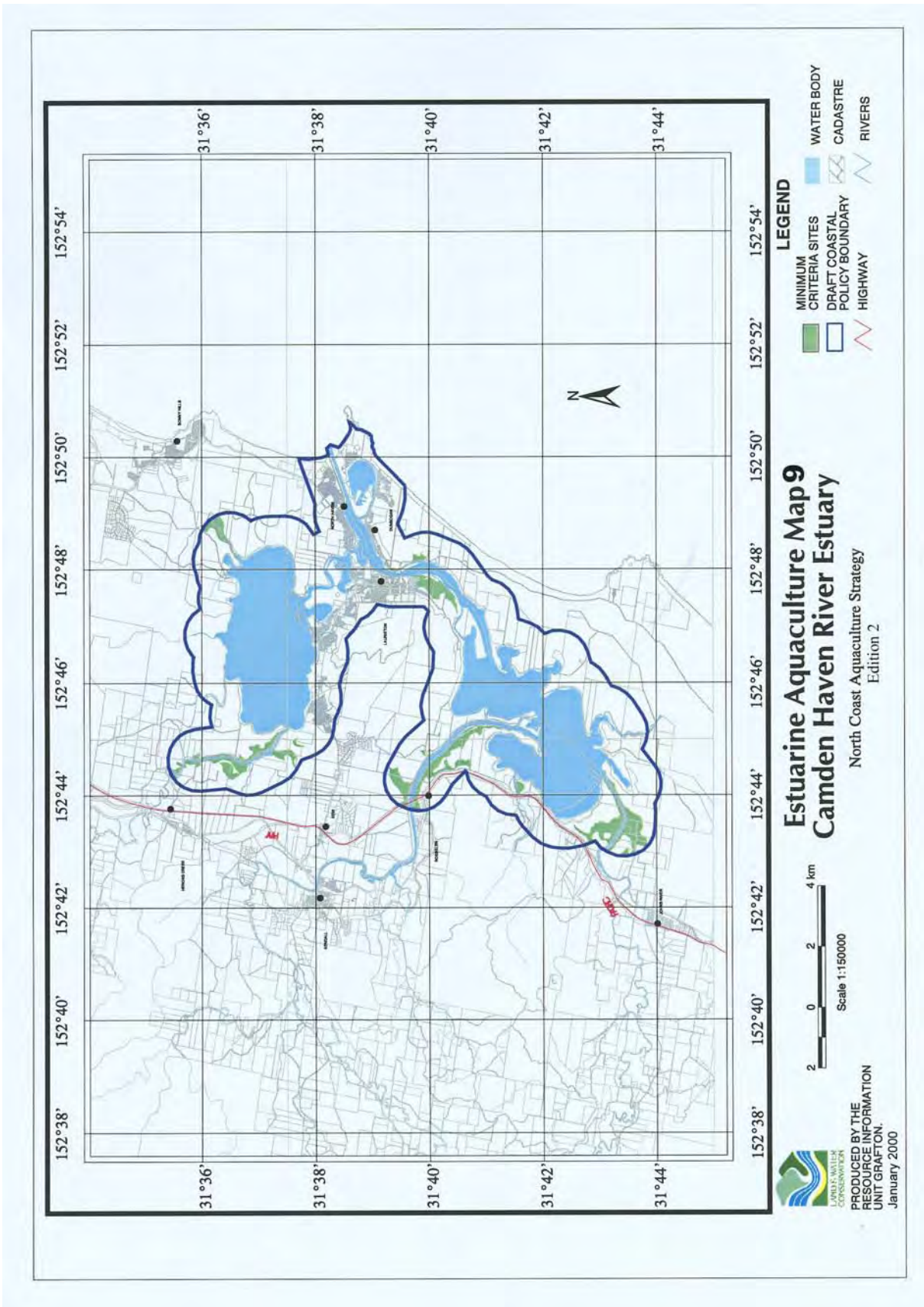
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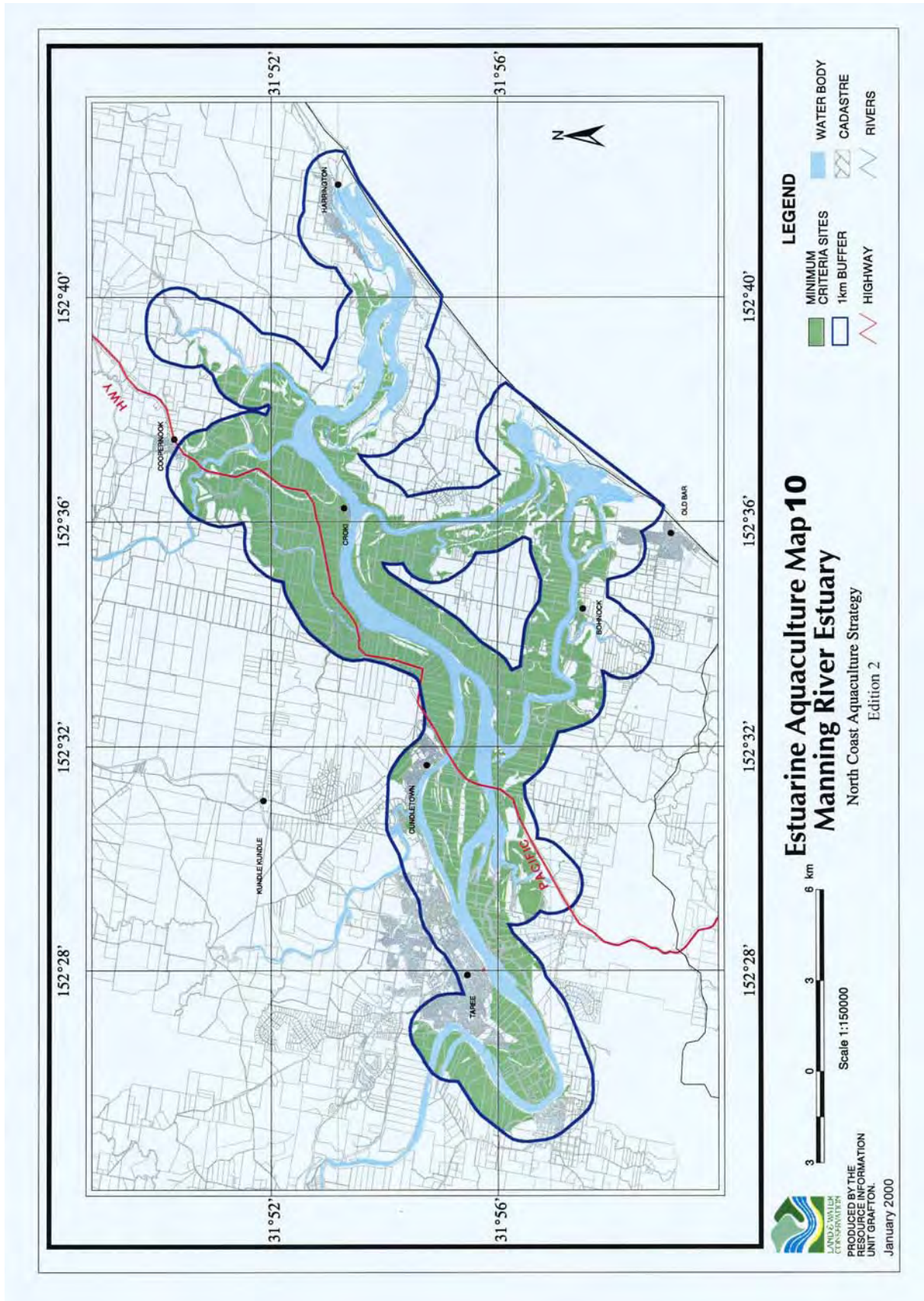
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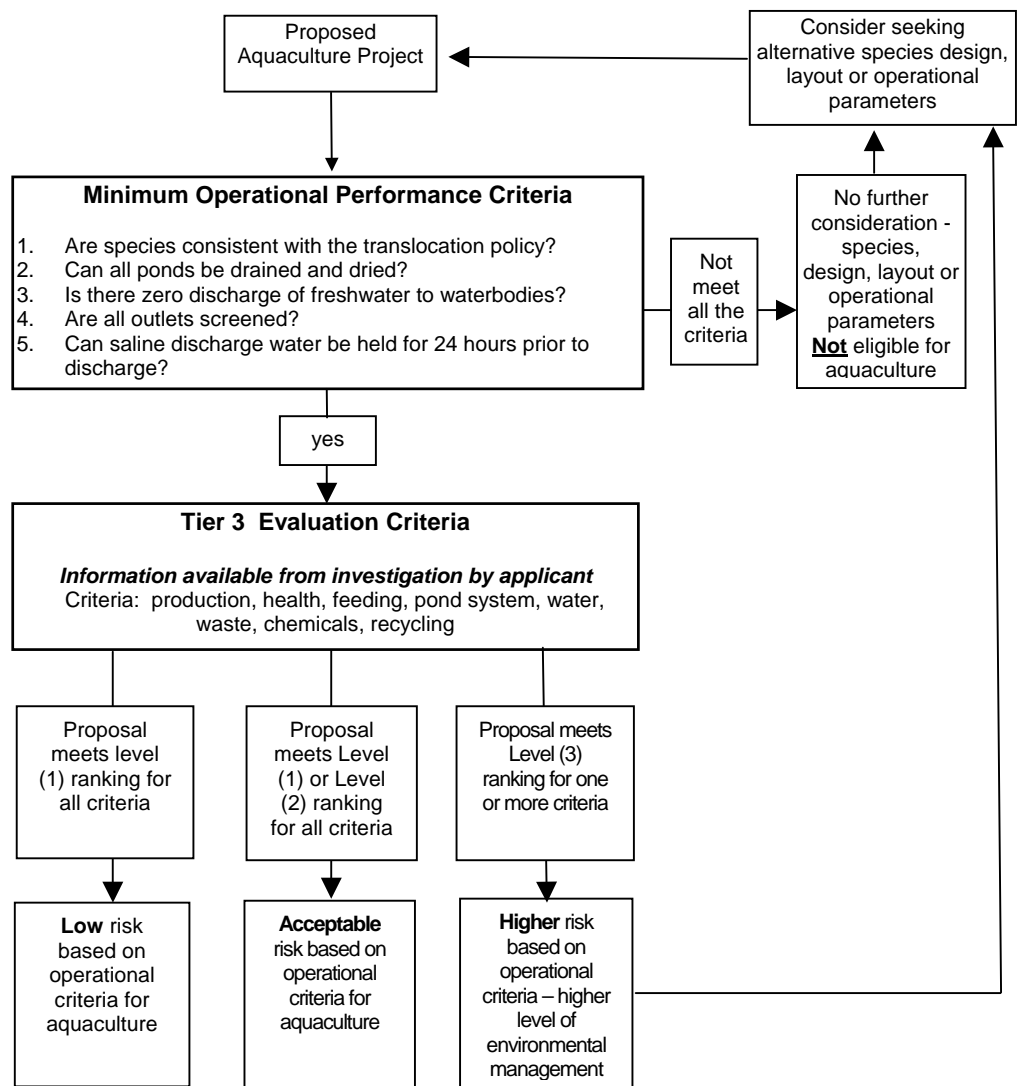
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4. Operational Evaluation Criteria

While Tier 1 and Tier 2 Site Selection Criteria provide guidance in the selection of a preferred site, the Tier 3 evaluation criteria aim to provide guidance on the evaluation of alternative operational regimes. Information from planning and design investigations will lead to a project profile ranking which will assist in identifying the likely risks to the environment of various operational alternatives.

Figure 11. Operational Selection



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4.1 Minimum Operational Performance Criteria

It is essential at the outset, that the Minimum Performance Criteria for Aquaculture in the North Coast Region be considered as aquaculture which cannot meet these minimum performance criteria, are not permissible on the North Coast.

4.2 Tier 3 Operational Evaluation

Following the selection of a site, and confirmation that the proposed design and planning parameters meet the Minimum Operational Performance Criteria, Tier 3 evaluation criteria provides the next "sieve" to determine the relative level of risk associated with the aquaculture proposal.

The Tier 3 evaluation can serve as a cost-effective device to determine if any of the proposed operational parameters are likely to lead to longer term costs associated with expensive mitigation measures and should be excluded from further consideration. The ranking of Level 1, 2 and 3 operational criteria will begin to provide a picture of the potential hurdles and the likely level of environmental assessment and regulation which could apply – the lower the level of risk, the lower the level of assessment and regulation required.

5. Interpreting the rankings

5.1 The Rankings

The tables associated with Tier 1, 2 and 3 provide a ranking in relation to the criteria and the level of risk associated with the project characteristics. These rankings assist in evaluating individual sites and operational options as well as providing for a comparison between alternative options. The values are not to be added up and should result in an aggregate reading of the acceptability of the site for aquaculture.

Table 30. Interpreting the Rankings

Aggregation of levels based on the Project Profile Analysis	Class based on Project Profile Analysis	Development Assessment	Assessment document
If all the levels associated with all the criteria are Level (1)	Class 1	Non-designated Development	SEE
If the levels are Level (1) and (2)	Class 2	Non-designated Development	SEE
If any of the levels are Level (3)	Class 3	Designated Development	EIS

It must be reinforced that for aquaculture projects to be undertaken on the North Coast, they must meet the Minimum Locational and Operational Performance Criteria.

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5.2 Who makes the decision

It is essential that the consent authority (the local council or the Minister for Urban Affairs and Planning) and NSW Fisheries are consulted prior to lodging the development application.

The applicant should submit sufficient information to the consent authority so that the consent authority can decide whether the project meets the Minimum Performance Criteria and on the level of assessment based on the level of risk according to the Project Profile Analysis required for the proposal. This must be done prior to submitting the development application. It is the responsibility of the consent authority to determine if a proposal is a Class 1, 2 or 3 development.

5.3 Transitional Provisions

Where there is an existing aquaculture enterprise or a site of an abandoned aquaculture enterprise (eg such as abandoned prawn farms in Maclean) and there is a proposal to upgrade or re-establish an aquaculture operation on that site, the North Coast Sustainable Aquaculture Strategy will apply.

For proposals that do not comply with the best practice in the AIDP and do not meet the Minimum Performance Criteria, the applicant must formally seek and obtain agreement of the Minister for Urban Affairs and Planning to be exempted from the Minimum Performance Criteria that would have otherwise made the proposal not permissible.

In making a decision for an exemption from the Minimum Performance Criteria, the Minister shall take into consideration whether the proposal will lead to:

- improved environmental outcomes despite non or partial compliance with the Site Location Minimum Performance Criteria; and
- total compliance with the Operational Minimum Performance Criteria.

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Project Profile Analysis for Ponds and Tanks

Minimum Performance Criteria

The following are Minimum Performance Criteria which proposals must meet to be permissible development within the North Coast Region.

Information available from Government Sources

Locational Criteria	Minimum Performance
1. LEP zones for ponds	Within Rural (1) zones
2. LEP zones for tanks	Within Rural (1) or Industrial (4) Zones
3. Estuarine pond-based aquaculture	Within an area coloured green on an Estuarine Aquaculture Map
4. Elevation Australian Height Datum (AHD) for freshwater ponds and tanks and saline tanks	Within an area the mean elevation of which is above 1metre AHD
5. Landform exclusion zones (high acid sulfate soils risk areas)	Not within ASS risk codes EsO, EcO, EuO, Em in ASS Risk Maps ¹
6. Flood liability	> Probable Maximum Flood if high security species, eg. barramundi
7. Conservation exclusion zones ²	NPWS protected areas (eg national parks, nature reserves, Aboriginal areas, historic sites, karst conservation reserves) Marine Reserves or Marine Parks (excluding general use zones) Vacant Crown land
Operational Criteria	
8. Species	Species selection must be consistent with the NSW Fisheries Policy on Translocation of Live Aquaculture organisms. No non-indigenous species shall be cultured in saline pond culture.
9. Pond design	Capable of draining or pumping and completely drying ponds
10. Freshwater culture	Zero discharge of pond water to a natural water bodies or wetlands
11. Outlets from ponds	All outlets must be screened to avoid escape of stock
12. Outlet from estuarine farms	All saline discharge water must be held in a sedimentation system for a minimum of 24 hours prior to discharge and must be returned to saline tidal reaches of the waterway

¹ Sourced from the Acid Sulphate Soil (ASS) Risk Maps

² This provision will not apply to the use of such land required for gaining access to water that will be subject to an assessment by the appropriate authority for each situation on its merits.

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Project Profile Analysis for Ponds

Tier 1 - Site Evaluation for Ponds

As a first step in the site evaluation process, a "desk top" study should be undertaken of potential sites using readily available information in maps and other data sources held by Councils, DLWC and government agencies. This desk top study will provide a quick and efficient approach to weeding out unsuitable sites and for focusing in on those sites which would justify a more intensive site evaluation. Tier 1 Evaluation Criteria are used to as a first "sieve" to identify areas that are likely to be suitable for aquaculture.

Information available from Government Sources

SITE EVALUATION CRITERIA FOR PONDS	TIER 1 LEVEL OF ASSESSMENT FOR PONDS		
	Level 1	Level 2	Level 3
1. Water Supply <i>based on DLWC information</i>			
(a) Estuarine - Tidal amplitude	> 600 mm	100 - 600 mm	< 100 mm
(b) Fresh - Water availability	<ul style="list-style-type: none"> Existing irrigation license approved for bore or river extraction, or Irrigation license available for purchase. 	<ul style="list-style-type: none"> New licence required for bore or river extraction, or Reliant upon on-farm dam and 10% run-off 	
2. Estuarine pond-based aquaculture	within the area coloured green in the relevant Estuarine Aquaculture Map		
3. Acid Sulfate Soils If site is < 2 metres AHD: Acid Sulfate Soil Risk profile based on ASS Risk Maps ¹	ASS Landform Process ¹ Class A with Landform Element Class b, l, t, p, y or w	ASS Landform Process ¹ Classes A,W, B, E, L, S with other Landform Element than b, l, t, p, y or w	
4. Heritage issues			
(a) Heritage sites based on LEP or REP maps and State Heritage Inventory	No listings on the proposed site	Listings on-site	
(b) Aboriginal heritage based on NPWS Aboriginal Sites Register	No recorded sites or places	Sites or places recorded on the land	
5. Conservation issues²			
(a) NPWS protected areas, RAMSAR Wetlands, Critical habitat, Aquatic Reserves and Marine Parks (except "General Zone")	Not located in adjacent these areas and no potential to disturb these areas	Adjacent to but no potential to drain into or extract water from these areas	Activity will result in direct disturbance of these areas
(b) SEPP 14, SEPP 26, Marine Parks ("General Zone"), World Heritage Areas	Not located in or adjacent these areas and no potential to disturb these areas	Adjacent to but no potential to drain into or extract water from these areas but may involve water pipe access across the areas	Activity located in areas or draining into these area
6. Stock species			
(a) Species cultivated in Estuarine ponds <i>Note: Non-indigenous species to NSW are not permissible</i>	Indigenous to NSW		
(b) Species cultivated in freshwater ponds <i>Note: Species inconsistent with translocation policy especially pest or/and noxious species are not permissible</i>	Indigenous to catchment	Species consistent with NSW Fisheries Translocation Policy	
7. Site accessibility Vehicle & electricity accessible based on LEP maps & power suppliers information	Existing access and services or access and services can be readily provided	Access or services limited or difficult – eg across a wetland (other than SEPP 14 wetlands dealt with above)	Access or services across SEPP 14 or SEPP 26 areas

¹ Sourced from the Acid Sulphate Soil (ASS) Risk Maps

² This provision will not apply to the use of land required for gaining access to water

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Tier 2 - Site Evaluation for Ponds

The next step in site evaluation is to undertake more detail site assessment including investigations by technical experts and in some cases, laboratory analysis. The purpose of this level of investigation is to eliminate sites that have inherent management problems that could result in increased costs during assessment and approval, construction or operation. The information gained from this investigation can provide the basis for preliminary design and operation planning.

Information sourced from site investigations by applicant

SITE EVALUATION CRITERIA FOR PONDS	TIER 2 LEVEL OF ASSESSMENT FOR PONDS		
	Level 1	Level 2	Level 3
8. Water Supply Quality			
(a) Water quality risks from nearby land uses	No agricultural or horticultural activity likely to involve pesticide spraying within 1 km	Agricultural or horticultural activity likely to involve pesticide spraying within 1 km	For estuarine, inlet within 1km of sewage treatment plant outlet
(b) Potable water for processing etc	<ul style="list-style-type: none"> • Mains water; or • Onsite existing reliable water of potable quality 	<ul style="list-style-type: none"> • Onsite water of potable quality but may need to be supplemented during drought; or • No existing potable water supply on site 	
9. Water Supply Access from rivers or estuaries			
(a) Estuarine ponds - pump station site	Not require sump pit or any deepening of bed of estuary or waterway	Require sump pit in estuary or waterway or need to cross an ocean beach	
(b) Estuarine - Estuary Circulation	Flushing time < 15 days	Flushing time 15 – 30 days	Flushing time > 30 days
(c) Fresh water ponds - pump station site	Not require sump pit or any deepening of bed of river	Require sump pit in river	
(d) Freshwater – Environmental flows	No access restrictions based on flows in normal conditions	Access permitted only during high flows in normal conditions	
10. Mean elevation of the land to which the DA applies for estuarine pond proposal	2-10m AHD ³	1-2m AHD ³ if less than 5 ha of pond area	1-2m AHD ³ if more than 5 ha of pond area
11. Topography			
(a) Estuarine ponds - slope of land	< 2% slope	>2% and < 5 % slope	> 5% slope
(b) Freshwater ponds - slope of land	<5% slope.	>5% and <10% slope.	> 10 % slope
12. Soils			
(a) Soil Characteristics - Suitability for Pond/ Dam Construction	Clayey with mixture of soil/sand and low erosion potential and suitable for dam construction	Sandy/ gravelly with erosion potential and/or limited water holding capacity – may need to import most pond material	
(b) Soil Characteristics - Suitability for Irrigation for freshwater ponds	Soils suitable and/or adequate land to irrigate/use recycled water on site or off-site near-by	Soils potentially unsuitable and/or inadequate land to irrigate or use recycled water	
(c) Soil Contamination based on SEPP 55 criteria	Suitable for residential use or for animal occupation	Exceed levels safe for animal or residential uses and the contaminated area is less than 3 ha	More than 3 ha of land exceed levels safe for animal or residential uses
13. Hydrology issues			
(a) Potential to affect groundwater	No underlying potable or high quality fresh groundwater within 3m	Underlying groundwater within 3m is not of high quality or potable.	Underlying potable water within 3m
(b) Catchment Stormwater Drainage	<ul style="list-style-type: none"> • No catchment related stormwater drainage across site, or • If present , measures to manage across site flows not likely to affect surrounding area 	<ul style="list-style-type: none"> • Important catchment stormwater drainage across site; or • Change in drainage of stormwater likely to affect surrounding properties 	
(c) For Fresh Water Ponds: Flood liability	Site not flood liable (above the PMF level)	Below PMF but above 1:100 year floods	Below 1:100 year floods but can construct ponds so unlikely to be inundated by 1:100 year flood
(d) For Estuarine Ponds: Flood liability	Site above 1:100 year flood	Below 1:100 year floods	

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SITE EVALUATION CRITERIA FOR PONDS	TIER 2 LEVEL OF ASSESSMENT FOR PONDS		
	Level 1	Level 2	Level 3
(e) For flood liable ponds: Potential effect on passage of flood waters	Some flood management required but no potential effect to passage of flood waters	Flood flows likely to be impeded or change local flooding pattern	Flood management likely to alter the course of the river
(f) Drinking Water supply protection ⁶ :	Not located in a drinking water catchment	Located within a drinking water catchment	
14. Ecology			
(a) Type of existing vegetation on the actual development site	Cultivated land, improved pasture, or predominantly cleared – may include some regrowth or exotics	Predominantly native vegetation – trees, shrubs, grasslands	
(b) Likely disturbance of native vegetation communities	No need for a permit to clear or disturb native vegetation or habitat (under Native Vegetation Conservation Act) and no disturbance of vegetation of high conservation significance – eg riparian vegetation, or species / associations of regional or local significance	Disturbance of vegetation requires a permit (under Native Vegetation Conservation Act or Rivers and Foreshore Improvement Act)	
(c) Likely occurrence of threatened species, populations or ecological communities or their habitats	No threatened species, populations or ecological communities or their habitats known or likely to occur – 8 Part Test not required	Threatened species, populations or ecological communities or their habitats known or likely to occur – 8 Part Test required	
(d) Likely impact on aquatic habitats and mangroves	No likely disturbance or impact	Disturbance or impact on aquatic habitat or mangroves – permit needed to disturb mangroves or dredge	
15. Aboriginal heritage			
(a) Location of Aboriginal Sites	No recorded Aboriginal site/place and NPWS advises that no archaeological assessment is required because of the characteristics of the land or the proposed works	Recorded Aboriginal site/place and/or the NPWS advises that an archaeological assessment is required	
(b) Consultation with Aboriginal community (<i>Call NPWS for appropriate contacts</i>)	NPWS advises that no consultation with Aboriginal Communities required	Place of potential significance to the Aboriginal community identified. Agreement reached between Aboriginal community and proponent on the management of any places of significance	Place of potential regional or national significance and no agreement with Aboriginal community on the management of the site
(c) Likely impact on Aboriginal heritage	No impact on Aboriginal sites or places of significance to Aboriginal community	Site/place present and likely to impact on sites/places	Sites/places of regional or national significance present and likely to significantly impact on sites/places.
16. Adjacent land use to pond culture			
(a) Potential for conflict with neighbours	Neighbouring lands utilised for compatible purposes eg agriculture/industrial	Neighbouring land zoned for residential purposes or notified that it is to be rezoned residential	
(b) Potential visual impact	Site not overlooked by neighbours or from prominent sites (eg. highway)	Site overlooked by residential neighbours or from prominent sites (eg from highway)	
(c) Proximity to residences (not part of the site)	No residences within 400 m of the ponds or pumps if line of sight	Residences within 400m of the ponds or pumps if line of sight	

³ Proposals which disturb more than 1 tonne of acid sulfate soils will be required to prepare an Acid Sulfate Soils Management Plan consistent with the ASS Manual.

⁶ Note: a drinking water catchment means the restricted areas prescribed by the controlling water authority

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Tier 3 - Operational Evaluation Criteria for Ponds

The next sieve in the evaluation process is to consider the operational criteria – species, design, layout and operating regime and the likely risk to the environment from various options. Avoidance of environmental impacts on the community or the environment should be paramount. Where avoidance is not possible, impact minimisation must be considered. The lower the level of environmental risk, the lower the costs of mitigation and the simpler the assessment and approval process

Information sourced from investigations by applicant

OPERATIONAL CRITERIA FOR POND CULTURE	TIER 3 LEVEL OF ASSESSMENT FOR PONDS		
	Level 1	Level 2	Level 3
17. Location of Ponds – Distance from the top of the high bank of a natural waterbody or wetland and the edge of the pond water surface.	> 50 metres		< 50 metres
18. Health Management			
(a) Period of total farm dryout after every production cycle for prawns	>6 weeks between crops	3-6 weeks between crops	<3 weeks between crops
(b) Arrangements for the timely identification and treatment of disease	<ul style="list-style-type: none"> On site trained staff with appropriate facilities, or Demonstrated arrangement with accredited laboratory or veterinary practice 	No on-site provision for analysis of stock health problems and no backup arrangements with an accredited laboratory or veterinary practice	
(c) Predators management of fingerling ponds	All ponds screened or equivalent systems		No screening for fingerling ponds
(d) Predators management of grow out fish ponds	Combination of systems which may include screening, scare and other management systems not intending harm to predators	Only "scare" systems. May trigger need for 8 Part Test if affect threatened bird species	No control for predators
19. Feeding Management			
(a) Feed storage to prevent odour emissions or vermin problems	Facilities to store feed (eg enclosed shed)	Feed stored outdoors or so as not to minimise odour or other problems	
(b) Pond design includes feeding adjustment system	<ul style="list-style-type: none"> System to monitor feeding and adjust feed quantities accordingly; or System can adjust feed via feeding guide schedule 	No system to monitor feeding and adjust feed quantities	
(c) Feeding system including mechanical feeders, systematic dispersal equipment and feeding program	<ul style="list-style-type: none"> System to broadcast feed homogenously to prevent the creation of "dead" areas"; or System can broadcast feed in defined feeding strips 	No system to broadcast feed homogenously	
20. Water Monitoring			
(a) Capacity Level (1) DO & pH	Provisions for regular daily monitoring; eg with good quality hand-held meter or test kit;	No provisions for regular daily monitoring	
(b) Capacity Level (2) Water analysis eg N, P, Alkalinity, NFR, BOD	On site facilities for basic water quality analysis, or dependent on accredited laboratory for water analysis	No provision for regular water analysis	
21. Pond water management			
(a) Supply pipe or channel capacity	Largest growout pond can be filled in 1 day or less	Largest growout pond can be filled in 1-3 days	Largest pond can be filled in > 3 days
(b) Pond Outlet system	No pumping required to drain pond completely	Requires pumping to drain pond	

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OPERATIONAL CRITERIA FOR POND CULTURE	TIER 3 LEVEL OF ASSESSMENT FOR PONDS		
	Level 1	Level 2	Level 3
(c) Recycling System capacity for estuarine systems which discharge to waterbodies expressed in terms of: (i) Retention period of water prior to reuse or discharge; or (ii) Surface area of water in recycling pond (including drainage channels) relative to total water surface area of growing ponds	<ul style="list-style-type: none"> Retention period of >6 days; or Surface area of recycling pond > 20% of total water surface area of the growing ponds 	<ul style="list-style-type: none"> Retention period of 1-6 days; or Surface area of recycling pond 10-20% of total water surface area of the growing ponds 	<ul style="list-style-type: none"> Retention period of <1 days; or Surface area of recycling pond <10% of total water surface area of the growing ponds
(d) Discharge limits (averaged over the growing season when measured above the background) based on 4% daily water exchange rate	Nil discharge	< 12kg/ha/day TSS < 0.48 kg/ha/day Total N < 0.06 kg/ha/day Total P	> 12kg/ha/day TSS > 0.48 kg/ha/day Total N > 0.06 kg/ha/day Total P
(e) Storage capacity of recycling pond system (excluding growing ponds) for freshwater ponds	> 2 times the volume of largest growing pond	1-2 times the volume of largest growing pond	< the volume of the largest growing pond
22. Organic Waste Mgt (eg dead fish, processing waste and other putrescible waste)			
(a) Temporary storage of organic waste prior to disposal	<ul style="list-style-type: none"> Daily disposal; or Held prior to disposal so no odour generated (eg in freezer in sealed container) 	Held in covered containers prior to intermittent disposal	No specific arrangements
(b) Disposal of organic waste on-site or off-site	<ul style="list-style-type: none"> Disposed at an approved off-site recycling or landfill facility; or Buried (with lime) in an area which is > 100m from a waterways and where the groundwater is > 3m. and the soil has low permeability 	<ul style="list-style-type: none"> Buried (with lime) in an area which is < 100m from a waterways or where the groundwater is < 3m or the soil is not low permeability; or Composted (with lime) 	No specific arrangements
23. Planning and building issues			
(a) Buildings or structures Set back from nearest road boundary	>5 metres	< 5 metres	
(b) Building height excluding any parapet	< 7.2 metres	> 7.2 metres	
(c) Driveways with regard to access, widths and turning circle	Comply with RTA standards	Modification required to the public road to meet RTA Standards	
(d) Truck loading and unloading space on site	No queuing or waiting on public roads	Queuing or waiting required on public roads	
(e) Compliance with Building Code of Australia	Meet the deemed to satisfy provisions	Modifications required	
(f) If unsewered site, on-site human sewerage system	Complies with the approval requirements of the Local Govt Act	Modifications required to comply with the approval requirements of the Local Govt Act	

Project Profile Analysis

North Coast Sustainable Aquaculture Strategy
December 2002

Project Profile Analysis for Tanks

Tier 1 - Site Evaluation for Tanks

As a first step in the site evaluation process, a "desk top" study should be undertaken of potential sites using readily available information in maps and other data sources held by Councils, DLWC and government agencies. This desk top study will provide a quick and efficient approach to weeding out unsuitable sites and for focusing in on those sites which would justify a more intensive site evaluation. Tier 1 Evaluation Criteria are used to as a first "sieve" to identify areas that are likely to be suitable for aquaculture.

Information available from Government Sources

SITE EVALUATION CRITERIA FOR TANKS	TIER 1 LEVEL OF ASSESSMENT FOR TANKS		
	Level 1	Level 2	Level 3
1. Water Supply Based on DLWC information			
(a) Saline - if dependent on Estuarine – Tidal amplitude	>300 mm	100-300 mm	< 100 mm
(b) Fresh - Water availability	<ul style="list-style-type: none"> Existing irrigation license approved for bore or river extraction; or Irrigation license available for purchase. 	<ul style="list-style-type: none"> New licence required for bore or river extraction; or Reliant upon on-farm dam and 10% run-off 	
2. Acid Sulfate Soils If site is < 2 metres AHD; ASS Risk profile based on ASS Risk maps ¹	ASS Landform Process ¹ Class A with Landform Element Class b, l, t, p, y or w	ASS Landform Process ¹ Classes A,W, B, E, L, S with other Landform Element than b, l, t, p, y or w	
3. Heritage issue			
(a) Heritage sites based on LEP or REP maps and State Heritage Inventory	No listings on the proposed site	Listings on-site	
(b) Aboriginal heritage based on NPWS Aboriginal Sites Register	No recorded sites or places	Sites or places recorded on the land	
4. Conservation issues²			
(a) NPWS protected areas, RAMSAR Wetlands, Critical habitat, Aquatic Reserves and Marine Parks (except "General Zone")	Not located in or adjacent these areas and no potential to disturb these areas	Adjacent to but no potential to drain into or extract water from these areas	Activity will result in direct disturbance of these areas
(b) SEPP 14, SEPP 26, Marine Parks ("General Zone"), World Heritage Areas	Not located in or adjacent these areas and no potential to disturb these areas	Adjacent to but no potential to drain into or extract water from these areas but may involve water pipe access across the areas	Activity located in areas or draining into these area
5. Stock species <i>Note: Species that are inconsistent with translocation policy are not permissible</i>	Indigenous to catchment	Species consistent with translocation policy	
6. Site accessibility Vehicle & electricity accessible based on LEP maps & power suppliers information	Existing access and services or access and services can be readily provided	Access and services limited or difficult – may involves disturbance of a wetland (other than SEPP 14 wetlands dealt with above)	

¹ Sourced from the Acid Sulphate Soil (ASS) Risk Maps

² This provision will not apply to the use of land required for gaining access to water

Project Profile Analysis

North Coast Sustainable Aquaculture Strategy
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Tier 2 - Site Evaluation for Tanks

The next step in site evaluation is to undertake more detail site assessment including investigations by technical experts and in some cases, laboratory analysis. The purpose of this level of investigation is to eliminate sites that have inherent management problems that could result in increased costs during assessment and approval, construction or operation. The information gained from this investigation can provide the basis for preliminary design and operation planning.

Information sourced from site investigations by applicant

SITE EVALUATION CRITERIA FOR TANKS	TIER 2 LEVEL OF ASSESSMENT FOR TANKS		
	Level 1	Level 2	Level 3
7. Water Supply Quality			
(a) Water quality risks from nearby land uses			For estuarine, inlet within 1km of sewage treatment plant outlet
(b) Potable water for processing or other purposes	<ul style="list-style-type: none"> • Mains water; or • Onsite existing reliable water of potable quality 	<ul style="list-style-type: none"> • Onsite water of potable quality but may need to be supplemented during drought; or • No existing potable water supply on site 	
8. Water Supply Access from rivers or estuaries			
(a) <i>Estuarine</i> - pump station site	Not require sump pit or any deepening of bed of estuary or waterway	Require sump pit in estuary or waterway or need to cross an ocean beach	
(b) <i>Estuarine</i> - Estuary Circulation	Flushing time < 15 days	Flushing time > 15 days	
(c) Fresh water - pump station site	Not require sump pit or any deepening of bed of river	Require sump pit in river	
(d) <i>Freshwater</i> - Environmental flows	No access restrictions based on flows in normal conditions	Access permitted only during high flows in normal conditions	
9. Soils For freshwater tanks culture: Area to irrigate for agriculture, plantation, horticulture or landscaping if: (a) no trade waste agreement for disposal of discharge water or (b) no non-irrigation reuse scheme eg hydroponics	<ul style="list-style-type: none"> • Soils suitable; and/or • Adequate land to irrigate/use recycled water on site or off-site near-by 	<ul style="list-style-type: none"> • Soils potentially unsuitable; and/or • Inadequate land to irrigate or use recycled water-dependent on neighbours or other arrangements for use of water 	
10. Hydrology issues			
(a) Catchment Stormwater Drainage	<ul style="list-style-type: none"> • No catchment-related stormwater drainage across site; or • With provision to manage across-site flows not likely to affect surrounding area 	<ul style="list-style-type: none"> • Important catchment stormwater drainage across site; or • Change in drainage of stormwater likely to affect surrounding properties 	
(b) Flood liability for non-indigenous species to the catchment (<i>except high security species, eg barramundi which must be located > PMF</i>)	Site not flood liable (above the PMF level)	Below the PMF and above 1:100 year flood	Below the 1:100 year flood but can be constructed so that unlikely to be inundated by 1:100 year flood
(c) For Fresh Water Tanks: Drinking Water supply protection ^φ	<ul style="list-style-type: none"> • Not located in a drinking water catchment; or • With a trade waste agreement for the disposal of discharge water 	Located within a drinking water catchment	

^φ Note: a drinking water catchment means the restricted areas prescribed by the controlling water authority

Project Profile Analysis

North Coast Sustainable Aquaculture Strategy
December 2002

SITE EVALUATION CRITERIA FOR TANKS	TIER 2 LEVEL OF ASSESSMENT FOR TANKS		
	Level 1	Level 2	Level 3
11. Ecology			
(a) Type of existing vegetation on the actual development site	Cultivated land, improved pasture, or predominantly cleared – may include some regrowth or exotics	Predominantly native vegetation – trees, shrubs, grasslands	
(b) Likely disturbance of native vegetation communities	No need for a permit to clear or disturb native vegetation or habitat (under Native Vegetation Conservation Act) and no disturbance of vegetation of high conservation significance – eg riparian vegetation, or species / associations of regional or local significance	Disturbance of vegetation requires a permit (under Native Vegetation Conservation Act or Rivers and Foreshore Improvement Act)	
(c) Likely occurrence of threatened species, populations or ecological communities or their habitats	No threatened species, populations or ecological communities or their habitats known or likely to occur – 8 Part Test not required	Threatened species, populations or ecological communities or their habitats known or likely to occur – 8 Part Test required	
(d) Likely impact on aquatic habitats and mangroves	No likely disturbance or impact	Disturbance or impact on aquatic habitat or mangroves – permit needed to disturb mangroves or dredge	
12. Aboriginal heritage			
(a) Location of Aboriginal Sites	No recorded Aboriginal site/place and NPWS advises that no archaeological assessment is required because of the characteristics of the land or the proposed works	Recorded Aboriginal site/place and/or the NPWS advises that an archaeological assessment is required	
(b) Consultation with Aboriginal community (<i>Call NPWS for appropriate contacts</i>)	NPWS advises that no consultation with Aboriginal Communities required	Place of potential significance to the Aboriginal community identified. Agreement reached between Aboriginal community and proponent on the management of any places of significance	Place of potential regional or national significance and no agreement with Aboriginal community on the management of the site
(c) Likely impact on Aboriginal heritage	No impact on Aboriginal sites or places of significance to Aboriginal community	Site/place present and likely to impact on sites/places	Sites/places of regional or national significance present and likely to significantly impact on sites/places.
13. Adjacent Land use to tank culture			
(a) Potential for Conflict with Neighbours	Neighbouring land zoned for compatible purposes, eg. agricultural or industrial development,	Neighbouring land zoned for residential or rural/residential purposes or potentially to be rezoned for this purpose	
(b) Potential Visual Impact	<ul style="list-style-type: none"> • In an existing building; or • In a new building < 7.2 metres in height; or • On a site in a rural zone that is not overlooked by residential neighbours or from a prominent site (eg from highway) 	<ul style="list-style-type: none"> • In a new building >7.2 metres in height; or • In a new building in rural area and site overlooked by residential neighbours or from prominent sites (eg from highway) 	
(c) Proximity to residences	<ul style="list-style-type: none"> • In industrial zone; or • In rural zone with no residences within 200 m of buildings or pumps unless pumps are electric. 	Residences in rural zone < 200m of the buildings or pumps	

Project Profile Analysis

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Tier 3 - Operational Evaluation Criteria for Tanks

The next sieve in the evaluation process is to consider the operational criteria – species, design, layout and operating regime and the likely risk to the environment from various options. Avoidance of environmental impacts on the community or the environment should be paramount. Where avoidance is not possible, impact minimisation must be considered. The lower the level of environmental risks the lower the costs of mitigation and the simpler the assessment and approval process.

Information sourced from investigations by applicant

OPERATIONAL CRITERIA FOR TANK CULTURE	TIER 3 LEVEL OF ASSESSMENT FOR TANKS		
	Level 1	Level 2	Level 3
14. Health Management			
(a) Arrangements for the timely identification and treatment of disease	<ul style="list-style-type: none"> On site trained staff with appropriate facilities, or Demonstrated arrangement with accredited laboratory or veterinary 	No on-site provision for analysis of stock health problems and no backup arrangements with an accredited laboratory or veterinary	
(b) Clean in Place (CIP)	Systems are designed to ensure total disinfection and dry-out of all facilities to break pathogen cycle	Difficulty in ensuring total disinfection and dry-out of all facilities	No CIP provision
15. Food and Feeding Management			
(a) Feed storage to prevent odour emissions or vermin problems	Facilities to store feed (eg enclosed shed)	Feed stored outdoors or so as not to minimise odour or other problems	
(b) Feeding system	<ul style="list-style-type: none"> Facilities to monitor food consumption and adjust feed; or Provision of a system to adjust feed quantities via feeding schedule 	No system to monitor feeding and adjust feed quantities	
16. Water Monitoring			
(a) Capacity Level (1) DO, temperature & pH	Provisions for regular daily monitoring	No provisions for regular daily monitoring;	
(b) Capacity Level (2) Water analysis eg N, P, Alkalinity/acidity, NFR, BOD	<ul style="list-style-type: none"> On site facilities for basic water analysis; or Only dependent on contract with accredited laboratory for water analysis 	No provision for regular water analysis	
17. Tank & Raceway Water Management			
(a) Water Supply	Access to good quality and quantity of water – town supply, groundwater or irrigation licence (with no restrictions based on flows) or on-site dams	Limited access to good quality and quantity of water due to environmental flow restrictions on irrigation	
(b) Water quality management and recycle system	Recycle system with mechanical and biofiltration and/or chemical treatment, or better	Flow through system with Mechanical filtration down to 100 microns.	
(c) Storage capacity of recycling ponds	> 2 times the volume of largest growing tank	1-2 times the volume of largest growing tank	< the volume of the largest growing tank
18. Tank & Raceway discharge water management			
(a) Saline tank and raceway culture	Zero discharge	Mechanical filtering <1000 microns or retention dam >10% of growout volume	Mechanical filtering >1000 microns or retention dam <10% of growout volume
(b) Water quality management and recycle system	Recycle system with mechanical and biofiltration and/or chemical treatment, or better	Flow through system with no provision for the recycling of water	
(c)			
19. Organic Waste Management (eg dead fish, processing waste and other waste)			

Project Profile Analysis

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OPERATIONAL CRITERIA FOR TANK CULTURE	TIER 3 LEVEL OF ASSESSMENT FOR TANKS		
	Level 1	Level 2	Level 3
(a) Temporary storage of organic waste prior to disposal (eg dead fish, processing waste and other putrescible waste)	<ul style="list-style-type: none"> Daily disposal or Held prior to disposal so no odour generated (eg in freezer in sealed container) 	Held in covered containers prior to intermittent disposal	No specific arrangements
(b) Disposal of organic waste	<ul style="list-style-type: none"> Disposed at an approved off-site recycling or landfill facility; or Buried (with lime) in an area which is > 100m from a waterways and where the groundwater is > 3m, and the soil has low permeability 	<ul style="list-style-type: none"> Buried (with lime) in an area which is < 100m from a waterways or where the groundwater is < 3m or the soil is not low permeability; or composted (with lime) 	No specific arrangements
20. Planning and building issues			
(a) Buildings or structures Set back from nearest road boundary	>5 metres	< 5 metres	
(b) Building height excluding any parapet	< 7.2 metres	> 7.2 metres	
(c) Landscaping with trees and shrubs on each street frontage or surrounding buildings (except in industrial sites where space is a limiting factor)	< 3 metres in width	> 3 metres in width	
(d) Driveways with regard to access, widths and turning circle	Comply with RTA standards	Modification required to the public road to meet RTA Standards	
(e) Truck loading and unloading space on site	Queuing or waiting not required on public roads	Queuing or waiting required on public roads	
(f) Compliance with Building Code of Australia	Meet the deemed to satisfy provisions	Modifications required	
(g) If unsewered site, on-site human sewerage system	Complies with the approval requirements of the Local Govt Act	Modifications required to comply with the approval requirements of the Local Govt Act	

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)

1 Name of this Policy

This Policy is *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* is referred to as the Principal Policy.

3 Aims, objectives etc

This Policy aims to amend the Principal Policy to require consideration to be given:

- (a) in the preparation of environmental planning instruments, development control plans and master plans and the like relating to residential flat development, and
- (b) in the determination of development applications for consent to carry out residential flat development,

to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002) in place of the publication *Better Urban Living Guidelines for Urban Housing in NSW* (Department of Urban Affairs and Planning and NSW Government Architect 1998).

4 Land to which this Policy applies

This Policy applies to the land to which the Principal Policy applies.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 5)

[1] Clause 28 Preparation of instruments

Insert “and have regard to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002)” after “principles”.

[2] Clause 30 Determination of development applications

Omit clause 30 (2) (c). Insert instead:

- (c) the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).

[3] Clause 32

Insert after clause 31:

32 Effect of Amendment No 1

The amendments made to this Policy by *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 1)* do not apply to a development application made but not finally determined before the commencement of those amendments.



Sydney Regional Environmental Plan No 28—Parramatta (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Acting Minister for Planning, make the following regional environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P00/00308/PC)

KIM YEADON, M.P.,
Acting Minister for Planning

Clause 1 Sydney Regional Environmental Plan No 28—Parramatta (Amendment No 5)

Sydney Regional Environmental Plan No 28— Parramatta (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Sydney Regional Environmental Plan No 28—Parramatta (Amendment No 5)*.

2 Aim of plan

- (1) This plan aims to make further provision for development in the Harris Park Precinct of the Parramatta Primary Centre, within the meaning of *Sydney Regional Environmental Plan No 28—Parramatta*.
- (2) This plan alters the development controls for the Our Lady of Lebanon School site and other school sites in Harris Park.
- (3) Most of the provisions of the draft of this plan, including provisions that relate generally to the Parramatta Primary Centre and specifically to other precincts within that Centre, have been excluded from this plan under section 50 (2) of the *Environmental Planning and Assessment Act 1979*.

3 Land to which plan applies

This plan applies to land within the Harris Park Precinct in the Parramatta Primary Centre, which is part of the Sydney region.

4 Amendment of Sydney Regional Environmental Plan No 28— Parramatta

Sydney Regional Environmental Plan No 28—Parramatta is amended as set out in Schedule 1.

Sydney Regional Environmental Plan No 28—Parramatta (Amendment No 5)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Schedule 1 Dictionary

Insert at the end of the definition of *Harris Park Precinct Design Control Map*:

Sydney Regional Environmental Plan No 28—Parramatta
(Amendment No 5)—Harris Park Precinct Design Control
Map

[2] Dictionary, definition of “Harris Park Precinct Zoning Map”

Insert at the end of the definition:

Sydney Regional Environmental Plan No 28—Parramatta
(Amendment No 5)—Harris Park Precinct Zoning Map



Gosford Local Environmental Plan No 431

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N02/00181/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 431

Gosford Local Environmental Plan No 431

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 431*.

2 Aims of plan

This plan aims to clarify circumstances in which demolition may be carried out in Gosford City local government area.

3 Land to which plan applies

This plan applies to all land in Gosford City local government area.

4 Relationship to other environmental planning instruments

- (1) *Gosford Planning Scheme Ordinance* is amended as set out in Schedule 1.1.
- (2) *Interim Development Order No 122—Gosford* is amended as set out in Schedule 1.2.
- (3) *Gosford Local Environmental Plan No 22* is amended as set out in Schedule 1.3.

Gosford Local Environmental Plan No 431

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

1.1 Gosford Planning Scheme Ordinance

Clause 26C

Insert after clause 26B:

26C Demolition

- (1) Demolition may be carried out on land to which this Ordinance applies, but only with development consent.
- (2) This clause is subject to any other provision of this Ordinance that:
 - (a) expressly allows demolition to be carried out without development consent (whether or not subject to conditions or restrictions), or
 - (b) expressly allows demolition to be carried out with development consent subject to conditions or restrictions, or
 - (c) expressly prohibits demolition.
- (3) For the purposes of this clause, demolition in a particular zone is not expressly prohibited just because development generally in that zone is prohibited unless it may be carried out with or without development consent.
- (4) This clause ceases to have effect on 31 December 2003.

1.2 Interim Development Order No 122—Gosford

Clause 13A

Insert after clause 13:

13A Demolition

- (1) Demolition may be carried out on land to which this Order applies, but only with development consent.

Gosford Local Environmental Plan No 431

Schedule 1 Amendments

-
- (2) This clause is subject to any other provision of this Order that:
 - (a) expressly allows demolition to be carried out without development consent (whether or not subject to conditions or restrictions), or
 - (b) expressly allows demolition to be carried out with development consent subject to conditions or restrictions, or
 - (c) expressly prohibits demolition.
 - (3) For the purposes of this clause, demolition in a particular zone is not expressly prohibited just because development generally in that zone is prohibited unless it may be carried out with or without development consent.
 - (4) This clause ceases to have effect on 31 December 2003.

1.3 Gosford Local Environmental Plan No 22**Clause 11A**

Insert after clause 11:

11A Demolition

- (1) Demolition may be carried out on land to which this plan applies, but only with development consent.
- (2) This clause is subject to any other provision of this plan that:
 - (a) expressly allows demolition to be carried out without development consent (whether or not subject to conditions or restrictions), or
 - (b) expressly allows demolition to be carried out with development consent subject to conditions or restrictions, or
 - (c) expressly prohibits demolition.
- (3) For the purposes of this clause, demolition in a particular zone is not expressly prohibited just because development generally in that zone is prohibited unless it may be carried out with or without development consent.
- (4) This clause ceases to have effect on 31 December 2003.

Warringah Local Environmental Plan 2000 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01038/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Warringah Local Environmental Plan 2000 (Amendment No 6)

Warringah Local Environmental Plan 2000 (Amendment No 6)

1 Name of plan

This plan is *Warringah Local Environmental Plan 2000 (Amendment No 6)*.

2 Aims of plan

This plan aims to remove the public open space identification from the map marked “Warringah Local Environmental Plan 2000” in so far as it relates to the land to which this plan applies so as:

- (a) to facilitate use of the land for access to an approved development on the land adjoining, and
- (b) to reflect the classification of the land as operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to part of Lot 1, DP 364010, St David Avenue, Dee Why, as shown edged heavy black and lettered “E9” on the map marked “Warringah Local Environmental Plan 2000 (Amendment No 6)” deposited in the office of Warringah Council.

4 Amendment of Warringah Local Environmental Plan 2000

Warringah Local Environmental Plan 2000 is amended by inserting in appropriate order in the definition of *the map* in the Dictionary the following words:

Warringah Local Environmental Plan 2000 (Amendment No 6)

Roads and Traffic Authority

Roads Act 1993

Notice under Division 3 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to Division 3 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, make the Notice set forth hereunder, so as to specify the towing requirements for agricultural machines that comply with the requirements of the Road Transport (Mass, Loading and Access) Regulation 1996 and the general requirements set out in Parts 2, 3, 4 and 5 of the Schedule to this Notice and any conditions set out in such Schedule.

Paul Forward
Chief Executive
Roads and Traffic Authority

SCHEDULE

PART 1 - PRELIMINARY

1.1 Citation

This Notice may be cited as the Agricultural Machine Combination Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Limitation

This Notice continues to have effect until 31 December 2007 unless it is amended or repealed earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the meaning assigned by Part 6 of this Notice, or, if not there defined, have the meanings assigned to them by the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996.

1.5 Application

This Notice applies to agricultural combinations in excess of 4.5 tonnes Gross Combination Mass (GCM), used for carting primary produce, comprising fruit and vegetables.

PART 2 - ROADS

2.1 Approved roads

2.1.1 A combination to which this Notice applies must not travel on a road, road related area, bridge or structure where any posted mass or dimension limit would be exceeded.

PART 3 - VEHICLE MASS AND DIMENSION LIMITS

3.1 Mass

3.1.1 The gross mass of the combination must not exceed 15 tonnes.

3.1.2 The loaded mass of the trailer must not exceed the loaded mass of the towing vehicle by more than 50%.

3.1.3 The manufacturer's GCM for the hauling unit must not be exceeded.

3.1.4 The manufacturer's ratings for any component of the combination must not be exceeded.

3.1.5 Notwithstanding the definition of GCM, for the purpose of this Notice, where the GCM is not specified by the manufacturer of the hauling unit, the GCM will be deemed to be 1.67 times the Gross Vehicle Mass (GVM) of the hauling unit.

3.1.6 For the purpose of this Notice, for agricultural machines, where the GVM is not specified by the manufacturer, the tare mass of the vehicle will be deemed to be the GVM.

3.1.7 Notwithstanding the definition of GVM, a hauling unit registered before 1 January 1995 and continuously registered thereafter is, for the purpose of this Notice, taken to have a GVM equivalent to any aggregate weight that was in force for the vehicle under Regulation 120A of the Motor Traffic Regulations 1935 (repealed) immediately before that date.

Note: However, if since 1 January 1995 the vehicle has been altered or the registration has not continued without a break, including continuation by renewal or re-issue of such registration, the mass limit of the vehicle is the mass limit determined in accordance with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 1996.

3.2 Dimensions

- 3.2.1** The agricultural combination must not be more than 19 metres long.
- 3.2.2** The agricultural combination must not exceed 2.5 metres in width.
- 3.2.3** The agricultural combination must not exceed 4.3 metres in height.

PART 4 - OPERATING REQUIREMENTS

4.1 Braking

- 4.1.1** The hauling unit must have the mass and braking capability to stop the combination from a speed of 35 km/h, within a distance of 16.5 metres.

4.2 Speed limit

- 4.2.1** The combination must not travel at a speed greater than the lesser of:
- (a) 20 km/h less than the speed limit applying to the section of road on which the combination is travelling; and
 - (b) 50 km/h.

4.3 Conspicuity

- 4.3.1** In daylight, at least one amber rotating beacon is to be fitted at the highest point in the combination, or a removable light board (which has brake, tail and turn lights and reflectors) must be fitted to the rear of the combination.
- 4.3.2** At night, a removable light board must be fitted to the rear of the combination and an amber rotating beacon must be fitted at the highest point in the combination and be clearly visible for a distance of 500 metres in all directions.

PART 5 - MISCELLANEOUS

5.1 Operating Requirements

- 5.1.1** No person shall stand or drive on roads or road related areas, a combination to which this Notice applies, unless:
- a copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice;
 - a duly completed copy of Annexure A - Calculation of GTM for Agricultural Trailers not fitted with a Compliance Plate or Trailer Plate; and

- where required by Annexure A, a duly completed Declaration in or to the effect of the form comprising Annexure B - Owners Declaration of Coupling Capacity,

are carried and produced to a police officer or an authorised officer if requested to do so.

PART 6 - GLOSSARY OF TERMS

In this Notice:

“agricultural combination” means a combination that includes at least one agricultural vehicle.

“agricultural implement” means a vehicle without its own motive power, built to perform agricultural tasks.

Note: Examples of agricultural implements are irrigating equipment, augers, conveyors, field bins, harvest fronts, and machinery fully carried on the three-point linkage of a tractor. Examples of agricultural machines are tractors and harvesters.

“agricultural machine” means a machine with its own motive power, built to perform agricultural tasks.

“agricultural vehicle” means an agricultural implement or agricultural machine.

“amber rotating beacon” means a rotating amber flashing light with at least a 55 watt globe, producing 120 to 200 light pulsations per minute, that can be clearly seen from a distance of 500 metres.

“road” means an area that is open to and used by the public and is developed for, or has one of its main uses, the riding or driving of motor vehicles.

“road related area” means:

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designed for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles; or
- (e) any other area that is open to and used by the public and that has been declared, in accordance with subsection 6 of section 264A of the Roads Act, to be an area to which specified regulations apply.

“trailer” means a motor vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

ANNEXURE A

CALCULATION OF GTM FOR AN AGRICULTURAL TRAILER NOT FITTED WITH A COMPLIANCE PLATE OR TRAILER PLATE

(Trailer plates for trailers up to 4.5 tonnes GTM or compliance plate for trailers exceeding 4.5 tonnes GTM)

Gross Trailer Mass (GTM) Calculation

A Drawbar

1. Is the Gross Load Rating (GLR) displayed on the drawbar?

- Yes What is the GLR? _____ kg
 No, go to 2

2. What certification document for drawbar rating is attached?

- Letter from the drawbar or trailer manufacturer. Show rating below.
 Engineer's Certification. What is the rating? _____ kg

For trailers with drawbars not stamped with a GLR or trailers not issued with a letter from the drawbar/trailer manufacturer or engineer's certificate, a statutory declaration may be accepted. The owner must declare as to the maximum loaded mass that the trailer can be operated at using the fitted drawbar (see Annexure B).

- Statutory Declaration. What is the declared rating? _____ kg

B Tyres

What is the sum of the tyre load ratings? _____ kg

(Where load ratings are unequal, multiple number of tyres by lowest load rating)

C. **Allowable GTM is the lesser of A and B** _____ kg

NOTE

Trailers must be fitted with safety chains which meet the specifications below.

The aggregate trailer mass is the GTM (as calculated at C above) plus the downward load the trailer exerts on the coupling.

Aggregate Trailer Mass (tonnes)	Chain Size (millimetres)	Minimum Chain Breaking Load (tonnes)
Over 3.4 and up to 4.3	7.1	6.4
Over 4.3 and up to 7.5	9.5	11.6
Over 7.5 and up to 13.5	12.7	20.4
Over 13.5 and up to 21.5	15.9	32.0

ANNEXURE B
STATUTORY DECLARATION

I, (a) of (b)
in the State of New South Wales, (c) do solemnly and sincerely declare
as follows

- 1. I own the trailer described below.
2. The maximum drawbar capacity of that trailer is kilograms.
3. The following is an accurate and complete description of the said trailer:

Make: (eg Homemade)

Model: (in full - name, letters and/or numbers)

Model Year:

Vin or Chassis/ frame Number:

Additional identifying features:

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Subscribed and declared at

(d)

this day of 19

before me

.....

Justice of the Peace/Solicitor

NOTES

- (a) Full Name
(b) Residential address
(c) Occupation
(d) Name of city, town or suburb where Declaration made.

Roads Act 1993

Notice under Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to clause 23 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, do, by this Notice exempt from the dimension limits set out in Schedule 1 to the *Road Transport (Mass, Loading and Access) Regulation 1996*, the vehicles described in Part 2 of the Schedule subject to any condition or requirement set out in that Schedule.

Paul Forward
Chief Executive
Roads and Traffic Authority

SCHEDULE

PART 1 — PRELIMINARY

1.1 Citation

This Notice may be cited as the Class 3 Semi-Trailer Exemption Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Effect

This Notice remains in force until 31 December 2007 unless it is amended or repealed earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the *Road Transport (Mass, Loading and Access) Regulation 1996*.

PART 2 — APPLICATION

2.1 Application

2.1.1 This Notice applies provided that the vehicle, of the kind described in 2.1.2, is operated in accordance with the provisions of Part 3 - Operating and Travel Requirements.

2.1.2 This Notice applies to a semi-trailer (including a pole-type trailer) that exceeds the dimension limit specified in clause 72 (1) (b) of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, or a dimension limit specified in clause 7 of Schedule 1 to the *Road Transport (Mass, Loading and Access) Regulation 1996*, but does not exceed the dimension limits specified in Diagram 1 and Table 1 to this Notice.

DIAGRAM 1

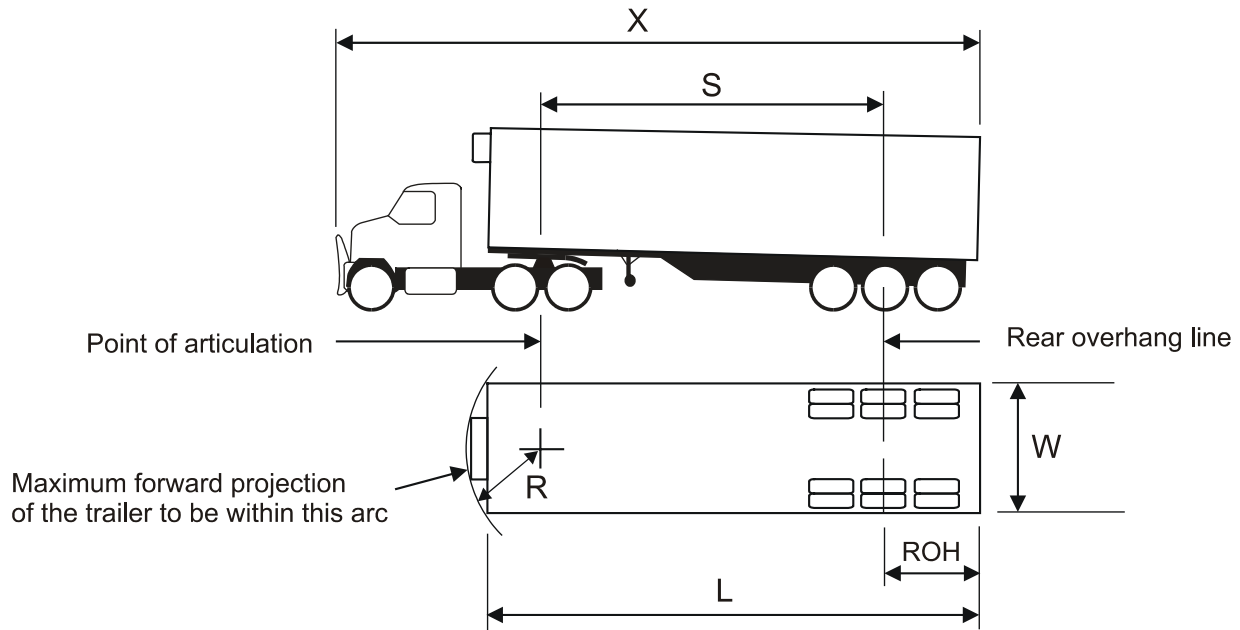


TABLE 1

MAXIMUM DIMENSIONS					
L	R	S	W	X	ROH
14.63 m	1.9 m	9.5 m	2.5 m	19.0 m	3.7 m

Note:

The length of the semi-trailer does not include any refrigeration or other auxiliary equipment or any loading space of reduce width at the front of the semi-trailer.

PART 3 — OPERATION AND TRAVEL REQUIREMENTS**3.1 Notice to be carried**

A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment of the prime-mover hauling a semi-trailer operating under this Notice, and must be produced to a police officer or an authorised officer when requested.

3.2 Compliance plate denoting overdimension

A semi-trailer to which this notice applies must be fitted with a compliance plate denoting that the vehicle is overdimension.

3.3 Class 3 semi-trailers and crates for livestock require specific permit

A semi-trailer or crate for transporting livestock may exceed 13.7 metres, but not 14.63 metres in length, if operated in accordance with a specific permit issued by the Roads and Traffic Authority.

Note: The conditions of the specific permit limit the stock crate to:

- 2.1 metres in height;
- a single deck for transporting cattle and horses;
- two decks for transporting sheep or pigs; and when transporting sheep or pigs on two decks, the lower deck must be fully loaded before the upper deck is used.

3.4 Class 3 semi-trailer not to be used in B-Double or Road Train

A semi-trailer operating under this Notice cannot be used as part of a B-Double or Road Train combination.

Roads Act 1993

Exemption Notice made under the Road Transport (Mass, Loading and Access) Regulation 1996 and the Road Transport (Vehicle Registration) Regulation 1998

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 10 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, and Clause 10 of the Road Transport (Mass, Loading and Access) Regulation 1996, do, by this Notice, exempt vehicles that are described in clause 2.1.2 of the Schedule to this Notice from the dimensions, as specified in the Schedule to this Notice, set out in Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, and the dimension limits in Schedule 1 and clause 24 of Schedule 2 to the Road Transport (Mass, Loading and Access) Regulation 1996, subject to the conditions and requirements set out in the Schedule.

Paul Forward
Chief Executive
Roads and Traffic Authority

SCHEDULE

PART 1 - PRELIMINARY

1.1 Citation

This Notice may be cited as the Combine Harvester Combination Exemption Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Limitation

This Notice continues to have effect until 31 December 2007 unless it is amended or repealed earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meanings as those set out in the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996.

PART 2 - APPLICATION AND DIMENSIONS

2.1 Application

2.1.1 This Notice applies provided that a vehicle, of the kind described in 2.1.2, is operated in accordance with the relevant provisions of the General Class 1 Oversize Notice 2002

including the obligation to carry a copy of this Notice or an information sheet published by the Roads and Traffic Authority.

2.1.2 This Notice applies to a combine harvester towing a comb trailer and an air compressor trailer (coupled in that order only) where a dimension limit for the combine harvester, comb trailer, air compressor trailer or combination exceeds a dimension limit specified in clauses 70 and 73 (1) (d) of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, or the dimension limits specified in Schedule 1 and clause 24 of Schedule 2 to the Road Transport (Mass, Loading and Access) Regulation 1996, but does not exceed a dimension specified in Table 1 to this Notice.

Table 1

Zone	Dimensions			
	length of combination	length of agricultural machine	width	height
Metropolitan or Eastern	(up to) 25.0 m	(up to) 12.5 m	(up to) 5.0 m	(up to) 4.3 m
Western	(up to) 25.0 m	(up to) 12.5 m	(up to) 6.0 m	(up to) 4.3 m

PART 3 - OPERATING REQUIREMENTS

3.1 Speed

A combine harvester combination to which this Notice applies must not be driven on a road or road related area, at a speed exceeding 30 km/h.

3.2 Notice and Guide to be carried

A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment whenever operating as a combine harvester combination and must be produced to a police officer or an authorised officer when requested.

PART 4 - GLOSSARY OF TERMS

In this Notice:

“authorised officer” means:

- in relation to the Roads Act or any provision of that Act, a person in the service of the Roads and Traffic Authority who is authorised by the Roads and Traffic Authority to exercise the functions of an authorised officer under that Act or those provisions; or
- a person authorised by the Roads and Traffic Authority to be an authorised person for the purposes of the Road Transport (Vehicle Registration) Regulation 1998

“air compressor” means a trailer fitted with an apparatus which is designed to compress air which is then used to clean surplus grain and chaff from the machinery and other parts of the combine harvester combination.

“comb trailer” means a trailer which is specially designed and constructed for transporting the comb (the reaping implement) of a combine harvester.

“combine harvester” means a machine which simultaneously combines the operations of reaping, threshing, and winnowing grain crops.

Roads Act 1993

Notice under Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulations 1996, by this Notice, specify the routes described in the Schedule hereto for the operation of Controlled Access Buses as defined therein, provided the mass and dimension limits specified in Part 3 thereof are complied with.

Paul Forward
Chief Executive
Roads and Traffic Authority

SCHEDULE

CONTROLLED ACCESS BUS NOTICE

Note: A Controlled Access Bus is a rigid bus that is longer than 12.5 metres but not longer than 14.5 metres. A passenger 'coach' is regarded as a bus.

PART 1 - PRELIMINARY

1.1 Citation

This notice may be cited as the Controlled Access Bus Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Limitation

This notice remains in force until 31 December 2007 unless it is amended or repealed earlier.

1.4 Application

This Notice applies to a Controlled Access Bus that does not exceed 14.5 metres in length.

1.5 Notes

Notes in the text of this Notice do not form part of this Notice.

PART 2 - ROADS

2.1 Where a Controlled Access Bus may operate

A Controlled Access Bus may travel on any road if it can operate in accordance with the "Route Assessment for 14.5 metre buses", published by the Roads and Traffic Authority.

2.2 Controlled Access Bus may not travel where load limit applies

A Controlled Access Bus may not travel on a road, bridge, causeway or ferry where there is a load limit specified by a sign or notice specified under Section 112 of the Roads Act 1993.

PART 3 - MASS AND DIMENSION LIMITS

3.1 Mass and dimension limits

- (i) A Controlled Access Bus must comply with the applicable mass and dimension limits specified in Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, and Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996.
- (ii) The length of a Controlled Access Bus must not be more than 14.5 metres.
- (iii) The rear overhang of a Controlled Access Bus must not exceed 70% of the distance between the centre of the foremost axle and the foremost extremity of the rear overhang, or 4.9 metres, whichever is the shorter length.

PART 4 - GLOSSARY OF TERMS

In this notice:

"controlled access bus" means a bus that is more than 12.5 metres long except a bus that is:

- (a) an articulated vehicle; or
- (b) an articulated bus;

as defined in the Dictionary to the Road Transport (Vehicle Registration) Regulation 1998.

"rear overhang" means the distance between the rear overhang line and the rear of the vehicle.

"rear overhang line" means:

- (a) if there is a single axle at the rear of the vehicle, the centre-line of the axle, or
- (b) if there is an axle group at the rear of the vehicle - the centre of the axle group, determined without regard to the presence of any steerable axle unless all axles in the group are steerable.

Roads Act 1993

Exemption Notice made under the Road Transport (Mass, Loading and Access) Regulation 1996, and the Road Transport (Vehicle Registration) Regulation 1998

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 10 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, and Clause 10 of the Road Transport (Mass, Loading and Access) Regulation 1996, do, by this Notice, exempt vehicles that are described in clause 2.1 of the Schedule to this Notice from the dimensions, as specified in the Schedule to this Notice, set out in Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, and the dimension limits in Schedule 1 and clause 24 of Schedule 2 to the Road Transport (Mass, Loading and Access) Regulation 1996, subject to the conditions and requirements set out in the Schedule.

Paul Forward
Chief Executive
Roads and Traffic Authority

Schedule

Part 1 – Preliminary

1.1 Citation

This Notice may be cited as the Grain Auger Combination Exemption Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meanings as those set out in the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996.

A note in the text of this Notice does not form part of this Notice.

1.4 Effect

This Notice remains in force until 31 December 2007 unless it is amended or repealed earlier.

Part 2 – Application, operating conditions and requirements

2.1 Application

2.1.1 This Notice applies provided that a vehicle, of the kind described in 2.1.2, is operated in accordance with the provisions of Part 5 - Requirements for Class 1 Agricultural Machines or Agricultural Combinations of the General Class 1 Oversize Notice 2002.

2.1.2 This Notice applies to a grain auger trailer in combination with a towing motor vehicle where a dimension for the trailer or the combination exceeds a dimension limit specified in clauses 70, 73 (1) (d), 74 (4) and 75 (2) of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, or the dimension limits specified in Schedule 1 and clause 24 of Schedule 2 to the Road Transport (Mass, Loading and Access) Regulation 1996, but does not exceed a dimension specified in Diagram 1 and Table 1 to this Notice.

2.1.3 The auger rear overhang (dimension A in Diagram 1) must not exceed 50% of the auger's overall length (dimension B in Diagram 1).

Diagram 1

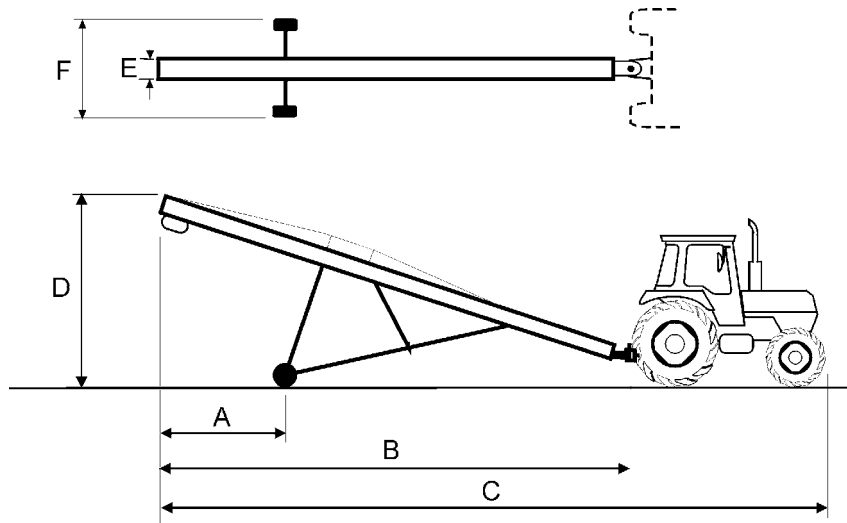


Table 1

Zone	Dimensions					
	A	B	C	D	E	F
Eastern	(up to) 8.0 m	(up to) 19.0 m	(up to) 25.0 m	(up to) 4.3 m	(up to) 0.75 m	(up to) 5.0 m
Western	(up to) 9.0 m	(up to) 19.0 m	(up to) 25.0 m	(up to) 4.3 m	(up to) 0.75 m	(up to) 6.0 m

Note:

- For the purposes of this Notice the Eastern Zone includes the Metropolitan Zone as defined in the General Class 1 Oversize Notice 2002.
- Where dimensions in this notice are exceeded an application for a Specific Permit must be sent to the Roads and Traffic Authority's Permits Unit for assessment. As a general rule Specific Permits may be issued for up to 12 months for point-to-point travel or travel within a 25 km radius, or 1 month journey permits may be issued for larger augers.

2.2 Operating conditions and requirements

2.2.1 A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment whenever operating as a grain auger combination and must be produced to a police officer or an authorised officer when requested.

2.3 Grain auger combination specifications

2.3.1 The towing motor vehicle must be fitted with an efficient braking system capable of stopping the combination within the distance specified (in respect to the class of vehicle concerned) in clause 135 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

2.3.2 The mechanical connection between the towed and towing vehicles must comply with the applicable standards of Schedule 4 the Road Transport (Vehicle Registration) Regulation 1998.

2.3.3 A yellow warning light must be mounted on the vehicle and clearly visible at a distance of 500 metres in all directions, or be supplemented by one or more additional warning lights so that the light emanating from at least one of the lights is clearly visible at a distance of 500 metres in any direction.

2.3.4 Any warning light must be switched on when the combination is travelling or is stationary in a position that is likely to cause danger to other road users.

2.4 Definitions

For the purpose of this Notice:

“authorised officer” means:

- in relation to the Roads Act or any provision of that Act, a person in the service of the Roads and Traffic Authority who is authorised by the Roads and Traffic Authority to exercise the functions of an authorised officer under that Act or those provisions; or

- a person authorised by the Roads and Traffic Authority to be an authorised person for the purposes of the Road Transport (Vehicle Registration) Regulation 1998

“Eastern Zone” means the area to the east of the boundary defined by a line drawn through Corowa, Culcairn, Boorowa, Molong, Mudgee, Merriwa, Quindiri, Tamworth, Bundarra, and Inverell to the Queensland border adjacent to the intersection of MR 382 and SH 16 Bruxner Highway east of Bonshaw.

“warning light” means a light that:

- (i) emits a rotating, flashing, yellow coloured light;
- (ii) flashes between 120 and 200 times a minute; and
- (iii) has a power of at least 55 watts.

“Western Zone” means the area to the west of the boundary defined by a line drawn through Corowa, Culcairn, Boorowa, Molong, Mudgee, Merriwa, Quindiri, Tamworth, Bundarra, and Inverell to the Queensland border adjacent to the intersection of MR 382 and SH 16 Bruxner Highway east of Bonshaw.

Roads Act 1993

Notice under Road Transport (Mass, Loading and Access) Regulation 1996 and Road Transport (Vehicle Registration) Regulation 1998

I, Paul Forward, Acting Chief Executive of the Roads and Traffic Authority pursuant to clause 23 of the *Road Transport (Mass, Loading and Access) Regulation 1996* and clause 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, do, by this notice, exempt from the dimension limits set out both in Schedule 1 to the *Road Transport (Mass, Loading and Access) Regulation 1996* and in Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, the vehicles described in Part 2 of the Schedule subject to any condition or requirement set out in that Schedule.

Paul Forward
Chief Executive
Roads and Traffic Authority

SCHEDULE

PART 1 — PRELIMINARY

1.1 Citation

This Notice may be cited as the Refrigerated Semi-Trailer Exemption Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Effect

This Notice remains in force until 31 December 2007 unless it is amended or repealed earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 1996.

PART 2 — APPLICATION

2.1 Application

2.1.1 This Notice applies provided that the vehicle, of the kind described in 2.1.2, is operated in accordance with the provisions of Part 3 - Operating and Travel Requirements.

2.1.2 This Notice applies to a refrigerated semi-trailer that exceeds any of the dimension limits specified in clause 72 (1) of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, but does not exceed the dimension limits specified in Diagram 1 and Table 1 to this Notice.

DIAGRAM 1

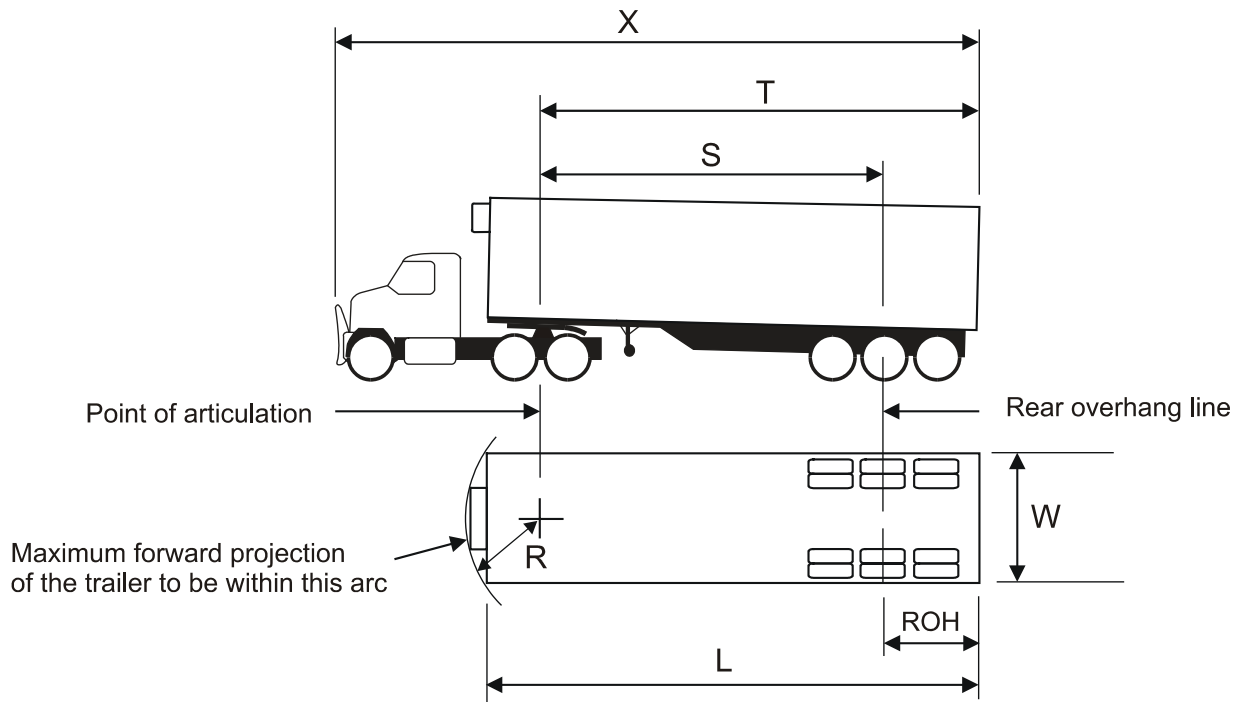


TABLE 1

MAXIMUM DIMENSIONS						
L	R	S	T	W	X	ROH
14.9 m	1.9 m	9.9 m	13.6 m	2.5 m	19.0 m	3.7 m

Note:

- The length of the refrigerated semi-trailer does not include any refrigeration or other auxiliary equipment or any loading space of a reduced width at the front of the semi-trailer.

PART 3 — OPERATION AND TRAVEL REQUIREMENTS

3.1 Notice to be carried

A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment of the prime-mover hauling a semi-trailer operating under this Notice, and must be produced to a police officer or an authorised officer when requested.

3.2 Compliance plate denoting overdimension

A semi-trailer to which this notice applies must be fitted with a compliance plate (being a plate of the description contained in Clause 12 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*) denoting that the vehicle is overdimension.

3.3 Refrigerated semi-trailer not to be used in B-Double or Road Train

A semi-trailer operating under this Notice cannot be used as part of a B-Double or Road Train combination.

Roads Act 1993

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

Albury City Council, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Mr Mark Henderson
General Manager
Albury City Council
 (by delegation from the Minister for Roads)

Schedule

1. Citation

This Notice may be cited as the Albury City Council B-Doubles Notice No 1, 2002.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 February 2005 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Albury City Council.

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Racecourse Road	Fallon Street	100m from intersection of Fallon Street	

Roads and Traffic Authority

Notice made under the Road Transport (Vehicle Registration) Regulation 1998 and the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 14 of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998 and Division 3 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, do, by this Notice, exempt vehicles that are described in Part 2 of the Schedule to this Notice from the dimensions, in that Schedule, as set out in Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, and clause 8 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996, subject to any conditions or requirements set out in the Schedule to this Notice.

Paul Forward
Chief Executive
Roads and Traffic Authority

Amendments

The General Oversize (Baled or Rolled Hay) Exemption Notice 2002 published in Special Government Gazette No. 221 of 15 November 2002 at pages 9771 to 9776, is amended:

Insert

4.1A Exemption from General Class 1 Oversize Notice 2002 – Weekend and public holiday travel restrictions, 23 December 2002 to 3 January 2003

A vehicle or combination carrying rolled or baled hay under this Notice is exempt from the provisions of Clauses 4.1.5, 4.1.6 and 4.1.7 of the General Class 1 Oversize Notice 2002, from 23 December 2002 to 3 January 2003, inclusive.

4.1B Exemption from Operators Guide to Oversize Vehicle Movements for Non-agriculture Vehicles and Mobile Cranes 2001 - Weekend and public holiday travel restrictions, 23 December 2002 to 3 January 2003

A vehicle or combination carrying rolled or baled hay under this Notice is exempt from the provisions of Clauses 3.4, 3.5, and 3.6 of Section 2 of the Operators Guide to Oversize Vehicle Movements for Non-agriculture Vehicles and Mobile Crane 2001, from 23 December 2002 to 3 January 2003, inclusive.

Roads Act 1993
Notice under the Road Transport (Mass, Loading and Access) Regulation, 1996

Greater Taree City Council, in pursuance of Divisions 1, 2 and 3 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which those vehicles described in clause 4 may be used subject to any requirements or conditions set out in the Schedule.

Phil Pinyon
General Manager
Greater Taree City Council
(by delegation from the Minister for Roads)

SCHEDULE

PART 1 — GENERAL

1. *Citation*

This Notice may be cited as the Greater Taree City Council 4.6 Metre High Vehicle Route Notice No 2, 2002.

2. *Commencement*

This Notice takes effect on the date of gazettal.

3. *Effect*

This Notice remains in force until December 2007 unless it is amended or repealed earlier.

4. *Application*

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

5. *Limitations*

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

PART 2 — VEHICLE CLASSES

2.1 *Class 1 vehicles*

- a) a special purpose vehicle that exceeds 4.3 metres, but does not exceed 4.6 metres, in height;
- b) a vehicle or combination (including a low loader or load platform combination) that is specially designed for the carriage of a large

indivisible item, or is carrying a large indivisible item, that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;

2.2 *Class 2 vehicles*

- a) a combination carrying vehicles on more than one deck that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;
- b) a single motor vehicle, or a combination, that exceeds 4.3 metres but does not exceed 4.6 metres in height and is built to carry cattle, sheep, pigs or horses.

2.3 *Class 3 vehicles*

- a) a single motor vehicle, or a combination, that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height and is carrying wool, hay bales or other primary produce;
- b) a single motor vehicle carrying vehicles on more than one deck that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height.
- c) a single motor vehicle, or a combination, that is constructed to exceed 4.3 metres in height, but does not exceed 4.6 metres in height and is carrying freight, other than cattle, sheep, pigs, horses, wool, hay bales, or other primary produce.
- d) a single motor vehicle or combination carrying a freight container that together with its load exceeds 4.3 metres in height, but does not exceed 4.6 metres in height

PART 3 - ROUTES

5. *Routes*

4.6 metre high vehicle routes within the Greater Taree City Council

Route	Starting point	Finishing point	Conditions
Old Bar Road (RR7761)	Pacific Highway (SH10)	Red Gum Road	
Red Gum Road	Old Bar Road (RR7761)	Property Number 74	
Nowendoc Road	Nowendoc (LGA Boundary)	Gloucester Road (MR192)	
Gloucester Road (MR192)	The Bucketts Way	Wingham	
The Bucketts Way	Purfleet	Gloucester Road (MR192)	
Manning River Drive (RR7776)	Pacific Highway (SH10)	Commerce Street (MR192)	

Commerce Street and Wingham Road (MR192)	Manning River Drive (RR7776)	Bushland Drive	
Bushland Drive, Taree	Wingham Road (MR192)	Grey Gum Road	
Grey Gum Road, Taree	Bushland Drive	Muldoon Street	
Muldoon Street, Taree	Grey Gum Road	Wingham Road (MR192)	
Wynter Street, Taree	Commerce Street (MR192)	Florence Street	
Macquarie Street, Taree	Wynter Street	Manning River Drive (RR7776)	
Manning River Drive (RR7776)	Macquarie Street	Florence Street	
Florence Street	Wynter Street	Manning River Drive (RR7776)	

ROADS AND TRAFFIC AUTHORITY

[NO INCREASE IN NORMAL TOLL.]

ROADS ACT 1993 - ORDER

I, PAUL JOHN FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of section 215 of the *Roads Act 1993*, make the Order set forth hereunder.

PAUL JOHN FORWARD
Chief Executive
Roads and Traffic Authority

Sydney, 13 December, 2002.

Citation

1. This Order may be cited as the *Roads (Sydney Harbour Bridge Toll) Order 2003*.

Commencement

2. This Order takes effect on 1 January 2003.

Repeal

3. The *Roads (Sydney Harbour Bridge Toll) Order 2002* dated 7 January, 2002 (published in Gazette No.19 of 11 January 2002 at pages 135 to 138) is repealed on and from 1 January 2003.

Tolls

4. The toll payable for a motor vehicle that is travelling across the Sydney Harbour Bridge in a southerly direction is the toll specified in Schedule 1 in respect of the vehicle.

Motor cycle periodic toll pass

5. (1) A motor cycle periodic toll pass -

- (a) is issued by the Roads and Traffic Authority on payment of the appropriate charge as set out in Schedule 2, Schedule 3, Schedule 4 or Schedule 5; and
- (b) authorises travel by the motor cycle to which the pass relates across the Sydney Harbour Bridge without payment of a toll while the pass is in force.

(2) A motor cycle periodic toll pass is in force on and from the date specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5 in respect of the charge paid for the pass as the date the pass may first be used, up to and including the expiry date of the pass as specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5.

Charge payable by owner of vehicle if toll not paid at barrier

6. The charge payable by the owner of a motor vehicle referred to in item 1 in Schedule 1 in this Order in respect of which:

- (a) a direction referred to in clause 22 (1) (b) of the *Roads (General) Regulation 2000* is given to the driver, and
- (b) the directions are given in respect of the Sydney Harbour Bridge, and
- (c) the directions are given subject to the condition referred to in clause 22 (2) of the *Roads (General) Regulation 2000*,

is\$5.00.

SCHEDULE 1 - TOLLS

<i>Class of vehicles</i>	<i>Toll</i>
1. Any motor vehicle other than a vehicle referred to in item 2, 3 or 4	\$3.00
2. Any motor vehicle that consists of -	
(a) a vehicle that is the property of the Roads and Traffic Authority, that is readily identifiable as such and that is being used either for the purpose of maintenance work on the Bridge or for the purpose of removing vehicles from the Bridge;	
(b) a police vehicle;	
(c) a vehicle that is the property of the Board of Fire Commissioners and that is readily identifiable as such;	
(d) an ambulance or rescue vehicle that is readily identifiable as such;	
(e) a vehicle that is the property of the NSW Red Cross Blood Transfusion Service (Blood Bank), that is readily identifiable as such and that is fitted with a roof mounted red flashing light and siren or similar warning device;	
(f) a vehicle that is being driven by a person to whom a disabled person's toll exemption pass has been issued by the Roads and Traffic Authority, being a pass that exempts the person from payment of tolls and charges in respect of travelling across the Bridge;	
(g) a vehicle in which the driver or passenger displays a pass issued on behalf of the Roads and Traffic Authority, being a pass indicating that the holder is an incapacitated ex-service person;	

- (h) a Defence Force vehicle that is readily identifiable as such; or
- (i) a vehicle driven by a person who produces evidence that he or she or a passenger is a member of the Diplomatic or Consular Corps Nil
3. Any motor vehicle that is attached to, or carried or drawn by, another vehicle Nil
4. Any motor cycle in respect of which a periodic toll pass is in force and displayed in accordance with any directions of the Roads and Traffic Authority Nil

**SCHEDULE 2 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS
EXPIRING ON 31 MARCH 2003**

<i>Date pass may first be used</i>	<i>Charge for motor cycle</i> \$
2 January 2003	93.00
6 January 2003	90.00
13 January 2003	83.00
20 January 2003	75.00
28 January 2003	68.00
3 February 2003	62.00
10 February 2003	54.00
17 February 2003	47.00
24 February 2003	39.00
3 March 2003	32.00

**SCHEDULE 3 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS
EXPIRING ON 30 JUNE 2003**

<i>Date pass may first be used</i>	<i>Charge for motor cycle</i> \$
1 April 2003	92.00
7 April 2003	86.00
14 April 2003	78.00
21 April 2003	72.00
28 April 2003	68.00
5 May 2003	60.00
12 May 2003	53.00
19 May 2003	45.00
26 May 2003	38.00
2 June 2003	30.00

**SCHEDULE 4 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS
EXPIRING ON 30 SEPTEMBER 2003**

<i>Date pass may first be used</i>	<i>Charge for motor cycle \$</i>
1 July 2003	95.00
7 July 2003	89.00
14 July 2003	81.00
21 July 2003	74.00
28 July 2003	66.00
4 August 2003	59.00
11 August 2003	51.00
18 August 2003	44.00
25 August 2003	36.00
1 September 2003	29.00

**SCHEDULE 5 - CHARGE FOR A MOTOR CYCLE PERIODIC TOLL PASS
EXPIRING ON 31 DECEMBER 2003**

<i>Date pass may first be used</i>	<i>Charge for motor cycle \$</i>
1 October 2003	95.00
7 October 2003	90.00
13 October 2003	84.00
20 October 2003	77.00
27 October 2003	69.00
3 November 2003	62.00
10 November 2003	54.00
17 November 2003	47.00
24 November 2003	39.00
1 December 2003	32.00

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Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

NOTIFICATION OF THE CONSTITUTION OF A LOCAL ABORIGINAL LAND COUNCIL AREA

NOTICE is hereby given pursuant to clause 10 of the Aboriginal Land Rights Regulation 2002, of an Application to constitute the Baradine Local Aboriginal Land Council area. The proposed boundaries are described as text below as the Baradine Local Aboriginal Land Council Area.

Baradine Local Aboriginal Land Council Area

Commencing at the junction of the generally southern boundary of the Parish of Denobollie and the generally north-eastern boundary of the County of Baradine; and bounded thence by a line south-westerly to a point on the eastern boundary of Portion 23, Parish of Coolangoola distant 440 metres north of the south-eastern corner of that portion; by a line north-westerly to a point on the northern boundary of Portion 7, Parish of Cumbil distant 280 metres west of the north-eastern corner of that portion; by the continuation of that line for a further 200 metres; by a line south-westerly to the south-western corner of that portion; by Etoo Creek downwards to the north-eastern corner of Portion 3, Parish of Euligal; by a line generally westerly to a point on the southern boundary of Portion 11 distant 1 220 metres west of the south-eastern corner of that portion; by a line north-westerly to a point on the southernmost southern boundary of Portion 1, Parish of Boorimah distant 940 metres west of the southernmost south-eastern corner of that portion; by a line north-easterly to a point on the western boundary of Portion 2 distant 400 metres north of the south-western corner of that portion; by the continuation of that line for a further 520 metres; by a line north-westerly to a point on the north-western boundary of Portion 48, Parish of Wangan distant 1 380 metres south-west of the northern corner of that portion; by a line south-westerly to the north-eastern corner of Portion 3; by the northern boundary of that portion and its prolongation westerly to the road from Pilliga to Baradine via Gwabegar; by that road southerly to Baradine Creek; by that creek upwards to its intersection with the Gwabegar Branch Railway; by a line south-westerly to Merriwee Creek; by a line north-westerly to the southern prolongation of the western boundary of Portion 2, Parish of Gwabegar; by a line south-westerly to a point on the western boundary of the Parish of Ceelnoy distant 2 200 metres north of the south-western corner of that parish, the eastern boundaries of the Parishes of Gidgenbar and Urawilkie southerly, part of the generally north-eastern boundary of the County of Leichhardt generally south-easterly, the generally northern boundaries of the Parishes of Goorianawa, County of Baradine, Gora and Bugaldie generally easterly, part of the generally south-western boundary of the Parish of Wittenbra generally south-easterly, the western and part of the northern boundaries of the Parish of Cooper, northerly and generally easterly, the western and northern boundaries of the Parish of Badham northerly and easterly and part of the generally north-eastern boundary of the County of Baradine, aforesaid, generally north-westerly to the point of commencement.

Under clause 12 of the Aboriginal Land Rights Regulation 2002, objections may be made to this proposal or any part

of the proposal contained in the application. Objections must be in writing and signed by ten (10) or more adult Aborigines who either reside within the Area, or who have an association with the Area. The objections must be made within thirty (30) days of this notice. Objections must set out the grounds for the objection and specify an address for service of notice on the objectors. Objections should be addressed to "The Registrar, Aboriginal Land Rights Act, Level 5, 83 Clarence Street, Sydney NSW 2000".

STEPHEN WRIGHT,
Registrar
Aboriginal Land Rights Act 1983

ASSOCIATIONS INCORPORATION ACT 1984

CANCELLATION OF INCORPORATION PURSUANT TO SECTION 55A(3)

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 55A (3) of the Associations Incorporation Act 1984. Cancellation is effective as at the date of gazettal.

- Australian (International) Buddhist Youth Association Incorporated
- Goulburn Concert Subscribers Committee Incorporated
- Quota International of Kempsey Incorporated
- Circle 8 Square Dance Club Incorporated
- Golden Oldies Social Club Incorporated
- Edgeworth Tennis Club Incorporated
- Ethnic Cable Australia Incorporated
- Business Alliances Network Incorporated
- Christian Shuen Tao Church Incorporated
- Connexus Incorporated
- Culburra Beach Community United Group Incorporated
- Mid North Coast Racehorse Owners & Trainers Association Incorporated
- Narrabri Arts Council Incorporated (In Liquidation)
- Pure Land Learning Institute of Australia Incorporated

CHRISTINE GOWLAND,
Acting General Manager
Registry of Co-operatives & Associations
Department of Fair Trading

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

ORDER

I, the Honourable BOB DEBUS, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the *Children (Protection and Parental Responsibility) Act 1997*, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The part of the local government area of Ballina that is bounded by North Creek, North Creek Canal and the Richmond River.

This Order takes effect on 1 January 2003 and the declaration of the operational area remains in force until 31 December 2003.

Signed at Sydney, this 16th day of December 2002.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

ORDER

I, the Honourable BOB DEBUS, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the *Children (Protection and Parental Responsibility) Act 1997*, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The part of the local government area of Coonamble that is shown on Sheet 2 of the map marked "Shire of Coonamble Local Environmental Plan 1997" deposited in the office of the Coonamble Shire Council.

This Order takes effect on 1 January 2003 and the declaration of the operational area remains in force until 30 June 2003.

Signed at Sydney, this 16th day of December 2002.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

ORDER

I, the Honourable BOB DEBUS, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the *Children (Protection and Parental Responsibility) Act 1997*, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The part of the local government area of Moree Plains that is shown on Sheet 1 of the map marked "Shire of Moree Plains Local Environmental Plan 1995" deposited in the office of the Moree Plains Shire Council.

This Order takes effect on 1 January 2003 and the declaration of the operational area remains in force until 31 December 2003.

Signed at Sydney, this 16th day of December 2002.

BOB DEBUS,
Attorney General

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

ORDER

I, the Honourable BOB DEBUS, Attorney General of the State of New South Wales, in pursuance of section 14(2) of the *Children (Protection and Parental Responsibility) Act*

1997, do, by this my Order, declare the following area to be an operational area for the purposes of Division 2 of Part 3 of that Act:

The Local Government Area of Orange.

This Order takes effect on 1 January 2003 and the declaration of the operational area remains in force until 30 June 2003.

Signed at Sydney, this 16th day of December 2002.

BOB DEBUS,
Attorney General

CONTAMINATED LAND MANAGEMENT ACT 1997, Section 21

DECLARATION OF REMEDIATION SITE

Declaration Number 21030

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 incorporates the following areas:

- 60 Pacific Highway, Tweed Heads South, NSW, comprising Lots 1 and 2 of Deposited Plan 781518, and Lot 1 of Deposited Plan 524806, known locally as the Mobil Service Station, and
- That part of the adjacent Council footpath and nature strip area located between the premises at 60 Pacific Highway and the Pacific Highway.

in the local government area of Tweed Shire.

2. Nature of the substances causing the contamination ("the contaminants"):

Total petroleum hydrocarbons (TPHs), including benzene, toluene, ethyl benzene and xylenes (BTEX) in soils and groundwater on the site.

3. Nature of harm that the substance may cause:

The EPA has considered the matters in s.9 of the Act and has found that

TPHs and BTEX have been identified in the soil and groundwater at the site and would not be expected to occur naturally at the site.

The concentrations of BTEX in groundwater at the site exceed relevant criteria for the protection of marine ecosystems

Groundwater at the site is contaminated with separate phase hydrocarbons; and

Hydrocarbon contaminated groundwater may potentially migrate beyond the footpath.

The EPA has found that the contamination at the site presents a significant risk of harm to human health and the environment. In particular:

Benzene is a known carcinogen;

Harm may be caused to humans through exposure to the hydrocarbon contamination which may arise from excavations within the site;

Harm may be caused to humans through accidental inhalation of volatile vapours, including benzene, which may accumulate in confined spaces such as trenches, pipes, within buildings and in voids beneath buildings; and

There is a potential risk of explosion should volatile vapours accumulate in any confined space.

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 s.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 EPA advises that the public may make written submissions to the EPA on:

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

Submissions should be made in writing to:

Acting Director Contaminated Sites
Environment Protection Authority

PO Box A290
SYDNEY SOUTH NSW 1232
or faxed to: 02 9995 5930
by not later than 17 January 2002.

CAROLYN STRANGE ,
Acting Director Contaminated Sites
Environment Protection Authority
(by Delegation)

Date: 16 December 2002

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 s.23 of the Act.

Variation/Revocation

This declaration 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 a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

S.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 s.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 s149 (2) certificate is removed.

CO-OPERATIVES ACT 1992

CHANGE OF NAME

IT is hereby notified that on 16 December 2002, I registered a change of name for Eurobodalla Food Services Co-operative Ltd to Eurobodalla Meals on Wheels Co-operative Limited.

Dated this 16th day of December 2002

E. FLETCHER,
Delegate Of The Registrar Of Co-operatives

**NOTICE UNDER SECTION 601AA OF THE
CORPORATIONS LAW 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.

Name of Co-operative

HAWKESBURY VALLEY TOURISM CO-OPERATIVE
LIMITED

Dated this 16 December 2002.

C. GOWLAND,
Delegate Of The Registrar Of Co-operatives

ELECTRICITY SUPPLY ACT 1995

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

**NOTICE OF COMPULSORY ACQUISITION OF
STRATUM LAND AND INTEREST IN LAND FOR
ELECTRICITY PURPOSES**

TRANSGRID, by its delegate Lionel Smyth, declares, with the approval of Her Excellency the Governor, that the lands described in Schedule 1 of this notice are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 18th day of December 2002.

L. G. SMYTH,
General Manager/Business Resources,
TRANSGRID

SCHEDULE 1

(Stratum Land)

All that stratum of land situate in the Local Government Area of South Sydney City, Parish of Alexandria, County of

Cumberland and State of New South Wales being that part of folio identifier 2/561873 shown as Lot 207, on plan registered number P.50319 in the office of TransGrid.
(P.50319)

FORESTRY ACT 1916

PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

SCHEDULE

EASTERN DIVISION

*Land District Of Port Macquarie;
Hastings Council Area;
Mid North Coast Forestry Region*

Cairncross State Forest No. 183, No. 16 Extension. An area of about 819.3 hectares in the Parish of Cogo, County of Macquarie, being the land within Portions 91, 123, 128, 140, 144 and 167 delineated on plans catalogued 4889, 8555, 7375, 7282 and 8023 – 666 in the Department of Information, Technology and Management, Sydney, TOGETHER WITH the land within Lot 1 in Deposited Plan 45952 and Lot 95 in Deposited Plan 1042534, EXCLUSIVE OF all Crown roads traversing the abovedescribed land. (53055)

Signed and sealed at Sydney, this 11th day of December, 2002.

By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Forestry

GOD SAVE THE QUEEN!

GEOGRAPHICAL NAMES ACT 1966

NOTICE OF ASSIGNMENT OF GEOGRAPHICAL NAMES AND BOUNDARIES FOR LOCALITIES WITHIN WAKOOL SHIRE

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the names and boundaries of the following twenty seven localities within Wakool Shire, to be used as the address, as shown on map GNB3815:

Barham, Burraboi, Cobramunga, Cunninyeuk, Dhuragoon, Dilpurra, Gonn, Goodnight, Keri Keri, Koraleigh, Kyalite, Mallan, Mellool, Moolpa, Moulamein, Murray Downs, Niemur, Noorong, Speewa, Stony Crossing, Tooleybuc, Tooranie, Tullakool, Wakool, Waugorah, Wetuppa and Yanga.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the names "*Glenfield Telephone Exchange*" which was assigned with the designation of Telephone Exchange, folio 2583, 4 May 1979 and "*Greta Telephone Exchange*" which was assigned with the designation of Telephone Exchange, folio 8901, 15 February 1980.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

HERITAGE ACT 1977

ERRATUM

THE notice published in the *Government Gazette* No. 71 of 13 May 1983, relating to SHR No 237 item known as former Smith's Flour Mill, 91 Newcastle Road, East Maitland should have read:

SCHEDULE 'B'

All those pieces and parcels of land situated at East Maitland, City of Maitland, Parish of Maitland, County of Northumberland, being Lots 1, 2 and 3 DP 785381 bounded by Newcastle Road (New England Highway), Mill Street and a lane.

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

TRANSPORT ADMINISTRATION ACT 1988

NOTICE OF COMPULSORY ACQUISITION OF LAND FOR THE PURPOSES OF THE STATE RAIL AUTHORITY OF NEW SOUTH WALES

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

Dated this 24th day of July 2002

HOWARD LACEY,
Chief Executive

SCHEDULE

(Land)

All that piece or parcel of land situate at Chullora in the Local Government Area of Bankstown Parish of Liberty Plains County of Cumberland and State of New South Wales

being Lot 2 in Deposited Plan 1023331 having an area of 3151 square metres or thereabouts and said to be in the possession of the Crown excluding thereout the "EASEMENT FOR TRANSMISSION LINE VARIABLE WIDTH" vide Deposited Plan 543282 SRA Ref 010753

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF 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 lands described in the Schedule below, as part of **Munmorah State Conservation Area**, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 11th day of December, 2002.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Gosford; L.G.A. - Wyong

County Northumberland, Parish Wallarah, containing an area of about 53 hectares, being the area separating that part of Munmorah State Conservation Area (previously known as Munmorah State Recreation Area), notified by Government Gazette on 1st April 1977, 1st December 1989 and 7th May 1993, from the mean low water mark, South Pacific Ocean. NPWS F/4092.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF NATIONAL PARK

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

Signed and sealed at Sydney this 11th day of December, 2002.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Addition to Ben Boyd National Park

County Auckland, Parishes Kiah and Wonboyn, LGA Bega Valley, about 138 hectares, being the area separating that part of Ben Boyd National Park south of Twofold Bay, reserved by Government Gazette on 12th November 1971, 1st December 1972, 19th November 1976, 24th December 1976, 1st July 1977, 11th November 1977, 17th November 1978, 8th January 1982 and 13th November 1987, from the mean low water mark, Disaster Bay and the South Pacific Ocean. NPWS. 02/07249.

Addition to Bouddi National Park

County Northumberland, Parish Kincumber, LGA Gosford, about 14 hectares, being the area separating that part of Bouddi National Park reserved by the National Parks and Wildlife Act No 35, 1967, and Government Gazette on 7th April 1972, 31st August 1973, 14th March 1975, 12th April 1979, 12th October 1984, from the mean low water mark Broken Bay and the South Pacific Ocean. NPWS. 02/07250.

Addition to Bournda National Park

County Auckland, Parishes Bournda and Wallagoot, LGA Bega Valley, about 72 hectares, being the area separating that part of Bournda National Park reserved by Government Gazette on 24th April 1992, from the mean low water mark, South Pacific Ocean. NPWS. 02/07251.

Addition to Ku-ring-gai Chase National Park

County Cumberland, Parish Broken Bay, LGA Pittwater, at The Basin, about 1.5 hectares, being the area separating that part of Ku-ring-gai Chase National Park reserved by the National Parks and Wildlife Act No 35, 1967, from the mean low water mark of Coasters Retreat generally south west from the easterly prolongation of the northern boundary of Lot 14, DP 752017 to the mouth of The Basin. NPWS. 02/07252.

Addition to Murramarang National Park

County St Vincent, Parishes Kioloa and Benandarah, LGAs Shoalhaven and Eurobodalla, about 118 hectares, being the area separating that part of Murramarang National Park reserved by Government Gazette on 4th May 1973, 22nd November 1974, 14th October 1977, 26th March 1982, 19th April 1985 and 26th February 1993, from the mean low water mark, Batemans Bay, and the South Pacific Ocean. NPWS. 02/07255.

Addition to Myall Lakes National Park

County Gloucester, Parishes Eurunderee, Fens and Forster, LGA Great Lakes, about 96 hectares, being the area separating that part of Myall Lakes National Park reserved by Government Gazette on 10th November 1972, 19th August 1977, 25th January 1980 and 28th August 1987, from the mean low water mark, South Pacific Ocean. NPWS. 02/07254.

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF REGIONAL PARK

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, and

assign to that land the name Bomaderry Creek Regional Park, under the provisions of Section 30A(1) and Section 30A(2) of the National Parks & Wildlife Act, 1974.

Signed and sealed at Sydney this 11th day of December, 2002.

MARIE BASHIR,
Governor

By Her Excellency's Command

BOB DEBUS,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

*Land District - Nowra
Council - Shoalhaven*

County Camden, Parish Bunberra, about 82 hectares, being the land shown by hatching in the diagram following.



2 BOUNDARY OFFSET 14 METRES SOUTH FROM CENTRELINE OF HEADING ROAD
 0 BOUNDARY OFFSET 14 METRES SOUTH FROM CENTRELINE OF WEST-CUMBERLAND ROAD
 14 METRE WIDE STRIP ENBRACING EXISTING ACCESS TRACK ENCLOSED IS METRE DESIGN ONE OF CENTRELINE
 DIGITAL CADASTRAL DATA SOURCED FROM LPI, BATHURST

NATIONAL PARKS AND WILDLIFE SERVICE

**DRAFT FIRE MANAGEMENT PLAN FOR
LANE COVE NATIONAL PARK**

Public Exhibition

Background & Process

The National Parks and Wildlife Service has spent a number of years developing a Draft Fire Management Plan for Lane Cove National Park. The Draft Fire Management Plan has been designed to assist in the control of wildfires and to establish a schedule for hazard reductions in the park. The process has involved the study of historic fire records, a scientific and vegetation study of the Parks and initial public consultation meetings. The Draft Fire Management Plan is consistent with the guidelines established by the Local Bushfire Management Committee Risk Management Plan for the Fire District

The Draft Fire Management plan will be exhibited for approximately 3 months, and the submissions will be evaluated and where feasible, incorporated into the adopted Fire Management Plan.

How do you find out about the proposal?

The Draft Fire Management Plan will be on public display at the following locations during the hours specified from **20th December 2002 until 20th March 2003.**

National Parks and Wildlife Service
Kalkari Visitor Centre
Ku-ring-gai Chase Road
Ku-ring-gai Chase National Park
(via Mt Colah or North Turramurra)
9.00am – 5.00pm Every day

National Parks and Wildlife Service
Library, Level 7, 43 Bridge Street
HURSTVILLE
9.30am – 4.30pm Monday and Tuesday
9.30am – 4.30pm Thursday and Friday

Ku-ring-gai Municipal Council
Level 4, 818 Pacific Highway
GORDON
9.30am – 4.00pm Monday to Friday

National Parks and Wildlife Service
Lane Cove River Area Office
Lane Cove National Park
Lady Game Drive
CHATSWOOD
9.00am – 4.00pm Monday to Friday

National Parks and Wildlife Service
Sydney North Regional Office
Ku-ring-gai Chase Road
Ku-ring-gai Chase National Park
8:30am to 4:00pm Monday to Friday

Ryde Library Services
Ryde Civic Centre
Cnr Devlin Street and Blaxland Road, RYDE
10.00am – 5.00pm Monday to Saturday

Copies of the Draft Fire Management Plan can also be viewed on the NPWS web site www.npws.nsw.gov.au

How do you make a submission?

Anyone can make a submission. Persons or organisations wishing to comment on the activity are invited to make a written submission by **20th March 2003**. Submissions should be addressed to:

Project Co-ordinator
Lane Cove National Park
Draft Fire Management Plan
NPWS, Sydney North Region
PO Box 3056
ASQUITH NSW 2077
(fax: 02 9457 8265).

Your comments on the activity may contain information that is defined as “personal information” under the NSW *Privacy and Personal Information Protection Act 1998* and which identifies you. Following a final decision on the Fire Management Plan, copies of all submissions will be available for inspection at the NPWS Head Office at 43 Bridge Street, Hurstville 2220 (ph: 02 9585 6444). If you do not want your personal details to become public please mark on your submission that you want your details to remain “confidential”.

The submissions will ultimately be stored in the NPWS records system.

**NSW NATIONAL PARKS AND
WILDLIFE SERVICE**

NOTICE OF EXHIBITION OF THE DRAFT *GREVILLEA
BEADLEANARECOVERY PLAN*

THE National Parks and Wildlife, hereby give notice of the exhibition of the draft *Grevillea beadleana* Recovery Plan. Exhibition details will be published on 20 December 2002 in the Sydney Morning Herald and The Land newspapers. The NPWS web site <www.npws.nsw.gov.au> will also have exhibition information including a full version of the draft Recovery Plan.

GARY DAVEY,
Manager - Northern
Conservation Programs and Planning Division

SAFER COMMUNITY COMPACT

ORDER

I, the Honourable BOB DEBUS Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the *Children (Protection and Parental Responsibility) Act 1997*, do, by this my Order, approve the Penrith Valley Community Safety Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 23 December 2002 and remains in force until 22 December 2005.

Signed at Sydney, this 13th day of December 2002.

BOB DEBUS,
Attorney General

SPORTING INJURIES INSURANCE ACT 1978

ORDER OF DECLARATION UNDER SECTION 5

IN pursuance of Section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the

THE INTERNATIONAL BUDO FEDERATION
(AUSTRALIA)

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of Judo and Ju-Jitsu.

Chairperson
Sporting Injuries Committee

Date: 11th August 2002

REPORT AND DETERMINATION UNDER SECTION 13
OF THE STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

JUDGES, MAGISTRATES AND RELATED GROUP

12 December 2002
www.remtribunals.nsw.gov.au

JUDGES, MAGISTRATES AND RELATED GROUP

Section 1: Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975* (the Act), as amended, requires

the Statutory and other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination of the remuneration to be paid to these office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money.

2. The Judges Magistrates and Related Group comprises such officers who are listed in the Schedules of the Act and, in addition are defined as judicial officers (within the meaning of the *Judicial Officers Act 1986*) or offices which the Government considers should belong to that Group. The offices have been grouped together by the Tribunal for remuneration purposes only.
3. Since the last review, however, the Tribunal has undertaken extensive reviews of specific office holders who work directly within the judicial system. The office holders concerned were, the Deputy Directors of Public Prosecutions, Crown Prosecutors, Public Defenders, Commissioners Land and Environment Court, Commissioners, Industrial Relations Commission and the Commissioners, Compensation Court.
4. These reviews revealed that increases in work value had occurred and as a result the Tribunal determined a new level of remuneration for the office holders concerned. The Tribunal also concluded that as a result of this review the remuneration for these office holders should be set in relationship with judicial remuneration levels. For remuneration purposes, therefore, these office holders, have been removed from the Public Office Holder Group and are now listed with the Judges Magistrates and Related Group.
5. In December 2001 the Parliament passed the *Statutory and Other Offices Remuneration Amendment Act 2001*. This Act amended Section 13 by removing the requirement for the Tribunal to make its annual determinations by 31 August. Section 13 now provides;

"The Tribunal shall, in each year, make a determination of the remuneration to be paid to office holders as on and from 1 October in that year."
6. The Act was also amended to provide the Tribunal with the power to determine travel and subsistence allowance for a "Judge or Acting Judge of a Court."

Section 2: 2002 Review

7. On 6 September 2002 the Tribunal issued a Statement advising that the annual determination for the Judges, Magistrates and Related Group would be delayed pending the completion of the Federal Tribunal's review of judicial remuneration. The reason for the delay concerns the longstanding Agreement between Federal and State Governments on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This was explained in the Tribunal's 2000 Report and is restated here for clarification purposes

"...At the Premier's Conference on 28 June 1990 the Prime Minister and Premiers discussed the salaries of Commonwealth and State Judges and agreed that the question of "leap-frogging" in judicial salaries should be jointly addressed. Arising from this the Chairman of the Commonwealth Remuneration Tribunal met with the Chairmen of the State and Territory Remuneration Tribunals on 23 August 1990, 7 February and 5 July 1991.

In these meetings consensus was reached on the following matters: that the Remuneration Tribunals should continue to consult on an informal basis before making decisions on judicial salaries; that salary reviews should take place at or about the same time each year; and that there was a need to avoid the appearance of "leap-frogging". Further, that historical and other material suggested that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. This relativity however, was acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remained at an acceptable level, and that the Remuneration Tribunals should have regard to the base salary plus non financial benefits (such as motor vehicles) when determining judicial remuneration."

8. Since that time the New South Wales Tribunal has maintained the remuneration of a State Supreme Court Judge at approximately 85% of the remuneration of a Justice of the High Court. In addition it has determined an additional amount of \$13,400 to be added to the salary of a Supreme Court Judge to meet motor vehicle costs.
9. On 27 November 2002 the Federal Tribunal made its determination on judicial remuneration providing for increases of a total of 17 per cent over the period 1 July 2002 to 30 June 2004, i.e., 24 months, as follows:

7%	payable on 1 July 2002
5%	payable on 1 July 2003
5%	payable on 1 July 2004
10. It further determined that these increases are over and above any general increases that it determines as part of its normal annual reviews for the years 2003 and 2004. Federal Treasury has forecast wage increases of 3½ percent for each of these years. Therefore the total increase over the two years may exceed 24 per cent. The Federal Tribunal has also determined the reimbursement of private vehicle running costs incurred by Federal Judges up to \$8,000 pa.
11. In meetings with the Federal Tribunal this Tribunal, while supporting the retention of the 85% nexus, nevertheless emphasised that significant increases to the Federal Judiciary could have serious flow on effects to State Judges and it advised that a moderate approach should be taken.
12. The Tribunal notes that the Federal Government's submission to the Tribunal argued against a large increase for Federal Judges in part because:

"Once judges in one jurisdiction had received a salary increase, the new rate would be seen as a benchmark for judges in other jurisdictions. The Government would not support a significant increase in federal judicial salaries as this would destroy existing relativities with the remuneration payable to judges of State and Territory Supreme Courts."
13. The Tribunal has maintained the 85% nexus but only after due consideration of other factors that must be taken into account. In particular, economic factors and the changes in salary movements for chief executives and public office holders in New South Wales. It has not accepted the automatic flow on of Federal Tribunal decisions.
14. The Federal Tribunal Report results from a major and extensive review. It has set down guiding principles, it has stated a number of conclusions on important issues such as the market, performance pay, superannuation surcharge, salary sacrifice, pension arrangements. It has also set down key elements to be considered in determining adequate remuneration to ensure the basic independence of the Judiciary. The conclusions of this review will have a significant impact on Judicial remuneration throughout Australia and will require close examination.
15. This Tribunal will examine carefully the Federal Report and particularly the reasons behind the size of the increases and their applicability to New South Wales. It will consult with inter-State Remuneration Tribunals. Therefore submissions will be sought from the New South Wales Judiciary and other affected parties in relation to these matters. Because of Law vacations these submissions will not be required until 25th February, 2003.
16. The Federal Tribunal determination has not yet been tabled in the Federal Parliament where it will be subject to disallowance by either House of Parliament. It does not become operative until after the disallowance days have expired and because of the sitting pattern of the Federal Parliament this could be in March 2003 at the earliest.
17. Because of these factors the Tribunal will not be making its final annual determination on judges' remuneration until it has conducted its review of judicial remuneration in NSW and until the Federal Determination becomes operational. Because of this delay the Tribunal has decided to make an interim determination of 5 per cent effective from 1st October 2002.
18. The Tribunal also notes that future Federal Tribunal's determinations are to take effect from 1 July each year. Unlike the Federal legislation, the NSW Act provides that annual determinations take effect on and from 1 October each year. This interval will allow for due consideration for New South Wales to bring down its determination by 31st August each year and to be operative from 1st October.
19. The Tribunal pursuant to Section 14 of the Statutory and Other Offices Remuneration Act made special determinations operative on and from 2nd April 2002 for the following positions:
 - Commissioners, Land and Environment Court
 - Commissioners, Industrial Relations Commission
 - Commissioners, Compensation Court
 - Deputy Directors, Public Prosecutions
 - Crown Prosecutors
 - Public Defenders
20. This determination established a fixed percentage relationship with the remuneration of those occupying higher offices within each of the above categories. In view of the significant increases determined by the Federal Tribunal it will now be necessary to review whether those percentages continue to be appropriate. Therefore, submissions will be invited from these groups, again closing on 25th February 2003.

Section 3 Conclusion

21. The Tribunal determines that the base rate of remuneration for a Supreme Court Judge should be increased on and from 1 October 2002 by 5 percent. The salary of a Judge of the Supreme Court will increase from \$220,840 to \$231,880 per annum. The Tribunal also determines an additional amount of \$13,400 per annum to bring consistency between NSW Judges and Federal and Inter-State Judges in relation to the provision of a motor vehicle.
22. The remuneration of the Heads of Jurisdiction of the Supreme Court, Court of Appeal and Industrial Relations Commission and all other office holders within this Group shall be proportionally increased to maintain existing relationships, as set out in the attached Determination on and from 1 October 2002.
23. The rates for Acting Judges of the Supreme Court and the District Court shall also be as set out in the attached Determination on and from 1 October 2002.
24. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to the office holders in this Group on and from 1 October 2002 shall be as set out in Annexures A to D.
25. The Tribunal has also made a Report and determination on Travel Allowances for NSW Judges. The Report and Determination are attached at Annexure E

The Statutory and Other Offices Remuneration Tribunal**GERRY GLEESON**

Dated: 12 December 2002

ANNEXURE A**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES AND RELATED GROUP ON AND FROM 1 OCTOBER 2002**

JUDGES	Salary \$ per annum
Chief Justice of the Supreme Court	274,470
President of the Court of Appeal	257,005
President of the Industrial Relations Commission	257,005
Judge of the Supreme Court	231,880*
Vice-President of the Industrial Relations Commission	231,880*
Deputy President of the Industrial Relations Commission	231,880*
Judge of the District Court	220,750
Master or acting Master (under the Supreme Court Act 1970)	220,750

* An additional amount of \$13,400 to be added to the salary of the office holder. The resultant total amount shall be the salary fixed for pension leave and other administrative purposes.

ANNEXURE B**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES AND RELATED GROUP ON AND FROM 1 OCTOBER 2002**

MAGISTRATES	Salary \$ per annum
Chief Magistrate	220,750
Deputy Chief Magistrate	186,535
Chairperson of Licensing Court	186,535
State Coroner	186,535
Senior Children's Magistrate	186,535
Chief Industrial Magistrate	179,690
Deputy Chairperson, Licensing Court	179,690
Magistrate	176,600
Chairperson Victims Compensation Tribunal (NOTE 1)	176,600
Children's Magistrate	176,600
Licensing Magistrate	176,600
Deputy State Coroner	176,600

NOTE 1. When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

ANNEXURE C**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES AND RELATED GROUP ON AND FROM 1 OCTOBER 2002**

RELATED GROUP	Salary \$ per annum
Chairperson, Law Reform Commission	231,880*
Solicitor-General	231,880*
Director of Public Prosecutions	231,880*
Crown Advocate	220,750
Deputy Director of Public Prosecutions	220,750
Senior Crown Prosecutor	198,675
Senior Public Defender	198,675
Deputy Senior Crown Prosecutor	178,810
Deputy Senior Public Defender	178,810
Crown Prosecutor	163,355
Public Defender	163,355
Senior Commissioner Land and Environment Court	166,790
Commissioner Land and Environment Court	161,885
Commissioner Compensation Court	166,790
Commissioner Industrial Relations Commission	161,885

* An additional amount of \$13,400 to be added to the salary of the office holder. The resultant total amount shall be the salary fixed for pension leave and other administrative purposes.

ACTING JUDGESSupreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,230 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$1,107 per day

ANNEXURE D**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES AND RELATED GROUP ON AND FROM 1 OCTOBER 2001****Annual Leave Loading**

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the following office holders:

Magistrates Group listed in Annexure B of this Determination

Office Holders listed in Annexure C of this Determination

Deputy President of the Industrial Relations Commission (not being a judicial member)

The Statutory and Other Offices Remuneration Tribunal

Gerry Gleeson

Dated: 12 December 2002

ANNEXURE E**REPORT AND DETERMINATION – TRAVEL ALLOWANCES FOR NSW JUDGES****REPORT****a) Background:**

1. Remuneration" is defined in the Statutory and Other Offices Remuneration Act 1975, as salary and allowances payable to office holders. Judges are holders of offices specified in Schedule 1 of the Act.
2. "Allowance" is defined as follows

"allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

- (a) a Judge or Acting Judge of a court, or
- (b) any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition.

3. On 11 April 2002 the Tribunal made its determination on domestic travel allowances for Judges. On 2 October 2002 the Commissioner for Taxation issued a Class Ruling (CR2002/75) which provides that the travel allowance rates determined by the Tribunal were reasonable for the purpose of exemption from substantiation under the Income Tax Assessment Act 1997.

4. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

b) Current Review:

5. The review undertaken by the Tribunal found that while NSW Judges do travel interstate, most travel was to non metropolitan NSW, particularly by Judges of the District Court. Such circuit work involves extensive travel to various centres and judges can be away, depending on the trial list and trial duration, for up to four weeks at a time.

6. Advice from the District Court Registry is that the District Court is scheduled to sit for a minimum of 634 weeks of circuit sittings for 2002/2003 in non metropolitan NSW. The Tribunal understands that between 15-20 judges are on circuit at any given time. These statistics continue to testify to the importance of the District Court in the delivery and administration of justice in NSW.

7. For the present review the Tribunal has examined the current NSW Award Travel Rates, the Travel Rates for the NSW Senior Executive Service and other senior public sector employees as well as current rates payable to the Federal Judiciary. The Tribunal has also undertaken a survey of commercial accommodation in non metropolitan New South Wales.

8. The results of the survey reveal little change in the cost of accommodation in many country centres since the Tribunal's last review.

c) Principles Adopted

9. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.

- Travelling allowances are intended to meet the costs necessarily incurred by Judges who are required to travel away from home/place of work on official business. Such costs cover accommodation, meals and incidental expenses.
- Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.
- Office holders are not expected to gain or lose financially as a result of travelling on official business.
- Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.
- The rates for accommodation across NSW vary considerably from town to town. There will be some country towns where the country daily rate will be of

financial advantage to the Judge and there will be some (a much lesser number) where the Judge could be financially disadvantaged. On balance, the Tribunal is persuaded that with the exception of Newcastle and Wollongong a common rate should be applied for the remainder of NSW in the knowledge that across a year a Judge will most likely be neither financially advantaged or disadvantaged.

d) Conclusions:

10. The Tribunal has determined that the current capital city travel allowance rates contained in Taxation Ruling 2002/12 will also apply for NSW Judges.
11. Non metropolitan accommodation rates and meal allowance rates have not changed from the Tribunal's previous determination.
12. After reviewing the survey of accommodation and meal costs both inter and intra state, the Tribunal makes the following determination effective on and from 1 October 2002.

**Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson
12 December

DETERMINATION

Pursuant to section 13 of the Act the Tribunal determines that the travel allowances for Judges will be as follows effective on and from 1 October 2002.

A. Travel necessitating an overnight stay

Capital City Rates

Adelaide	\$296.15
Canberra	\$296.15
Darwin	\$296.15
Hobart	\$296.15
Brisbane	\$366.15
Melbourne	\$366.15
Perth	\$366.15
Sydney	\$366.15
Newcastle and Wollongong	\$292.90
Other areas	\$246.65

CONDITIONS

General conditions are to be as determined from time to time by the Attorney General. In addition the following specific conditions will apply.

- The full daily travel allowance rate is to be paid only where the judge stays overnight at commercial accommodation.
- Where the judge stays overnight at non commercial accommodation then one third of the daily rate is to be paid.
- Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

B. Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$20.00
Lunch	\$25.00
Dinner	\$45.00

**Statutory and Other Offices
Remuneration Tribunal**

Gerry Gleeson

Dated: 12 December 2002

SURVEYORS ACT 1929

RESTORATION TO THE REGISTER OF SURVEYORS

PURSUANT to the provisions of section 9B of the Surveyors Act 1929, the undermentioned persons have been restored to the Register of Surveyors with the effective dates of restoration as shown.

Name / Address	Effective Date of Restoration	Original Date of Registration
GOWEN, Brian Charles 12 Woodberry Road Winston Hills NSW 2153	9 December 2002	6 October 1976
LITTLE, Geoffrey Hayward 102 Crown Street Woolloomooloo NSW 2001	1 November 2002	3 October 1967
		W. A. WATKINS, President
		G. K. A. LEATHERLAND, Registrar

SURVEYORS (GENERAL) REGULATION 1999

PRESCRIBED EXAMINATIONS

PURSUANT to the provisions of Clause 14(1) of the Surveyors (General) Regulation 1999, the Board of Surveyors of New South Wales will conduct prescribed examinations for financial enrolled Candidate Surveyors from 10 March 2003 to 12 March 2003 and 15 September 2003 to 17 September 2003 at Land and Property Information New South Wales, Queens Square, Sydney.

Applications from Candidate Surveyors to sit for the March and September examinations must be received by the Board no later than 17 February 2003 and 18 August 2003 respectively. Further details of the examinations can be obtained from the Registrar, Board of Surveyors of New South Wales at the above address.

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

**TRANSPORT ADMINISTRATION ACT 1988
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

**NOTICE OF COMPULSORY ACQUISITION OF LAND
FOR THE PURPOSES OF THE STATE RAIL AUTHORITY
OF NEW SOUTH WALES**

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the land described in Schedule 1 hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority as authorised by the Transport Administration Act 1988.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 28th day of November 2002

HOWARD LACY,
Chief Executive

SCHEDULE 1

All that piece or parcel of land situate at Blacktown in the Local Government Area of Blacktown Parish of Prospect County of Cumberland and State of New South Wales being shown as Lot 1 in Deposited Plan 1042438 having an area of 1419 square metres or thereabouts and said to be in the possession of Zaclglobe Pty Limited and leased to Boral Resources (NSW) Pty Limited.

SRA reference 008636

**TRANSPORT ADMINISTRATION ACT 1988
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

**NOTICE OF COMPULSORY ACQUISITION OF LAND
FOR THE PURPOSES OF THE STATE RAIL AUTHORITY
OF NEW SOUTH WALES**

THE State Rail Authority of New South Wales, with the approval of Her Excellency the Governor, declares that the subsurface stratum land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the State Rail Authority, as authorised by the Transport Administration Act 1988 being for underground rail facilities in connection with the Parramatta Rail Link.

The Minister responsible for the State Rail Authority of New South Wales is satisfied that the State Rail Authority of New South Wales requires immediate vacant possession of the land described in the Schedule.

Dated this 3rd day of December 2002

HOWARD LACY,
Chief Executive

SCHEDULE

All that sub surface stratum of land situate at Eastwood in the Local Government Area of Ryde, Parish of Field of Mars, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046348 having an area of 8210 square metres or thereabouts and said to be in the possession of Janice Agnes Ross, B R & J E Baxter, Guiseppe Pino Signorelli, W F & N Dunk, Min Hao Shen, Eva

Bongiolatti, G & R Di Bella, Patricia Eileen Papallo, Anna Moscaritolo, R B & M Hoenig, William Francis Wise, Elma Isabel Meeling, Ryde City Council and The State of New South Wales.

All that subsurface stratum of land situate at Eastwood in the Local Government Area of Ryde, Parish of Field of Mars, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046349 having an area of 1.29 hectares or thereabouts and said to be in the possession of Andrew ChiCheong Cheung, Department of Community Services, I J & G C Blackie, R C & M P Leary, M & R Thanapalasingam, H & B Falzon, Elma Joan Milthorpe, H A Indrakusuma & S Hutomo, H B & R E Hamilton, John Burke, Margaret Christie Kerr, Margaret Enid Bonser, Peter Barclay, Chi Yiu So, Jun Wei Jiang, P M & G J Bergamaschi, T V & N T Q Le, Graeme Laurence Friend, Y L Lo & S C L Lin, N F & S J Shoebridge, K A & S R Wood, C P & C L S Y Wong, HKT Liu & P Handisurya, Trustees of the Roman Catholic Church for the Archdiocese of Sydney and Ryde City Council.

All that subsurface stratum of land situate at Eastwood in the Local Government Area of Ryde, Parish of Field of Mars, County of Cumberland and State of New South Wales, being Lot 1 in Deposited Plan 1046532 having an area of 1.542 hectares or thereabouts and said to be in the possession of J & A S M Lofaro, K J & L M Knapman, T M & D M Burge, A & A Di Girolamo, T J Madden & M A Peisley, Vimiera Recreation Grounds Limited and Ryde City Council.

SRA Reference: 012986

PRL Reference: 35863

**THREATENED SPECIES CONSERVATION ACT
NOTICE OF PRELIMINARY DETERMINATIONS**

Additions to Schedules

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

Endangered Species (Part 1 of Schedule 1)
Hypsela sessiliflora F. Wimmer, a herb

This species is currently provisionally listed as an endangered species.

The Committee is of the opinion that this species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Key Threatening Process (Schedule 3)
Infection of frogs by amphibian chytrid fungus causing the disease chytridiomycosis

The Committee is of the opinion this threatening process adversely affects two or more threatened species, populations or ecological communities or could cause species, populations or ecological communities that are not threatened to become threatened.

NOTICE OF PRELIMINARY DETERMINATIONS

Amendments to Schedules

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the Brush-tailed Rock-wallaby *Petrogale penicillata* (Gray, 1825) as an

ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, omit reference to the Brush-tailed Rock-wallaby, *Petrogale penicillata* (Gray, 1852) Warrumbungles population from Part 2 of Schedule 1 (Endangered Populations) of the Act, and also omit reference to the Brush-tailed Rock-wallaby, *Petrogale penicillata* (Gray, 1825) from Schedule 2 (Vulnerable Species) of the Act.

The Committee is of the opinion that this species is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the herb, *Gentiana bredboensis* L. Adams as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, to omit reference to *Gentiana bredboensis* L. Adams from Schedule 2 (Vulnerable species) of the Act.

The Committee is of the opinion that this species is likely to become extinct in nature in NSW unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

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

Director General
National Parks & Wildlife Service
PO Box 1967, Hurstville NSW 2220
Attention: Suzanne Chate
Executive Officer,
Scientific Committee

Submissions must be received by 7th February, 2003.

Copies of these Determinations may be inspected at National Parks and Wildlife Service Area Offices or Visitors Centres and at the National Parks Centre 102 George St, The Rocks, Sydney during business hours.

Dr CHRIS DICKMAN,
Chairperson
Scientific Committee

Determinations are also on the NPWS web site www.npws.nsw.gov.au/news/exhbtsc.htm

THREATENED SPECIES CONSERVATION ACT 1995

Notice of declaration of critical habitat for the
Endangered Little Penguin Population at Manly.

THE Director-General of the National Parks and Wildlife Service hereby gives notice of the declaration of critical habitat for the Endangered Little Penguin Population at Manly. Public notices will be published on 20 December 2002 in the *Sydney Morning Herald* and the *Manly Daily*.

The declared critical habitat consists of two areas, Area A and Area B as shown on the following map. Potential habitat areas are also shown but these do not constitute part of the declared critical habitat.

Area A starts west of Collins Beach and extends to the northern side of Cannae Point and includes Collins, Store and Quarantine Beaches. It includes an aquatic area that extends 50 metres out to sea from the mean high watermark

and a terrestrial area from the mean high watermark up the rocky foreshore slope to the ridge top.

Area B starts at 11A Oyama Street and extends around Manly Point to 26 Addison Road. It includes an aquatic area that extends 50 metres out to sea from the mean high watermark and a terrestrial area from the mean high watermark up the rocky foreshore slope to the start of the ridge top, but does not include the formed back yard of residential houses and units.

Potential Little Penguin habitat has been identified at Little Manly Point, Dobroyd Head and on the southern side of Cannae Point

A full description of the declaration is in the report prepared in accordance with s43(a) & 47 of the *Threatened Species Conservation Act 1995* (NPWS 2002 Declaration of Critical Habitat for the Endangered Population of Little Penguins at Manly). A copy of the report can be viewed on the NPWS Website at www.npws.nsw.gov.au or at the National Parks Centre at 102 George Street, The Rocks, NPWS Head Office Library at 43 Bridge Street, Hurstville or at Manly Council.

The *Threatened Species Conservation Regulation 2002* includes details of activities that are prohibited and/or regulated in the Areas described above. A copy of the Regulation can be viewed at www.legislation.nsw.gov.au

The declaration of Critical Habitat and Regulation are to commence operation from the 1st January 2003.

RUSSELL COUCH,
Manager
Central Conservation Programs &
Planning Division



Little Penguin Critical Habitat Map

State Water Management Outcomes Plan Order 2002

under the
Water Management Act 2000

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 6(1) of the *Water Management Act 2000*, make the following Order establishing the State Water Management Outcomes Plan.

Dated at Sydney, this 18th day of December 2002.

By Her Excellency's Command,

JOHN AQUILINA, MP,
Minister for Land and Water Conservation

Explanatory note

Section 6 of the *Water Management Act 2000* provides that the Governor may, by order published in the Gazette, establish a State Water Management Outcomes Plan for the development, conservation, management and control of the State's water resources in furtherance of the objects of the Act. The plan has effect for a period of 5 years from the date it is published in the Gazette. The purpose of this Order is to establish a plan.

State Water Management Outcomes Plan Order 2002

under the
Water Management Act 2000

1. Name of Order

This Order is the *State Water Management Outcomes Plan Order 2002*.

2. Commencement

This Order commences on 20 December 2002.

3. Establishment of State Water Management Outcomes Plan

The following State Water Management Outcomes Plan is established.

State Water Management Outcomes Plan

Chapter 1 Preliminary

Part 1 Role of the State Water Management Outcomes Plan

The aim of the *Water Management Act 2000* (the Act) is to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations. The Act provides for the establishment of this State Water Management Outcomes Plan (SWMOP) to set out the over-arching policy context, targets and strategic outcomes for the development, conservation, management and control of the State's water sources.

This SWMOP is the first of its kind and will have effect for five years from the date of its gazettal. It will then be reviewed and updated.

This SWMOP promotes the objects of the Act and its water management principles, and seeks to give effect to the NSW Government's salinity strategies. It is also consistent with government legislative obligations, Commonwealth international agreements and government policy. It has had regard to relevant environmental, social and economic considerations, and the results of monitoring and assessment programs.

The SWMOP explicitly provides for the protection and enhancement of the environmental services provided by aquatic ecosystems, while delivering a stronger and clearer framework for the use of water to meet human needs, including more secure access licences. It details the Government's commitment to effectively manage the important linkages between environment, human health, prosperous communities and profitable industries.

This SWMOP provides clear direction for all water management in New South Wales including (but not limited to) the creation of management plans addressing:

- water sharing,
- water use,
- drainage management,
- floodplain management,

- controlled activities and aquifer interference, and
- environmental protection.

In particular, it seeks to ensure that the NSW Government's Interim (Water Quality and River Flow) Environmental Objectives for NSW waters are explicitly addressed in future water resource management and action.

Part 2 Content of this SWMOP

Over the last ten years or so, a wide range of policies and inter-government agreements have been developed which set in place principles, standards and processes to ensure better management of the State's water and related resources, promote rehabilitation of the State's environmental and social assets, and realise higher returns on each megalitre of water extracted. This SWMOP is grounded in these existing policies but, consistent with the requirements of the Act, it establishes short term targets that will drive the intent of these policies in more specific and tangible ways.

This SWMOP therefore sets both long term outcomes and 5 year management targets for water management. These are based on a principle of continuous improvement in the water-dependent environment and in the social and economic benefits the community receives from its water sources and their dependent ecosystems.

To ensure improvement, management objectives and targets must be responsive and adaptive to improved knowledge and changing social and economic circumstances and values. It is therefore appropriate that the management planning is staged over five to ten year cycles. The SWMOP will therefore be reviewed in five years allowing the subsequent generation and review of management plans to respond to any new directions or priorities.

The outcomes and targets identified in this SWMOP do not attempt to be exhaustive. Instead the focus is on those outcomes which reflect the highest priorities and/or are good indicators of overall improvement. Similarly the targets selected are those which are likely to achieve the greatest gains towards the outcomes in the short term. The targets do not therefore seek to establish an ultimate position or standard but rather to take a significant but practical step in the process of continuous improvement. Such steps will involve consultation with the community concerned and assessment of social and economic impacts.

In a few cases this SWMOP sets what might be termed "enabling" targets. These typically require identification and assessment to be completed within the five years as an essential prerequisite for determining a more specific management outcome. This recognises that in these cases, action cannot be taken in the short term without such information. Where the information is locally available then action should commence earlier.

The outcomes and targets span regulated river, unregulated river, groundwater, estuarine and coastal water sources. They are consistent with the Objects and provisions of Section 3 of the Act. In particular they:

- are in accord with the principles of ecologically sustainable development and will protect and/or restore water sources and their dependent ecosystems,
- seek to prevent declines and make improvements in the ecological health and productivity of water sources,
- promote recovery of threatened species and communities and the management of key threatening processes listed under the *Fisheries Management Act 1994* and the *Threatened Species Conservation Act 1995* (arising from the UN Biodiversity Convention),
- seek to protect and restore habitats, water sources, floodplains and dependent ecosystems,
- seek to protect and restore wetlands listed under the Ramsar Convention, and wetlands of national significance listed in the Directory of Australian Wetlands,

- seek to protect migratory waterbirds listed under the Convention on Migratory Species, and JAMBA and CAMBA agreements,
- seek to protect the Aboriginal customary and contemporary ties to water,
- seek to halt or reverse the decline in key water quality parameters,
- will foster social and economic benefits to the State,
- will foster benefits to Aboriginal people in relation to their spiritual, social customary and economic use of land and water,
- provide greater certainty and flexibility in the exercise of access rights,
- encourage water to move to higher value use,
- encourage water to be managed and used efficiently, and
- optimise the economic value of water diverted from water sources and encourage best practice in its use.

Part 3 Water Quality and River Flow Objectives

In 1999, as part of its Water Reform package, the NSW Government worked closely with the community to develop Interim Environmental Objectives for Water Quality (WQOs), and River Flow (RFOs) for each catchment in New South Wales. Longer term objectives have been set for some individual catchments through Healthy Rivers Commission inquiries.

The Interim Environmental Objectives identify the broad goals to achieve long-term river health, maintain biodiversity and secure sustainable water sources for communities and industries dependent on water of a certain quality. Water quality objectives are based on measurable environmental values that provide the appropriate water quality for environmental and human-related needs. River flow objectives aim to improve and maintain river health by recognising the importance of natural river flow patterns in managing the riverine water sources.

The Interim Environmental Objectives are designed to support a range of values identified by the community, including:

Water Quality Objectives (WQOs)

- WQO 1 Aquatic ecosystems
- WQO 2 Visual amenity
- WQO 3 Secondary contact recreation
- WQO 4 Primary contact recreation
- WQO 5 Livestock water supply
- WQO 6 Irrigation water supply
- WQO 7 Homestead water supply
- WQO 8 Drinking water at point of supply-Disinfection only
- WQO 9 Drinking water at point of supply-Clarification and disinfection
- WQO 10 Drinking water at point of supply-Groundwater
- WQO 11 Aquatic foods (cooked)

River Flow Objectives (RFOs)

- RFO 1 Protect pools in dry times
- RFO 2 Protect natural low flows
- RFO 3 Protect important rises in water levels
- RFO 4 Maintain wetland and floodplain inundation
- RFO 5 Mimic natural drying in temporary waterways
- RFO 6 Maintain natural flow variability
- RFO 7 Maintain natural rates of change in water levels
- RFO 8 Manage groundwater for ecosystems
- RFO 9 Minimise effects of weirs and other structures

- RFO 10 Minimise effects of dams on water quality
RFO 11 Make water available for unforeseen events
RFO 12 Maintain or rehabilitate estuarine processes and habitats

The *Water Management Act 2000* requires the SWMOP to be consistent with these Objectives, and states that all management plans developed under the Act should be consistent with government policy in relation to environmental objectives for water quality and river flow.

The Interim Environmental Objectives for Water Quality and River Flows should therefore be considered when assessing progress against the long term objectives and 5 year management targets set in the SWMOP. In cases where longer term objectives have been set through the Healthy Rivers Commission, these individual objectives should be considered.

Part 4 Responsibilities for the Outcomes

All management plans developed under the provisions of the *Water Management Act 2000* will be framed to be consistent with those targets that are relevant to a particular plan, and to the longer term outcomes, and should indicate the degree to which they will contribute to them. The degree to which each water management area should contribute to the achievement of a State target will depend upon:

- the degree to which the target is relevant to the area,
- the social and economic impacts,
- the relative management priorities, risks and costs, and
- the relative environmental importance.

In assessing the adequacy of any management plans prior to endorsement, the Minister will need to, in consultation with the Minister for the Environment, take into account the degree to which the management plan has addressed the relevant outcomes and targets.

Some water sources may already be better than a particular target while others which are currently below target, may seek to go measurably beyond it within the 5 years. Some water sources that are significantly below a SWMOP target, may achieve a positive result in moving towards the target but, in falling short, will need to seek further improvement in future planning cycles. In all cases, such action would be consistent with the principle of continuous improvement and, subject to appropriate cost for benefit considerations, will be supported as being consistent with the SWMOP.

Section 9 of the Act requires that all functions exercised under that Act must be in accordance with this SWMOP. This is a wide-ranging requirement and will affect much of the day-to-day work of the Department of Land and Water Conservation (DLWC) and others exercising functions on its behalf. For example, care must be taken to ensure that licences and approvals do not detract from the achievement of the SWMOP outcomes and targets, but as far as possible, positively contribute towards their achievement.

Part 5 Impact of the SWMOP

This SWMOP is expected to:

- improve the quality of water sources and the health, productivity and diversity of their dependent ecosystems,
- increase the economic value of water extracted from water sources and used, and
- protect the long term interests of regional communities.

The implementation of management plans may result in transitional impacts and the Government may provide guidance on arrangements and assistance to help affected parties overcome any short term problems.

Part 6 Monitoring and reporting

Monitoring compliance with the requirements of management plans, benchmarking and assessing changes in the state of our water ecosystems and in the economic and social factors influenced by water management actions, is clearly an essential component of the cyclic management planning established by the *Water Management Act 2000*.

It is therefore required that water management provides for the collection of information which will allow:

- assessment of performance against the management targets,
- assessment of social and economic impacts, and
- benchmarking of current conditions and evaluation of future trends in respect to the long term outcomes.

A performance assessment strategy covering these three aspects will be established within six months of the gazettal of this SWMOP.

Management plans developed under the *Water Management Act 2000* should provide for the monitoring of performance of relevant local management targets and this information will be collated and reviewed to assess performance against the SWMOP targets. The Minister may provide guidance on objectives, strategies and performance indicators for this purpose (as required in a management plan under Section 35(1) of the Act). The monitoring and assessment of the long term outcomes, however, will be designed and undertaken through statewide programs and targeted local activities which ensure that sampling and analysis is carried out at a scale and density appropriate to deliver meaningful and cost effective information.

Several programs are already in place to monitor the physical, chemical and biological status and response of aquatic systems (eg. Integrated Monitoring of Environmental Flow (IMEF), fish, wetlands and waterbird surveys). Other programs provide social and economic data relevant to the analysis of social and economic responses to water management. Performance monitoring for this SWMOP will build, as far as possible, on these existing programs.

Chapter 2 Long term water outcomes and 5 year management targets

Part 1 Long term outcomes for the environment, society and economic prosperity

Division 1 Environmental outcomes - Healthy, productive and diverse water ecosystems

- (1) Primary ecological production maintained or improved, including:
 - (a) carbon cycling,
 - (b) production to respiration ratios, and
 - (c) carbon and food fluxes between rivers and floodplains, estuaries and coastal waters.
- (2) Degraded wetlands improved and those listed as wetlands of national or international significance protected and restored.

- (3) The diversity and abundance of native aquatic animals and plants protected and restored by addressing the cumulative impacts of water management on their habitats and life cycles. The status of aquatic communities to be informed through but not limited to:
- the abundance and diversity of invertebrate populations improved,
 - native fish populations within their native range increased and the ratio of alien to native fish species reduced,
 - colonial waterbird breeding opportunities increased,
 - estuarine prawn populations improved, and
 - the status of threatened species populations and ecological communities improved.

Division 2 Social outcomes - the community's basic needs and values sustained

- Water supplies necessary to maintain or improve the health and well being of rural and urban communities assured.
- Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved. In particular:
 - economic access to water increased,
 - cultural and customary associations with water protected,
 - opportunities for learning and information improved, and
 - capacity for Aboriginal people's involvement in water management increased.
- Incidents of blue green algal blooms affecting essential water supplies and recreational values reduced.

Division 3 Economic outcomes - The economic value of water improved

- The productive capacity of land and water maintained. In particular:
 - rate of land degradation associated with irrigation activities reduced, and
 - rate of increase in river salinity levels reduced.
- Water use efficiency increased.
- The economic efficiency of investment in water industries improved.

Part 2 Five year water management targets

Division 1 Limits on extractions

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 1 Limits on the total volume of water that can be extracted established, such that:</p> <p>Target 1a Extractions in Murray-Darling Basin's regulated rivers limited to the level of the long term average annual extraction below the Murray-Darling Basin Ministerial Council (MDBMC) Cap which results from the long term impact of the environmental water rules</p>	<ul style="list-style-type: none"> To preserve residual flows (RFO 2,3,4,6) To maintain groundwater levels (RFO 8) To maintain wetland inundation events (RFO 4) To prevent the incidents of blue green algal blooms increasing To protect water supply reliability To protect downstream water 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Degraded wetlands improved and significant wetlands protected and restored Diversity and abundance of native aquatic animals and plants protected and restored Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities

<p>water rules</p> <p>Target 1b. Extractions in Murray-Darling Basin's unregulated rivers limited to the MDBMC Cap level</p> <p>Target 1c Long term average annual extraction limits which are ecologically sustainable, and which minimise downstream impacts, established in all coastal water sources</p> <p>Target 1d Floodplain water harvesting extractions licensed and capped at 1993/94 levels in the Murray-Darling Basin, and at levels consistent with the long term average annual extraction limit in other water sources</p> <p>Target 1e The long term average annual extractions for groundwater limited (or being phased down) to an ecologically sustainable level (the Sustainable Yield) as determined by detailed assessment of each groundwater source and consultation with the relevant management committee. In the absence of such an assessment, the following to apply: 100 percent of average annual recharge for a groundwater source where there is no significant ecosystem dependency; 70 percent of average annual recharge where there is significant ecosystem dependency</p> <p>Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon</p>	<p>supplies</p> <ul style="list-style-type: none"> • To enable water to change ownership and to change location at which water can be extracted 	<ul style="list-style-type: none"> • Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced • Water use efficiency increased • The economic efficiency of investment in water industries improved
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Division 2 Environmental management

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities</p>	<ul style="list-style-type: none"> • To protect or restore essential habitats • To protect or restore critical flows (RFO 1,2,3,4,5) • To protect or restore flow variability (RFO 6) 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored

and key threatening processes		plants protected and restored
<p>Target 3 A network of aquatic reference sites based on biogeographical regions identified, and the monitoring and management implications assessed</p>	<ul style="list-style-type: none"> • To provide benchmarks for habitats and ecological -flow response assessment 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored
<p>Target 4 Environmental water rules and extraction limits established in regulated and unregulated rivers subject to a gazetted water sharing plan such that:</p> <p>Target 4a Wherever the frequency of “end of system” daily flows would be less than 60 percent of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60 percent of predevelopment levels or increased by at least 10 percent of the predevelopment frequency</p> <p>Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the predevelopment 95th percentile</p> <p>Target 4c The channel capacity of all lower river and effluent creek systems used for the delivery of regulated water determined. Subject to reasonable socio-economic impacts, limits on daily supply volumes established for effluent systems such that they do not exceed 80 percent of the channel capacity for more than 10 percent of days in each month of each year. Where daily supply volumes are currently substantially less than channel capacity, alternative limits established to reduce the impact of unseasonal flows arising from future access licence dealings</p> <p>Target 4d A proportion of the</p>	<ul style="list-style-type: none"> • To restore flow variability (RFO 6) • To restore high flow events (RFO 3) • To restore frequency and extent of wetland wetting and drying (RFO 4,5) • To improve base (dry period) flows (RFO 1,2) • To improve water quality • To reduce the incidents of blue green algal blooms • To increase the frequency of organic (food) inputs from instream benches and bars, riverbanks and floodplains 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced

natural drying phases reinstated in the core areas of terminal wetlands		
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Division 3 Clear and legal access entitlements

Five year target	Why is it needed?	What are the expected outcomes?
Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components	<ul style="list-style-type: none"> To clarify and secure licensed access to water To enable water markets to operate effectively To ensure extraction limits have effect 	<ul style="list-style-type: none"> Water use efficiency increased The economic efficiency of investment in water industries improved
<p>Target 6 The total volume of share components specified on access licences to be more closely matched over the term of a water sharing plan to the extraction limit of the plan, such that:</p> <p>Target 6a For groundwater sources, the total volume of water specified on access licences reduced over the term of a water sharing plan to no more than 125 percent of the Sustainable Yield</p> <p>Target 6b For surface water sources, a pathway for reducing the share components to 200 percent of the long term average annual extraction limit to be established not later than the end of the term of the SWMOP</p>	<ul style="list-style-type: none"> To prevent unsustainable growth in water extractions To ensure the licensed rights better reflect actual availability of water. 	<ul style="list-style-type: none"> Water use efficiency increased The economic efficiency of investment in water industries improved
Target 7 Mechanisms in place to enable Aboriginal communities to gain an increased share of the benefits of the water economy	<ul style="list-style-type: none"> To improve the economic wellbeing of the Aboriginal people To provide economic opportunities for Aboriginal communities 	<ul style="list-style-type: none"> Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved
Target 8 Daily extraction components specified and tradeable, subject to metering, reporting and compliance, for at least 50 percent of unregulated river access licences and for 80 percent of stressed unregulated rivers	<ul style="list-style-type: none"> To clarify and protect licensed access to water To protect downstream water supply To protect the flow regime (RFOs 1,2,3,6) 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Diversity and abundance of native aquatic animals and plants protected and restored Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities Water use efficiency increased The economic efficiency of investment in water industries improved
Target 9 Supplementary water for	<ul style="list-style-type: none"> To clarify licensed access to 	<ul style="list-style-type: none"> Primary ecological production

<p>regulated rivers clearly specified and volumetrically licensed such that:</p> <p>Target 9a Flow thresholds for declaration of supplementary water access, which take into account environmental water needs, clearly specified</p> <p>Target 9b Annual limits on supplementary water extractions, consistent with the long term average annual extraction limits, established in all regulated river water sources</p> <p>Target 9c Rules for sharing between supplementary water access licence holders made explicit</p> <p>Target 9d Supplementary access licence dealings made possible in regulated river water sources, subject to extraction limits and environmental assessment and Aboriginal spiritual and cultural constraints</p>	<p>water</p> <ul style="list-style-type: none"> • To enable extraction limits to have effect • To ensure that high flows are effectively managed 	<p>maintained or improved</p> <ul style="list-style-type: none"> • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored • Water use efficiency increased • The economic efficiency of investment in water industries improved
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Division 4 Groundwater dependencies

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 10 Degree of connectivity between aquifers and rivers assessed, and zones of high connectivity mapped to enable baseflows to the river to be maintained or improved</p>	<ul style="list-style-type: none"> • To improve base (dry period) flows (RFOs 1,2) • To improve water quality • To protect downstream water supplies 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced
<p>Target 11 Groundwater dependent ecosystems identified and mapped for all priority aquifers, and the ecological water requirements assessed to enable local groundwater extraction rates and/or Sustainable Yields to be reviewed</p>	<ul style="list-style-type: none"> • To sustain groundwater dependent vegetation (RFO 8) • To maintain water levels in wetlands such as hanging swamps (RFOs 4, 8) • To maintain springs • To maintain the ecology of the hyporheic zone (the zone in the river channel kept wet by groundwater seepage) • To maintain limestone cave systems 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored • Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved

Division 5 Basic and cultural needs

Five year target	Why is it needed?	What are the expected outcomes?
Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use	<ul style="list-style-type: none"> To prevent excessive water extraction from threatening essential water needs. 	<ul style="list-style-type: none"> Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved
Target 13 The knowledge sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed	<ul style="list-style-type: none"> To more effectively engage Aboriginal people in water management To recognise the value of shared information and experience 	<ul style="list-style-type: none"> Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved
Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them	<ul style="list-style-type: none"> To ensure water access, works and use do not threaten or impact on Aboriginal sites, values or needs 	<ul style="list-style-type: none"> Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved Degraded wetlands improved and significant wetlands protected and restored. Diversity and abundance of native aquatic animals and plants protected and restored

Division 6 Water use efficiencies

Five year target	Why is it needed?	What are the expected outcomes?
Target 15 At least 90 percent of approved water management works for the extraction of surface or ground waters (excepting domestic and stock bores) metered and reported in each water source that is subject to a gazetted water sharing plan	<ul style="list-style-type: none"> To ensure compliance with water access rules and extraction limits To provide information on water use efficiency To enable an effective water market To protect access rights and environmental provisions 	<ul style="list-style-type: none"> Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities Primary ecological production maintained or improved Diversity and abundance of native aquatic animals and plants protected and restored
<p>Target 16 Improved and extended water markets through:</p> <p>Target 16a All share components of access licences tradeable</p> <p>Target 16b Separation of existing water licences (excepting domestic and stock bores) under the <i>Water Act 1912</i> into water use approvals and water access licences completed for:</p> <p>100 percent of licences in</p>	<ul style="list-style-type: none"> To clarify and secure licensed access to water To ensure an effective and efficient water market To meet COAG competition requirements To encourage water to move to higher value uses 	<ul style="list-style-type: none"> Water use efficiency increased The economic efficiency of investment in water industries improved

<p>water sources subject to initial round of gazetted water sharing plans</p> <p>50 percent of licences across the remainder of the State.</p> <p>Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst also protecting existing access and environmental water.</p> <p>Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery.</p> <p>Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment</p> <p>Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit</p> <p>Target 16g Full public disclosure of access licence dealings and market prices</p>		
<p>Target 17 In determining the best environmental and health outcomes for an effluent management scheme, decisions to have considered all practicable options to replace high value water used for urban and industrial purposes with treated effluent</p>	<ul style="list-style-type: none"> • To reduce wastewater • To encourage higher value use of water • To improve water quality 	<ul style="list-style-type: none"> • Water use efficiency increased • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced
<p>Target 18 High quality return flows credited against town (local water utility) water access licences where all environmental requirements for a credit are met</p>	<ul style="list-style-type: none"> • To make higher treatment of effluent cost effective • To improve downstream water quality • To protect low flows and downstream water supplies (RFO 2) • To reduce wastewater 	<ul style="list-style-type: none"> • Water use efficiency increased • The economic efficiency of investment in water industries improved • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced
<p>Target 19 Country town (local water utility) water consumption to decline by greater than 5 percent per head of population on average statewide, excluding Sydney Water Corporation and the Hunter Water Corporation whose demand management targets are set in their operating</p>	<ul style="list-style-type: none"> • To reduce the impact of growth in town water requirements on the rights of other users • To increase water use efficiency 	<ul style="list-style-type: none"> • Water use efficiency increased • The economic efficiency of investment in water industries improved

licences		
Target 20 Nil or minimal increase in basic domestic and stock rights resulting from rural subdivisions in sensitive or stressed water sources	<ul style="list-style-type: none"> To protect groundwater levels and pressures To protect low flows in rivers (RFO 1, 2) To protect existing water uses and basic rights 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Diversity and abundance of native aquatic animals and plants protected and restored Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced The economic efficiency of investment in water industries improved
Target 21 At least 60 high flowing bores (>5 litres per second) in the NSW Great Artesian Basin capped and piped	<ul style="list-style-type: none"> To protect groundwater levels and pressures To reduce waste water To encourage higher value use of water To improve water quality 	<ul style="list-style-type: none"> Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities Water use efficiency increased The economic efficiency of investment in water industries improved

Division 7 Cost recovery

Five year target	Why is it needed?	What are the expected outcomes?
Target 22 The NSW Government to seek full cost recovery in all practicable cases excepting where capital infrastructure cannot reasonably be funded by small numbers of water access licence holders. Water access licence holders to face water charges as determined by IPART	<ul style="list-style-type: none"> To meet COAG water reform requirements To ensure that licensed rights to access water are appropriately valued 	<ul style="list-style-type: none"> Water use efficiency increased The economic efficiency of investment in water industries improved

Division 8 Artificial barriers and openings

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 23 Review of all licensed weirs on 3rd order and larger rivers completed, a review of unlicensed structures on these rivers substantially progressed, a priority listing prepared, and action taken to:</p> <p>Target 23a Ensure that there is no net increase in the number or total capacity of weirs in each water management area</p>	<ul style="list-style-type: none"> To restore water level variability within weir pools (RFOs 6,7) To improve habitat conditions within weir pools (RFO 9) To restore wetting and drying cycles within adjacent wetlands and riparian land (RFO 5) To improve base (dry period) flows (RFO 2) To improve water quality To reduce the incidents of blue 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Degraded wetlands improved and significant wetlands protected and restored Diversity and abundance of native aquatic animals and plants protected and restored Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced

<p>Target 23b Remove at least 10, and structurally modify 15 of the priority weirs recommended for action across the State (eg install fishways)</p> <p>Target 23c Establish improved operational protocols for priority operable weirs that will reduce their environmental impacts</p>	<p>green algal blooms</p> <ul style="list-style-type: none"> • To increase the transfer of organic (food) inputs down rivers • To restore the movement of fish up and down rivers (RFO 9) 	<p>values reduced</p>
<p>Target 24 Review of all existing tidal barriers completed, and action taken to remove, or partially, or periodically open at least 100 tidal barriers/gates</p>	<ul style="list-style-type: none"> • To restore wetting and drying cycles within coastal wetlands (RFO 4) • To reduce the incidence of acid drainage • To restore the movement of fish between estuaries and coastal rivers and floodplains. • To improve water quality downstream of dams 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored
<p>Target 25 Action taken to (re)connect at least 60 percent of the natural 1 in 5 year flooded area to the river for 11 key rural floodplains by ensuring:</p> <p>Target 25a The major flood paths and flood dependent ecosystems are mapped</p> <p>Target 25b The significant barriers to flooding are identified and action to deal with the major barriers commenced</p>	<ul style="list-style-type: none"> • To restore inundation frequency and duration in floodplain wetlands (RFO 4) • To sustain flood-dependent vegetation eg river red gums • To restore groundwater recharge events • To restore the connection between floodplain wetlands and rivers for transfer of organic matter, invertebrates and fish 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored • Diversity and abundance of native aquatic animals and plants protected and restored • Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved
<p>Target 26 Dams responsible for cold water pollution identified, a priority listing prepared, and action initiated to ensure that the temperature regime below these dams is kept within the 20th to 80th natural percentile range for each month (or within bounds determined by site specific investigations), by ensuring:</p> <p>Target 26a Structural modification of at least 2 priority dams</p> <p>Target 26b. Improved operational protocols established for priority dams with existing temperature management infrastructure</p>	<ul style="list-style-type: none"> • To restore natural temperature regimes in rivers (RFO 9) • To address the impact of cold water on the reproduction, survival and growth rates of native fish and the biodiversity of macroinvertebrate communities 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Diversity and abundance of native aquatic animals and plants protected and restored
<p>Target 27 Frequency of artificial manipulations of coastal lagoon entrances reduced, and management strategies to improve natural flow dynamics</p>	<ul style="list-style-type: none"> • To maintain natural salinity regimes of coastal lagoons • To improve patterns of water inundation in coastal wetlands (RFO 12) 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Degraded wetlands improved and significant wetlands protected and restored

recognising their consequences on ecosystems and social assets		<ul style="list-style-type: none"> Diversity and abundance of native aquatic animals and plants protected and restored
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Division 9 River channel rehabilitation

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 28 Percentage cover of native riparian vegetation within waterfront land increased consistent with an approved catchment management plan, or by at least 5 percent where it is currently less than 50 percent of the natural average on 3rd order and larger rivers</p>	<ul style="list-style-type: none"> To restore the shade and temperature characteristics of rivers To increase the entrapment of nutrients moving overland to rivers To restore the input of detritus (food) into rivers To provide perching and roosting sites for birds To restore wildlife corridors To restore riparian habitats 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Diversity and abundance of native aquatic animals and plants protected and restored Aboriginal traditional and contemporary dependencies on, and cultural association with water protected and improved Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced
<p>Target 29 No net decrease in the length of natural river corridors through urban areas</p>	<ul style="list-style-type: none"> To restore the shade and temperature characteristics of rivers To increase the entrapment of nutrients moving overland to rivers To restore the input of detritus (food) into rivers To provide perching and roosting sites for birds To restore wildlife corridors To restore riparian habitats 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Diversity and abundance of native aquatic animals and plants protected and restored Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced

Division 10 Drainage management

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 30 Coastal floodplain areas with high water quality risk (eg acid drainage and/or oxygen depletion) addressed by:</p> <p>Target 30a Areas of drained natural wetlands identified and mapped</p> <p>Target 30b 7 pilot remediation projects completed</p> <p>Target 30c Future program of land rehabilitation developed and commenced</p> <p>Target 30d No increase in acid drainage resulting from any new development in a mapped acid sulfate soil hotspot.</p>	<ul style="list-style-type: none"> To reduce acid drainage problems To restore wetting and drying cycles in coastal wetlands (RFO 4) 	<ul style="list-style-type: none"> Primary ecological production maintained or improved Degraded wetlands improved and significant wetlands protected and restored Diversity and abundance of native aquatic animals and plants protected and restored The productive capacity of land and water maintained

<p>Target 31 The peak volumes of urban stormwater runoff reaching natural watercourses reduced</p>	<ul style="list-style-type: none"> • To improve water quality • To reduce the incidence of blue green algal blooms • To increase low flows • To reduce downstream storm events and storm pulses and associated erosion 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Diversity and abundance of native aquatic animals and plants protected and restored • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities
<p>Target 32 The adoption of water efficient and sensitive urban design measures in urban areas/ivers increased</p>	<ul style="list-style-type: none"> • To improve water quality • To reduce the incidence of blue green algal blooms • To increase low flows • To reduce downstream storm runoff and associated erosion 	<ul style="list-style-type: none"> • Primary ecological production maintained or improved • Diversity and abundance of native aquatic animals and plants protected and restored • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities
<p>Target 33 Zones of high irrigation salinity risk mapped, and irrigation accession rates assessed to enable action to be taken to stabilise or reduce accession rates within these zones</p>	<ul style="list-style-type: none"> • To reduce the loss of productive land • To maintain crop yields • To reduce land salinisation • To reduce salt load to rivers 	<ul style="list-style-type: none"> • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • The productive capacity of land and water maintained
<p>Target 34 Major irrigation drains to natural watercourses carrying saline discharges identified, and priority drains monitored to enable action to be taken to ensure no net increase in the load or concentration of the saline drainage (unless agreed to in an applicable management program with approved offset provisions)</p>	<ul style="list-style-type: none"> • To minimise further increases in the discharge of salt from point sources 	<ul style="list-style-type: none"> • Diversity and abundance of native aquatic animals and plants protected and restored • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • The productive capacity of land and water maintained

Division 11 River and groundwater quality

Five year target	Why is it needed?	What are the expected outcomes?
<p>Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current ANZECC Guidelines and the recommendations of</p>	<ul style="list-style-type: none"> • To improve water quality • To reduce the incidence of blue green algal blooms • To protect essential water supplies and recreational values 	<ul style="list-style-type: none"> • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • Diversity and abundance of native aquatic animals and plants protected and restored

relevant Healthy Rivers Commission Inquiries		<ul style="list-style-type: none"> • Incidents of problem blue green algal blooms affecting essential water supplies and recreational values reduced • The productive capacity of land and water maintained
Target 36 River salinity maintained at levels consistent with the salinity targets specified in approved catchment management plans	<ul style="list-style-type: none"> • To reduce the rate of increase in river salinity 	<ul style="list-style-type: none"> • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • Diversity and abundance of native aquatic animals and plants protected and restored • The productive capacity of land and water maintained
Target 37 Sources of non-saline water contributing significant dilution flows downstream prioritised to enable action to be taken to protect these sources	<ul style="list-style-type: none"> • To maximise the opportunity for natural dilution of downstream salt pulses 	<ul style="list-style-type: none"> • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • Diversity and abundance of native aquatic animals and plants protected and restored • The productive capacity of land and water maintained
Target 38 Aquifer water quality vulnerability zones mapped and extraction limits reviewed to reduce the risk of lateral intrusion of poor quality water	<ul style="list-style-type: none"> • To protect groundwater quality • To protect domestic water supplies 	<ul style="list-style-type: none"> • Assured water supplies to maintain or improve the health and wellbeing of rural and urban communities • The productive capacity of land and water maintained

Chapter 3 Explanation of Outcomes and Targets

Part 1 Long term outcomes for the environment, society and economic prosperity

Division 1 Environmental outcomes - Healthy, productive and diverse water dependent ecosystems

Many of the rivers and floodplains of NSW have been modified and used to provide a range of important social and economic benefits. The water is diverted for town water, manufacturing and irrigation, the fertile floodplains are farmed and, in turn, support numerous towns and transport routes. Similarly aquifers and the ecosystems which depend on them have been impacted by water extractions, mining, and by the infiltration of pollutants.

As rivers are increasingly modified, not only is their ecological character changed but the basic health of the river becomes compromised. Generally the more developed the river, the less natural it becomes and the less healthy it is. This is because the changes we impose on the river and its environment affect the basic ecological functions and values (or services) that a natural river would provide such as: the provision of clean water, energy production, nutrient cycling, and sustaining river and coastal fisheries and water bird habitats and populations.

A useful concept is that of a “healthy working river” (CRC for Freshwater Ecology in Watershed, February 2002; Hillman *et al.*, 2000). This concept accepts that most rivers must continue to be worked to provide economic and social benefits. But it cautions that the impacts must be limited and managed to appropriate levels in order to indefinitely sustain a reasonable level of health and ecological functioning.

This is also the basis of the *Water Management Act 2000*. A principle of the Act is to maximise the social and economic benefits to the community. However, other principles emphasise the importance of protecting and restoring water sources and floodplains, and the habitats, animals and plants that depend on them. Specifically, the Act requires that in sharing water, the highest priority is to protect the water source and its dependent ecosystems.

Many rivers and aquifers are now being used at a level that is likely to result in ongoing deterioration in environmental health. This decline in health, when fully realised, is likely to be unacceptable to this generation and potentially disastrous to future generations. It is critically important to minimise existing impacts and in many cases actively attempt to reinstate key ecological processes and biodiversity.

- (1) Primary ecological production maintained or improved including:**
- (a) carbon cycling,**
 - (b) production to respiration ratios, and**
 - (c) carbon and food fluxes between rivers, floodplains, estuaries and coastal waters**

Relevant Policies: NSW Biodiversity Strategy (1999), *Fisheries Management Act 1994*, State Rivers and Estuaries Policy (1993), Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999), Draft NSW Groundwater Dependent Ecosystems Policy (2001), NSW Interim Environmental Objectives (1999), NSW Wetland Management Policy (1996), NSW Coastal Policy (1997).

The development of our water sources, including floodplains, estuaries and coastal waters has resulted in significant damage to the natural ecology of these areas and declines in the diversity of both habitats and species.

The strategic goal of the NSW Biodiversity Strategy is to “Protect the native diversity of NSW and maintain ecological processes and systems”. Healthy functioning ecosystems are fundamental to the continuing survival of plant and animal species and to the human communities and economies that depend upon them. The movement of water, the transported sediments and nutrients, and the wetting and drying cycles profoundly affect the ecology and productivity of an aquatic or semi-aquatic system. Water movement affects how energy (mainly in the form of organic carbon) flows through the system, the nature of interactions between organisms in the food web, and the ecology and life strategies of those organisms.

Flow regimes, fluctuating water levels and intermittent floodplain inundation all play critical roles in:

- determining habitat availability and condition,
- connecting aquatic and floodplain ecosystems,
- food production (eg biofilm - bacteria and algal communities living on rocks and logs, plankton – microscopic plants and animal succession),
- carbon cycling,
- the ratio of production to respiration,
- stony bed scouring, and
- species dominance and competition.

Structural damage to rivers, riparian zones and floodplains, as well as the proliferation of barriers to flow and to the movement of aquatic fauna, and the construction of drains are all potentially detrimental activities. They can reduce the diversity and quality of available habitat, interfere with the hydraulic connection between habitats and disrupt food chains. Water extraction from rivers and aquifers has also had an impact by changing the patterns and frequency of wetland inundation, reducing wetland productivity and altering the frequency of food and energy exchanges between wetlands and rivers.

Water pollution, in particular high acid discharges, high salinity and low oxygen levels, can also impact on ecological processes and threaten individual aquatic species.

All of the above factors need to be addressed in an effective water management regime if the health and productivity of water dependent ecosystems are to be maintained and/or improved.

In recent years increased scientific effort has been focused on understanding the basis of ecological primary production and on developing predictive flow response models. The “Integrated Monitoring of Environmental Flows” (IMEF) program covers a number of such indicators, for example, carbon cycling, biofilm production and stony bed scouring. There is a need to continue and expand this effort to help us understand the long term trends in the basic functioning of aquatic ecosystems.

(2) Degraded wetlands rehabilitated and listed wetlands of national or international significance protected or restored

Relevant Policies: NSW Wetlands Policy (1996), Ramsar Convention, JAMBA & CAMBA Agreements, NSW Biodiversity Strategy (1999), *Fisheries Management Act 1994*, *National Parks and Wildlife Act 1974*, *Threatened Species Conservation Act 1995*, NSW Interim Environmental

Objectives (1999), NSW State Groundwater Dependent Ecosystems Policy (2001), NSW Coastal Policy (1997).

In NSW there are about 4.6 million hectares of wetlands ranging in type from mangroves, saltmarshes, seagrasses and coastal brackish wetlands, to inland freshwater and floodplain wetlands, backswamps, billabongs, large terminal wetlands, ephemeral claypans and salt lakes. Many wetlands depend on river flows for their water supply. Of the 6.3 million hectares of wetlands estimated to occur in the whole Murray-Darling Basin, over 90% are floodplain wetlands. Some of these wetlands are dependent on groundwater levels to create and/or maintain wetted areas.

Wetlands are vitally important to the environmental health of rivers and estuaries by providing unique habitats for a diverse range of plant and animal species; making important contributions to biodiversity; providing nursery and breeding grounds for many aquatic and semi-aquatic species; improving water quality; providing essential sources for biological productivity and nutrient recycling; mitigating floods; protecting foreshores, and increasing groundwater recharge.

Wetlands are often important cultural sites for Aboriginal people. This importance is due not only to a spiritual connection to these places, but also to their ongoing value as places of cultural learning and resource use.

Unfortunately many wetlands have been substantially degraded by a range of activities, many of which are related to water use and development such as:

- reduction in the frequency, extent and duration of inundation,
- reduction in the hydraulic connection between wetlands and the river or other water sources through construction of physical barriers,
- poor land management practices,
- artificial drainage,
- tidal barrages,
- filling of wetland depressions for urban or agricultural development, and
- modification into permanent water storages.

The NSW Wetlands Policy was released in 1996 and seeks, through its associated wetland action plans, to provide clear guidance on the protection, rehabilitation and wise use of wetlands. While it has supported a range of wetland initiatives through associated educative programs and financial grants, there is still substantial effort required to generally restore wetland functions and rehabilitate key wetlands.

Water management needs to specifically address the rehabilitation of at least a proportion of the degraded wetlands in each water management area. This may require:

- identification of wetlands in the management area,
- restoration of conditions known to favour native plant species in wetlands,
- reconnection of wetland with the relevant water source through removal, modification or periodic opening of floodplain barriers and flood gates,
- improvement in the frequency and duration of inundation - which may involve better groundwater level management, increased flow frequency in the relevant high flow range, and reduced impact from unseasonal regulated supply flows,
- improvement or reduction in the rate of decline in water quality – particularly nutrients and salt in freshwater water sources, and
- improved land management practices.

Some wetlands in NSW have been recognised as having particular national or international significance because they are relatively rare or are good representatives of their type, or they may

provide important habitat for nationally or internationally recognised or endangered animal and plant species or communities. Examples of these significant wetlands are those:

- listed under the Ramsar Convention,
- listed in the Directory of Australian Wetlands, and
- providing significant habitats for migratory waterbirds listed under the Convention on Migratory Species, and the JAMBA and CAMBA Agreements.

NSW has a particular responsibility to ensure that these wetlands are, as far as possible, restored and protected from further damage. There is a range of mechanisms available to help achieve this including voluntary conservation agreements with landholders; plans of management under the *Environmental Protection and Biodiversity Act 1999* for Ramsar wetlands; general environmental flow provisions; and flows targeted specifically at the listed wetland.

A number of monitoring programs have been established which can help inform the assessment of wetland status. These programs include the IMEF program and the NPWS wetland mapping program. There have been detailed surveys of some freshwater and coastal wetlands including seagrasses, mangroves and saltmarshes but there has been no comprehensive monitoring across NSW.

(3) The diversity and abundance of native aquatic plants and animals protected and restored by addressing the cumulative impacts of water resource management on their habitats and lifecycles. The status of aquatic communities to be informed through, but not limited to, the following indicators:

- (a) abundance and diversity of invertebrate populations improved,**
- (b) native fish populations increased within their natural range, and the ratio of alien to native fish species reduced,**
- (c) increased colonial waterbird breeding opportunities and abundance and diversity of other water-dependent vertebrate species,**
- (d) estuarine prawn populations improved, and**
- (e) the status of threatened species, populations and ecological communities improved**

Relevant Acts and Policies: NSW Biodiversity Strategy (1999), *Threatened Species Conservation Act 1995*, *Fisheries Management Act 1994*, *Environment Protection and Biodiversity Conservation Act 1999*, National Objectives and Targets for Biodiversity Conservation 2001-2005 (2001), Draft MDBC Native Fish Management Strategy, NSW Wetlands Management Policy (1996), *National Parks and Wildlife Act 1974*, NSW Interim Environmental Objectives (1999), State Environmental Planning Policy 14, State Environmental Planning Policy 46, Ramsar Convention, NSW State Groundwater Dependent Ecosystems Policy (2001).

The continuing loss of biodiversity is an issue of state and national concern and has been identified as perhaps our most serious environmental problem. Despite many advances in understanding and awareness, and increased efforts to conserve biodiversity in recent decades, ecosystems continue to be degraded. There is now a growing recognition that we have been under-investing in biodiversity conservation and we have failed to effectively manage activities that threaten biodiversity. Without further investment in biodiversity conservation, serious long-term ecological and economic consequences may result.

Biodiversity has many values. At the most fundamental level, biodiversity is the basis for healthy, functioning ecosystems. Biodiversity is also essential to allow adaptation to changing environmental

circumstances such as climate changes. In addition, biodiversity is essential to maintain the habitats and food webs that support many of the species on which we (and other animals) depend. Put simply, biodiversity provides all the critical processes that make life possible. We gain enormous benefits from these processes, but they are often grossly undervalued.

Aquatic biodiversity provides many direct economic and social benefits. Economic benefits include the provision of valuable food (fish and shellfish), industrial materials, and the means to control some pest species and diseases. Some examples of these economic benefits are:

- a significant contribution to the gross value of Australian commercial fisheries production (in 1999-2000 this was \$2.32 billion - ABARE 2001). Invertebrate species such as prawns, lobsters and pearl oysters accounted for two-thirds (\$1.56 billion) of this total,
- recreational fishing and tourism on inland waterways are a mainstay of the economy of many small towns. An estimated 20 percent of the population, representing over 1 million people, go fishing each year in NSW,
- it has been estimated that the average hectare of mangrove habitat could be worth \$8,000 annually in fish production, and
- the tourism value of large wetland areas such as the Macquarie Marshes and the Gwydir wetlands is growing rapidly.

The conservation of biodiversity also has social benefits. Aboriginal people have depended upon aquatic and water dependent species not only traditional and contemporary food and medicine resources but also as the basis of broader cultural association through totem species, ceremonies and dreaming stories.

In addition to the biological resources we already use, aquatic biodiversity represents a pool of untapped opportunities, a 'storehouse' of genetic and chemical material that could provide the future foundation for new technologies in the pharmaceutical and other industries.

There is also growing community recognition of the intrinsic value of biodiversity, acknowledging the inherent right of all species to exist, regardless of their value to humans. Australia's aquatic biodiversity is valued not only by Australians but also internationally for its richness and uniqueness.

Objective 4.7 of the NSW Biodiversity Strategy requires the "effective management of water resources to conserve biodiversity and meet environmental, economic, social and community needs".

In order to protect or improve aquatic biodiversity, it is important to ensure that, as far as possible, water management addresses the full spectrum of habitats and the differing requirements of all species within an ecological community but which must coexist in order to ensure the health and survival of the whole. For practical purposes, the status and diversity of an ecological community may be reasonably informed through a number of indicator or key species. This SWMOP therefore adopts four key indicator groups (a-d) together with any listed threatened water- dependent species, populations or communities.

(a) abundance and diversity of invertebrate populations improved

Aquatic invertebrates are animals without backbones, which live at least part of their life within the water column or substrate of an aquatic environment.

Invertebrates play a very important role in aquatic ecosystems, by breaking down organic matter, transforming nutrients, and feeding on fungi and algae to provide a major food source for higher order animals such as fish and waterbirds. A healthy aquatic ecosystem often supports a wide range of invertebrate species, reflecting a diversity of food sources and a diversity of habitat types. Abundant populations of invertebrates will ultimately be reflected in the abundance of the fish, reptiles and waterbirds that feed upon them.

Aquatic invertebrate communities can be impacted by changes in both water flow and quality. In upper and mid sections of rivers, the reduction in the frequency of freshes and floods reduce the frequency of bed disturbance and so the “resetting” of benthic (ie bottom-dwelling) invertebrate populations is less frequent. This is likely to lead to a less diverse fauna, with the biomass dominated by a small number of species. Reduced flushing will lead to clogging of coarse riffle substrates, with fine sediments and organic matter reducing the amount and quality of the benthic habitat.

The changes in the invertebrate communities in lowland rivers are largely due to habitat alteration rather than direct flow effects on the organisms. Reduced flow variability, reduced habitat diversity due to snag removal, bank slumping and loss of littoral vegetation, changes in substrate, changes in water temperature and the predominance of slow turbid flows in weir pools etc have all contributed to changes in invertebrate diversity and abundance.

Invertebrates are considered so fundamental to ecosystem health and production that a national effort, the Australian River Assessment System (AusRivAS) is underway to monitor river health using measurements of aquatic macroinvertebrate communities. This program uses the environmental attributes of a river reach to predict the kinds of macroinvertebrates that would be present in the reach if the river was “healthy”. The difference between the predicted species and those actually collected from the reach over time provide an index of river health.

(b) native fish populations increased within their natural range, and the ratio of alien to native fish species reduced

Over the last 100 years the abundance and distribution of native fish including many commercial and recreational species (eg Murray cod, golden perch, silver perch, catfish, and Macquarie perch) have declined markedly in many of the State’s surface water sources. Eleven fish species and two endangered populations are currently listed as threatened under the *Fisheries Management Act 1994*.

These declines have been attributed to a range of factors including:

- general habitat degradation,
- altered river flows,
- introduction of alien fish and diseases,
- interrupted migration pathways,
- reduced water quality and pollution,
- overfishing, and
- changed energy fluxes.

A lack of detailed information on the habitat associations and requirements of most native fish and on the impacts of alien fish species means the relative significance of these factors is unknown. Furthermore their relative influence will almost certainly vary substantially from water source to water source. Nevertheless, altered flow and sediment regimes have had a dramatic impact on fish populations including removal of spawning and migration cues, reduced dispersal and recruitment, reductions in aquatic vegetation and habitat connectivity, increases in siltation, reduction in water quality and reductions in habitat diversity. The imposition of barriers to fish passage has also been a major factor in the decline in fish in many water sources.

A large-scale systematic survey of riverine fish in the New South Wales part of the Murray-Darling Basin was undertaken in 1996/97 (Gehrke *et al.* 1995). Samples were taken at 80 sites on four occasions over two years. Of the 25 native freshwater species expected to occur only 18 were recorded overall. 15 of these were rated as either rare (7 species), having restricted distribution (2 species), or were absent (6 species). The Murray, Murrumbidgee and Lachlan water sources were found to be in the worst condition.

More recently, the draft Murray-Darling Basin Native Fish Management Strategy documented that:

- only 10 percent of pre-European native fish populations remain in the Murray-Darling Basin, and
- native fish make up only 4 percent of the total catch in the Murray.

Native fish are also a reasonably good long term indicator of the general health of rivers as they are sensitive to the loss of a wide range of instream and wetland habitats. They are also highly dependent on food supplies from both instream and floodplain sources. Many native species require periodic floodplain or wetland inundation to trigger spawning and ensure the successful recruitment of juveniles. For many marine species the trigger is the amount of fresh water that moves offshore to the adult populations. Many species migrate or disperse over reasonable distances, often between rivers and estuaries, and are therefore sensitive to barriers and flow conditions.

Habitat structure and diversity, which is a function of hydrology and hydraulics, as well as of geomorphic elements such as riffles, runs and pools, sediment types and snags, is a major factor determining the species composition and abundance of fish communities.

There are in excess of 12 alien fish species present in rivers across the State, mostly as a result of deliberate introductions dating from the mid-1800s. Of these carp, goldfish, gambusia and redbfin perch are the most widespread, and carp is the species that has caused the most ecological damage.

Rivers whose flow regimes have been significantly modified commonly exhibit both a decreased native species diversity and a proliferation of alien species. There is substantial evidence to show that river regulation has favoured carp at the expense of native species. Because native fish have reasonably specific flow requirements for reproduction and the successful recruitment of juveniles, reductions in flow variability reduces the abundance of those species. Carp, on the other hand, have less specific flow requirements, as reproduction is not cued by seasonal flow conditions, and successful recruitment is less dependent on specific flow conditions. Although the levels of scientific evidence vary substantially, declining native fish populations, blue-green algal blooms, increased turbidity and lost aquatic vegetation have all been attributed to some degree to the proliferation of carp.

The ratio of alien to native species in the rivers has been found to be a useful index of the health of a river as it reflects the relative advantage that changes in river condition and particularly flow gives to alien over native fish species. It also provides an indicator of the degree of pressure that alien fish species themselves place on the system.

(c) increased colonial waterbird breeding opportunities and abundance and diversity of other water-dependent vertebrate species

Colonially breeding waterbirds (ibis, egrets, herons, spoonbills and cormorants) breed in large colonies on a relatively few wetlands supplied by rivers in New South Wales (eg Macquarie Marshes, Gwydir wetlands, Barmah Millewa Forest, Booligal wetlands). The strongholds of remaining breeding areas in Australia are primarily concentrated in the surface water sources in New South Wales. For example, the Macquarie Marshes is the most important site (in terms of the numbers of breeding birds and/or the frequency of breeding and range of species) for colonially breeding waterbirds in Australia. The breeding of colonial waterbirds is closely linked to the flooding of inland surface water sources. The area available for breeding waterbirds to forage appears to be a critical factor for breeding. Breeding success is also closely linked to the size of floods with much greater reproductive success during larger floods than smaller floods. The regulation of rivers with dams and extraction upstream of major wetlands has severely affected the breeding of colonial waterbirds. It has been calculated that extraction of water from the Macquarie River reduced breeding by 100,000 pairs in the Macquarie Marshes every 11 years.

There has been inadequate attention to the importance of aquatic habitats for other vertebrate groups such as amphibians, snakes, lizards and mammals. The abundance and diversity of these groups must be considered explicitly in management decisions.

(d) estuarine prawn populations improved

River discharge and estuarine productivity are closely linked. Fluctuations in salinity, turbidity, and nutrients can affect the extent of available habitat and the productivity of the estuary. Lonergan and Bunn (1999) and previous work by Glaister (1978), and others have confirmed that high river discharges can have a strong positive effect on the production of commercial and recreational coastal fisheries, especially on prawns.

Catches of school prawns in the Hunter River and Clarence River showed that each year following major rainfall, productivity increased (Ruello 1973; Glaister 1978). These increases are thought to be linked to secondary effects of rainfall such as reduced salinity and turbulence which stimulates the migration of juvenile prawns from nursery habitats in estuaries and rivers.

Lonergan and Bunn (1999) have also observed similar results in longer-lived species such as mud crabs and flathead. The catches of prawns are likely to be related to increased juvenile productivity, as the time delay between when the rainfall event occurs and when the juveniles enter the fishery is in the order of only six months. Therefore, while the influences on increased productivity of these species require further investigation, prawn productivity is a useful short-term biological indicator of the linkage between river flow and estuarine productivity.

(e) the status of threatened species, populations and ecological communities improved

The State's rivers, lakes, estuaries and wetlands form complex biological systems that support a rich diversity of plant and animal communities. However, some of these animals and plants are facing threat of extinction as the State's aquatic systems undergo dramatic changes due to factors such as reduced or modified flow regimes, loss of riparian vegetation and habitat diversity, and declining water quality. The number of threatened animals and plants is continuing to grow.

Objective 2.4 of the NSW Biodiversity Strategy requires the State to "Implement mechanisms for the identification, recovery, and rehabilitation of threatened species, populations and ecological communities and protection of critical habitats".

The *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994* aim to stop the decline in biological diversity by promoting recovery of species, populations and ecological communities and eliminating or managing threatening processes.

Both Acts provide for the listing of animal and plant species according to their status. Once listed a recovery plan must be prepared within 3 to 5 years, depending on the listing. These plans will be comprehensive documents that outline future management actions to encourage the recovery of species. Primary recovery actions generally aim at stabilising population numbers and halting habitat deterioration. Further actions may aim at rebuilding populations and conserving further habitat. Complementary to the recovery planning process is the management of key threatening processes through a process of threat abatement planning.

The on-going management of aquatic systems must seek to reduce the decline in biological diversity by ensuring activities and management plans are consistent with the objectives and recommendations of recovery plans and threat abatement plans. Additionally, high conservation values and areas that possess special requirements for threatened species or communities, should be maintained or improved for conservation purposes.

Recovery and threat abatement planning for many species, populations and ecological communities, and key threatening processes are still in the initial stages. In the absence of such plans and identified conservation values and areas, effort should be focused on preserving or restoring ecological processes and on maintaining and restoring the known flow or habitat requirements of better known key species. Since these species are sensitive to change, their conservation becomes a benchmark for other species about which less is known.

For all threatened species, populations and ecological communities, the paucity of information and the need for more research on life history, habitat requirements, distribution and threatening processes directs a need to adopt a precautionary approach to water management.

The NSW Government is responsible for ensuring that the requirements of threatened species, populations and ecological communities, critical habitats, key threatening processes and their associated plans are addressed in the development of all plans and individual resource management decisions.

Division 2 Social outcomes - The community's basic needs and values sustained

NSW society and its local communities will be the ultimate beneficiaries of more sustainable water management. Improved environmental outcomes will ensure that current and future generations will be able to enjoy the benefits of our natural heritage and the essential services that the water-related ecosystems provide. Improved economic certainty, water use and investment efficiency, and water trading and dealing opportunities will ensure more productive water use and improved economic returns. In addition to these, water source planning and management must ensure that the basic needs of the community continue to be met. This includes the right to essential domestic and stock water supplies whether within a town or rural setting, which are not compromised by other economic demands, and reasonable opportunities to enjoy the recreational, aesthetic, cultural and spiritual values provided by water sources and their associated environments.

(1) Water supplies necessary to maintain or improve the health and wellbeing of rural and urban communities assured

Relevant Policies: NSW Interim Environmental Objectives (1999).

An owner or occupier of a landholding is entitled under the *Water Management Act 2000*, without the need for an access licence, water supply work approval (for works excluding instream dams or weirs) or water use approval, to take water from any river, estuary or lake, to which the land has frontage or from any aquifer underlying the land. This basic rights provision is to meet normal domestic requirements and non-intensive stock watering.

The *Water Management Act 2000* requires that these basic rights be protected from the impact of other extractions. It also specifies that town water supply (local water utilities) must have priority to water from rivers and aquifers over other licensed uses.

Human and stock drinking water is also being increasingly threatened by water quality problems which, at worst, can impact on the health of stock or the people dependent on the contaminated water source and, at best, can substantially increase the costs associated with water treatment or alternate supplies for rural land-holders and communities.

Many indigenous communities, in particular, rely on bores, local dams and river pumps for their water supplies. Significant resources are spent on setting up and maintaining this infrastructure and yet, in spite of this, both the quality and quantity of the water supplied to many communities remain inadequate. This is contributing to the poor health and living standards of those communities.

Salinity is now recognised as one of the greatest threats to water supplies for rural communities within the Murray-Darling Basin. At Dubbo, on the Macquarie River, the water currently exceeds the World Health Organisation (WHO) guidelines for the acceptable taste of drinking water (800 EC) 6 percent of the time. This is predicted to increase to over 80 percent of the time by 2100, unless the trend can be managed.

- (2) Aboriginal traditional and contemporary dependencies on, and cultural associations with water protected and improved. In particular:**
- (a) economic access to water increased,**
 - (b) cultural and customary associations with water protected,**
 - (c) opportunities for learning and information exchange improved, and**
 - (d) capacity for Aboriginal people's involvement in water management increased.**

Relevant Policies: Statement of Commitment to Aboriginal People, *National Parks and Wildlife Act 1974*.

For over 50,000 years, Aboriginal people have been living in and around Australia's rivers, floodplains, billabongs, marshes, swamps, lakes and mud flats and depending upon these water sources for basic survival. These water sources also have cultural relevance. Food was obtained from rivers (fish, crustaceans, oysters etc.), the floodplain (grasses, tubers, fruits etc.) and associated wetlands (kangaroo, emu, birds, snakes etc). Vegetables, fruits and traditional medicinal plants are most often sourced from or near waterways.

Major waterways, and most other water sources, in NSW continue to have cultural relevance to Aboriginal people and are often associated with dreaming stories and cultural learning that are still passed on. Cultural learning through dreaming stories teaches Aboriginal people who they are and where they belong. Many ceremonial rites are linked with water and impart knowledge of how to continue a respectful partnership with water and all the creatures that use it. For these reasons, an object of the *Water Management Act 2000* is to recognise and foster the benefits that result from the sustainable and efficient use of water, including the benefits to Aboriginal people in relation to their spiritual, social, customary and economic use of land and water.

Aboriginal people are concerned about declines in population of many species due to changes in the natural ecosystem, eg, the Murray cod. This totem species was actively managed using traditional knowledge accumulated and passed down the generations over thousands of years. Aboriginal people feel that degrading its ecological status also degrades the cultural integrity of the people who must maintain that totem.

Aboriginal 'relics' and declared places are protected under the provisions of the *National Parks and Wildlife Act 1974*. Any action that may damage, deface or destroy such items or places requires the consent of the Director-General of the National Parks and Wildlife Service. As part of water management planning, the intimate and unique relationship of Aboriginal people to water sources and their dependent ecosystems should be acknowledged and the cultural values of waterways and water-dependent species need to be accounted for and protected.

But the Aboriginal dependencies on water go well beyond their cultural or spiritual associations. Traditionally, their communities derived much of their food, shelter and the goods for trade from the rivers and water-dependent ecosystems. In the 21st century these traditional forms of access to the

water are no longer available to these communities due to the increasing alienation of traditional hunting grounds, and the decline of habitats and important animal and plant species. Alternate forms of economic access appropriate to contemporary Aboriginal life are now needed. Future water planning and management must provide opportunities for Aboriginal people to restore their economic as well as cultural benefits from water.

Such access does not have to come at the expense of other water users but could be achieved through access to unassigned water and the water market.

The key to ensuring these benefits accrue to Aboriginal people will be effective communication with, and involvement of the relevant Aboriginal communities who can speak for the areas for which management planning and decision-making are taking place. This may occur through the Aboriginal representatives on management committees but may need to include a broader investigation of cultural and contemporary issues and needs.

To ensure that individuals and the communities they represent can be most effective in the water management process, it is critical that the means are provided for training, information access and knowledge exchange.

(3) Incidents of problem algal blooms affecting essential water supplies and recreational values reduced

Relevant Policies: NSW Interim Environmental Objectives (1999), National Water Quality Management Strategy (2000), Algal Management Strategy for the Murray-Darling Basin (1994).

Algal blooms generally, and blue green algae (*Cynobacteria*) in particular, are a natural part of the freshwater environment. However human induced changes to river and estuarine water sources have resulted in conditions which favour these algae and periodically encourage rapid rates of growth which can lead to algal blooms. These blooms can affect the community in a variety of ways including:

- toxins produced by some algae can cause liver damage, stomach problems and damage to the human nervous system,
- stock deaths and poisoning of wildlife and domestic pets,
- undesirable tastes and odours, discolouration and scums,
- decaying algae can reduce oxygen levels and cause stress and death to other aquatic organisms,
- water supplies can be disrupted when filters and other equipment is blocked,
- costs of water supply increases when algae/toxins need to be removed, and
- recreation and tourism is disrupted.

The growing concern about the amount of nutrients entering rivers and estuaries as a result of effluent discharges, agricultural and urban runoff is primarily because of the risk this brings of nuisance algal blooms. Reductions in the incidence of problem algal blooms can generally be achieved by one or more of the following:

- improving flow regimes, increasing turbulence and flow velocity and variability, and aiding the destratification of pools,
- reducing the potential for stagnation and stratification of water in weir pools,
- restoring the riverine riparian zone to intercept nutrient-rich storm runoff and to reduce the amount of sunlight on the water which stimulates algal growth, and

- reducing the input of nutrients from point and diffuse sources.

Division 3 Economic outcomes - Economic value of water improved

Many water sources in NSW are approaching or have exceeded the limits of their capacity to support the growing consumptive demand for water without unacceptable impact on the environment or the rights of other water users. This means that a new focus is required to increase the economic return from the use of the available water and to support new development opportunities.

The introduction or expansion of demand management, water reuse and water market opportunities can result in significant reductions in the volumes of water required to support existing uses. This will free up water within extraction limits to support additional production. At the same time, the water market will encourage water to move to higher value uses, and therefore also contribute to an increase in the economic return per megalitre of water extracted. An effective water market will also increase the value of water licences, thereby offsetting any reduction in the gross volume of water which can be extracted as a result of environmental water provisions.

Sound water management is crucial to regional economic development. The water related aspects of state and regionally significant development would be accommodated within overall regional planning through the PlanFirst initiatives. This will help ensure the effective linking between water management and landuse planning to achieve sustainable regional development and the best economic, environmental and social use of regional water sources.

- (1) Productive capability of land and water maintained, with particular reference to:**
- (a) rate of land degradation associated with irrigation activities reduced, and**
 - (b) rate of increase in river salinity levels reduced**

Relevant Policies: NSW Water Conservation Strategy (2000), Policy for Sustainable Agriculture (1998), NSW Salinity Strategy (2000), NSW Interim Environmental Objectives (1999), National Water Quality Management Strategy (2000).

The use of water for irrigation in NSW provides a significant economic contribution to the community. The value of irrigated agriculture in the Murray-Darling Basin is \$3 billion per year, rising to \$9 billion after value adding.

Most of the water extracted from rivers and aquifers is used for irrigated agriculture. The economic efficiency of these irrigation industries is dependent not only on continued access to adequate quantities of water but also to the ongoing productive capability of that water and the lands to which it is applied.

Water quality, and in particular, rising salinity levels is the main threat to the productive capability of water. Land degradation in its many forms can threaten the productive capability of irrigated lands. Both problems can cause significant reductions in the yield per megalitre of water.

(a) rate of land degradation associated with irrigation activities reduced

The extent of some forms of land degradation continues to increase in many areas of NSW. In some areas this increase is associated with irrigation activities and in many instances, it can be attributed to poor irrigation practices. There are numerous opportunities to maintain or improve the productive value of land for current and future generations and at the same time, minimise external economic and environmental effects.

This outcome reflects the principles of the *Water Management Act 2000*, with respect to water use, drainage management, floodplain management, controlled activities and aquifer interference. These principles encompass the need to avoid or minimise soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline in native vegetation and salinity; and, where possible, seek to rehabilitate affected lands.

The processes involved in degradation of irrigated land vary substantially. However, external impacts from the process of irrigation are primarily a result of deep drainage or surface run-off. Of the forms of land degradation described in the *Water Management Act 2000*, soil erosion, contamination, waterlogging, salinisation, decline in native vegetation, geomorphic instability and oxidisation of potentially acid sulfate soils can all have external effects. While compaction and soil acidification tend to have relatively little off-site impacts, they can significantly reduce the long term productivity of the land itself, with obvious inter-generational implications.

The effect of land degradation on the productive value of land is substantial, affecting the natural resource base within NSW. However, recently, there has been recognition of the specific measures that need to be employed to reduce many of these problems. This is evident in the NSW Water Conservation Strategy, the Policy for Sustainable Agriculture and the NSW Salinity Strategy. It is also evident in best management practices and codes of practice developed for dryland farming and by sectors of the irrigation industry.

Land degradation needs to be considered with respect to irrigation enterprises if the productive capability of these lands are to be maintained.

For example, waterlogging and salinisation can give rise to loss of production and subsequent scalding of land. As identified in the NSW Salinity Strategy, drainage schemes have not proven entirely effective in managing this problem. Risks to productive capacity increase substantially where watertables have risen to within 2 metres of the surface of the land. Waterlogging can occur from surface run-off or deep drainage, especially where hydraulic loading from irrigation is substantial. Like salinisation, it is exacerbated where clearing occurs for an irrigation enterprise. Salinisation occurs due to changes in water balance. Irrigation salinity is a function of the volume, rate, timing and location of water applied, its quality, whether leaching fractions are calculated accurately, and changes to vegetation cover that arise from a different water use pattern.

(b) rate of increase in salinity levels reduced

The implications of rising salinity are probably the greatest threat to the future productive capability of the State's water sources. The yields of some crops, such as rice and horticulture, are affected by saline water at levels as low as 700 EC. Current predictions, in the absence of effective mitigating action, indicate that most major western flowing rivers will exceed 700 EC by the year 2020. Many irrigation enterprises will be at risk. Water of low salinity is also an important requirement of the manufacturing and food processing industries. Continuation or expansion of these industries in regional locations is at risk from rising salinity levels.

Salt underlies much of the NSW landscape and has been mobilised across all the inland catchments. While salinity can develop naturally, where human intervention has disturbed the natural ecosystems and changed the hydrology of the landscape, the movement of salts into rivers and onto the land surface has accelerated.

Increasing salinity can be due to agricultural, industrial or urban activities including:

- clearing of native vegetation,
- native vegetation replacement with crops and pastures with different water use characteristics,
- the introduction of irrigation practices, and
- the use of inappropriate drainage and watering systems.

If current activities and practices are not modified, salinity will rise to levels that will threaten agricultural production, water supplies and ecosystems within decades. Additional inappropriate development would accelerate these trends.

In late March 2000, the NSW Government hosted a Salinity Summit to develop a cooperative effort to manage the growing salinity problem. The NSW Salinity Strategy was subsequently released in August 2000 and leads the way to setting salinity targets and management responses including:

- protecting and managing native vegetation,
- land uses and practices which reduce the amount of water going into the watertable,
- more effective and efficient water use,
- engineering solutions,
- alternative use of land affected by salt, and
- focus on priority salinity hazard landscapes.

Water management can assist in limiting future increases in salinity by, for example:

- limiting saline drainage from irrigation and urban areas,
- setting a limit on water extractions in all affected water sources,
- affording greater protection to flows/discharges from rivers and aquifers with low salt loads (by setting more stringent extraction limits in these areas if possible), and
- ensuring, through future water use approvals, that irrigation developments and practices are not undertaken at unacceptable rates or in high salinity hazard areas.

(2) Water use efficiency increased

Relevant Policies: COAG Water Reform Policy (1994), NSW Water Conservation Strategy (2000).

As the demand for water increases, recognition that water is a valuable and scarce resource increases. The increased value that people place on water provides a direct incentive for water to be used more efficiently. At the same time, efficient use reduces on-site effects and external impacts that result from applying an additional volume of water at a location where it does not naturally occur. Measures that encourage the efficient use of water are supported by the NSW Water Conservation Strategy. This outcome of the SWMOP refers to efficiency in the irrigation, urban and industrial sectors.

If the irrigation industry does not use water efficiently, the losses associated with deep drainage and surface runoff can degrade water resources and affect the productive capacity of the land. Efficiency in the irrigation sector can be measured in terms of crop water use efficiency (yield/megalitre), irrigation efficiency (megalitre per hectare applied relative to the theoretical irrigation demand per hectare) and economic efficiency (dollar value/megalitre). Catchment-scale system efficiency can also be increased by better managing the delivery of water.

Efficiencies in the urban water sector would reduce the demand for water that could otherwise be applied to environmental uses or reallocated to other consumptive use. Efficiency gains also reduce the capital investment requirements for drainage and water treatment infrastructure. Efficiencies in the industrial sector, likewise, reduce costs to industry and to the environment.

The actions taken to reduce the forms of land degradation, in many instances, will also improve the efficiency with which water is used, by minimising deep drainage and surface runoff.

Efficiency gains can be achieved through:

- improving irrigation infrastructure and technology, and ensuring that crop type and system choice match soil type,
- improving irrigation scheduling ie applying the right volume of water at the right site, at the right rate, at the right time to meet the demands of a crop or to refill a soil moisture deficit,
- application of minimum leaching fractions,
- industry benchmarking,
- urban and industrial demand management,
- community education,
- incentives provided by effective and transparent water trading markets,
- pricing mechanisms which separate fixed and usage charges (and account for external impacts),
- improving water reuse, and
- research and technological development.

The costs associated with improved efficiency are substantial and further incentives may be required to encourage adoption in the short term. However, economic and environmental benefits in the long term are substantial. Implications are likely to be more substantial in industry sectors with the least access to capital and those that have developed dependent on less efficient technology.

(3) The economic efficiency of investment in water industries improved

Relevant Policies COAG Third Meeting Communique – Water Resource Policy (1994), National Approach to Water Trading (2002), NSW Policy Advice (No 2) on Supplementary Water Access (2001).

New water developments require significant investment in order to secure:

- the necessary access rights to the water,
- an efficient water use system including for example, laser levelling, and efficient water reticulation, drainage and recycling systems, and
- water storage, where this is necessary, to improve the reliability of supply.

Existing water industries, on the other hand, must make choices about:

- investment in ongoing maintenance of infrastructure,
- investment in new infrastructure to improve water use efficiency, allow a change in crops, or reduce maintenance costs,

- purchasing additional access rights to enable an increase in cropping or improvement in water supply reliability,
- divestment of access rights where they may be excess to need or yielding a poor rate of return relative to their market value.

To ensure an economically efficient water industry it is essential that investment decisions by both existing and potential water users be properly informed with respect to:

- the true nature of the access rights such that:
 - the licence reflects the expected long term reliability of access to water,
 - the conditions of access are clearly specified, and
 - the rights are reasonably stable over a realistic investment horizon,
- water pricing policy,
- effective market options and valuations, and
- flexibility in the type of rights available and in the associated accounting rules which allow enterprises to establish the appropriate mix of maximum water access, water use, water access licence dealings and carryover to ensure optimal economic efficiency.

Understanding the nature of a water access licence is a critical factor driving future investment. As embargos on new access licenses are applied to more water sources the water licence has become an increasingly important and valuable asset. However, ill-defined licences with respect to the volumes they represent, the security of supply and their tenure, make it difficult to properly assess the long term supply potential that the licence represents. This can lead to inefficient and unwise investment decisions.

In the past water licence holders have assumed a higher level of long term supply reliability than could be expected given the amount of licensed entitlement which currently exists relative to the amount of water that is available in many years. This was because:

- in many water sources limits had not been set on extractions so that increases in water usage could be met from the river flows (albeit from higher less frequent flows), or by mining of the groundwater (albeit requiring progressively deeper bores),
- the real nature of the licensed access right was not made explicit and licence holders were left to wrongly assume that they had an absolute right to access their full licensed volume if it was physically available. However, the reality was that most water sources could not reliably supply all of the licensed volume once it was active,
- water licenses have failed to clarify the difference between the licensed volume and the access right, the end product of which is the water allocations made available under the water sharing processes established at the time,
- under-use by some water users was reassigned to active users by administrative process or rostering arrangements,
- access to supplementary (previously called off allocation) water was based on local operational decisions that were not defined in licence conditions or policy, and
- the individual's storage capacity relative to that of other water users was constantly changing.

Separation of different categories of access licences and their components, establishment of extraction limits, and specification of individual share components for all licence holders, including those who are currently inactive, will give greater certainty to both current and new investors, and will increase the value of the right. It will also facilitate better informed and more efficient investment decisions.

PART 2 Five year water management targets

Division 1 Limits on extractions

- Target 1** Limits on the total volume of water that can be extracted established, such that:
- Target 1a** Extractions in Murray-Darling Basin's regulated rivers limited to the level of the long term average annual extraction below the Murray-Darling Basin Ministerial Council (MDBMC) Cap which results from the long term impact of the environmental water rules
- Target 1b** Extractions in Murray-Darling Basin's unregulated rivers limited to the MDBMC Cap level
- Target 1c** Long term average annual extraction limits which are ecologically sustainable, and which minimise downstream impacts, established in all coastal water sources
- Target 1d** Floodplain water harvesting extractions licensed and capped at 1993/94 levels in the Murray-Darling Basin, and at levels consistent with the long term average annual extraction limit in other water sources
- Target 1e** The long term average annual extractions for groundwater limited (or being phased down) to an ecologically sustainable level (the Sustainable Yield) as determined by detailed assessment of each groundwater source and consultation with the relevant management committee. In the absence of such an assessment, the following to apply:
- 100 percent of average annual recharge for a groundwater source where there is no significant ecosystem dependency
 - 70percent of average annual recharge where there is significant ecosystem dependency
- Target 1f** Rules for adjustments to future available water determinations, in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Since the 1950s, and as a result of government policy to encourage irrigation development, there has been continued growth in the amount of water extracted from the surface and groundwater sources of the State. Among other things, the levels of water extracted has significantly reduced river flows, with the median annual flow at the end of several western regulated rivers now only 30 percent to 40 percent of that which would have occurred prior to development. This reduction has most notably affected the frequency of small to medium sized freshes, with many of these events being completely eliminated. Such changes to the flow regime have had a significant impact on river health. There has been a contraction in wetland communities, native fish have declined, algal blooms have increased in frequency and intensity, and salt water has been able to move further upstream from coastal estuaries

with consequent impacts on freshwater species. Groundwater levels have also declined in many aquifers as a result of extraction, with consequent impacts to the baseflow contributions to rivers and to the health of dependent ecosystems.

Long term average annual extraction limits set an upper bound on the amount of water that can be taken from a surface or ground water source in any year, or group of years. Extraction, for this purpose, includes both the water pumped directly from the river or aquifer as well as those volumes extracted from the rivers via irrigation or other channels measured at the offtake point, and therefore includes the transmission losses associated with those extractions.

In the past there was a reluctance to set limits on extraction because there was a belief that:

- the environmental damage resulting from increased extraction was the inevitable and acceptable cost for economic development,
- future demand for water could be met from high flows with minimal environmental impact,
- an extraction limit would unacceptably impact on the economic return from continued water resource development, and
- an extraction limit would mean that future activation of undeveloped entitlement would be at a cost to the water supply reliability of active water users.

There is, however, increasing acceptance of the need to place overall limits on extraction, typically defined as long term average annual extraction limits, in order to halt the environmental decline that is becoming evident in many water sources. High flows in an up-river management area, for example, will often translate to lower flows so that additional extraction will compromise the security of supply to downstream users. Clear specification of the limits to extraction are essential for the clarification of access rights, the effective operation of a water market, informed business planning and efficient investment decisions.

Extraction limits protect the security of supply of existing licence holders by limiting the granting of new licences in a 'fully allocated' water source. In the absence of an extraction limit, over-use can arise or be exacerbated, causing conflict within a community, devaluing individual entitlements and encouraging inefficient investment.

A recent "Review of the Operations of the Cap – Social and Economic Impacts" by Marsden Jacobs and Associates 2000, observed that: "The prime benefit of the Cap is the guaranteeing of security on a valley-by-valley basis. In the absence of the Cap there would be substantial erosion of security of entitlements across the Basin. The Cap provides a better and more certain climate for investment and jobs growth."

In the absence of constraints to extraction there are generally few motivations for efficient water use and the marginal value of water will generally remain low.

While it is difficult to define exactly what level of extraction is "sustainable" as it would involve a complex measure of biophysical interactions and social and economic demands, a number of State and inter-Government policies establish appropriate limits.

Evidence of significant environmental damage and the continuing erosion of supply reliability to downstream users led the Murray-Darling Basin Ministerial Council (MDBMC) to place a cap on water extractions in the Basin at 1993/94 development levels (the MDBMC Cap).

However, there is scientific evidence to suggest that water extractions at the Cap level may be responsible for unacceptable degree of environmental damage in parts of the Basin and a lower extraction limit may be required to rehabilitate these water sources and ensure the effectiveness of the environmental water rules. The extraction limit target for the NSW regulated rivers of the Murray-Darling Basin is therefore set at a level of extraction below the MDBMC Cap, which results from the impact of the prevailing environmental water rules.

This lower extraction limit is necessary to ensure that river flows not specifically targeted or restored by environmental water rules cannot be further diminished by extractions. Because the extraction limit is below the Cap it ensures that this external obligation is also met.

Floodplain harvesting is the collection, extraction or impoundment of water flowing across floodplains. These floodplain flows can originate from local runoff that has not yet entered the main channel of a river, or from water that has overflowed from the main channel of a river during a flood.

To date, floodplain harvesting has not been subject to any licensing or control processes. If this were allowed to continue, further growth in extractions would occur which would threaten river and wetland health and the water supply to other water users. The increase in flood harvesting extractions would have to be offset by a reduction in other forms of water extraction. Leaving floodplain harvesting as a freely available source of additional water supply is no longer acceptable. The MDBMC Cap applies to all water extracted from inland NSW rivers, and so floodplain harvesting clearly falls into those activities that are required to be licensed under the *Water Management Act 2000*. So long as floodplain harvesting remained freely available it also undermined the water market and reduced the incentive for water use efficiencies.

Issuing access licences and approvals for floodplain harvesting and clarifying the rights of those involved in it will assist future investment and business decisions. This should initially focus on controlling the works via approvals, but should move towards specifying access licence share and extraction components.

In inland water sources, the MDBMC Cap is based on the use of water associated with the level of development that was in place in 1994, and therefore this must form the basis for the future limits on floodplain harvesting extractions. Works in place in 1994 will be identified using aerial photography and Landsat imagery from that time and from this estimates will be made of the extent of activity then compared to what is currently in place. While there has been growth in floodplain harvesting works and extractions since 1994 in many water sources, it is expected that the licensing and approval process will result in some modifications of existing works or will identify works in place in 1994 that are now no longer operational. This may offset some of the post-1994 development. If not, restrictions will need to be imposed on the use of the licensed works in order to return extraction to Cap levels. By preventing the construction or enlargement of structures, the opportunity for further growth in floodplain harvesting extraction will be minimised.

The NSW Groundwater Quantity Policy requires that access to groundwater be managed within the Sustainable Yield of an aquifer so that the resource is sustained for future generations and dependent ecosystems remain viable. This is also consistent with the "National Framework for Improved Groundwater Management in Australia" ARMCANZ (1996) which states that "The groundwater extraction regime, measured over a specified planning timeframe, should not allow unacceptable levels of stress and protects the higher value uses that have a dependency on the water".

To ensure that water levels recover over the longer term, total groundwater extractions should not exceed average annual recharge. However this criteria alone would allow extractions to draw water levels significantly below natural bounds over shorter timeframes when recharge may be below average. Therefore annual extraction rates (the Sustainable Yield) should be set at levels below the average annual recharge to reduce the extent of drawdown wherever this could threaten dependent ecosystems or surface water sources. Where detailed information on the environmental dependencies is not available, this volume should be equivalent to 30 percent of the average annual recharge. In aquifers where few significant groundwater dependent ecosystems can be identified, this volume may be reduced.

An overall limit on extractions is also required in coastal river water sources. Many coastal rivers are already stressed and without defined extraction limits there will be a continued risk of overdevelopment, with consequent damage to both the freshwater and estuarine ecosystems and coastal fisheries. It is also important that such limits are specified now to ensure that water users are aware of their future options. What the annual extraction limit should be in each case will depend on

the evidence of environmental damage from current extraction levels, the degree of environmental vulnerability and the degree to which the water source is contributing to downstream water supplies. In the absence of clear evidence, a precautionary approach is required by the Act. In unregulated rivers the extraction limit will need to take into account the supply reliability which results from flow variability and the impact of daily flow extraction limits. Setting daily extraction limits without an appropriate annual limit could increase the frequency or duration of stress by increasing the number of days which are subject to the maximum extraction rates, particularly in already stressed water sources. It is important that the limits are made explicit so that business decisions are properly informed.

Growth in water extractions can occur through activation of current sleeper (unused) licences through business expansion or through the water market (transfers or dealings), increases in water use infrastructure and changes in water users' management decisions. This growth can be rapid, and could easily lead to extractions significantly exceeding established limits within just a few years, even where no new water licences are being issued.

The only viable response if extractions start to exceed the agreed limits is to adjust the water management rules in ways that reduce water usage and discourage further unsustainable growth. Experience demonstrates that each time a management adjustment is required there is debate and conflict regarding the form and degree of the adjustment that should be applied. This leads to lengthy delays in determination and application of adjustments, with the result that extractions continue to exceed limits for long periods of time with consequent impacts on environmental water and users in downstream water sources. The lack of clear and decisive action and forewarning of the type of action that will be taken also leads to investment uncertainty and inefficiency.

The specification of clear rules over the determination and timing of management adjustments made in response to growth in water extractions beyond extraction limits will help ensure that environmental objectives are met. It will also mean that those who would be affected by any such adjustments are aware of this potential and can manage their businesses and investment decisions accordingly.

The most direct and effective way to achieve an overall reduction in water extractions is to reduce the maximum amount of water that is made available for extraction. This reduces water extractions in high water use years, and discourages further expansion of works to capture more water.

Water sharing plans must clearly prescribe what the management response should be, when and how it is to be applied to offset any growth in water use beyond the extraction limits established by the plans and, for inland surface water sources, the MDBMC Cap. These responses must include reference to the audit processes, the triggers for adjustment, the mechanisms for adjustment including the licence categories to be affected and the process for calculation of the degree of adjustment to be imposed.

Division 2 Environmental management

Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

It is important to ensure that management plans are consistent with sections 5(2)(b), 5(2)(e), 5(2)(f) and 5(3) of the *Water Management Act*, which aim to optimise environmental outcomes, especially in regard to biodiversity and the recovery of threatened species.

Furthermore, the loss of habitat as the result of the destruction or degradation of water sources and associated ecosystems has a direct, and scientifically established, impact on the health and wellbeing of Aboriginal people. It further impacts upon the observance of traditional laws and customs as well as on the contemporary and recreational activities of Aboriginal people. Therefore an improvement in the condition of ecological habitats and their dependent species is one essential element in improving the social and cultural life of Aboriginal people. It is also important to actively and effectively engage Aboriginal people in the water planning process to ensure that these interests are properly recognised and addressed.

While recognising that definitive information on water and habitat requirements and sensitivities for many plant and animal species and communities may not be available, it is important that management plans have thoroughly considered all the available information, sought field or modelling verification (wherever practicable) and have reflected this.

Where possible the approach should be to develop a plan hypothesis setting out how the plan is expected to contribute to a long term improvement in ecological health and in the abundance and diversity of communities and species. This would require the following steps:

- identify elements of the flow regime and/or other physical factors that are likely to have a significant influence on the habitat condition, ecological functions and or life cycle responses of ecological communities or species. Models or relationships between the ecological, community or species response and the physical aspect which is being managed can be obtained from the scientific literature or derived from monitoring and assessment programs,
- design actions or management rules that will maintain or improve the relevant aspects of the flow regime or other physical parameters. The requirements of any relevant threatened species recovery or threat abatement plans would need to be given priority in this process, and
- assess whether the flow or physical changes resulting from the plan are large enough to have a positive impact on the ecology.

There are a wide range of mechanisms available which can help to improve biodiversity such as:

- establishing annual extraction limits for water sources,
- environmental releases from storages which can improve flow frequency, connectivity and the duration of critical events for bird or fish breeding etc.,
- removal or modification of barriers,
- rehabilitation of eroded channel or riffles,
- reinstatement of flood paths and inundation areas,
- re-flooding of drained wetlands and creeks,
- mitigation of flow-related water quality problems,
- reduction in cold water pollution,
- restoration of riparian zones, and
- weed management.

Target 3 A network of aquatic reference sites based on biogeographical regions identified, and the monitoring and management implications assessed

While this target may ultimately have implications for management plans under the *Water Management Act 2000*, it will need to be initially addressed independently of such plans.

A wide range of water and broader catchment management initiatives are being put in place to improve or rehabilitate aquatic habitats and the abundance and diversity of their dependent plant and animal communities. The ongoing monitoring and assessment of these habitats, ecological processes and communities is essential to inform the future review and adaptation of the various management provisions. Unfortunately such performance monitoring is made extremely difficult by the large number of confounding and dynamic factors that can impact on aquatic systems. It has been proposed therefore that a network of sites, encompassing a range of river styles, and river flow and ecological characteristics, where the degree of future change is likely to be minimal, could provide an invaluable reference against which the management outcomes of other water sources may be compared and judged. Such sites would also have educational and research value, provide a means to raise community awareness of river health issues and would help to manage and conserve examples of aquatic ecosystems.

The selection and extent of such sites, how representative they are of larger water sources and what would be involved in adequately managing and monitoring them, will be critical factors in determining whether such an approach is likely to be practical and useful.

The focus of this target is therefore on:

- determining the number and type of reference sites which would be necessary to provide a meaningful representative system,
- designing a cost effective monitoring and assessment program to provide a meaningful benchmark,
- identifying the management and development implications associated with maintaining a stable system of benchmarks, and
- assessing the potential costs associated with the establishment and maintenance of such a network, both in terms of any development opportunity foregone and in the cost of monitoring.

Site selection should be based on a biogeographical regionalisation of water sources across NSW. As a matter of practicality and to keep potential impacts minimal, representative sites on water sources which fall within existing terrestrial reserves should be given priority.

Target 4 Environmental water rules and extraction limits established in regulated and unregulated rivers subject to gazetted water sharing plans, such that:

Target 4a Wherever the frequency of “end of system” daily flows would be less than 60 percent of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60 percent of the predevelopment level or increased by at least 10 percent of the pre-development frequency

Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the pre-development 95th percentile

Target 4c The channel capacity of all lower river and effluent creek systems used for the delivery of regulated water determined. Subject to reasonable socio-economic impacts, limits on daily supply

volumes established for identified effluent systems such that they do not exceed 80 percent of the channel capacity for more than 10 percent of days in each month of each year. Where daily supply volumes are currently substantially less than channel capacity, alternative limits established to reduce the impacts of unseasonal flows arising from future access licence dealings.

Target 4d A proportion of the natural drying phases reinstated in the core areas of terminal wetlands

This target is relevant to management plans under Part 3 the *Water Management Act 2000* dealing with: Division 2 - Water sharing. (Note: Target 4d maybe addressed in the implementation program rather than the water sharing plan where this may affect water supply operations rather than the bulk access regime).

While annual extraction limits are an essential tool for slowing or limiting environmental degradation, they cannot address the more localised impacts of extraction on the pattern and frequency of high, moderate, low and seasonal flows.

The Interim Environmental Objectives released in 1999 identified low flow protection (RFO 2), the restoration of high flows (RFO 3), and flow variability (RFO 6), as three of the most critical aspects of the flow regime.

There is increasing evidence that variable flow regimes across the full range of flows are critical to water dependent ecosystems and targeting just one element of the flow will not be effective in correcting the general environmental decline resulting from a loss of flow variability.

Low flows generally:

- moderate the rate of decline in water quality,
- moderate water temperature increases particularly in unshaded rivers , and
- maintain refuge areas in pools and wet gravel beds,

While the ecological stresses imposed by drought are a natural and important phenomenon, if these conditions occur too frequently or for too long they will reduce the capacity of the ecosystem to recover when conditions improve and may cause the local extinction of more sensitive species. For example, if flows into natural pools are reduced for extended periods, turbulence is reduced and oxygen exchange also declines. Stratification of the pool may eventuate and the oxygen depletion accelerated. Dissolved oxygen, which varies naturally with temperature and flow, is critical to many ecological processes and the survival of aquatic species. Low oxygen levels can reduce threaten local populations of sensitive species, reduce biodiversity and favour a few low oxygen tolerant species.

High flows encompass:

i) Pulses or freshes that remain within-channel and typically wet the top half of the channel cross-section. These within-channel pulses have been found to:

- maintain the channel,
- trigger fish breeding and dispersal events (as many native fish do not rely on floodplain inundation for spawning),
- wash carbon from in-channel benches and bars,
- increase turbulence and therefore oxygenation,
- suppress thermal and chemical destratification of pools,
- suppress algae growth,

- scour stony beds,
- reset biofilm succession on rocks and snags,
- trigger macroinvertebrate reproduction,
- reduce salt concentrations, and
- suppress alien species.

ii) Flood pulses which break out of the channel and:

- inundate and rejuvenate wetlands and floodplain woodlands,
- stimulate food production and breeding of a diverse range of aquatic and semi-aquatic species,
- temporarily connect floodplain and instream habitats for the exchange of carbon and invertebrates,
- stimulate native fish breeding and migration and enable distribution of juveniles, and
- stimulate waterbird breeding.

Because of the importance of flow variability and the complex relationship between habitats and ecological process and flow, this target seeks an improvement across the full flow range. For practical purposes, however, it is expected that this target would be primarily evaluated against the following flow levels: 95th percentile (the flow which is equalled or exceeded on 95 percent of days), 80th percentile, 50th percentile, 30th percentile, 15th percentile and 5th percentile. Of course, other thresholds eg the commence-to-inflow levels for wetlands may also be targeted for the design of local environmental water rules.

Daily extraction limits and/or environmental water rules governing releases from storages are required to protect or improve critical regimes and to clearly define the access rights of individual licence holders:

- the extraction components of the access licence would need to identify water level or flow thresholds which would trigger a specified reduction in extraction, and
- environmental water rules would apply to in-river dams that impact on the flow regime by capturing some or all of flow events. Some of these events can be restored by releasing some or all of the inflow (often termed "translucent dam rules"), or by storing environmental water in the dam for later release according to down-river flow or environmental conditions.

The greatest impact of water extraction is typically at the end of a river due to the cumulative demands of upstream dams and pumps. The recommended flow targets therefore apply to the end of each river or, in the case of those water sources that terminate in a wetland or estuary, the estimated inflows to that wetland or estuary. In the case of unregulated rivers, the end of river is the downstream point of each nominated management unit.

The target seeks to protect or reinstate flows to at least the level equivalent to 60 percent of their natural frequency. This is based on the assumption that a river maintaining 60 percent of its natural flow has a high probability of sustaining a healthy ecology over the long term. This assumption is supported by the NSW Stressed Rivers Assessment which was undertaken in 1998 and found that when greater than 60 percent of the flow remains other indicators of environmental stress were unusual. It is also consistent with the view of an expert panel of scientists from the CRC for Freshwater Ecology, the CRC for Catchment Hydrology and the National Parks and Wildlife Service reported in Watershed, February 2002, stating "There is substantial risk that a working river will not be in a healthy state when the key attributes of its flow regime are reduced to below two thirds of their natural level."

The regulated rivers of NSW and the Barwon-Darling support important ecosystems and populations of aquatic species particularly in their mid to lower sections. River regulation and associated water

extractions have substantially reduced the flows with consequent declines in ecological processes and species abundance and diversity. Given the degree of impact on flow frequency in their lower reaches experienced by most regulated rivers and the increasing evidence of decline in the ecology of these rivers, a target requiring a 10 percent improvement where flows have been reduced by greater than 40 percent is established.

In 1998, river management committees for the regulated rivers of NSW recommended an interim set of environmental flow rules. These rules were designed to address the significant features of the flow regime that had been impacted by river regulation and water extractions. These rules were reviewed for water sharing plans in terms of meeting environmental targets, and the rules modified as appropriate.

Because this target seeks to maintain or improve flow frequencies throughout the year it should therefore be primarily judged using the whole of year daily flow statistics. However, regulated rivers can impact on flows differently in different months due to the pattern of irrigation demands and the seasonal effects of dams and their operations. Therefore the seasonal or monthly impacts of different water supply and flow rules should also be assessed. It is quite likely, for example, that environmental water rules which seek to improve spring flows for bird breeding or fish spawning purposes may unintentionally worsen flow frequency in the remaining months of the year when other ecological processes may be important.

The following table shows the flow frequency as a percentage of the pre-development level, with and without the interim (1999/2000) environmental flow rules (EFR).

River	High Flows (10 th percentile)		Medium Flows (50 th percentile)		Very Low Flows (95 th percentile)	
	No EFR	Interim EFR	No EFR	Interim EFR	No EFR	Interim EFR
Murrumbidgee (Balranald)	50%	49%	19%	30%	30%	52%
Lachlan (Booligal)	71%	82%	61%	44%	100+%	0 flow
Macquarie (Marebone - d/s extractions)	87	90%	34%	47%	100%	100+%
Namoi (Mollee -d/s extractions)	58%	61%	51%	48%	29%	14%
Gwydir (Yarraman + Mehi inflow - d/s extractions)	48%	50%	55%	66%	81%	100%

(Note: Best available figures at the time of preparation of this SWMOP).

The shaded boxes indicate where the 1999/2000 interim environmental flow rules (pre initial water sharing plan) would not have fully met the target.

A Stressed Rivers Assessment was undertaken in 1998 for the unregulated rivers of the State. It assessed the hydrologic stress as the proportion of the daily low to medium flow that would be extracted by licence holders during peak irrigation periods. It also considered the level of stress exhibited by a range of other environmental indicators. The analysis suggested that subcatchments (management units) which had a significant proportion of their low to median flows extracted during the irrigation season were typically likely to exhibit other evidence of environmental stress. Of the total number of unregulated subcatchments across the State (>700), approximately 25 percent were assessed as having their flows reduced to less than 40 percent of natural (high stress category), and another 10 percent as having their flows reduced to less than 60 percent of natural (moderate stress category) at these times. About 30 percent of subcatchments were not assessed due to inadequate river flow data.

This target is therefore consistent with the stressed rivers' assessment. However, because the impact of water extractions in unregulated rivers is generally concentrated in a few critical months when flows are typically low, and there is no buffering effect of a major dam as there is in regulated rivers, the target should be assessed in relation to the flow statistics for the critical months instead of/or in addition to the whole of year statistics. The critical month is the month of highest irrigation demand relative to flow.

In regulated rivers a large portion of the water made available for extraction is delivered down-river from the headwater storages during the irrigation season when river flows would have been naturally low for much of the time. This means that long distances of the main stem of these rivers, as well as some regulated anabranches and effluent creeks, are carrying unseasonably high flows for long periods of time. In many cases these flows are held at or close to bankfull, saturating the riparian banks and/or inundating adjacent wetlands/billabongs for unnatural periods.

These flows typically eliminate natural water level variations and flow pulses that would otherwise trigger important ecological processes and influence species competition and succession. At worst they will kill riparian and wetland plants, and cause local extinction of animal species which cannot tolerate long periods of inundation or stable water levels, and at the very least they will reduce the food supplies, lower ecological productivity, reduce native fish numbers and advantage alien species. The damage often increases the higher the supply flows are relative to channel capacity. For example, river flows typically break out into adjacent wetlands and start to saturate riparian root zones when the flow level is in the top 10 to 20 percent of the channel. Seeking to keep supply flows below this level should help to reduce the damage.

The upper sections of regulated rivers are often run closest to channel capacity for the longest length of time. This is because the total supply volume necessary to satisfy the full irrigation and other demands must be supplied through these reaches. In some water sources, such as the Murray (at the Barmah Choke) and the Murrumbidgee (at Gundagai), the problem is exacerbated by natural or artificial restrictions in the channel. So, while, the flow impact is often greatest in these reaches, there is little capacity to make a significant difference without major impacts on the whole irrigation industry. These reaches do not form part of this target.

At the same time, there are significant reaches of the lower river and its effluent creeks that are carrying increasing volumes of regulated supplies as a result of expanding irrigation and water transfers and dealings into these areas.

Many of these lower reaches also have significant and diverse ecological communities such as billabongs and ephemeral stream habitats that have evolved as a result of the naturally diminishing flows in these areas. The relatively constant supply levels can therefore cause substantial damage in these sensitive areas. At the same time, because such water sources are typically only supplying a small proportion of the irrigation demand, there is more capacity to modify the rates of supply to reduce or minimise the problem. Where the irrigation demand has already developed and the reaches are already run at full capacity for significant periods, reducing the peak supply rates to 80 percent of channel capacity should provide some

significant improvements. In river reaches still relatively undeveloped lower limits should be determined to reduce the potential problems.

The following table indicates what constitutes the lower river and effluent creeks of regulated rivers, and which sections are currently supplying water at rates greater than 80 percent of the channel capacity for significant periods. It also shows the channel capacity and an estimate of the installed pump capacity under access licences.

Some of the reaches of lower river and effluent creeks may be constrained by inter-Government obligations which may preclude them from fully meeting the target, but opportunities to address the problems associated with this seasonal reversal of flows should be explored within these constraints.

Peak supply rates do not currently exceed 80 percent of the channel capacity in the Border Rivers, Hunter River, Murray, Lower Darling, Namoi and the Lachlan rivers.

Determining Target 4c will involve an assessment of current practice, environmental features, options to progress to the target, socio-economic impacts and the timeframe to achieve the target.

For those river reaches and effluents where supply delivery is currently less than 80 percent channel capacity, an assessment will be completed to set appropriate upper channel capacity limits to avoid seasonal flow reversal from occurring in these areas. This will also provide guidance on sustainability limits for future water transfer and dealing decisions in these reaches.

Regulated river water source	Definition of lower river	Known area of concern	Supply constraint (megalitres/day)	Estimated installed pump capacity (megalitres/day)
Murray River	Murray River downstream of Torrumbarry Weir Edward River downstream of Moulamein	None		
Murrumbidgee River	Downstream of Narrandera	Yanco Creek	1,400	10,715
Lachlan River	Downstream of Forbes	*		
Macquarie River	Downstream of Warren	Bulgeragar Creek	500	735
Namoi River	Downstream of Narrabri	* Pian Ck	2000	2085
Gwydir River	Downstream of Pallamallawa	Carole Creek, Moomin Creek	2,500 2,200	4740 6,000
Border Rivers	Downstream of Goondiwindi	None		
Lower Darling	Downstream of Menindee	None		

*Note: The issue of concern in these water sources relates to getting water into the effluent system through the regulator, not the capacity of the effluent itself.

Parts of the central core of major terminal wetlands of the Gwydir, Macquarie and Lachlan water sources have been receiving unnatural flows during dry periods due to one or more of the following:

- excess regulated supplies up-river which are not extracted due to local rainfall or over-ordering, and
- continuous stock and domestic supplies into the lower river reaches.

These more or less continuous, albeit low volume, flows keep the central areas of the wetland unnaturally wet and prevent the natural drying cycle which determines plant species composition and allows the aerobic decomposition phase critical to wetland productivity. More stringent management of regulated water and pulsing or piping of stock and domestic supplies can enable drying phases to be restored in these core wetland areas.

Division 3 Clear and legal entitlements

Target 5 Access rights for water access licensees clearly and legally specified in terms of shares and extraction components

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Most holders of water licences have held these licences for many years and many have made significant investment in the irrigation or other enterprises that are dependent on continued access to water. Other licences have changed hands through land or water transfers and significant sums have been paid to obtain the water licence. Despite this, there has been growing uncertainty about what assurances, if any, these licences provide the holders in respect to their continuing access to water. These concerns typically relate to:

- the erosion of water availability due to increased environmental provisions,
- the potential for changes to licence conditions and the imposition of extraction limitations during the term of the licence,
- the erosion of water availability due to the development of inactive (sleeper) licences, particularly as a consequence of water transfers and dealings, and
- the lack of an effective water market in unregulated and groundwater water sources.

A water access right exists when the community supports and protects for a certain period of time the exclusive use and enjoyment of the access right and allows it to be traded or passed to others. An access right is therefore only of value whilst systems of regulation limit others from enjoying the benefits associated with this exclusivity. At the same time, the exclusivity can only be realised if it is subject to controls in the way it is exercised and if the effective value of it can be modified through the application of regulations.

As a general rule, the establishment of an effective market-based system of access rights in water requires these to be:

- in demand, ie they need to be limited in extent or availability. Most water sources are now embargoed and total extractions capped which means that access rights in water can now be established,
- well specified in the long term so that the market can interpret and depend on what the access rights mean. This allows for transparent “book-keeping” and enables the holder to better assess their likely water availability and reliability so that they can make better informed business decisions. This does not mean that the rights will have any absolute value but rather they will be a capped share of the water, as it becomes available in the variable climatic cycles. The specification of a volume or a share on an access licence therefore has two purposes - it sets an upper limit on the value of the right, and it provides the means for calculating the relative share of the available resource,

- exclusive such that the benefits and costs associated with the access rights are attributed to the holders of the access licence. Water allocation systems in the past have failed in this respect because the under-use of fully or partially inactive licence holders have typically been administratively redistributed to large users from year to year,
- enforceable and enforced through regulations and systems. A proper system of access rights depends on an effective and transparent system of regulations, and
- transferable and divisible. This can only exist where the rights are clearly specified in volumetric or share terms, and extractions are carefully monitored.

Such access rights to water must still be able to be attenuated or diminished by the conditions that are applied to their existence so as to enable the rights of the broader community to be safeguarded and sustainability ensured, as required by the *Water Management Act 2000*. The conditions and processes by which this may happen should however be made clear and transparent in water sharing plans.

Target 6 The total volume of share components specified on access licences to be more closely matched over the term of a water sharing plan to the extraction limit of the plan, such that:

Target 6a For groundwater sources, the total volume of water specified on access licences reduced over the term of a water sharing plan to no more than 125 percent of the Sustainable Yield

Target 6b For surface water sources, a pathway for reducing the share components to 200 percent of the long term average annual extraction limit to be established not later than the end of the term of the SWMOP

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

In most water sources, it is reasonable for the sum of the share components specified on access licences to exceed the extraction limit. This is because the extraction limit is generally specified as a long term average annual volume while the licence share components are related to the maximum volume that a licence holder can extract in any individual year.

The maximum volume extracted will generally be larger than the average volume extracted because of the effect that climatic variability has on water availability and on water demand. This effect will vary greatly between surface water sources and groundwater sources, and more particularly between different rivers depending on the regularity of their flow.

Furthermore, many access licence holders treat much of the share components specified on their licence as a buffer against drought and reduced water availability. In some years water users may also suppress their planting or irrigation in response to low commodity demands or prices. In combination, these factors will mean that water extractions will be considerably less than the total share components specified on water licences in many years.

Conversely, if the total licensed share component is significantly greater than the long term average annual extraction limit for the water source, individual licence holders, particularly new entrants, may assume unrealistic expectations about the long term water volume that they can expect to receive and may over-develop their enterprise. The result will be inefficient investment and the over-valuation of licences in the market.

Such unrealistic expectations can also act as a catalyst for growth in water use in a water source, which will subsequently require reductions in water availability to all users to ensure that the

extraction limit is met. This will contribute to greater management and industry uncertainty, especially in water sources where use may already be in excess of extraction limits.

The degree of difference which can be tolerated between the total share component specified on licences and the long term average extraction limit without creating false expectations and other adverse effects is less in water sources where there is less variation in the available water. For this reason the Groundwater Quantity Policy proposes that total groundwater entitlements should not exceed 125 percent of the Sustainable Yield.

In surface water sources, on the other hand, 200 percent is considered more appropriate given the high variability of flows and water use. Nevertheless assessments should be carried out over the next 5 years to determine whether further reductions should be applied in the future.

The following indicates the current status of licensed share components (in 2002) relative to the MDBMC Cap (although it will ultimately need to be judged against the extraction limits for regulated water sources).

Surface Water Sources

Total share component 200 –300 percent of extraction limit:

- Lachlan Regulated River
- Peel Regulated River
- Barwon-Darling Unregulated River

Total share component 300-400 percent of extraction limit:

- Lower Gwydir Unregulated Rivers
- Castlereagh Unregulated Rivers

Total share component over 400 percent of extraction limit:

- Belubula Regulated River
- Far West Intersecting Unregulated Rivers

Priority Groundwater Sources

Total share component 125-200 percent of Sustainable Yield:

- Great Artesian Basin
- Lower Murrumbidgee
- Lower Lachlan

Total share component 200-300 percent of Sustainable Yield:

- Lower Namoi
- Upper Namoi
- Gwydir

Total share component over 300 percent of Sustainable Yield:

- Lower Murray
- Lower Macquarie

Note: Another nine groundwater sources not on the current priority list for the development of water sharing plans are also likely to have a total share component that exceeds 125 percent of Sustainable Yield.

The above is indicative only, and final numbers will depend on the determination of the extraction limit in each water sharing plan. It is nevertheless likely that the target will affect about 10 percent of surface water extraction management areas across the State. Of these, three will need to have their total share component reduced by up to 25 percent to meet the target, and another two by between 25 percent and 50 percent to meet the target, and two by over 50 percent.

These issues have not been addressed in the initial round of surface water sharing plans. For these plans, the Minister will ensure that a pathway for reducing the share components to the 200 percent for surface water sources will be determined by the end of this SWMOP.

Nine priority groundwater sources will be affected. However, the initial water sharing plans are addressing this issue.

All future water sharing plans, prepared after the initial priority plans, will take this target into account from the outset.

The short term economic impact of any reductions in share components specified on licences will depend on the degree of adjustment required. Also, the economic impact will largely be limited to the fully active water users and can be phased in over the first few years to give these water users time to adjust.

Where total extraction is currently within the extraction limit, any reductions in the share components specified on water access licences would be likely to lead to a short term reduction in overall water use and consequent short term loss of economic productivity. This can be avoided by increasing the upper limit on available water determinations to above 100 percent, to offset the licence share component reductions. In future years, as total water use increases as a result of water trading, and licence activation occurs, this maximum available water determination percentage would be reduced.

While there may be some short term economic impacts as a result of the reductions in share components these should not be large and can be mitigated through appropriate management of announced available water determinations and carryover provisions.

If the licensed share components, on the other hand, are left at unrealistically high levels compared to the expected long term availability of water, the cost will be continuing inappropriate investment, ongoing cutbacks in available water determinations with consequent impacts on the economic development resulting from this investment, and uncertainty in the operation of the water market.

Target 7 Mechanisms in place to enable Aboriginal communities to gain an increased share of the benefits of the water economy

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Access to water and its dependent ecosystems for hunting, fishing, medicines and trading has been pivotal to the survival of Aboriginal communities and to the exercise and enjoyment of Aboriginal customs and traditions. Much of these traditional benefits have been lost or eroded through the increasing alienation of hunting grounds, loss of habitats and other forms of environmental degradation.

Facilitating greater opportunity to enjoy economic access to water will be an important factor in addressing issues of social justice and socio-economic disadvantage, and for improving the economic prosperity of Aboriginal people. This is consistent with Section 3 (iv) of the *Water Management Act 2000* that recognises “benefits to Aboriginal people in relation to their spiritual, social, customary and economic use of land and water”.

Greater access to water could provide Aboriginal communities with the means to:

- help restore, maintain and protect the customs and beliefs of Aboriginal people and natural resources which sustain them,
- help maintain and restore traditional sources of animal, fish and plant life necessary for hunting, medicine and to practice other traditions, and
- develop contemporary industries to support the future economic independence of Aboriginal communities.

It is not intended that this target be achieved at the expense of existing water users but rather by providing Aboriginal communities with greater opportunity to access, for example:

- any unallocated water (only likely to be available in some groundwater and coastal surface water sources), and
- the water market.

Target 8 Daily extraction components specified and tradeable, subject to metering, reporting and compliance, for at least 50 percent of unregulated river access licences and for 80 percent of stressed unregulated rivers

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Access to water from unregulated rivers depends on the flow regime and this is typically highly variable. Setting limits on daily extraction for low, median and high flows respectively is essential to ensure that basic rights and fundamental river and estuarine health is protected. It is also a necessary prerequisite for an effective water market.

Once bulk daily flow extraction limits have been determined they must then be shared amongst the licence holders in each water source including those within tidal pool and estuarine sections. This will make it clear what individual licence holders may extract on any day without impacting on others or on environmental water.

Ultimately the value of access rights and therefore the water market depends on the:

- individual rights to the available flow in each water source, or management unit within it, being known, and
- the daily flow extraction component of the access licence being transferable.

These daily extraction components will provide an objective and transparent basis for approval of various dealings associated with the licences. For example, new entrants will only be allowed into a water source or management unit if there are excess daily flow shares available (ie the daily flow extraction limit is not fully allocated) or if they purchase extraction components from existing licence-holders in fully allocated water sources.

Ultimately it is expected that all unregulated river water sources will be subject to daily flow extraction limits, however these may not be assigned initially as extraction components of access licences in low demand rivers without established river flow gauges. This target therefore seeks to ensure that at least 50 percent of unregulated water access licences (over 5000 licences) incorporate daily extraction components within five years. It is expected that these licences would tend to cluster together where there is more favourable topographic, soil and river flow characteristics. This concentration of demand is also a primary reason for the development of hydrologically stressed water sources (as identified in the 1991 Stressed Rivers Report). It is therefore expected that a high proportion (80 percent) of the (S1) stressed water sources can be dealt with through this target.

Target 9 Supplementary water for regulated rivers clearly specified and volumetrically licensed such that:

Target 9a Flow thresholds for declaration of supplementary water access, which take into account environmental needs, clearly specified

Target 9b Annual limits on supplementary water extractions, consistent with the long term average annual extraction limits, established in all regulated river water sources

Target 9c Rules for sharing between supplementary water access licence holders made explicit

Target 9d Supplementary access licence dealings made possible in regulated river water sources subject to extraction limits, environmental assessment, and Aboriginal spiritual and cultural constraints

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Supplementary water access (previously known as off-allocation water) may be granted to licence holders on regulated rivers at times when inflows from the catchment below the headwater dams, or flows arising from dam overflows, are in excess of environmental water provisions and the immediate water needs of higher priority water users. Any water extracted at these times is not debited against the licence holder's regulated river water account and therefore supplements their normal supplies. Historically this supplementary water was a significant source of supply, especially in the State's northern cotton valleys, and the way it has been managed has had major environmental consequences.

These uncontrolled flows, are generally all that remains of the natural high flow variability in these highly regulated rivers, and they provide for a range of environmental needs. They are important for maintaining general river health and providing water for wetlands. Because they are naturally occurring high flows they also provide environmental triggers for a range of ecosystem processes such as the spawning and migration of fish and the resetting of biofilm succession. This importance is reflected in the fact that the environmental water rules for the northern river water sources are primarily focused on protecting a greater proportion of these events. At the same time the establishment of clear and transparent rules for sharing the extraction component of this source of water is becoming critical.

In the past, the declaration of periods of supplementary access and decisions about who could take it were at the discretion of the Ministerial Corporation (ie Department of Land and Water Conservation under delegation from the Minister). This meant that, subject to the size of their water access share component, those licence holders who had the biggest pumps and on-farm storages were generally able to take the a larger share of the supplementary water. This encouraged continued investment in infrastructure even after the limits on total extractions were applied in all inland regulated water sources. This meant that the only benefit of continued investment in on-farm infrastructure was to enable the individual water user to compete against other licence holders for this now limited source of water. However at the regional level, such investment is not efficient or productive, as each additional megalitre of water an individual licence holder can take reduces the water available to those with existing infrastructure. This process inevitably erodes the returns on sunken capital and reduces the overall productive value of the water extracted.

The *Water Management Act 2000* provides for licensing of such access and for the conditions of access to be set out in the supplementary access licences and water sharing plans.

The specification of rules governing the declaration of these periods, available water determinations and how the access will be shared between licence holders in water sharing plans should:

- better protect environmental flows generally and the effectiveness of specific environmental water rules,
- ensure that future availability of supplementary water is consistent with maintaining overall extraction limits,
- ensure that the management of supplementary access is consistent with other forms of licensed water access and protects higher priority rights as established in the Act,

- ensure equitable and predictable sharing of available water,
- reduce the potential for unproductive and excessive investment in on-farm infrastructure, and
- enable the activation of supplementary water access licences in the water market that would bring economic and water use efficiency benefits, although the establishment of a supplementary access water market might be deferred to allow water users to adjust to the new water sharing arrangements.

Division 4 Groundwater dependencies

Target 10 Degree of connectivity between aquifers and rivers assessed, and zones of high connectivity mapped to enable baseflows to the river to be maintained or improved

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

(Note: The mapping and assessment required will have to be undertaken as a prerequisite of planning and therefore this target may not be fully addressed in the initial round of water sharing plans).

Highly connected river and ground water sources mostly occur within unregulated rivers where the associated alluvium is shallow, and the sediments are dominated by sand and gravel, and the water table is in direct connection with the river. In these water sources, the alluvial sediments are highly permeable, and water moves freely between the surface and the ground water source and vice versa. Similar conditions would also occur in parts of some regulated rivers and also in coastal sand bed groundwater sources that are dissected by rivers.

Although the hydraulic connection has long been recognised, the integration of surface and ground water management has been slow to develop, partly because of the complexity in the nature of the connection between different surface and ground water sources and the difficulties in measuring and modelling these interactions.

Three of the NSW Government's Interim Environmental Objectives for River Flow (1997) are relevant to the management of 'highly' connected surface water and ground water sources. These are:

- protect natural water levels in river pools and wetlands during periods of no flow (RFO 1),
- protect natural low flows (RFO 2), and
- maintain groundwater within natural levels and variability, critical to surface flows and ecosystems (RFO 8).

Rivers interact with groundwater in all types of landscapes. The interaction takes place in three basic ways:

- rivers gain water from inflow of groundwater through the riverbed (termed a gaining or effluent source);
- they lose water to groundwater by outflow through the riverbed (termed a losing or influent source); or
- they do both, gaining in some reaches and losing in others.

In some environments, river flow gain or loss can persist in one direction while in other environments flow direction can vary a great deal along a river, with some reaches gaining and others losing water. In NSW very little work has been carried out to determine the influent or effluent status of our rivers.

Withdrawing groundwater from shallow aquifers that are directly connected to surface water bodies can diminish the available surface water by capturing some of the groundwater flow that otherwise would have discharged into the river. Alternatively groundwater pumping can induce the reversal flow from the river into the surrounding aquifer. In the long term, for highly connected rivers, the

quantity of groundwater withdrawn is approximately equal to the reduction in river flow (specifically in baseflows). The further the bores are from the river and the lower the transmissivity (the rate that the water moves through the aquifer) of the geology, the longer it will take for the impact on the surface water to be felt. In many alluvial source of moderate to high transmissivity, bores as far away as 1000 metres or more from the river can have a significant and relatively short term impact on river flow (ie a ratio of bore pumping to river losses greater than 80 percent within 2 to 3 years).

As well as maintaining low flows in many rivers, the actual point of interface between the groundwater and surface water within river channels is ecologically significant. This interface is called the hyporheic zone and it plays an important ecological function in respect to both the river and the aquifer, and must be protected to maintain ecological biodiversity.

The extraction limits for highly connected groundwater sources should ensure that flow regimes protected by the surface water extraction limit are not further compromised by continued growth in groundwater extractions.

It may also be necessary to limit local groundwater extraction rates in areas adjacent to the river, particularly during low flow periods. Reductions in groundwater extractions during these times can be achieved by either applying groundwater level triggers for lowering extraction rates or by adopting similar daily flow limits to those being applied to river access licence holders based on adjacent river flows. This might be appropriate where there is little groundwater storage, transmissivity is high and bores are close to the river.

The first step in protecting or restoring low flows from the impact of groundwater extractions is to map the highly connected zones and assess the transmissivity and potential for impact on adjacent river flows and the hyporheic zone. Then, depending on the degree and nature of this connection, extraction criteria need to be developed and the Sustainable Yields and local extraction rates reviewed and revised accordingly.

Target 11 Groundwater dependent ecosystems identified and mapped for all priority aquifers, and the ecological water requirements assessed to enable local groundwater extraction rates and/or Sustainable Yields to be reviewed

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing. (Note: The mapping and assessment required will have to be undertaken as a prerequisite of planning and therefore this target may not be fully addressed in initial round of water sharing plans).

There are many native animal and plant species that rely on groundwater for at least part of their life cycle. These include plants that depend on groundwater where it emerges at the surface as springs and wetlands, and other plants whose roots tap into the water table at some depth below the surface, and animal species that live within these wetlands or within the interstitial spaces of the bed and banks of rivers or cave systems which are kept moist for long periods by groundwater seepage. This means that if groundwater levels are artificially drawn down, then there will be impacts on these dependent species and ecosystems.

Objective 8 of the NSW Interim Environmental (River Flow) Objectives identifies the need to maintain groundwaters within natural levels, and variability, as this is often critical to maintaining surface flow and dependent ecosystems.

Dependent ecosystems are sensitive to changes in both the frequency and amplitude of water level variations which can impact on the water available within the root zone of many native shrubs and trees, on the wetting and drying cycles of wetlands and the hyporheic zone (typically the gravel beds) of rivers. They may also be adversely impacted by changes in the groundwater quality. Priority ecosystems and habitats which are dependent on groundwater should be identified and mapped, and

the nature of their dependency determined (eg seasonal or temporary lakes or wetlands, roots extending into the saturated zone), and the groundwater requirements assessed. This information will be an important input into future water management review and planning processes that will need to:

- review the Sustainable Yield estimates for the aquifer to ensure that total extraction will not result in unacceptable impacts on the ecosystem,
- establish an adjacent protection zone and limit local groundwater extraction rates or establish cease-to-pump triggers to protect the ecosystem, and
- apply planning controls through environment protection plans, or limits on approvals for controlled activities and aquifer interference to limit other detrimental impacts.

Division 5 Basic and cultural needs

Target 12 Measures in place in all water sources subject to a gazetted water sharing plan, to protect domestic and stock rights from the impact of other water access and use

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Water extractions by access licence holders, particularly during dry periods can impact on the basic domestic and stock rights if appropriate provisions or extraction limits are not put in place. In unregulated rivers “cease-to-pump” levels and daily flow extraction limits must be set at levels adequate to protect the flows to support these rights throughout a catchment. In regulated rivers, storage reserves are set aside to keep the river running to supply these rights through drought years. In groundwater sources, extraction limits and distances between high yielding and domestic and stock bores may be needed to protect the water levels.

The domestic and stock requirements need to be assessed for each water management area and water extraction limits and reserve rules (how much water is held in the major storages) set accordingly.

Target 13 The knowledge-sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

Aboriginal people have an active interest in all aspects of water management and river health as it has a direct impact on the lives and wellbeing of present and future generations of Aboriginal peoples. It is therefore critical that Aboriginal peoples are effectively engaged in the planning and management processes that will govern the future management of water sources. This will require capacity building for Aboriginal representatives and assistance to the Aboriginal communities in providing input to and interpreting the complex range of assessment and planning information available. Equally it should also involve the development of means to enable the knowledge and understanding of the value and nurture of these natural resources held by Aboriginal peoples to be shared by resource managers, water users and the broader community.

Including Aboriginal representatives on management committees is an important step, but over the next few years it is critical that training, information, and other resources and support systems are established to improve the effectiveness of Aboriginal participation. This target therefore anticipates the development of a comprehensive capacity building program and a clear commitment to resources

to effectively implement it. It should be said that much of this work is already underway in consultation with the NSW Aboriginal Land Council and local Aboriginal representatives.

Wherever possible, local Aboriginal people should also be involved in on-the-ground management and works. In this way these communities can apply their local knowledge and understanding of water sources in practical ways and can ensure that such work and management is undertaken in ways that preserve the cultural and spiritual values of these places.

On 5 and 6 March 2002 in Canberra the NSW Aboriginal Land Council and the Department of Land and Water Conservation jointly sponsored the Boomanulla Conference for Country. This was attended by some 55 natural resource representatives from Aboriginal communities in NSW. It was designed to develop a statement about Aboriginal peoples expectations of the water, catchments and native vegetation planning processes of the NSW government. In particular the aim was to develop a strategy for improving Aboriginal involvement in these planning processes and greater recognition of Aboriginal views and values.

Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal peoples identified, plans of management prepared and measures put in place to protect and improve them

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

The key method for identifying traditional and contemporary Aboriginal cultural associations with water can only be achieved by consulting with the relevant Aboriginal community. This will ensure, as far as possible, that culturally significant places and species are identified and guidance obtained on how they can best be protected.

Steps that can be taken to address key values where they have been identified include:

- assess appropriate river flow and water quality objectives, to protect areas of particular economic and cultural value from degradation,
- promote the conservation and management of Aboriginal cultural heritage and places and issues of significance (eg, particular wetlands, riparian vegetation, threatened species etc.),
- identify areas of local cultural significance and where water extractions etc could be limited to maintain important sites,
- identify and provide for long-term monitoring of areas that are protected under the *National Parks and Wildlife Act 1974* and that are dependant upon water flows,
- specify appropriate site, species-specific or habitat management prescriptions for cultural significant areas and species, and
- ensure appropriate environmental impact assessment is undertaken for activities proposed in areas of cultural significance.

Division 6 Water use efficiencies

Target 15 At least 90 percent of approved water management works for the extraction of surface or ground waters (excepting domestic and stock bores) metered and reported in each water source subject to a gazetted water sharing plan

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use.

Monitoring and reporting on how much and when water is extracted from rivers and groundwater is essential for the following reasons:

- ensuring that extractions are in accordance with the terms of the water sharing plan and the conditions of individual access licences and use approvals means that the rights of licence holders can be better protected from people taking more water than they are allowed or from people taking water when they should not, and
- accurate information on water extractions means that management decisions are sound and licence holders are properly informed about the efficiency of their practices and about the value of water.

About 80 percent of water pumps are currently metered in regulated rivers and most groundwater extractions (except domestic and stock bores) - but only a small minority of pumps on unregulated river are currently metered or have water use monitored. A strategy for monitoring water extraction is being developed which will guide the progressive installation of new meters and monitoring procedures, and replacement of defective meters on most licensed pumps and bores over the next 5 to 10 years. In the long term all pumps and bores with works approvals (excepting domestic and stock bores) should be properly monitored and recorded in all water sources.

In the short term it is critical that all pumps and bores within all water sources are monitored and reported in accordance with a gazetted water sharing plan.

Target 16 Improved and extended water markets through:

Target 16a All share components of access licences tradeable

Target 16b Separation of existing water licences (excepting domestic and stock bores) under the *Water Act 1912* into water use approvals and water access licences completed for:

- 100 percent of licences in water sources subject to the initial round of gazetted water sharing plans
- 50 percent of licences across the remainder of the State

Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst also protecting existing access and environmental water

Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery

Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment

Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit

Target 16g Full public disclosure of access licence dealings and market prices

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Market competition improves water valuations and encourages the development of appropriate water uses over wasteful or poor-value uses. An effective water market will:

- redistribute water access rights amongst licence-holders,
- encourage higher productive value for the water used,
- allow water users to adjust to any reductions in historical water availability,
- reduce the net economic impact of any reductions in licensed access rights,
- reduce waste and limit the amount of water locked up in unused or inappropriate applications,
- allow new investors to acquire water without jeopardising a sustainable environment,
- provide a mechanism that allows for the redistribution of economic opportunity eg. enable Aboriginal people to gain a greater share of the benefits of water economy, and
- provide a mechanism to encourage water to move away from unsuitable and unproductive land.

The water market has expanded rapidly in NSW regulated rivers and is delivering major economic benefits by stimulating regional development and moving water to higher value uses. However, the development of the market has been uneven across water sources. Major impediments to efficient use and market opportunity remain, particularly in unregulated river and groundwater sources.

A paper on a "National approach to water trading" was released in January 2001 that builds on the outcomes of the COAG Strategic Water Reform Framework. The paper promotes a set of principles for water trading which include:

- distinctive and clearly specified tradeable rights which must be volumetric and constitute a clear and defined share of the extractable resource,
- explicit extraction limits,
- removal of unnecessary market distortions such as inappropriate conversion factors,
- separation of water access rights from land,
- market information,
- appropriate transfer and dealing protocols, and
- appropriate third party and environmental protection.

NSW must address all these factors to ensure that an effective water market can operate in all water sources as agreed extraction limits are reached and the highest productive value of water is realised. Action has already commenced to improve water market opportunities including:

- licensed share components in unregulated river and groundwater sources are being progressively converted to volumes and, in the case of many unregulated river licences, extraction components are being established as shares of daily extractive volumes. As these are incorporated into access licences, they will become tradeable,
- opportunities for water transfers and dealings between water sources are being identified and trialed. Suitable "exchange rates" must be established between water sources with different extraction limits and supply reliability so as to ensure that transfers or dealings do not impact on other water users or the environment, and
- unnecessary market distortions or disincentives are being removed. For example, in the past a deduction was sometimes made against the licensed volume or account water when it was traded ("transfer reduction factor"). In some cases this was to overcome the increased transmission losses in delivering the supply to its new location. In others cases the deductions were applied in order to achieve a "clawback" of environmental water. This latter practice is no longer acceptable as environmental water is now being addressed in the water sharing plans.

Target 17 In determining the best environmental and health outcomes for an effluent management scheme, decisions to have considered all practicable options to replace high value water used for urban and industrial purposes with treated effluent

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 7 - Environmental protection.

To date, sustainable reuse options for town and industrial sewage effluent have been based principally on land application in the form of pasture irrigation. However, there are a number of other effluent management options that better value the water.

Urban and industrial applications represent a high value use of water which is estimated to be worth \$600-\$800 per megalitre. Other high value agricultural uses include viticulture and horticulture. The urban and industrial applications will reduce the annual demand for a water supply scheme and reduce extractions from surface or groundwater sources. For local water utilities the surplus water in the account can be temporarily traded during the water year or used to meet future growth in demands.

It is proposed that greater emphasis be placed on reusing treated effluent for high value urban, industrial and agricultural uses. It is likely, however, that the opportunities and local circumstance will vary widely across the State with reuse potential varying on a case by case basis.

Target 18 High quality return flows credited against town (local water utility) water access licences all environmental requirements for a credit are met

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management, Division 7 - Environmental protection.

The NSW Government has a policy of allowing return flows to be credited against the annual water entitlement of a local water utility consistent with the new approach to integrated water cycle management. Although treating an effluent discharge to a higher standard will result in increased costs, this cost will be offset by the increased economic value of the discharged water. Therefore, allowing for the credit of any high quality discharges returned to rivers provides an economic incentive for improving the quality of discharges.

Also underlying this target is acknowledgment of the value of the discharged water and the potential for any water returned to the river to relieve pressure on stressed water sources. The water's value can be realised via the following mechanisms:

- to meet any increased water demands generated by the body that generates the effluent discharge,
- to be traded through the water market and therefore moved to other high value uses, and
- to offset any restrictions in access resulting from the application of environmental protection measures.

The rules for effluent credits (including environmental requirements) will be established by a Regulation that will be made under the *Water Management Act 2000* in 2003. The draft sewage effluent management and recycling policy will provide a context for the Regulation. These processes will set out clear guidance on selecting the best sewage management option or mix of options.

Target 19 Country town (local water utility) water consumption to decline by greater than 5 percent per head of population on average Statewide, excluding Sydney Water Corporation and Hunter Water Corporation whose demand management targets are set in their operating licences

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use.

Many country towns in NSW have already achieved demand management and water supply system improvements. The introduction of water efficiencies to towns throughout NSW has the potential to reduce water use by up to 20 percent. Reduced water use is also likely to result in a commensurate reduction in wastewater volumes. Reduced water demand and wastewater generation can create potential savings in the delivery of bulk water supply and the costs associated with the collection, treatment and disposal of sewage effluent.

Use of alternative (waste) water sources such as sewage and stormwater, particularly where existing bulk supply uses are replaced, can also produce reductions in bulk water usage. On a Statewide basis, it is expected that a 5 percent reduction in bulk water demand can more than offset any increase in water requirements due to population growth over the next 10 years.

It is expected that the proposed reduction of 5 percent per head of population can be derived from the following areas:

- implementation of demand management strategies,
- use of alternative (waste) water sources such as sewage and stormwater to meet existing demands, and
- improved infrastructure delivery and reduction in water losses via leakage.

These are all elements of the Integrated Water Cycle Management Plans currently being developed for NSW country towns.

Hunter Water Corporation has a strong record of achievement in demand management since the early 1980s when pay-for-use pricing was introduced. Residential consumption per household is the lowest of the 19 major Australian metropolitan agencies and around 10 percent of the Corporation's average dry weather sewer flows are reused by industry in the Lower Hunter region. In line with its new operating licence, which came into effect from July 2002, the Corporation is preparing an Integrated Water Resource Management Plan which explicitly evaluates both demand and supply options for assuring the security of water supply to the community.

Sydney Water Corporation's first operating licence established in 1992, sought a 25 percent reduction in demand. A moderate reduction was achieved between 1991 and 1997. In 1999, with per capita demand again on the rise, Sydney Water revised its demand management strategy to include 12 key demand management activities including pricing reforms, residential audit and retrofit, education and rebate programs, a focus on outdoor water use, leakage reduction and water recycling. Despite some success from these programs, total water demand continued to rise in 2000 and 2001. The current operating licence, whose conditions were set by the Independent Pricing and Regulatory Tribunal (IPART) in 1999, sets a target of 364 litres per capita per day for June 2005 and 329 litres per capita per day for June 2011. Current demand is 411 litres per capita per day. IPART has reviewed the demand management strategy as part of the mid-term operating licence review, and recommended more detailed reporting of demand management and consumption.

Target 20 Nil or minimal increase in basic domestic and stock rights resulting from rural subdivisions in sensitive or stressed water sources

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 7 - Environmental protection.

The *Water Management Act 2000* requires that access to water by holders of access licences must not prejudice access by basic rights holders and this requirement is recognised in Target 12. However, in some water sources there is a significant potential for rural subdivision. The increased water consumption associated with those lots would place considerable stress on existing water sharing arrangements and on environmental health, particularly during dry periods. This potential is of particular concern in sensitive and or already stressed water sources. To ensure that environmental requirements and existing basic and licensed access are managed sustainably, this target seeks to ensure that actions are taken, most probably through the environment protection provisions of the *Water Management Act 2000*, to ensure that subdivisions of properties that front stressed rivers or overlay stressed aquifers do not increase the impact of basic landholder rights on the health of the water source and on other holders of basic rights.

Target 21 At least 60 high flowing bores (>5 litres per second) in the NSW section of Great Artesian Basin capped and piped

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management.

The Cap and Pipe the Bores Program is a jointly funded initiative of the NSW and Commonwealth Governments to achieve sustainable land and water management in the Great Artesian Basin (GAB). The program has been running in NSW for several years and with additional funds provided through the combined GAB Sustainability Initiative (GABSI), \$20 million will be available in NSW over the five years from 1999 to 2004. The current phase of the Cap and Pipe the Bores Program will run until 2004, at which time continued Commonwealth funding will be re-negotiated.

Implementation of the Program will reduce water wastage, address artesian pressure decline, improve water use efficiency, reduce salinity, conserve biodiversity, control feral animals and encourage sustainable land and stock management practices.

At this stage the Program is targeting bores flowing in excess of 5 litres per second. This involves approximately 180 bores in NSW with a combined annual outflow of 80,000 megalitres. Over the next 5 years the Program aims to deal with at least 60 (over 30 percent) of these high flowing bores, deleting in excess of 2,000 km of bore drains. The majority of the water saved will be held in the system to assist in pressure recovery and to help rejuvenate ailing groundwater-dependent ecosystems, such as mound springs.

Division 7 Cost recovery

Target 22 The NSW Government to seek full cost recovery in all practicable cases excepting where capital infrastructure cannot reasonably be funded by small numbers of water access licence holders. Water access licence holders to face water charges as determined by IPART

Public as well as private investment plays a critical role in the development and management of the State's water. It is becoming increasingly important that the true cost of water supply and management is factored into future investment decisions. In 1992 the National Strategy for Ecologically Sustainable Development was released. Its objective in relation to pricing was "to

develop, improve and enhance the effective use of pricing and economic instruments as a means for achieving better management of Australia's natural resources."

The Strategic Framework for the Reform of the Australian Water Industry was subsequently developed and endorsed by the Council of Australian Governments in 1994 to be implemented over a five to seven year period.

One of the major elements of the Framework was pricing reform. In particular, States were to adopt consumption-based, full cost recovery pricing and to remove (or make transparent) any cross-subsidies between groups of water users. Suppliers were to achieve real rates of return on assets and this was to be included in costs.

Pricing reform is a long term process. NSW has an independent pricing regulator - the Independent Pricing and Regulatory Tribunal (IPART) has determined bulk water prices since 1996. In its 1996 Interim Report, IPART found that price had played a minimal role in the allocation of scarce bulk water resources. While a great deal of pricing reform has already occurred in NSW, the process is not yet complete. Pricing reform remains important at both State and local levels, to address both the relative scarcity of water and the need to use it efficiently.

NSW is committed to full cost recovery in the pricing of water to bulk rural, non-metropolitan urban, and metropolitan urban water users. However, full cost recovery is a management outcome that may not be achieved in all areas during the life of this SWMOP, because the NSW Government recognises that there are socio-economic impacts of large and frequent increases in price and these are important considerations in IPART's pricing process.

It also recognises that in a very small number of situations, full cost recovery may not be achievable at all due to previous decisions on capital infrastructure. It is not practical to expect a small number of water users to pay for the costs of a substantial dam or other infrastructure. Rather, it would be disclosed as a transparent subsidy to those access licence holders.

Division 8 – Artificial barriers and openings

Target 23 Review of all licensed weirs on 3rd order and larger rivers completed, a review of unlicensed structures on these rivers substantially progressed, a priority listing prepared, and action taken to:

Target 23a Ensure that there is no net increase in the number or total capacity of weirs in each water management area

Target 23b Remove at least 10 and structurally modify 15 of the priority weirs recommended for action across the State (eg install fishways)

Target 23c Establish improved operational protocols for priority operable weirs that will reduce their environmental impacts

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 6 - Controlled activities and aquifer interference activities.

Objective 9 of the NSW Interim Environmental (River flow) Objectives is to minimise the impact of in-river structures.

The NSW Weirs Policy was released in 1997. "Weirs" defined under the Policy include dams (less than 10 metres high), locks, regulators, barrages, causeways or floodgates across a defined watercourse that will pond water, restrict flow or hinder the movement of fish along natural flow paths

in normal flow conditions. The Policy recognises that the continued proliferation of weirs across the State is having a severe impact on the riverine environment by:

- creating barriers to fish movement,
- changing fast flowing river reaches to slow flowing reaches with consequent change in species,
- drowning adjacent riparian and wetland vegetation, and
- increasing the probability of stratification, causing dissolved oxygen to be depleted in the lower layers of the water column. This stimulates the release of nutrients from the sediments, which is one factor contributing to blue green algal bloom development.

The Government initiated a comprehensive review of weirs to identify:

- weirs which no longer serve a useful purpose and could be removed,
- weirs which could be structurally modified to reduce their impact (eg a fishway constructed), and
- weirs whose impact could be mitigated by improved operational management.

Some 1400 licensed structures Statewide have undergone a preliminary review and the following recommendations have been made:

- 88 for possible removal, and
- 135 for possible fishway construction.

There are 638 licensed weirs on named watercourses and 852 on unnamed watercourses still to be reviewed. It is also estimated that there could be up to 4000 unlicensed weirs Statewide (excluding causeways). Completion of these reviews will be an important outcome for the next five years.

Action on the recommended weirs is essential for improving river health, restoring native fish populations and in particular, for the recovery of threatened fish species. Substantial progress on the recommended program of work needs to be made over the next five years. More detailed assessments and designs will be required before any action can be taken. Nevertheless it is expected that over 10 percent of the weirs recommended for action can be targeted for completion by 2006, ie:

- removal of 10 weirs at approx. \$100,000 per weir, and
- fishways constructed on 15 fishways at approx \$300,000 per weir.

This will require a capital investment in the order of \$5 million (ie approximately \$1 million per year).

Target 24 Review of all existing tidal barriers completed, and action taken to remove, or partially, or periodically open at least 100 tidal barriers/gates

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

The NSW Interim Environmental Objectives released in 1999 identified minimising the effects of weirs and other structures (RFO 9), and rehabilitating estuarine processes and habitats (RFO 12) as two important elements to achieve good flow regimes and protect water-dependent ecosystems.

Many flood and tidal barriers have been constructed on coastal rivers in an attempt to increase and protect the area of productive farmland. Floodgates traditionally operate passively as "one way" structures that drain water from land on the upstream side and exclude tidal ingress from downstream.

The negative impact of floodgates has, however, been increasingly recognised by landholders, local councils, industry groups and resource management agencies. Such problems can include acid water discharges, loss of estuarine wetlands, reduced agricultural production, and declining fish populations.

A report by Williams *et al.* released in 1996 documented an inventory of all coastal barriers restricting fish passage and tidal inundation in NSW. They found 1035 floodgates with some potential for rehabilitation. Over half of these (784) occurred on the north coast of NSW.

Active floodgate management is the controlled opening of a floodgate during non-flood periods for the purposes of allowing tidal water to enter the affected waterway. The benefits of active floodgate management can include:

- improved water quality and overall waterway health,
- improved fish passage,
- improved soil and pasture, through better watertable management,
- neutralisation of acid discharges,
- reduced weed infestation in waterways,
- enhancement of native, water-tolerant pasture vegetation, and
- rehabilitation of aquatic habitats.

A program of audit and prioritisation of floodgates has commenced. Nearly 800 floodgates have been inspected on the Richmond, Tweed, Clarence and Macleay floodplains. The audit should be completed for the rest of the NSW coast over the next five years.

At the same time, detailed investigations of the priority floodgates and drainage systems will be carried out. These investigations will determine the best possible strategies for actively managing the floodgate and drain network. Active management of the floodgates requires funding to assist with the development of a management plan, construction of sluice gates or winch mechanisms to allow the opening of the gates, and labour to manage and operate the structures during non-flood periods. It is estimated that each structure will cost in the order of \$30,000.

It is therefore proposed to target 100 floodgates (or approximately 10 percent of the total) to be removed, or partially, or periodically opened over the next five years which should cost in the order of \$3 million. Action has already commenced on 28 of these.

Target 25 Action taken to (re)connect at least 60 percent of the natural 1 in 5 year flooded area to the river for 11 key rural floodplains by ensuring:

Target 25a The major flood paths and flood dependent ecosystems are mapped

Target 25b The significant barriers to flooding are identified, and action to deal with the major barriers commenced

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities.

RFO 4 of the NSW Interim Environmental (River Flow) Objectives is maintain or restore the natural patterns and distribution of floodwaters supporting natural wetland and floodplain ecosystems.

The floodplain is an important feature of the middle and lower reaches of a river. During periods of low flow, aquatic habitats are restricted to billabongs and the main river. Increased flows connect the river to backwaters and billabongs, wet previously dry areas, reorder the plant community and stimulate the growth of micro-invertebrate populations. The river overflows its banks, inundates the floodplain, deposits suspended material over previously dry areas, and picks up nutrients and organic matter from these same areas. Finally as water levels subside, organic material, including bacteria and other microbes, invertebrates and dissolved nutrients are carried back into the river with the returning water. Temporary wetlands are left on the floodplain, contributing to the aquatic diversity, which in turn supports the diversity of other species such as birds.

This temporary connection between the river and floodplain is critical in the energy and nutrient dynamics of rivers, and in the reproduction and maintenance of populations of many species of aquatic plants and animals. Floodplain inundation leads to an abundance of food for fish larvae. Similarly, the breeding success of waterbirds and frogs in floodplain wetlands is enhanced by the increase in productivity following flooding.

The effectiveness of river-floodplain exchanges is reduced by floodplain development, and by floodplain fragmentation and isolation which occurs mainly as a result of levee construction. Such floodplain development can totally isolate floodplain wetlands from a river so that they no longer receive their periodic flooding. The plant and animal species that depend on temporary inundation ultimately die out or abandon these areas.

This target provides for action on the following 11 key rural floodplains (encompassing 30,000 square kilometres in total):

- Namoi River Floodplain (Narrabri to Wee Waa),
- Namoi River Floodplain (Carroll to Boggabri),
- Gwydir River Floodplain (Moomin Creek Effluent),
- Gwydir River Floodplain (Biniguy to Moree),
- Liverpool Plains,
- Macquarie River Floodplain (Narromine to Macquarie Marshes),
- Lachlan River Floodplain (Gooloogong to Jemalong),
- Lachlan River Floodplain (Jemalong to Condobolin),
- Lachlan River Floodplain (Lake Brewster Weir to Whealbah),
- Central Murray Floodplain, and
- Billabong Creek Floodplain (Walbundrie to Jerilderie).

While this target addresses the whole floodplain, it focuses, in particular, on those areas of the floodplain which would probably have naturally been inundated more frequently (eg a flood event having a 1 in 5 year return period). This is not intended to detract from the importance of wetlands and floodplain ecology beyond this 1 in 5 year flooded area, but to provide a significant and practical start to the process of rehabilitating areas currently isolated from the river.

The 1 in 5 year flooded area has been selected as the initial target for the following reasons:

- most wetland plant species that require inundation require flood frequencies in excess of once in 5 years (eg river redgum typically requires flooding about 6 to 8 years in every 10; black box are generally healthy if they are flooded every 2 to 5 years; lignum in the south-west requires flooding every 3 years on average; lignum in the north west requires flooding every 2 to 10 years, spiny mudgrass requires flooding 3 years out of 4; water couch requires annual flooding; common reed may survive up to 10 years without flooding, but generally would be in lower areas of the floodplain),
- the majority of remnant floodplain wetlands are found in the 1 in 5 year flooded area,
- the higher risk of flooding in the 1 in 5 year flooded area has generally discouraged substantial investment in its development and the cost of action is likely to be less, and
- the identification and action on levees and banks affecting the 1 in 5 year flooded area is more feasible in the short term than attempting to address the broader floodplain.

Action has already been initiated on 30,000 square kilometres of floodplain in western NSW to prepare strategic floodplain management plans with a view to identifying those levees that must be modified or removed in order to restore more natural flooding regimes to wetlands and floodplain ecosystems.

This target is therefore to complete, for 11 floodplains, the assessment and mapping of the distribution of different sized floods across each floodplain, and identification of those structures impeding natural flooding of wetlands and floodplain ecosystems with particular emphasis on the area naturally flooded once in 5 years on average. Options to reduce the impact of those structures must then be identified and negotiated with landowners.

Target 26 Dams responsible for cold water pollution identified, a priority listing prepared, and action initiated to ensure that the temperature regime below these dams is kept within the 20th to 80th natural percentile range for each month (or within bounds determined by site specific investigations), by ensuring:

Target 26a Structural modification of at least 2 priority dams

Target 26b Improved operational protocols established for priority dams with existing temperature management infrastructure

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing (Note: This target may be addressed in the implementation program rather than the water sharing plan where this may affect water supply operations rather than licensed access to water), Division 6 - Controlled activities and aquifer interference activities.

Human induced change in river water temperature poses a significant threat to aquatic ecosystems. Disturbance to the thermal regimes of natural rivers can be a serious side effect of flow regulation using dams and weirs. Water released from the bottom layer of a thermally stratified reservoir is typically much colder than the natural inflow to the storage in summer. The release of large volumes of this cold water during the summer irrigation period can depress river temperatures for long distances downstream, with deleterious impacts on fish and other biota (Lugg 1999).

The potential for storages to adversely impact on river temperatures is recognised in RFO 10 of the NSW Interim Environmental (River Flow) Objectives which sets out to minimise the downstream water quality impacts of storage releases.

It has been estimated that serious cold water pollution occurs downstream of 17 major impoundments in NSW affecting an estimated 3,000 km of riverine habitat. Temperature suppression of up to 15 degrees Celsius below natural has been observed although more usually, suppression is around 8 to 12 degrees. However, the situation is more complex than a simple suppression of the temperature. For example, variation from natural temperature occurs year round, the summer peak temperature is typically delayed by up to 3 weeks, the rapid temperature rise in spring is eliminated, and the difference between annual maximum and minimum temperatures is severely reduced.

Changes in water temperature can have a substantial effect on aquatic ecosystems such as:

- influences on the physiology of the biota (eg growth and metabolism, reproduction timing and success, mobility and migration patterns and production may all be altered by changes to the ambient temperature regime), and
- influences on ecosystem functioning (eg through changes in the rate of microbial processes and altered oxygen solubility).

Available evidence in Australia suggests that temperature suppression has a profound adverse impact upon native warm water fish communities via:

- in some cases certain native fish species have been eliminated below a dam and replaced with alien species,
- silver perch may die or virtually cease growing as a result of cold water releases, and
- breeding opportunities for key native species may have been eliminated because water temperatures consistently fail to reach critical thresholds during the breeding season.

To address this issue it is necessary to estimate the natural range of temperatures that would have been experienced below each major storages in each month. Action should then be taken to keep temperatures within these bounds.

The ANZECC (2000) Water Quality Guidelines recommend that, where appropriate reference systems are available, and there are sufficient resources to collect the necessary information for the reference systems, the median temperature of cold water discharges should not be permitted to fall below the 20 percentile temperature value obtained from the seasonal distribution of temperature data from the reference ecosystem. For highly disturbed ecosystems and those in very poor condition, ANZECC recommends that appropriate site-specific scientific studies be undertaken, and the information from these studies be used together with professional judgement and other relevant information, to derive the trigger values. Where there is a lack of either information or resources to undertake the necessary site-specific studies, it is best to use the default trigger using the 20 percentile value and professional judgement.

Options for mitigating detrimental thermal effects associated with some storages include:

- construction of an off-take structure with multiple inlets which enable water to be drawn from depths other than the deepest and coldest layer. Estimated costs of upgrades vary with each storage but are generally in the range of \$0.5M to \$30M per upgrade,
- fitting of surface mounted impellers to push a plume of surface water down to the low level outlet (cost in the range of \$0.75 to \$1.5 million),
- withdrawal of warmer surface water using a submerged curtain around the low-level outlet (\$3m per upgrade),
- trunions, which are hinged pipes mounted on the low level outlet, are only suitable for smaller dams (cost about \$0.8 million),
- destratification (but this is generally unsuitable for larger storages and can cause other water quality problems), and
- improved operation of storages with existing multi-level inlet structures, including Pindari, Glenbawn and Glennies Creek dams.

Work is currently underway to assess the impacts of major storages throughout the State, identify the priorities for action and the most cost-effective solutions.

The major storages where this is a significant issue are generally owned and operated by rural or urban water supply authorities such as State Water (an arm of the Department of Land and Water Conservation), Sydney Catchment Authority, and Hunter Water Corporation.

Smaller storages, owned by state, local government and private organisations may cause local temperature problems and should be upgraded using the cheaper solutions where feasible.

Upgrades of at least 2 major storages should be achieved over the next 5 years to bring their temperature impacts during the key native fish reproductive period to within the 20th to 80th natural percentile range. This will cost between \$6 and \$30 million depending on the solution adopted.

A number of these major storages are already capable of releasing warmer water, however the operational protocols need to be reviewed or developed to ensure that the temperature targets are successfully met most of the time.

Target 27 Frequency of artificial manipulations of coastal lagoon entrances reduced, and management strategies to improve natural flow dynamics recognising their consequences on ecosystems and social assets

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

There are approximately 135 major estuaries along the NSW coastline and of these 60 (45 percent) have intermittently opening entrances and are known as intermittently opening coastal lagoons. They often the focus of recreational activity such as swimming, fishing and canoeing.

They become separated from the ocean when sediments in the entrance are moved and redistributed by wind, wave and tidal forces and form a barrier. Formation and breakdown of the barrier may occur frequently (eg. 5 to 6 times per year for Dee Why lagoon) or infrequently (2 to 3 times per century for Lake Conjola). Around half of these lakes have their entrances artificially breached from time to time (West *et al.* 1985).

Intermittently-opening coastal lagoons tend to have differing aquatic vegetation and fish populations that have adapted to the variation in salinity and freshwater inputs, and the natural closing regime of the lagoon. Under natural conditions, the frequency and duration of closure of these lagoons is influenced by factors such as the morphology of the entrance site, exposure to 'longshore drift', the size of the catchment, the tidal prism and prevailing climatic conditions. However, where urban and rural development has occurred around the fringes of the lagoon, other factors such as flooding of properties, water quality changes, and odour can result in calls from the community to artificially breach the closed entrance. When a lagoon closes, tidal flushing is eliminated and water and pollutants (eg septic and stormwater discharges, nutrient enrichment and algal blooms) from the catchment concentrate within the lagoon. This can impact on the visual and social amenity of the lagoon.

On the other hand, artificial opening of lagoons can alter the aquatic biodiversity and ecological processes of these estuarine water sources, moving them towards becoming a more permanently open estuary. If the ecological features and processes exhibited by intermittently-opening coastal lagoons are to be conserved, interference with the hydrological processes must be minimised as much as possible.

Appropriate planning for entrance management is required but is currently undertaken in an ad hoc manner by local government, state agencies and the community. The management of intermittently opening coastal lagoons is currently a focus of the Government's response to a Healthy Rivers Commission Inquiry. Decisions need to recognise the inherent differences between the impacts of opening lagoon entrances on ecosystems and the impacts on social assets.

Division 9 River channel rehabilitation

Target 28 Percentage cover of native riparian vegetation within waterfront land increased consistent with an approved catchment management plan, or increased by at least 5 percent where it is currently less than 50 percent of natural average on 3rd order or larger rivers

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use, Division 4 - Drainage management, Division 7 - Environmental protection.

Riparian land may be defined as that part of the landscape which exerts a direct influence on river channels or lake margins, and on the water and ecosystems contained within them. Waterfront land is precisely defined in the *Water Management Act 2000* and typically encompasses, for the purpose of this target, a 40 metre strip of land parallel to the high banks (or high water mark in tidal sections) and therefore encompasses the riparian zone.

The remnant vegetation contained within this waterfront land provides:

- a specialised habitat and a corridor linking other land components,
- essential functions for riverine ecology including:
 - providing a significant proportion of the food (energy inputs) required by aquatic organisms,
 - providing shelter and breeding and feeding sites for aquatic organisms,
 - influencing water temperature through shading,
- an important buffer and filter strip between land use and watercourses (nutrients, sediments and other contaminants),
- a riverbank stabilising function by nature of the soil-binding ability of roots, and
- cultural, spiritual and aesthetic values.

The assessment of riparian vegetation cover may be undertaken using remote sensing and image analysis technology. Such an analysis was undertaken for the Gwydir, Macintyre and Namoi catchments to determine the percentage cover values of riparian vegetation on each named river within a strip 20 metres wide.

The analysis found on average the following percentage tree cover existed within the 20 metre riparian strip across each catchment:

- Gwydir – 35 percent,
- Macintyre – 30 percent, and
- Namoi – 30 percent.

It is likely that similar percentages will be found in other catchments across the State although this analysis still has to be undertaken in a comprehensive way.

This type of analysis needs to be progressively undertaken on a comprehensive basis covering all 3rd order and larger rivers across the State. Then management strategies can be adopted or extended where necessary to achieve an average 1 percent per annum improvement in the percentage of riparian tree cover in each catchment.

Improvement in riparian vegetation is also a key target in most of the catchment management plans, which typically set targets for a 10 year horizon. In many cases these have proposed a greater rate of riparian revegetation per year than is proposed here. Where there is a riparian revegetation target in the finalised catchment management plan this should prevail. As the Regional Vegetation Management Plans should also be consistent with the catchment management plans this should ensure that objectives for riparian vegetation management are consistent and complementary.

Many initiatives are already underway which will contribute to a net improvement in riparian vegetation including:

- sustainable farm planning and management programs,
- Landcare and Rivercare projects,
- assistance for alternate off-river stock watering points, and

- clearing controls under the *Native Vegetation Conservation Act 1997*.

It is estimated that there is in excess of 60,000 kilometres of 3rd order and above rivers throughout NSW (draft report of River Condition, Norris et al. for the National Land and Water Audit).

This target is seeking action to revegetate up to 5 percent (in the order of 2 to 3,000 kilometres) Statewide.

Target 29 No net decrease in the length of natural river corridors through urban areas

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

Many natural rivers passing through urban areas have been piped and or channelled. This was done for a number of number of reasons such as:

- to reduce local flooding by speeding up the drainage of water away from built up areas,
- to maximise the land available for development,
- to minimise maintenance costs associated with weed infestation, littering etc, and
- to reduce risks to public safety associated with unlit wooded areas.

As a result many have become open drains carrying polluted water, excessive algae and sediment along a narrow strip of disused land.

However, there is a growing awareness of the disbenefits associated with pipes and drains including:

- loss of aquatic habitat and species,
- increased storm runoff and reduced low flows to downstream rivers,
- increased flooding and erosion downstream,
- public safety and liability risks associated with fast flowing drains,
- low aesthetic values which is showing up in lower value of land adjacent to drains compared to land adjacent to more natural watercourses, and
- increased water quality problems as pollutants are rapidly transferred downstream and their natural rate of decay (associated with detention times, the impact of sunlight, and biota in natural streams) is diminished.

The Healthy Rivers Commission inquiries have highlighted the importance of natural river channels and riverside vegetation to river health and to the urban community that live near these streams. The Commission found that riverine corridors provide multiple environmental and human health benefits such as:

- ecological corridors and wildlife habitat,
- erosion control,
- biofiltering of pollutants, and
- landscape and recreational amenity.

For some years now, approvals for the excavation of river channels previously under the *Rivers and Foreshores Improvement Act*, and now the *Water Management Act 2000*, have generally sought to maintain the natural characteristics of these urban rivers wherever practical. Some local councils have been gradually replacing drains and pipes with more natural watercourses, while many local community groups have been active in rehabilitating their local watercourses.

This target therefore seeks to at least ensure that there is no net loss of natural riverine corridors in major urban areas, in particular Sydney, Wollongong and Newcastle. This is consistent with the NSW Government's response to the Healthy Rivers Commission's recommendations for the Georges River-Botany Bay system. It is also consistent with the intent of the State Riverine Corridor Policy being developed as part of the Government's response to the Healthy Rivers Commission's Hawkesbury-Nepean Inquiry.

This target will be achieved through the implementation of the Guidelines for Urban Streams being developed under the State Riverine Corridor Policy. In particular, new urban developments should avoid further channelisation of rivers whether by piping, concrete lining or by conversion to grass swales. Instead they should be required to preserve, to the greatest extent possible, the natural values and characteristics of each watercourse. An essential element of this will be to ensure that sufficient area is protected on either side of the drainage line to maintain the rivers in healthy, albeit modified, condition. In many cases this may be achieved by integrating the provision of open space with the maintenance of riverine corridors. Such corridors must also be protected from the indirect impacts or urban development such as increased nutrients, runoff, weeds and excessive silt loads. In addition, wherever possible, previously piped or channelled watercourses should be rehabilitated as compensation for any unavoidable losses or as part of broader urban renewal and redevelopment programs involving a mix of regulation, incentives and partnership arrangements. In many cases such action could be undertaken in the context of local government stormwater management or flood mitigation programs.

Target 30 Coastal floodplain areas with high water quality risk (eg. acid drainage and/or oxygen depletion) addressed by:

Target 30a Areas of drained natural wetlands identified and mapped

Target 30b 7 pilot remediation projects completed

Target 30c Future program of land rehabilitation developed and commenced

Target 30d No increase in acid drainage resulting from new developments in a mapped acid sulfate hot spot

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

Coastal floodplains and wetlands in NSW are subject to frequent flooding. Governments have sought to mitigate flood impacts through drainage, river redesign, levees and floodgates to allow this land to be used as productive farming and urban areas. This has resulted in the loss or alteration of wetlands, and changed vegetation on floodplains and wetlands from flood-tolerant to flood-intolerant species.

These areas are also underlain by brackish water sediments that contain iron sulfide minerals. When beneath the watertable, these soils are benign. However, if over-drained either during naturally dry conditions or artificial drainage, the sulfides oxidise and form sulfuric acid. These soils, known as acid sulfate soils, can also mobilise aluminium, iron, manganese and other heavy metals, creating a toxic environment for aquatic species, and have been linked to many fish kills in the past.

Changed land management of coastal floodplains has also resulted in the generation of "black water", low in dissolved oxygen, which is very detrimental to aquatic fauna. This was typified by the major fish kills during the 2001 floods in the Macleay, Clarence and Richmond Rivers where rapid drainage of low dissolved oxygen water created from decaying flood-intolerant vegetation on the floodplain, and mobilisation of iron mono-sulfide black sludge in drains where acid sulfate soils were present, caused dissolved oxygen levels to fall rapidly for several weeks.

In 2000 the NSW Government announced the Acid Sulfate Soils Hot Spot Program which seeks to rehabilitate priority hot spots in coastal floodplains. Two million dollars has been allocated for the first two years to target on-ground changes in of seven major hot spots. At the same time it is important that the acid drainage from these hot spots does not increase as a result of new development or activity. The potential for applying an offset scheme to prevent and, if possible, reduce any acid drainage should be investigated. This would need careful consideration to ensure that the intended environmental outcomes are achieved.

At the same time, additional work is required to assist landholders to improve the management of coastal floodplains and minimise the risk of new hot spots developing. Drained wetlands and backswamps must be managed differently to reduce the risk of chronic acid sulfate soil and black water discharges following rainfall events. The first step will involve mapping high-risk drained wetlands and then working with landholders to reduce these risks. This may require modifications to drainage, watertable management, rehabilitation of wetland vegetation and other techniques.

Target 31 The peak volumes of urban stormwater runoff reaching natural watercourses reduced

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use, Division 4 - Drainage management, Division 5 - Floodplain management, Division 6 - Controlled activities and aquifer interference activities, Division 7 - Environmental protection.

Urban stormwater is the rainfall runoff from the impervious surfaces and shallow rooted lawns dominating urban areas. The unnaturally high volume and velocity of runoff following rainfall events and the consequent reductions in low and/or baseflows, can pose significant environmental risks to the receiving rivers and estuaries.

Storm runoff can also wash large loads of pollutants from the urban surfaces into urban drains and creeks that find their way into the rivers and estuaries. Urban runoff can be significant source of the phosphorus and nitrogen that contributes to algal blooms, and of harmful pathogens (with their consequent risks to human health).

There are many options for better managing urban stormwater and these are currently being developed and explored through the preparation of plans, and managed through the preparation and implementation of integrated urban water cycle management principles. Such solutions include:

- increased retention time for storm runoff through the replacement of engineered drains and pipes with more natural watercourses,
- retention and infiltration of runoff in selected basins and artificial wetlands,
- collection and reuse, and
- higher quality runoff collected and used for groundwater recharge.

The Urban Stormwater Program was originally established as part of the 1997 Waterways Package. It was evaluated by the Stormwater Trust Board and extended for the 2002/3 financial year. The next phase of the Urban Stormwater program will focus on further enhancing the capacity of local councils to manage urban stormwater in an environmentally responsible manner.

The bulk of the grants in the initial program were to local councils and this partnership arrangement continued into the second stage of the program to ensure delivery of improvements in flow regimes and water quality using local knowledge and resources. This will be done through local government plans relating to stormwater, guided by integrated urban water cycle management guidelines currently being finalised by the NSW Government.

Projects funded under this program have focussed on water quality improvement, although recent projects have also sought to reduce the volume and velocity of runoff in recognition of the environmental significance of the flow regime in urban waterways.

Target 32 The adoption of water efficient and sensitive urban design measures in urban areas/ivers increased

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use, Division 4 - Drainage management.

The Planning and Management Guidelines for Water Sensitive Urban Design define water sensitive design as “a new approach based on the premise that as easily available water resources become limited and the capacity of receiving environments to accept more waste decreases, conventional water supply, sewerage disposal and discharge systems cannot be sustained in the long term”. At the same time continuation of significant housing development on the fringe of Sydney and other urban centres places the rivers and estuaries under increasing stress as a result of growing demands for water supplies and increased urban storm runoff.

However, these problems can be reduced through good urban planning and water sensitive urban design including for example:

- effective water demand management including greater use of water efficient devices,
- recycling or reuse of wastewater,
- increased use of on-site storage and reuse of stormwater eg rainwater tanks,
- reductions in the area of impervious surfaces directly connected to drainage systems,
- increased use of absorbent surfaces or infiltration zones in driveways and along roadways etc,
- replacement of lawn areas with low water demand landscapes,
- localised water supplies for irrigation purposes, and
- rehabilitation of natural watercourses to increase their capacity to retain and absorb storm runoff.

While water sensitive design is most effective when implemented early in the land use planning and development process, many elements can be retrofitted into existing urban areas particularly as part of urban renewal projects. Water sensitive design measures do not have to significantly increase the cost of development. A recent case study of an urban development site in Brisbane included a comparative assessment of “conventional” and “water sensitive” design approaches. It found that the water sensitive design could provide:

- the same lot yield at approximately the same capital cost,
- maintenance costs which were only marginally higher than conventional designs,
- equivalent, if not superior, marketable values and return on investments,
- offsite environmental impacts that were significantly less than those for conventional designs, and
- more functional and attractive open space.

This target is consistent with the Integrated Water Cycle Management and Stormwater Management programs being implemented by local councils. In fact, the increased adoption of water sensitive designs should improve the effectiveness of capital expenditure on stormwater management and sewer overflows.

It will also complement a range of urban water management targets (Targets 17, 19, 29 and 31) in helping to reduce the growing impact of urban water demands, effluent and stormwater on the State’s water sources.

Target 33 Zones of high irrigation salinity risk mapped, and irrigation accession rates assessed to enable action to be taken to stabilise or reduce accession rates within these zones

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use, Division 4 - Drainage management.

The *Water Management Act 2000* requires land degradation to be taken into account when assessing irrigation developments and water use approvals. Assessment of the risk will be fundamental to the development of management plans dealing with the use of water. The application of water to land can be managed to minimise deep drainage and saline discharge.

Detailed mapping of areas prone to irrigation salinity, to improve the information base on which decisions are formulated, is recommended in the NSW Salinity Strategy, as are activities to reduce accession, through efficient and effective use of water. Without reducing accessions, the risk to the aquatic environment and agricultural production will continue to increase.

This target will contribute to the actions necessary to slow the rate of increase in salinity levels in watercourses (as sought under Target 36). Importantly, it will contribute to maintaining the productive value of irrigated land. This target will be supported by improved water use efficiency.

Despite mapping of depth to watertable in some areas and development of catchment scale salinity predictions in other areas, mapping of zones at risk from irrigation salinity has not progressed far. It is important to establish cause and effect at a sub-catchment level and prioritise actions to reduce accessions to the watertable from irrigation. Accessions are a function of the water applied, weather conditions and crop water uptake. Irrigation salinity occurs where water is not applied efficiently to replace the soil moisture deficit or supply crop requirements, including minimal leaching fractions. Environmental assessment of irrigation developments and their suitability at that location will continue to support this target, especially under Part 5 of the *Environmental Planning and Assessment Act 1979*, a process which is now supported by the use approval process in the *Water Management Act 2000*. The Sustainable Agriculture Policy also supports this target.

The rate of accession can be calculated from volume of water applied (metered extractions as a default), effective rainfall (ie. rainfall minus evaporation), crop type and area of crop grown. Where it is difficult to calculate accession rates, it may be preferable to monitor increases in area of irrigation in areas of high irrigation salinity risk. Calculations of critical accession rates at a catchment scale are likely to be reasonably indicative of the situation. Despite the need to minimise accessions to the watertable, it is important to allow for leaching fractions, which wash salts contained in irrigation water below the root zone. However, there are substantial opportunities for irrigators to consider leaching fractions in more detail, to accurately calculate their requirements and to manage their application.

Mapping of zones of risk can support the development of plans by management committees and guidelines about water use approvals, particularly in relation to decisions about the location and nature of future development. Hazard or risk mapping will inform the future regulation of rates of water application in specific soil types or locations, through the water use approval process and through education programs, such as *WaterWise*. Also, phasing out practices that exacerbate irrigation salinity can also be encouraged through incentives, such as those provided by the structural adjustment programs.

The costs associated with changing practices may be substantial. However, other benefits are derived, such as the opportunity to use water savings for other purposes, increased protection of land resources and savings in remediation costs. The opportunities to reduce accessions are more substantial in areas where the system design needs upgrading; where system design does not match soil type and

characteristics; and where information that informs the decision by irrigators to irrigate could be improved.

Target 34 Major irrigation drains to natural watercourses carrying saline discharges identified, and priority drains monitored to enable action to be taken to ensure no net increase in the load or concentration of the saline discharge (unless agreed to in an applicable management program with approved offset provisions)

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 3 - Water use, Division 4 - Drainage management.

Discharge of saline water from irrigation areas, industries and towns contributes significantly to the decline in water quality. However, despite recognition of the problem, data about the discharge from major drains are limited. The NSW Salinity Strategy 2000 provides the basis for this target by encouraging reductions in salt loads.

Whilst Targets 20 and 22 contribute to the reduction of the load of salt that enters watercourses, this target focuses on a specific issue that singularly contributes substantially to decline in water quality. In some instances, greater environmental effects are caused by the concentration at which salt is released.

Primarily, achievement of this target can be supported by the development of drainage management plans under the *Water Management Act 2000*, stormwater management plans by local government, education programs, and providing funding as an incentive. However, as a first step, monitoring to determine the severity and extent of the problem is critical.

The load and concentration of saline water can be reduced through:

- reductions in catchment salinity and reductions in remobilisation,
- improved water use efficiency to reduce accessions to the watertable,
- reuse of water in irrigation areas,
- engineering works to better manage drainage water,
- direct dilution, and
- staging the time of release, as occurs in the Hunter Salinity Trading Scheme.

The costs of monitoring may not be substantial and should be a condition on the installation and operation of major drains, whether currently licensed or not. The costs associated with engineering works or changes in catchment management to reduce loads may be more substantial. However, some significant gains can be made through minor changes in practice. The opportunities to reduce saline drainage are more substantial in the irrigated areas in the southern part of the State. The savings from activities to reduce drainage will be substantial both in terms of environmental benefit and maintenance of community infrastructure.

Division 11 River and groundwater quality

Target 35 All management plans incorporating water quality objectives that have considered the Government approved Interim Environmental Objectives, the current ANZECC Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries

This target is relevant management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management, Division 7 - Environmental protection.

Water quality is one of the features of all water that is critical to the protection of aquatic ecosystem and human health and can significantly impact on the cost and productivity of many dependent industries.

Many management committees have already endorsed the NSW Interim Environmental (Water Quality) Objectives for their rivers. These objectives were developed in consultation with catchment management bodies and the broader community. They are based on environmental values and identify the water quality necessary to support the ecosystem and human related needs. In many water sources these objectives may be adequate to guide the water management needs and priorities. Where more specific guidance is needed, the current ANZECC Water Quality Guidelines and/or site specific studies may be used.

The ANZECC Water Quality Guidelines (2000) provide new and revised water quality trigger values, which, given the lack of detailed water quality and ecosystem data in many areas provides useful water quality criteria which should be incorporated into the management objectives of all management plans made under the *Water Management Act 2000*. The guideline trigger values are useful to indicate priorities and directions for change, while precise numerical targets only need to be as accurate as the models used to determine what catchment changes can generate the greatest improvements.

Consistent with the recommendations of the Healthy Rivers Commission for several river systems, the ANZECC Water Quality Guidelines should be used as conservative “trigger levels”. Where they are being substantially breached, this may demonstrate the need for more site-specific studies or, where the pollution sources can be identified, specific actions determined to address the source rather than to narrow the ambient water quality target.

However, wherever regulatory mechanisms, specific works or trading schemes are to be applied, more detailed site-specific studies may be appropriate to enable a better assessment of what the aquatic ecosystem is likely to be able to sustain, particularly in respect to nutrient levels.

Target 36 River salinity maintained at levels consistent with the salinity targets specified in approved catchment management plans

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing, Division 3 - Water use, Division 4 - Drainage management, Division 7 - Environmental protection.

The NSW Salinity Strategy establishes interim salinity targets for nine inland rivers of NSW. Catchment management boards have reviewed these and made recommendations to the Government on final targets. The targets will drive a strategic, coordinated approach to managing salinity. The targets will guide investment in actions at both the landscape and property scale.

The baseline for target setting is the estimated salt load and electrical conductivity (EC) levels in the year 2000. The targets are set for 2010, as the ten year timeframe should allow adequate time for change to be achieved and measured.

The NSW Government will conduct a comprehensive review of system performance in meeting the targets in 2006 and will assess whether actions or provisions in management plans have assisted in slowing down the increase in salinity. To assess progress, the NSW Government will continuously monitor salt loads, EC levels and river flow at each target location. The Government will upgrade, and where necessary, install new monitoring equipment and will report publicly on the findings.

Catchment management boards have prepared 10 year catchment management plans, which incorporate, where appropriate catchment and management targets relating to salinity management.

Target 37 Sources of non-saline water contributing significant dilution flows downstream prioritised to enable action to be taken to protect these sources

This target is relevant to management plans under Part 3 of the *Water Management Act 2000* dealing with: Division 2 - Water sharing.

Electrical conductivity (EC) is a measure of salinity concentrations. The EC levels in a river will result from a complex function of:

- volume of flow (degree of dilution), and
- the salt load.

The relationship between flow and salt concentration is complicated and increasing the volume of flow in order to increase the dilution is generally not an effective solution unless the source of the flow is relatively low in salt. A high flow event may provide a large volume of water and theoretically a high dilution factor, however, it is likely that the higher flow is the result of a storm runoff event which may also be carrying a high salt load from the landscape to the river. High runoff events are therefore often characterised by high EC levels.

The quality of a water source is therefore a critical factor in determining the salt concentrations in downstream reaches. It will therefore be important to ensure that the flows contributed from non-saline water sources are not unduly reduced by water extractions. These sources should be identified as a matter of priority so that water extractions and transfers and dealings can be limited accordingly or salt load offsets required elsewhere to mitigate any further reductions in their contributions.

Target 38 Aquifer water quality vulnerability zones mapped and extraction limits reviewed to reduce the risk of lateral intrusion of poor quality water

This target is relevant to management plans under Part 3 the *Water Management Act 2000* dealing with: Division 2 - Water sharing (Note: The mapping and assessment required will have to be undertaken as a prerequisite of planning and therefore this target may not be fully addressed in initial round of water sharing plans).

Sometimes a high quality groundwater source may be flanked by lower quality, often more saline water. Large volumes of extraction may cause the lower quality water to be drawn into the higher quality aquifer, diminishing its value and potentially making it unusable for irrigation, domestic or stock purposes.

Water quality changes resulting from water extractions should not reduce the beneficial uses (environmental values) of an aquifer. Beneficial use categories have been established in the NSW Groundwater Quality Protection Policy, and will be specified for each of the State's aquifers.

Areas or zones where significant groundwater quality changes are a threat (water quality vulnerability zones) should be identified and measures taken to protect against this threat including:

- setting distance limits between high and low quality groundwater interface within which intensive pumping cannot occur, and
- setting groundwater quality criteria at appropriate monitoring bores which when approached, trigger a change in the extraction rate for licensed bores.

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Glossary

- ABARE:** Australian Bureau of Agricultural and Resource Economics
- acid sulfate soils:** Soils containing highly acidic soil horizons or layers resulting from the oxidation of soil materials that are rich in sulfides, primarily pyrite. This oxidation produces acidity in excess of the sediments capacity to neutralise the acidity resulting in soils of pH 4 or less.
- algal bloom:** The rapid excessive growth of algae, generally caused by high nutrient levels, high water temperatures, low flow velocities and other favourable conditions. Can result in deoxygenation of the water body when algae die.
- alluvial:** Transported by water flow processes eg alluvial sediments.
- anabranch:** A secondary channel of a river that usually flows only when the river levels are high.
- ANZECC:** Australian and New Zealand Environment and Conservation Council
- applicable management program:**
A program that may be required as a condition of a licence or approval, eg a land and water management plan
- aquifer:** A geological formation or group of formations capable of receiving, storing and transmitting significant quantities of water.
- ARMCANZ:** Agriculture and Resource Management Council of Australia and New Zealand`
- available water determination:**
A determination under Section 59 of the *Water Management Act 2000* in relation to a water management area or water source which sets the amount of water available to the holders of water access licences from time to time depending on the status of the resource/storage, the extraction limit and any adjustments made necessary as a result of previous exceedence of the extraction limit as set out in the water sharing plans and associated implementation programs.
- benthic:** Living in the bottom sediments of rivers and lakes etc
- biodiversity:** The variety of life forms, the different plants, animals and micro-organisms, the genes they contain and the communities and ecosystems they form. It is usually considered at three levels; genetic diversity, species diversity and ecosystem diversity.
- biofilms:** Bacterial and algal communities living on rocks and logs submerged or partially submerged in rivers.

biogeographical regions:

Areas defined by broad similarities based on climatic, topographic and geological factors that influence the hydrology, habitat and biological communities

blue green algae:

Strictly these are *Cynobacteria* (not algae), being an ancient group of photosynthetic bacteria without a nucleus that produce their own energy from sunlight. Some can assimilate dissolved gaseous nitrogen. A number of species produce toxins. Cells can also cause irritation of the skin and eyes on contact.

CAMBA:

China Australia Migratory Bird Agreement

capital investment:

Physical capital formation such as dams, roads, equipment, irrigation development etc.

channel capacity:

Flow in the river just before overbank flow commences. The flow volume varies with each river section.

COAG:

Council of Australian Governments

CSIRO:

Commonwealth Scientific and Industrial Research Organisation

dissolved oxygen (DO):

The concentration of oxygen dissolved in water or effluent, measured in milligrams per litre (mg/L).

DLWC:

NSW Department of Land and Water Conservation

domestic and stock rights:

The rights conferred on a landholder under Section 52 of the *Water Management Act 2000*.

ecological functioning:

A measure of the ecological health of an ecosystem that can be defined as the maintenance of the structural and functional (or biotic) attributes of that system.

ecologically sustainable:

This is an objective of the COAG Water Reform Policy. This means development and use is to be undertaken in a manner that improves the total quality of life, both now and in the future, and in a way that maintains the ecological processes on which life depends. In relation to NSW, it refers to action which is consistent with the principles of ecological sustainable development as described in Section 6 (2) of the *Protection of the Environment Administration Act 1991*.

economic efficiency:

An action that is efficient in economic rather than physical or chemical terms. Examples of economic efficiency are maximum return per unit of resource used, minimum cost per unit.

ecosystem:

A term used to describe a specific environment eg lake, to include all the biological, chemical and physical resources and the interrelationships and dependencies that occur between those resources.

effluent:

Human and animal waste in a liquid form.

- effluent creek:** A creek which takes flow away from the main river but which does not return water to it.
- environmental flow:** A flow regime or volume protected or released to meet specific environmental requirements or triggers and for the general maintenance of ecosystem functions.
- environmental water rules:**
Water sharing and operational rules to provide environmental protection or specified ecosystem requirements, established under Section 8(2) of the *Water Management Act 2000*.
- EPA:** NSW Environment Protection Authority
- extraction limit:** A limit on the amount of water that can be taken from a water source for licensed purposes and includes both the water pumped directly from the water sources as well as those volumes extracted from the water source via irrigation or other channels measured at the offtake point, and therefore includes the transmission losses associated with those extractions.
- flood – 5 year return period:**
Refers to a flood that has a statistical probability of occurring once in five years on average. The 5 year flood level is generally defined as the contour on the floodplain to which a flood this size will rise. The flood has a 20 percent chance of occurring in any given year.
- floodplain water harvesting:**
The extraction or capture of water from overland flow across a floodplain during high flow events, generally into offstream storages for later use.
- flow frequency:** The percentage of time (or days) that a flow equal to or larger than a nominated level will occur for a given historical record of flows (often quoted for a long term eg 100 year record)
- groundwater:** Water that occupies the pores and crevices of rock or soil.
- habitat:** The environment or place where a plant or animal grows or lives (can encompass aspects of climate, water, other organisms and communities).
- IMEF:** Integrated Monitoring of Environmental Flows
- investment efficiency:** An activity that provides the highest returns to investment, usually measured in the maximum return to capital or percentage rate return per annum.
- IPART:** Independent Pricing and Regulatory Tribunal
- irrigation efficiency:** A measure, expressed as a percentage, of the volume of water used to meet crop water requirement (ie crop water requirement less effective rainfall) relative to the total volume of water delivered to the farm or farms (normally measured at the river offtake point or bore).
- JAMBA:** Japan Australia Migratory Bird Agreement
- long term average annual extraction:**

The amount of water that can be extracted on average per year based on a long term climatic assessment.

- macro-invertebrates:** Animals without vertebrae (backbones) that can be seen without a microscope, and include mussels, limpets, water snails, worms, leeches, water spiders, water mites, crayfish, shrimps, beetles, bugs, insect larvae and nymphs.
- MDBMC:** Murray-Darling Basin Ministerial Council
- megalitre:** A commonly used term to measure large quantities of water, equal to 1,000,000 litres or 1000 cubic metres.
- NPWS:** NSW National Parks and Wildlife Service
- overland flow:** Water that runs off the land following rainfall, before it enters a watercourse and floodwaters that overflow a watercourse onto a floodplain.
- protected:** Ecological function and condition maintained by limiting the potential for any further harm eg by maintaining water level variability and connectivity, and ensuring wise and compatible land and water management practices.
- reliability of supply:** Probability associated with a water access licence-holder obtaining the volume or some proportion of the volume of water specified in the water entitlement.
- restored:** Returned to good condition, healthy ecological functioning, and biodiversity, generally requires a move towards a more natural, although not necessarily a reinstatement of the complete range of natural characteristics
- regulated river:** River where flows are supplemented and rescheduled by artificial means eg via a government owned headwater storage and declared by the Minister by an order published in the Gazette to be a regulated river.
- RFO:** River Flow Objective
- riparian vegetation:** Vegetation growing along the banks of rivers or other waterbodies.
- riparian zone:** The zone along or surrounding a water body where the vegetation and associated ecology are influenced by the passage and storage of water, and conversely the aquatic environment benefits from the proximity of the vegetation (eg from bio-filtering of sediment or pollutants, inputs of detritus, shading etc).
- salinity:** The measure of total soluble (or dissolved) salt ie mineral constituents in water. May be expressed as Total Soluble Salts (TSS) or Total Dissolved Salts (TDS) which are measured by different processes but both define the salt load measured in milligrams per litre (mg/L) or parts per thousand (ppt). Salinity may also be expressed as electrical conductivity, measured by an electrical probe (conductivity meter).
- salinisation:** The process, normally associated with rising water tables, by which land becomes salt affected.
- stormwater:** Rainwater that has run off the ground surface, roads, roofs, paved areas etc and is usually carried away by drains.

Sustainable Yield:	The limits on potentially extractable water from an aquifer at or below the average recharge level which takes into account “in situ” values and environmental water needs, so that water extraction does not cause lowering of the water table, intrusion of more saline water or environmental damage.
SWMOP:	State Water Management Outcomes Plan
threatened species:	Animal or plant species which are either vulnerable, endangered or presumed extinct.
unregulated river:	A natural surface water source that is not supplemented by releases from a dam. A river which is not a declared regulated river but which may still be subject to water extractions and include on-river storages for town water supply or industrial purposes.
water allocation:	A volume of water which is available to a holder of a water access licence from time to time as a result of an available water determination.
watertable:	The saturated level of the unconfined groundwater. Some wetlands and lakes or base flows in streams may be surface expressions of the water table.
water use efficiency:	Volume of crop or other product produced (eg harvested dry matter) per unit of water delivered. (for irrigation water use efficiency this is normally expressed as tonnes per megalitre.
wetland:	Area of seasonal, intermittent or permanent waterlogged soils or inundated land, fresh or saline, eg swamp or lake.
weir:	A structure (including a dam, lock, regulator, barrage or causeway) across a defined watercourse that will pond water, restrict flow or hinder the movement of fish along natural flow paths, in normal flow conditions (NSW Weirs Policy 1997)
WQO:	Water Quality Objective
WWF:	World Wildlife Fund

Sydney Water

SEWER MAINS

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF HAWKESBURY, AT RICHMOND: CONTRACT No. 976244SB, PROJECT No. 3003081. LINE 1 AND ITS APPURTENANT JUNCTIONS, SIDELINES AND INLETS SERVING WINDSOR STREET AND CHAPEL STREET.

CITY OF PENRITH, AT COLYTON: CONTRACT No. 966152S3, PROJECT No. 3001007. LINE 2 AND ITS APPURTENANT JUNCTIONS, SIDELINES AND INLETS SERVING ASTWOOD STREET AND BRUNSWICK CLOSE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 13 December 2002.

WATER MAINS

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF PENRITH, AT COLYTON: CONTRACT No. 966152W7, PROJECT No. 1000411. WATER MAINS ARE NOW LAID AND CAPABLE OF SERVING IDENTIFIED PROPERTIES IN ASTWOOD STREET AND BRUNSWICK CLOSE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 13 December 2001.

TENDERS

Department of Public Works and Services

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, NSW 2000, up til 9.30 am on the dates shown below:

7 January 2003

- 027/7308** SUPPLY, FITTING AND REFURBISHMENT OF ESCORT VEHICLES (MEDIUM AND LARGE).
DOCUMENTS: \$110.00 PER SET
- 0203083** SUPPLY OF MENINGOCOCCAL C VACCINE FOR NEW SOUTH WALES HEALTH FOR 2003.
DOCUMENTS: \$0.00 PER SET

8 January 2003

- 036/1078** LABOUR HIRE ADMINISTRATIVE, FINANCE AND SPECIALIST PERSONNEL.
DOCUMENTS: \$275.00 PER SET

9 January 2003

- IT2222RFP1** INTERNAT. COMPUTER DRIVING LICENCE LEARNING MATS. AND TESTING SERVICES.
DOCUMENTS: \$110.00 PER SET

14 January 2003

- S0234104** SECURITY SERVICE O B O S, 117 CLARENCE STREET, SYDNEY. DOCUMENTS: \$110.00 PER SET

15 January 2003

- 0202975** MAUFACTURE, SUPPLY EMBROIDERED AND OTHER INSIGNIA (EPAULETTES AND
PATCHES). DOCUMENTS: \$110.00 PER SET
- 0203042** CATERING SERVICES FOR NEW POLICE HEADQUATERS AT PARRAMATTA.
DOCUMENTS: \$55.00 PER SET

16 January 2003

- S02/00118 (50)** CLEANING GOODSSELL BUILDING 8-12 CHIFLEY SQUARE. CATEGORY A. INSPECTION DATE
AND TIME: 23 DECEMBER 2002 AT 10:00 AM SHARP. AREA: 17,733.00 SQUARE METRES.
DOCUMENTS: \$55.00 PER SET
- IT 02/2953** DRILLING OF PARTLY CORED DRILLHOLES. DOCUMENTS: \$110.00 PER SET

21 January 2003

- 0202697** SUPPLY, DELIVERY AND INSTALLATION OF TWO (2) AUTOCLAVES.
DOCUMENTS: \$110.00 PER SET
- S0253238** SECURITY SERVICES FOR DEPARTMENT OF HOUSING, CENTRAL SYDNEY REGION.
DOCUMENTS: \$110.00 PER SET

22 January 2003

- 0202973** SUPPLY OF JUMPERS. DOCUMENTS: \$110.00 PER SET
- 0202720** PROVISION OF COMMUNITY HOUSING INSURANCE SCHEME.
DOCUMENTS: \$110.00 PER SET
- 035/777** RETAIL SUPPLY OF ELECTRICITY. DOCUMENTS: \$110.00 PER SET
- 0202934** AUDIT SERVICES, INCLUDING REGIST. TRAINING ORG.S AUDITS, FOR NSW DET.
DOCUMENTS: \$110.00 PER SET

28 January 2003

- S02/00284(6045)** CLEANING FOR ENERGY AUSTRALIA, VARIOUS SITES 0205. CATEGORY A. INSPECTION
DATE AND TIME: 6 JANUARY 2003 AT 8:30 AM SHARP. AREA: SQUARE METRES.
DOCUMENTS: \$110.00 PER SET
- S0001924** PROVISION OF SECURITY SERVICE FOR MCKELL BUILDING, SYDNEY.
DOCUMENTS: \$110.00 PER SET

29 January 2003

- 0202513** SUPPLY OF SOCKS. DOCUMENTS: \$110.00 PER SET
- 0202514** PROVISION AND MANAGEMENT OF STORAGE FACILITIES FOR CONFISCATED VEHICLES. DOCUMENTS: \$110.00 PER SET
- 0202837** SIGNAGE. DOCUMENTS: \$110.00 PER SET

6 February 2003

- IT 01/2774** LEARNINGWARE PLATFORM. DOCUMENTS: \$220.00 PER SET

4 March 2003

- S0218928** SECONDARY RESOURCE USE OF PRE-TREATED MUNICIPAL SOLID WASTE. DOCUMENTS: \$220.00 PER SET

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>).

Government Printing Service

TENDERS FOR PRINTING

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

Tender Closing Monday 23rd December 2002

Job No. 34070. Tenders are invited for the printing of 4 publications for the Australian Museum. Each publication will be printed at a different time during the year and the quantities vary from 200 to 700 copies. Text is generally black but there will be some 4 colour sections. The quality of all productions is of utmost importance and press checks will be made. The successful tenderer must provide the proper facilities and resources to undertake the task and supply the high standard of production and quality demanded.

Enquiries: Peter Sparks 9721 9834.

Tender closing Monday 23rd December 2002**Advertised starting Friday 6th December 2002**

Job No. 34223. Tenders are invited for the printing of Supply Link and Supplier News. Supply Link is published monthly and contains information for customers regarding current government contracts in all categories. The magazine prints in 2 PMS colours and varies between 6pp and 12pp.

Supplier News is a quarterly publication containing information to suppliers. The magazine prints in 2 PMS colours and varies between 2pp and 8pp.

Enquiries to Peter Sparks on 9721 9834.

Tender runs for four weeks closing 20th January 2003**Tender Number 34462**

Tenders are invited on the behalf of the NSW Department of Education and Training, for the production and implementation of the Computer Skills Assessment project. The Tenderer must provide proper security facilities and resources to undertake all tasks as specified in the tender document. The Computer Skills Assessment is in two parts. The first assessment is a written test administered to Year 6 students in schools throughout NSW. The second assessment is a practical test. This tender is for the Written Assessment.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ARMIDALE DUMARESQ COUNCIL

Land Acquisition (Just Terms Compensation) Act 1991
Acquisition of Land by Agreement

THE Armidale Dumaresq Council hereby gives notice that the land listed in the Schedule below, acquired by negotiation under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, is dedicated as community land. S. BURNS, General Manager, Armidale Dumaresq Council, PO Box 75A, Armidale, NSW 2350.

SCHEDULE

Lot 2, DP 1033360. Acquired to provide public access from a Crown reserve for public recreation to adjoining properties. [1032]

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 10 (1)
Dedication of Land as Public Road

NOTICE is hereby given by Blacktown City Council that pursuant to section 10 (1), Division 1, Part 2 of the Roads Act 1993, the land described in the Schedule below is hereby dedicated as public road. Dated at Blacktown, 27th November, 2002. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown, NSW 2148.

SCHEDULE

Lot 1, DP 1039597. [1033]

HAWKESBURY CITY COUNCIL

Roads Act 1993, Section 10
Dedication of Lane as Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, Hawkesbury City Council dedicates land owned by Council and described in the Schedule below as public road. G. M. McCULLY, General Manager, Hawkesbury City Council, PO Box 146, Windsor, NSW 2756. (File Reference: GR080/025).

SCHEDULE

The subject land comprises part Cabbage Tree Road, Grose Vale. [1034]

INVERELL SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Mephams Road, Grants Road, Silvermines Road, Browns Lane

IN accordance with section 162 of the Roads Act 1993, it is notified that there being no further objections received, Council has adopted the name / names of:

Current Name/Description Official Name

Kylandee Road. Running south-west from Grants Road to the property Kia Ora.	Mephams Road.
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Grants Road. Running south from Silvermines Road to the property Golspie Plains.	Grants Road.
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Silvermines Road. Running south from the Elsmore Road to the property Glencoe.	Silvermines Road.
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Browns Lane. Running from Guyra Road to Lot 389, DP 753287.	Browns Lane.
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Authorised by resolution of Council on 13th November, 2002.

P. J. HENRY, General Manager, Inverell Shire Council,
PO Box 138, Inverell, NSW 2360. [1035]

NARROMINE SHIRE COUNCIL

Roads Act 1993, Division 3, Section 31

Fixing the Levels of a Public Road

NOTICE is hereby given by Narromine Shire Council that, pursuant to section 31, Division 3 of the Roads Act 1993, it intends to vary the levels of Main Road 354 (Tullamore to Narromine Road). This notice applies to the section of road between 36 kilometres and 41 kilometres from Narromine. Details of the work are shown on Council Plans 201\17. Dated at Narromine, 12th December, 2002. P. BENNETT, General Manager, Narromine Shire Council, PO Box 115, Narromine, NSW 2821. [1036]

PARRAMATTA CITY COUNCIL

Erratum

Local Government Act 1993, Section 50

Notice of the Dedication of Land as Public Garden and Recreation Space at Dundas in the Parramatta City Council Area

AN erratum to the notice was given on 29th November, 2002 in the *NSW Government Gazette* read Lot E, Deposited Plan 39960 and should have read Lot E, Deposited Plan 399600. T. BARNES, General Manager, Parramatta City Council, PO Box 32, Parramatta, NSW 2124.

SCHEDULE

All of the parcel of land situated in the Parramatta City Council area at Dundas, Parish of Field of Mars, County of Cumberland shown as Lot E, Deposited Plan 399600.

[1037]

PARRAMATTA CITY COUNCIL

Local Government Act 1993, Section 50

Notice of the Dedication of Land as Public Garden and Recreation Space at Dundas in the Parramatta City Council Area

THE Parramatta City Council in accordance with the provisions of section 50 (4) of the Local Government Act 1993, vest the land described in the Schedule below as public garden and recreation space. T. BARNES, General Manager, Parramatta City Council, PO Box 32, Parramatta, NSW 2124.

SCHEDULE

All of the parcel of land situated in the Parramatta City Council area at Rydalmere, Parish of Field of Mars, County of Cumberland shown as Lot 10, Deposited Plan 219954.

[1038]

TUMBARUMBA SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – River Road,
Welaregang Road

NOTICE is hereby given that the Tumbarumba Shire Council has, pursuant to section 162 (1) of the Roads Act 1993, named the roads as follows:

Location	Name
Previously known as Welaregang Street. This will now be a continuation of River Road (already existing).	River Road.
Previously known as Ardenside Road, located off Tooma Road.	Welaregang Road.

PETER BASCOMB, General Manager, Tumbarumba Shire Council, PO Box 61, Tumbarumba, NSW 2653.

[1039]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARIO VALENTI, late of Griffith, in the State of New South Wales, retired, who died on 6th September, 2002 must send particulars of his claim to the executrix, Anna Valenti, c.o. Olliffe & McRae, Solicitors, PO Box 874, Griffith, NSW 2680, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 9th December, 2002. OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680 (DX 5901, Griffith), tel.: (02) 6962 1744. [1040]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CAROLINA ALBINA SALVESTRO, late of 7 Bromfield Street, Griffith, in the State of New South Wales, retired, who died on 7th June, 2002 must send particulars of his claim to the executor, Ian Francis Salvestro, c.o. Olliffe & McRae, Solicitors, PO Box 874, Griffith, NSW 2680, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 25th November, 2002. OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680 (DX 5901, Griffith), tel.: (02) 6962 1744. [1041]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LILLIAN MAY MEADOWS, late of 45 Atchison Road, Macquarie Fields, in the State of New South Wales, home duties, who died on 20th October, 2002 must send particulars of his claim to the executor, Alan Leslie Meadows, c.o. Doherty Partners, Solicitors, Level 1, 171 Bigge Street, Liverpool, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 6th December, 2002. DOHERTY PARTNERS, Solicitors, Level 1, 171 Bigge Street, Liverpool, NSW 2170 (DX 5034, Liverpool), tel.: (02) 9601 7300. [1042]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARIE LOUISE TARDU (also known as LOUISE O'REGAN TARDU), late of Geneva, Switzerland, retired, who died on 1st August, 2000 must send particulars of his claim to Peter Ewan Kennedy and Steven Robert Burns, the attorneys of Maxime Tardu, a beneficiary named under the Will, c.o. Ebsworth & Ebsworth, Solicitors, 135 King Street, Sydney, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the attorneys of Maxime Tardu, a beneficiary named under the Will, have notice. Letters of Administration with the Will annexed were granted in New South Wales on 29th November, 2002. EBSWORTH & EBSWORTH, Solicitors, 135 King Street, Sydney, NSW 2000 (DX 103, Sydney), tel.: (02) 9234 2366. [1043]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JACK ALLAN DAVIS, late of Pendle Hill Nursing Home, Pendle Hill, in the State of New South Wales, engineer, who died on 7th September, 2002 must send particulars of his claim to the executor, Colin Edward Davis, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 5th December, 2002. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644. [1044]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of OLGA CHOLEWA, late of 73 Patrick Street, Blacktown, in the State of New South Wales, widow, who died on 24th July, 2002 must send particulars of his claim to the executor, Stanislaw Kaluza, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Letters of Administration were granted in New South Wales on 4th December, 2002. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644. [1045]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOHN RICHARD MASON, late of Merewether, in the State of New South Wales, retired, who died on 5th June, 2002 must send particulars of his claim to the executrix, Geraldine Campbell James, c.o. Braye Cragg, Solicitors, 2/51-55 Bolton Street, Newcastle, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 15th November, 2002. BRAYE CRAGG, Solicitors, 2/51-55 Bolton Street, Newcastle, NSW 2300 (DX 7818, Newcastle), tel.: (02) 4926 2955. [1046]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DOREEN OLIVER, late of Booth House, Salvation Army Nursing Home, Frazer Street, Marrickville, in the State of New South Wales, who died on 23rd February, 2001 must send particulars of his claim to the executrix, Aileen Una Ledger, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Letters of Administration were granted in New South Wales on 10th December, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [1052]

COMPANY NOTICES

NOTICE of final general meeting.—TAREE ENTERPRISES PTY LIMITED (In liquidation), ACN 001 196 845.—Notice is hereby given that the final general meeting of the abovenamed company will be held at Level 1, 140 Victoria Street, Taree, NSW on Friday, 31st January, 2003 at 10.00 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator. Dated 13th December, 2002. BRUCE WALKER, Liquidator, c.o. Walker Lynch Petersen, Chartered Accountants, 140 Victoria Street, Taree, NSW 2430, tel.: (02) 6552 3533. [1047]

NOTICE of final general meeting.—TAREE CENTERPOINT PTY LIMITED (In liquidation), ACN 001 340 290.—Notice is hereby given that the final general meeting of the abovenamed company will be held at Level 1, 140 Victoria Street, Taree, NSW on Friday, 31st January, 2003 at 10.15 a.m., for the purpose of having laid before it by the liquidator an account showing how the winding up has been conducted and the manner in which the assets of the company have been distributed and a hearing of an explanation of the account by the liquidator. Dated 13th December, 2002. BRUCE WALKER, Liquidator, c.o. Walker Lynch Petersen, Chartered Accountants, 140 Victoria Street, Taree, NSW 2430, tel.: (02) 6552 3533. [1048]

NOTICE of voluntary winding up.—BRYANT MAZARAKI MURPHY PTY LIMITED, ACN 001 352 361.—Notice is hereby given that by a special resolution passed at a meeting of the shareholders of Bryant Mazaraki Murphy Pty Limited, duly convened and held on 9th December, 2002 it was resolved that the company be wound up voluntarily and that James Howard Bryant be appointed liquidator. Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidator within twenty-one (21) days of this date, otherwise distribution of the assets will take place without regard to such claims. Dated this 9th day of December 2002. JAMES HOWARD BRYANT, Liquidator, 374 Joahah Road, Duffys Forest, NSW 2084. [1049]

NOTICE of final meeting of members pursuant to section 509 of the Corporations Law.—RGS MOORE & SONS PTY LIMITED, ACN 000 139 462.—Notice is hereby given that the final meeting of members and creditors of the abovenamed company will be held at the office of Clare Anne Moore, 7 Coromandel Place, Moss Vale, NSW 2577 on 20th January, 2003 to receive the liquidator's account showing how the winding up has been conducted and the property of the company has been disposed of and to hear any explanations that may be given by the liquidator. Dated 17th December, 2002. CLARE ANNE MOORE, Liquidator. [1050]

NOTICE of voluntary liquidation.—WINARO PTY LIMITED, ACN 008 504 381.—Notice is hereby given that at an extraordinary general meeting of the members of the above company, duly convened and held on 6th December, 2002 a special resolution was passed that the company be placed into voluntary liquidation and that F. MacDonald be appointed liquidator. Dated this 12th day of December 2002. F. MACDONALD, Liquidator, c.o. 37 Erskine Street, Sydney, NSW 2000. [1051]

NOTICE of voluntary winding up.—HENDER PTY LIMITED (In liquidation), ACN 001 494 926.—Notice is hereby given that at a general meeting of members of the abovenamed company held on 7th December, 2002 it was resolved that the company be wound up voluntarily and that for such purpose Graeme Baldwin of Baldwin & Co., Chartered Accountants, Level 1, 152-156 Argyle Street, Camden, NSW 2570 be appointed liquidator of the company. [1023]

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