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GOVERNMENT NOTICES

Miscellaneous Instruments



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the species referred to in paragraph (a) as an endangered species under that Act, and, as a consequence, to omit reference to that species as a vulnerable species and, accordingly:

- (a) Schedule 1 to that Act is amended by inserting the following in Part 1 after the matter relating to Cheloniidae (under the headings **Animals** and **Reptiles**):

Chelidae

- * *Myuchelys bellii* (Gray, 1844) Western Sawshelled Turtle, Bell's Turtle

- (b) Schedule 2 to that Act is amended by omitting the following from Part 1 (under the headings **Animals** and **Reptiles**):

Chelidae

- * *Myuchelys bellii* (Gray, 1844) Bell's Turtle, Western Sawshelled Turtle

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

Dated, this 27th day of March 2017.

Dr Mark Eldridge
Chairperson of the Scientific Committee

Copies of final determination and reasons

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

- (a) on the Internet at www.environment.nsw.gov.au,
(b) by contacting the Scientific Committee Unit, by post C/- Office of Environment and Heritage, PO Box 1967, Hurstville BC NSW 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,

Notice of Final Determination [NSW]

- (c) in person at the Office of Environment and Heritage Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to list the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting the following in appropriate order in Part 1 in the matter relating to Chelidae under the heading **Reptiles**:

Myuchelys purvisi (Wells and Wellington, 1985)

Manning River Helmeted
Turtle, Purvis' Turtle

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

Dated, this 27th day of March 2017.

Dr Mark Eldridge
Chairperson of the Scientific Committee

Copies of final determination and reasons

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- (c) in person at the Office of Environment and Heritage Information Centre, Level 14, 59–61 Goulburn St, Sydney.

NSW SCIENTIFIC COMMITTEE

Notice of Preliminary Determination

The Scientific Committee has made a Preliminary Determination proposing that the following be listed in the relevant Schedule of the *Threatened Species Conservation Act 1995*.

Endangered Population (Part 2 of Schedule 1)

Acacia pubescens (Vent.) R.Br. population in the Wingecarribee local government area

Any person may make a written submission regarding this Preliminary Determination. Send submissions to Suzanne Chate, PO Box 1967, Hurstville BC 1481. Submissions close 23rd June, 2017.

Notice of Final Determination Rejection of a proposal

Following consideration of public submissions the Scientific Committee has made a Final Determination to REJECT a proposal to list the Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion as a Critically Endangered Ecological Community and prepare a revised proposal.

Notice of Preliminary Determination

The Scientific Committee has made a Preliminary Determination proposing that the following be listed in the relevant Schedule of the *Threatened Species Conservation Act 1995*.

Critically Endangered Ecological Community (Part 2 of Schedule 1A)

Eastern Suburbs Banksia Scrub in the Sydney Basin Bioregion

The Committee has revised the description of the community which is described in this Preliminary Determination.

Any person may make a written submission regarding this Preliminary Determination. Send submissions to Suzanne Chate, PO Box 1967, Hurstville BC 1481. Submissions close 23rd June, 2017.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.environment.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967 Hurstville BC 1481. Tel: (02) 9585 6940 or Fax (02) 9585 6606 or in person at the Office of Environment and Heritage Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr Mark Eldridge, Chairperson

Planning and Environment Notices

PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010

These Standards and Guidelines take effect upon publication in the Government Gazette. These Standards and Guidelines revoke the document entitled “Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Station” published by the NSW Environment Protection Authority in December 2016.



Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

www.epa.nsw.gov.au

Environment Protection Authority

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1 Introduction

1.1 Purpose of this document

This document, entitled *Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations (Standards and Guidelines)*, has three functions:

1. to specify further the relevant standards that are required by the provisions in Division 5 of Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 (**the Regulation**), for vapour recovery at petrol service stations. Because these standards are required by the Regulation, they are statutory requirements and therefore mandatory. These standards are set out in Section 5 of this document
2. to provide best practice guidelines for maximising vapour recovery
3. to provide within one document a *summary* of all regulatory requirements, and best practice guidelines, to assist the occupiers of service stations to comply with the Regulation and achieve best practice.

The *Protection of the Environment Operations Act 1997* defines the '**occupier**' of premises as the person who has the management or control of the premises. The occupiers of petrol service stations should be aware of their obligations under the Regulation and also under the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Compliance with the Standards and Guidelines will not necessarily ensure compliance with the abovementioned regulation, nor with the full vapour recovery provisions of the Regulation. The Standards and Guidelines should be read in conjunction with both regulations.

1.2 Background

The refilling of underground petrol storage tanks and the filling of vehicle fuel tanks lead to the displacement of petrol vapour equal in volume to that of the fuel being transferred. Unless it is captured, this vapour is released into the atmosphere. It contains benzene, xylene, toluene and other volatile organic compounds (VOCs), which contribute to local, regional and global air pollution.

In 2009, the Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2009 made substantial changes to the Protection of the Environment Operations (Clean Air) Regulation 2002, to prescribe specific controls to minimise the emission of VOCs from petrol service stations.

The 2002 Regulation has been re-made into the Protection of the Environment Operations (Clean Air) Regulation 2010 (the Regulation). The provisions to prescribe controls to minimise VOC emissions from service stations are found in Division 5 of Part 6 of the Regulation.

1.3 Structure of this document

This document is structured as follows:

- Sections 1 and 2 introduce the Standards and Guidelines, their interpretation and definitions
- Section 3 introduces the general principles of vapour recovery at petrol service stations
- Section 4 gives an overview of the regulatory requirements for vapour recovery at petrol service stations

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

- Section 5 sets out the additional mandatory requirements set out in these Standards and Guidelines as required by the Regulation
- Section 6 sets out best practice guidelines for the design and operation of vapour recovery systems.

2 Interpretation and definitions

Where the Regulation and these Standards and Guidelines differ on any point, the Regulation prevails. Terms used in these Standards and Guidelines have the same meaning as set out in the Regulation, unless otherwise stated.

3 General principles of vapour recovery at petrol service stations

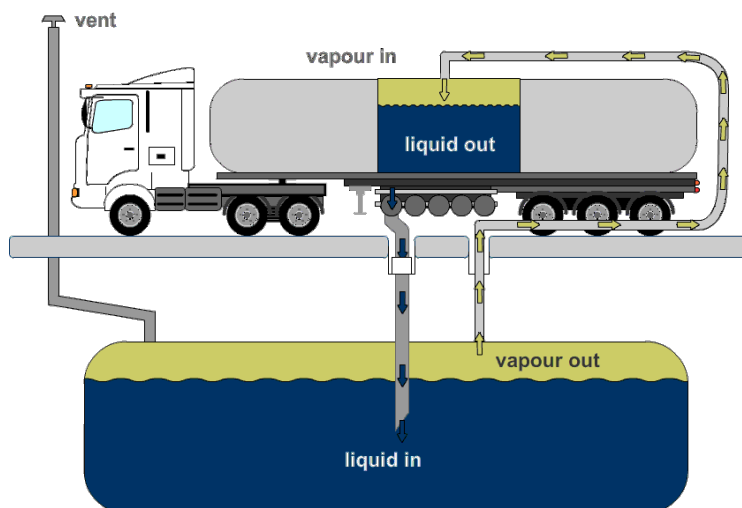
This section presents a general overview of the principles of vapour recovery at petrol service stations.

3.1 Stage 1 vapour recovery

Stage 1 vapour recovery (VR1) at petrol service stations limits the emissions of volatile organic compounds (VOCs) that result from unloading petrol from a road tanker into petrol service station storage tanks.

When petrol is transferred from a delivery tanker to an underground storage tank, a slight pressure build-up occurs in the underground storage tank, which displaces vapour. VR1 systems return displaced vapour back to the delivery tanker by means of a vapour-tight connection line. A simple VR1 system is shown in Figure 1.

To minimise vapour loss from the underground storage tank through the vent during filling, the vent pipes are fitted with a 10 millimetre orifice. A pressure vacuum relief valve (PV valve) is fitted, to prevent hazardous pressures or vacuums building up. The PV valve should remain closed except under adverse conditions.



Vapour Recovery 1

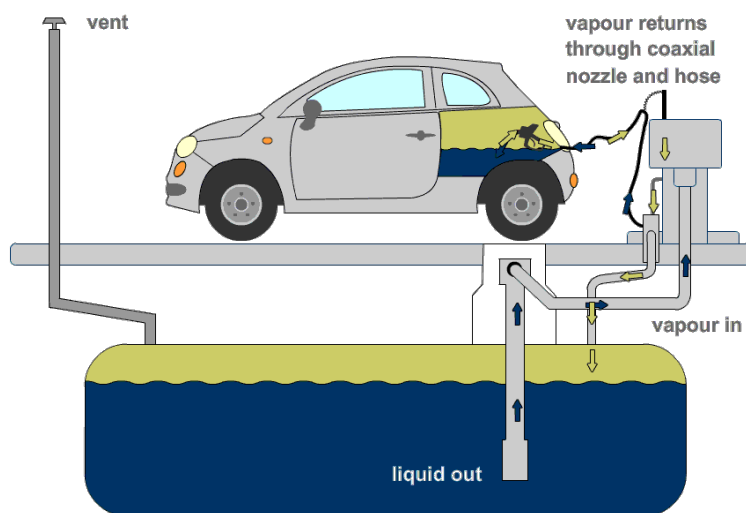
Figure 1: Stage 1 vapour recovery process (VR1)

3.2 Stage 2 vapour recovery

When a vehicle is refuelled at a petrol service station, the vapour in the vehicle's fuel tank is displaced by the fuel. Stage 2 vapour recovery (VR2) equipment is designed to capture this displaced vapour and return it to the underground fuel storage tank or other appropriate vessel.

Usually, the fuel dispenser hose contains both fuel and vapour return lines. The vapour is drawn through the vapour return line by a vacuum pump. VR2 systems are intended to limit the emission of fuel vapour when vehicles refuel by recovering at least 85% of the displaced vapour. Figure 2 shows the principles of operation of VR2.

Vapour recovery equipment needs to be properly maintained so it is vapour-tight and operates as specified by the manufacturer. VR2 systems need to be tested regularly. System testing includes monitoring the effectiveness of vapour recovery at the dispenser and the vapour containment in the underground storage tank, pipe work and fittings.



Vapour Recovery 2

Figure 2: Stage 2 vapour recovery process (VR2)

4 Overview of the Regulation

This section summarises the vapour recovery provisions of the Protection of the Environment Operations (Clean Air) Regulation 2010 (the Regulation). This is a summary only, so refer to the Regulation for specifics of individual legal obligations. The Regulation provides for a range of prescribed control equipment and techniques to reduce the emission of petrol vapour from the following activities at petrol service stations:

- unloading of petrol from road tankers into underground storage tanks
- storage of petrol
- dispensing of petrol into vehicle petrol tanks.

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

The requirement to fit vapour recovery equipment depends on petrol throughput (the quantity of petrol dispensed per annum) and the location of the service station. Even if the petrol service station throughput subsequently decreases, continued operation of the vapour recovery systems is required.

4.1 VR1 requirements

Some Stage 1 vapour recovery controls were progressively introduced from 1986 in Sydney. The 2009 amendments to the Regulation required service stations in the Sydney, Central Coast, Illawarra, Shoalhaven and Lower Hunter regions to introduce more stringent VR1 controls, based on throughput thresholds and the local government area in which they are situated. The prescribed equipment is designed to achieve a capture efficiency of 97% of petrol vapour. Appendix 3 contains a comprehensive listing of prescribed control equipment for VR1.

In Figure 3, service stations in the regions inside the blue line are now required to have the upgraded VR1 equipment if they dispense more than 0.5 million litres of petrol per year.

'Petrol' includes petrol blends, but not diesel.

A 'newly modified' service station is a service station that has been substantially upgraded.

VR1 systems must return displaced vapour to the delivery tanker via a vapour return line or to a vapour processing unit. The Regulation requires each underground storage tank to have:

- **vapour return lines/a transfer system** that returns all vapour displaced from the storage tank to the delivery tanker or vapour processor
- **vapour-tight couplings on the vapour line** that close automatically when disconnected
- **liquid-tight couplings** on the liquid transfer hoses
- **incompatible liquid and vapour couplings**
- **spill containment** enclosures for the storage tank fill connection point
- **secure seals** on tank filling pipes and vapour return pipes that minimise vapour leaks when the pipes are not in use
- **submerged fill pipes**, so they terminate below the suction inlet used for the pumping of petrol out of the storage tank
- **overflow protection devices** (float vent valves) fitted to shut off the petrol flow at the level advised by the tank manufacturer
- for new petrol service stations, **overflow prevention devices** (mechanical, electrical or electronic) that slow delivery of petrol into the storage tank as the level in the storage tank approaches the design fill level – the devices should be positioned to stop the petrol flow before the float vent valve operates
- **secure seals** on any dip hatch openings
- **a pressure vacuum valve and a 10 millimetre orifice** fitted to the storage tank vent pipe. Similar devices are permitted, but will only be accepted by the EPA where they are certified by the manufacturer to perform the same duty.

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

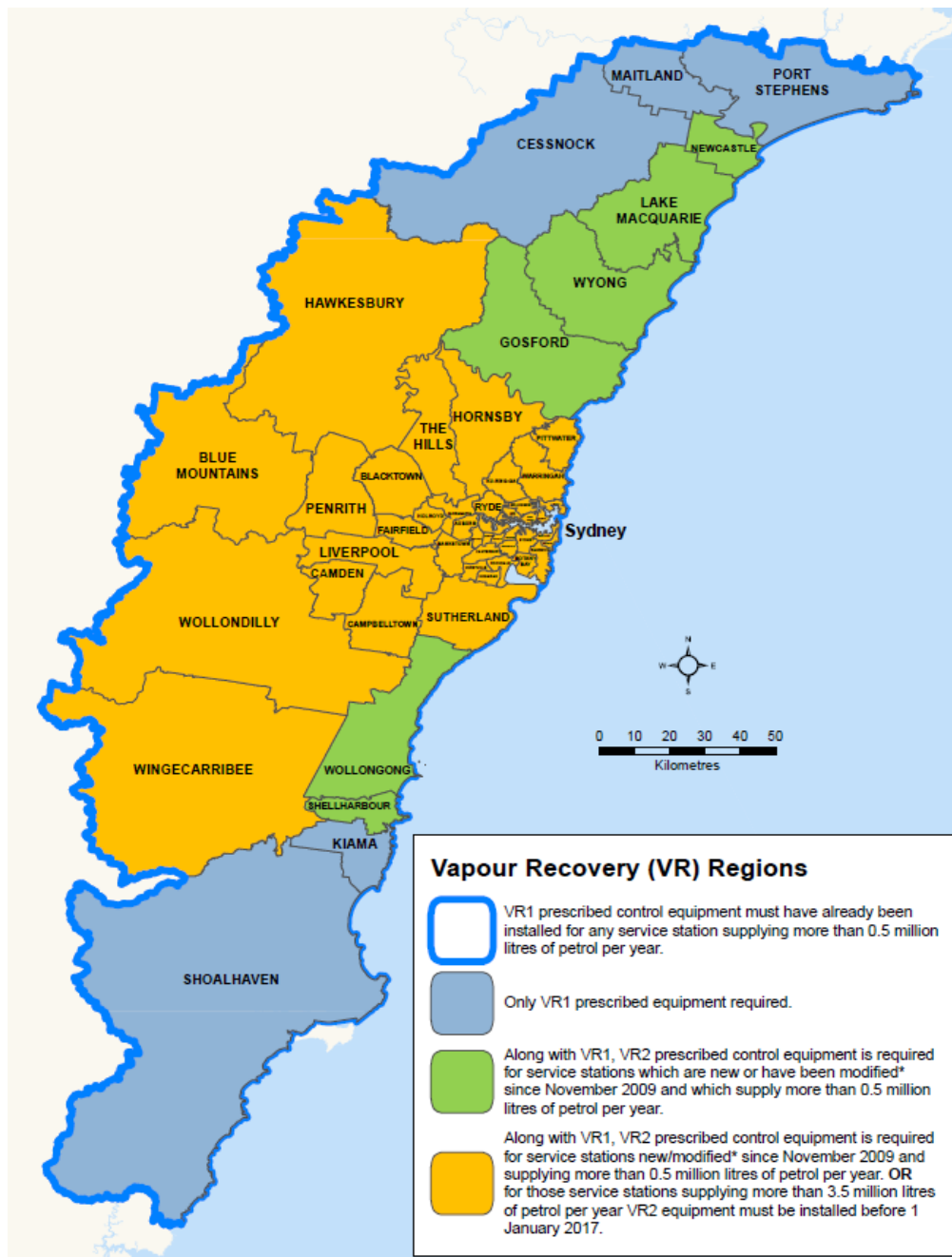


Figure 3: Regions in which vapour recovery is required (2015 local government areas)

A vapour processing unit may also be fitted but it must be certified as meeting the hydrocarbon capture efficiency criteria specified in Section 5 of these Standards and Guidelines.

The Regulation also requires that the covers on all access points to storage tanks must be kept closed whenever they are not in use.

If vapour recovery systems are connected to an E85 installation – the term ‘E85’ means a blend of ethanol and petroleum with the ethanol comprising around 85% – or ethanol rich

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

fuel where the ethanol component is greater than 50%, consideration should be given to the safety risks involved, as advised in Section 6.3. Until the risks have been further studied, ethanol rich fuel tanks should not be connected to stage 2 vapour recovery systems.

Before VR1 prescribed control equipment is fitted, the tank must be tested for liquid leaks. After installation, the VR1 system must be tested for vapour leaks (vapour containment testing). The VR1 system must be retested for vapour containment whenever components required to ensure vapour containment integrity are opened for repairs or modifications. See Section 5 of these Standards and Guidelines for details.

VR1 systems need to be regularly inspected to avoid vapour return pipes, fittings or vents becoming blocked. They must be tested for vapour containment every three years and the orifice and pressure vacuum valve must be inspected every year.

Use of **automatic pressure monitoring is highly recommended** as the yearly inspection of the orifice and pressure vacuum valve and the three-yearly test for vapour containment are not required where such automatic monitoring is used.

4.2 VR2 requirements

VR2 controls have been required progressively since July 2010 for petrol service stations in the Sydney, Newcastle, Wollongong and Central Coast metropolitan areas (VR2 area – the yellow and green areas in Figure 3).

In the VR2 area:

- From 1 July 2010, new and newly modified petrol service stations supplying more than 0.5 million litres of petrol per year in the VR2 area (the yellow and green areas in Figure 3) are required to have the VR2 prescribed control equipment fitted and operating.
- From 1 January 2014, the remaining petrol service stations supplying more than 12 million litres of petrol per year in the VR2 area (the yellow and green areas in Figure 3) are required to have VR2 controls fitted and operating.
- From 1 January 2017, the remaining petrol service stations supplying more than 3.5 million litres of petrol per year in the yellow area in Figure 3, the Sydney Metropolitan Area – B (as defined in the Regulation) must have VR2 controls fitted and operating.

A 'modified petrol service station' means an existing petrol service station on which works requiring development consent are carried out that involve opening the forecourt, opening the petrol product lines, modification of the storage tanks, tank vents, petrol dispensers or tanker connection points.

The VR2 prescribed control equipment is required to capture 85% or more of the vapour displaced when vehicles re-fuel. The most common means of achieving this is to ensure that the fuel dispensing nozzle and hose incorporate a vapour return line connected to a vacuum. The volume of air recovered can then be controlled either by using a proportional valve or a variable speed vacuum pump. The vapour rich air can then be returned to the petrol storage tank. Section 6.2 provides more details on typical VR2 systems. Appendix 3 contains a comprehensive listing of prescribed control equipment for VR2.

Petrol service stations with an annual throughput of more than 7 million litres must install an automatic monitoring system to monitor the vapour system recovery performance. The automatic monitoring system must monitor for recovery performance faults and also look for faults in its own function. It must post warnings when faults are detected and shut down the dispenser(s) if the fault is not fixed after seven days.

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

Petrol service stations with less than 7 million litres throughput may use manual or automatic monitoring. Those with throughputs of less than 3.5 million litres are not required to install VR2 prescribed control equipment unless they are newly installed or modified, and must then monitor the system using either manual or automatic monitoring.

The VR2 system must be tested for vapour system recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed and replaced, for example, during maintenance. Sections 5.3 and 5.4 of these Standards and Guidelines set out the testing requirements in detail.

Periodic testing requirements depend on the means of monitoring the vapour system recovery performance. Systems that are automatically monitored for vapour system recovery performance need only have the vapour recovered to petrol dispensed ratio (V/L ratio) tested every three years. The V/L ratio is the ratio of volume of petrol vapour recovered measured against the volume of liquid petrol dispensed, calculated over the duration of the filling operation.

Where manual monitoring is used, weekly system checks are required and vapour system recovery performance must be tested every six months.

Note: Automatic monitoring systems for vapour system recovery performance must detect the following faults, as specified in the Regulation:

- a fault exists when the V/L ratios are less than or equal to 85% or more than 115% for at least 10 consecutive filling operations, where the V/L ratio is averaged over at least 20 seconds during which the minimum rate of petrol dispensed is at least 25 litres per minute
- a fault exists in the automatic monitoring system if a fault in the V/L ratio would not be detected.

Records of the date and type of fault of the last one hundred faults and the last one year's operational data must be retained in the monitoring system and must be easily accessible to operators or inspectors.

4.3 Record keeping and reporting

Record keeping

A log book must be kept that stores any relevant information relating to the prescribed control equipment. Examples are equipment certificates, test results, details of repairs and maintenance and descriptions of incidents involving faults/malfunctions of the vapour recovery system. If manual monitoring is used, the weekly results must also be recorded.

The Regulation requires the following items to be stored in the log book:

- the name, address and contact details of the occupier of the service station
- a description of the installed prescribed control equipment, including types, serial numbers (if any) and the manufacturer's equipment certificates
- the name and address of the person with overall responsibility for installation and commissioning of the vapour recovery system
- a description of the testing of the operation of the prescribed control equipment including the type of test, all test results and the name and address of the person with overall responsibility for carrying out the test

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- details of repairs and maintenance including the name and address of the repairer
- weekly check results for manual monitoring
- a description of any incidents involving faults with or malfunction of the vapour recovery system and the measures taken to investigate and respond to the fault
- the date of the last report to the Environment Protection Authority (EPA).

Details of anything done before commencement of the amendments to the Regulation do not need to be recorded. Records need to be kept by the occupier for three years, even if the petrol service station is decommissioned.

If the petrol service station has a log book for the purposes of other legislative obligations, that same log book can and should be used for vapour recovery records as well. The regulation requires the log book to be kept on site; however, the logbook may be electronic and accessible from the site. It is an acceptable practice to keep some records electronically that are not immediately accessible, such as maintenance records, so long as they can be made available to a compliance officer within three business days upon request. Details about how to access the log book records, including the name(s) and contact details of the person(s) responsible, must be kept on site and made available to a compliance officer upon request.

Note: The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 requires an Environment Protection Plan be kept for seven years. If the vapour recovery log book is part of an Environment Protection Plan, it must be kept for seven years.

Reporting

Reporting is required within one month of commissioning new or modified vapour recovery systems on the form provided in Appendix 1.

Signage requirements

Each petrol dispenser that is fitted with VR2 control equipment must display a sign stating VR2 equipment is present. If every petrol dispenser is fitted, a sign indicating that vapour recovery equipment is in use must also be attached to the petrol service station premises.

5 Requirements for the purposes of obligations under the Regulation

The Regulation contains a series of references to requirements specified in the Standards and Guidelines. This section sets out these requirements. Where the Regulation requires that the specification is set out in these Standards and Guidelines, the Regulation clause number is quoted and prefaced by the words 'for the purposes of'. These are statutory requirements and therefore mandatory.

This section should be read in conjunction with the Regulation. In the event of any inconsistency between the two, the Regulation will always prevail. Note that the instructions set out here are **mandatory** and **enforceable**.

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

Clause in Regulation	Section in this guideline	Clause in Regulation	Section in this guideline
Equipment for Stage 1 vapour recovery		Equipment for Stage 2 vapour recovery	
69(1)(d)(ii)	5.1.1	72(a)	5.2.1
69(1)(k)	5.1.2	Testing Stage 2 vapour recovery systems	
69(1)(k)(i)	5.1.3	72(c)	5.4.1
69(1)(l)	5.1.4	73(1)	5.4.2
Testing Stage 1 vapour recovery systems		73(1)	5.4.4
69(2)	5.3.1	73(1)	5.4.9
69(3)	5.3.2	73(2)	5.4.3
71(1)	5.3.3	73(2)	5.4.5
71(2)	5.3.4	73(2)	5.4.10
Reporting		Monitoring Stage 2 vapour recovery	
75(1)	5.5.1	74(1)(f)	5.2.2
75(2)	5.5.2	74(2)(a)	5.4.6
75(3)(c)	5.5.3	74(4)(a)	5.4.7
		74(5)(b)	5.4.8

5.1 Stage 1 vapour recovery prescribed control equipment

5.1.1 For the purposes of subclause 69(1)(d)(ii), if the overfill prevention device is electrically powered or contains electronic components, it must meet the following standards:

- it must be constructed in accordance with relevant safety and electrical standards
- it must be installed in accordance with relevant safety and electrical standards.

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

5.1.2 For the purposes of subclause 69(1)(k):

- where a device similar to a pressure vacuum valve is used, it must have settings that can:
 - provide emergency relief of excessive pressure or vacuum
 - vent sufficient volume flow rate to prevent exceedances of maximum tank design pressure/vacuum under adverse conditions
 - be certified by the manufacturer as providing a seal against leakage when the device is in the closed position with the same performance as that in the CARB TP201.1E leak test
- where a device similar to a 10 millimetre orifice is used in the vent line, it must be certified by the manufacturer as retaining 97% of vapour in the proposed system.

Note that subclause 69(1)(k) also requires that the device:

- is of a size and type, and possesses the safety features, that a duly qualified person has advised is suitable
- is installed in accordance with the advice of a duly qualified person.

Note: A 'duly qualified person' means a person who has such competence and experience in relation to the activity as is recognised in the relevant industry as appropriate to carry out that activity.

5.1.3 **For the purposes of subclause 69(1)(k)(i)**, the pressure vacuum valve (or similar device) settings criteria are:

- the device must be of a size and weight to allow an emergency release of vapours at not more than 80% of maximum tank design pressure
- the device must be of a type that:
 - is certified by the manufacturer as conforming with any applicable standards published by Standards Australia, European Standards, British Standards or United States Underwriters Laboratories (UL) and
 - is certified by the manufacturer as meeting the pressure specifications and total leak rates set out at sections 3.5.1 and 3.5.2 of the California Environmental Protection Agency Air Resources Board Vapour Recovery Certification Procedure CP201 of January 9, 2013.

5.1.4 **For the purposes of subclause 69(1)(l)**, the vapour processing unit must, before commissioning:

- be certified by the manufacturer as having a hydrocarbon capture efficiency of at least 97% and
- be certified by the manufacturer as conforming with any applicable standards published by Standards Australia, European Standards, British Standards or United States Underwriters Laboratories (UL).

5.2 Stage 2 vapour recovery prescribed control equipment

5.2.1 **For the purposes of subclause 72(a)**, before commissioning, the vapour recovery system must be certified by the manufacturer or the supplier as being of the following type and having the following hydrocarbon capture efficiency:

- Type: a stage 2 vapour recovery system, with a visual indicator that the vacuum operates when fuel is dispensed. The certification must be in accordance with:

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

- EN 16321-1:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 1: Test Methods For The Type Approval Efficiency Assessment Of Petrol Vapour Recovery Systems (or equivalent standard)
OR
- the provisions of Ordinance on the Limitation of Hydrocarbon Emission Resulting from the Fuelling of Motor Vehicles – 21, BImSchV (section 3, paragraph 6)

and

- Hydrocarbon capture efficiency: a hydrocarbon capture efficiency of not less than 85% vapour recovery to liquid dispensed by volume as measured using a test for active vapour recovery systems in:
 - EN 16321-1:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 1: Test Methods For The Type Approval Efficiency Assessment Of Petrol Vapour Recovery Systems (or equivalent standard)
OR
 - Verein Deutscher Ingenieure (VDI) specification 4205.

The certification obtained must certify that the VR2 system achieves at least 85% vapour recovery and must specify the test used.

5.2.2 **For the purposes of subclause 74(1)(f)**, the automatic monitoring system for vapour system recovery performance must be certified in the following manner:

- certification by the manufacturer in accordance with:
 - EN 16321-1:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 1: Test Methods For The Type Approval Efficiency Assessment Of Petrol Vapour Recovery Systems (or equivalent test method)
OR
 - the provisions of Ordinance on the Limitation of Hydrocarbon Emission Resulting from the Fuelling of Motor Vehicles – 21, BImSchV (section 3, clause 5) [2002] with the exception that the number of days until the automatic system shuts off the flow is to be seven days. The test procedure for demonstrating the correct function of the automatic monitoring system is an automatic monitoring test in VDI specification 4205.

5.3 Stage 1 vapour recovery testing

Definitions used in testing requirements

A **'new'** storage tank is one that has not previously been used to store fuel and has been newly installed and connected to vapour recovery equipment following the introduction of this regulatory amendment.

An **'existing'** or **'modified'** underground storage tank is a storage tank that was used to store petrol in a petrol service station before the introduction of this regulatory amendment and is subsequently modified to include a vapour recovery system.

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

Before installing new Stage 1 vapour recovery equipment

5.3.1 **For the purposes of clause 69(2)**, before any control equipment is fitted to an underground storage tank, it must be tested in the following manner:

- it must be certified as being leak free in accordance with the provisions for equipment integrity testing specified in AS-4897: 2008, section 8.5 or a test procedure that is certified as being capable of detecting any leak in the liquid space of the underground petroleum storage system as defined in the NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014. If the tank has been certified to be leak free in the last three years, the leak free certification is deemed to satisfy this provision.

Before commissioning new Stage 1 vapour recovery equipment

5.3.2 **For the purposes of clause 69(3)**, a storage tank that has been fitted with the prescribed VR1 control equipment must be tested for vapour containment integrity in the following manner before the equipment is commissioned:

Either:

- in accordance with CARB Vapour Recovery Test Procedure 201.3 (TP-201.3), in the case of new storage tanks, with the orifice isolated or blocked
or
- in accordance with Test Procedure 201.3A (TP-201.3A) in the case of existing or modified storage tanks, with the orifice isolated or blocked
or
- using a test on the dry portion of the tank and lines capable of detecting a gas leak equivalent to 0.38 litres per hour with a probability of detection of at least 95% and of false detection of 5% or less, in accordance with AS 4897–2008.

Periodic testing of Stage 1 vapour recovery equipment

5.3.3 **For the purposes of clause 71(1)**, the prescribed control equipment and the petrol storage tank to which it is fitted must be tested in the following manner and at the times specified:

Test	Timing
The vapour containment integrity of the underground storage tank, fittings and lines must be tested in one of the ways specified in Section 5.3.2.	Vapour containment testing must be undertaken: <ul style="list-style-type: none"> • following the removal or replacement of any of the components required to ensure the integrity of the containment system, and • at least once every three years if the station does not have an appropriately certified automatic pressure monitoring system.*
An inspection of orifice plates and pressure vacuum valves for extraneous matter, correct sealing and the presence of corrosion.	Must be conducted at least once a year if the petrol service station does not have an appropriately certified automatic pressure monitoring system.*
Pressure vacuum valves must be checked for correct functioning in accordance with CARB Vapour Recovery Test Procedure 201.1E (TP-201.1E) or equivalent procedure.	Must be undertaken at least once every three years if the petrol service station does not have an appropriately certified automatic pressure monitoring system.*

* **Note:** where a properly functioning certified automatic pressure monitoring system is installed and is fully operational during any filling of the underground storage tank, operators are not required to undertake any of the tests marked with an asterisk above.

Results of tests must be kept in the log book.

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5.3.4 **For the purposes of clause 71(2)**, the standard required is that the prescribed storage tank and any control equipment must pass the most recent tests undertaken as specified in Sections 5.3.1, 5.3.2 or 5.3.3.

5.4 Stage 2 vapour recovery testing

Testing requirements before commissioning

5.4.1 **For the purposes of subclause 72(c)**, the Stage 2 vapour recovery system must be tested in the following manner before commissioning:

- test the Stage 2 vapour system recovery performance with a test which meets:
 - EN 16321-2:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 2: Test Methods For Verification Of Vapour Recovery Systems At Service Stations (or equivalent method) OR
 - VDI specification 4205: Part 2 – Wet method or Part 3 – Dry method, or equivalent vapour system recovery performance test specified

And

- test the VR1 system for vapour containment integrity in accordance with Section 5.3.2.

Testing requirements following the removal or replacement of components required to ensure the integrity of the VR2 system

5.4.2 **For the purposes of clause 73(1)**, the prescribed control equipment must be tested in the following manner and at the following times:

Test	Timing
Test the Stage 2 vapour system recovery performance with a test which meets: <ul style="list-style-type: none"> • EN 16321-2:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 2: Test Methods For Verification Of Vapour Recovery Systems At Service Stations (or equivalent method) OR • VDI specification 4205: Part 2 – Wet method or Part 3 – Dry method. 	Testing is required immediately after the removal or replacement of any of the components required to ensure the integrity of the vapour recovery system.

Results of tests must be kept in the log book.

5.4.3 **For the purposes of clause 73(2)**, the most recent vapour system recovery performance test result from Sections 5.4.1 or 5.4.2 must demonstrate that the vapour recovery to liquid dispensed ratio was between 95% and 105% inclusive.

Periodic testing requirements for manually monitored VR2 systems

5.4.4 **For the purposes of clause 73(1)**, the control equipment for a manually monitored system must be tested for vapour containment integrity and vapour system recovery performance in the following manner and at the following times:

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Test	Timing
Test the VR2 system recovery performance with a test which meets: <ul style="list-style-type: none"> • EN 16321-2:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 2: Test Methods For Verification Of Vapour Recovery Systems At Service Stations (or equivalent method) OR • VDI specification 4205: Part 2 – Wet method or Part 3 – Dry method. 	Testing is required every six months, in the absence of a properly functioning automatic control system.
Test the vapour containment integrity of the underground storage tank, fittings and lines in the following manner: Either: <ul style="list-style-type: none"> • in accordance with CARB Vapor Recovery Test Procedure 201.3 (TP-201.3) in the case of new storage tanks, with the orifice isolated or blocked OR • Test Procedure 201.3A (TP-201.3A) in the case of existing or modified storage tanks, with the orifice isolated or blocked OR • using a test on the dry portion of the tank and lines capable of detecting a gas leak equivalent to 0.38 litres per hour with a probability of detection of at least 95% and of false detection of 5% or less, in accordance with AS 4897–2008. 	Every three years, in the absence of a properly functioning automatic pressure monitoring system.

Results of tests must be kept in the log book.

- 5.4.5 **For the purposes of clause 73(2)**, a prescribed petrol dispenser must not be operated unless the most recent test results (of tests under clause 73(1)) meet the following standards:
- the vapour system recovery performance test found that the V/L ratio was between 95% and 105% inclusive
 - the vapour containment test result was a pass.
- 5.4.6 **For the purposes of subclause 74(2)(a)**, the manual test of the functionality of the required control equipment must be carried out in the following manner:
- check the visual indicator on the vacuum during a dispensing operation to ensure the vacuum is functioning
 - inspect for torn, flattened or kinked hoses and damaged seals on vapour recovery return hoses and lines
 - enter the checks and findings in the petrol service station log book.
- 5.4.7 **For the purposes of clause 74(4)(a)**, the test of functionality is passed if the hoses, lines and seals are not damaged and the vacuum is functioning properly as shown by the visual indicator on the vacuum during a dispensing operation.
- 5.4.8 **For the purposes of subclause 74(5)(b)**, the person must be trained to check the prescribed control equipment in the following manner:
- they must be instructed in correctly identifying an operating vacuum as seen by the visual indicator on the vacuum during a dispensing operation
 - they must be trained to fully inspect hoses and seals for flattened or kinked hoses and damaged seals on vapour recovery return hoses and lines
 - they must be shown how to enter weekly checks in the petrol service station log book indicating if the vacuum is operational and whether hoses and seals are fit for the purpose.

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Periodic testing requirements for automatically monitored systems

5.4.9 **For the purposes of clause 73(1)**, the prescribed control equipment for an automatically monitored system must be tested in the following manner and at the following times:

Test	Timing
<ul style="list-style-type: none"> • EN 16321-2:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 2: Test Methods For Verification Of Vapour Recovery Systems At Service Stations (or equivalent method) OR • VDI specification 4205: Part 2 – Wet method or Part 3 – Dry method. 	<p>Every three years.</p>

Note: vapour containment integrity testing of the VR1 system is not required where automatic monitoring is in place.

Results of tests must be kept in the log book.

5.4.10 **For the purposes of clause 73(2)**, a petrol dispenser must not be operated unless the most recent test result met the following standard:

- the vapour system recovery performance test found that the V/L ratio was between 95% and 105% inclusive.

5.5 Reporting requirements

5.5.1 **For the purposes of clause 75(1)**, written notice to the EPA on commissioning is no longer required. The commissioning report must be completed, stored in the log book and provided to the relevant local government authority within one month of commissioning. To assist service stations operators meet this provision ‘Record of Commissioning’ forms are provided in Appendix 1.

5.5.2 **For the purposes of clause 75(2)**, the annual report to the EPA of significant failures is no longer required. All faults and rectification activity must be recorded in the log book.

5.5.3 **For the purposes of subclause 75(3)(c)**, the number of warnings by an automatic monitoring system is no longer required to be counted, but each alarm must continue be recorded in the log book.

6 Advice on best practices for achieving compliance

This section provides recommendations to help petrol service station operators maximise vapour recovery. The recommendations are not mandatory, although voluntary compliance with them is recommended as industry best practice.

6.1 Stage 1 vapour recovery

Operational techniques

In addition to the requirements of clause 69(1), the following VR1 operational control techniques should be used where VR1 equipment is installed:

- before a fuel delivery, connect the vapour return hose first to the road tanker and then the storage tank, and then attach the delivery hoses
- if storage tanks or road tanker compartments are dip-tested before delivery, close the dip openings and seal them securely before delivery
- close all road tanker compartment vents and discharge valves on completion of the delivery, unless it would be unsafe to do so
- on completion of unloading, discharge and disconnect the delivery hoses first, and then the vapour hose; disconnect the delivery hoses at the road tanker end first and the vapour return hose at the storage tank end first
- securely seal all connection points after delivery to prevent vapour loss
- if storage tanks or road tanker compartments are dip-tested after delivery, close the dip openings and seal them securely immediately afterwards to prevent vapour loss
- close access entry points to storage tanks and keep them securely sealed except in an emergency or when carrying out any maintenance, testing or tank gauging which require entry to the tank.

General

- All tank vents should be situated to not cause a hazardous or unsafe environment. Consideration should be given to all relevant Australian standards and codes; for example, the position of window openings and air conditioning air intakes to any on-site or adjacent buildings should be considered.
- Overfill prevention devices reduce liquid spills and subsequent petrol vapour emissions. Overfill prevention devices are only prescribed control equipment for new petrol service stations but they are widely used internationally and should be considered industry best practice even for existing petrol service stations.

Automatic monitoring of tank pressure

This section refers specifically to automatic pressure monitoring rather than automatic monitoring for vapour system recovery. Whilst petrol service stations with an annual throughput of more than seven million litres are required to install an automatic monitoring system, automatic **pressure** monitoring is not mandatory but is also recommended for **all** petrol service stations, **regardless of throughput**. Use of automatic monitoring systems is considered best practice.

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If a **certified** automatic pressure monitoring system is present, the Regulation allows periodic testing of vapour containment and inspections of the orifice and pressure vacuum valve to be avoided.

The Regulation requires that an automatic pressure monitoring system must detect faults in the proper functioning of the VR1 system and indicate faults to the operator. Such an automatic pressure monitoring system must also be able to detect faults in its own operation.

The underground storage tank and piping vapour containment system is considered to be functioning correctly when the pressure ranges between 1.85 kilopascals below ambient atmospheric pressure and 0.60 kilopascals above ambient atmospheric pressure. If the pressure readings vary by less than 0.03 kilopascals, the pressure detection may be faulty.

Technical guidance on requirements for certification of automatic pressure monitoring systems

To be certified, the automatic pressure monitoring system must be able to detect the following fault conditions in the underground storage tank and vapour piping vapour containment system:

- 1. Vapour pressure, over a continuously moving one-hour test period, exceeds 0.75 kilopascals above ambient atmospheric pressure or two kilopascals below ambient atmospheric pressure for at least 30 minutes.**

The monitoring system must post a warning alarm when the fault occurs at least once in a test day and recurs for seven consecutive days. The monitoring system should continue to post daily warning alarms if the fault persists and automatically cut off the flow of fuel if the fault is not rectified within 30 days.

- 2. Vapour pressure, over a continuously moving one-hour test period, exceeds 1.75 kilopascals above ambient atmospheric pressure or 2.5 kilopascals below ambient atmospheric pressure for at least three minutes.**

The monitoring system must post a warning alarm immediately when the fault first occurs. If the fault recurs, additional warning alarms must be posted each time. If the fault is present at least once during a test day, the monitoring system must also post a daily alarm(s) summary. Where a fault of this kind is present and continues for consecutive days, the monitoring system must continue to post daily warning alarm summaries and automatically cut off the flow of fuel if the fault is not rectified within seven days.

- 3. Vapour pressure, over a continuously moving one-hour test period remains within ± 0.03 kilopascals, or remains consistently above or below 0.00 kilopascals, relative to ambient atmospheric pressure.**

The monitoring system is required to post a warning alarm when the fault condition occurs for at least 23 out of 24 hours throughout a test day. Where a fault of this kind is present and continues for consecutive days, the monitoring system must continue to post daily warning alarms and automatically cut off the flow of fuel if the fault is not rectified within seven days. If the system is not used to dispense petrol or refilled in the 24-hour period, a nil response may be posted.

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Technical notes on automatic pressure monitoring

The automatic pressure monitoring system should be certified by the manufacturer as meeting the conditions and criteria established in this section of these Standards and Guidelines, and in accordance with the following specifications:

- pressure samples are to be taken on average at least once every 30 seconds to be considered continuous monitoring
- a 'test day' is any 24-hour period starting and ending at a specified start time (e.g. 8:00am)
- a 'no test' result may be issued if the pressure remains within ± 0.03 kilopascals because the vapour containment system is not in use
- all test results and warnings must be available at the end of each test day except where immediate warning is required. Results for each test type must include at least a qualitative indication of 'pass', 'warn', 'shutdown', or 'no test'. 'Warn' or 'shutdown' must also include a quantitative indication of the fault
- the monitoring system must retain the date and type of the last 100 faults and one year of daily pressure data. The data must be easily accessible to operators or inspectors.

6.2 Stage 2 vapour recovery

Petrol service stations are not constrained in how they recover vapour during filling of vehicle petrol tanks, provided the minimum hydrocarbon capture efficiency requirements are met and the provisions of the Regulation in relation to equipment type approval are adhered to.

The following is an example of control equipment and techniques that can be used. Regardless of the equipment used, in all cases it must be approved as prescribed in the Regulation.

Automatic monitoring systems are recommended for all Stage 2 vapour recovery systems.

Open active vapour recovery system with return of vapour to underground storage tank

When petrol enters the vehicle fuel tank, an open active petrol vapour recovery system uses a vacuum pump to draw a proportional volume of vapour back into a storage tank. Typical components of an open active vapour recovery system include:

- a vapour recovery nozzle
- a coaxial hose through which vapour is collected, and a pipe through which the vapour is returned
- a vacuum pump, either multiple distributed units or a central unit
- a system to control the ratio of the volume of vapour recovered to the volume of petrol dispensed, which can be achieved by using a proportional valve controlled either hydraulically or electronically or by controlling the speed of the vacuum pump
- a vapour storage tank, i.e. the petrol storage tank.

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6.3 Risk management

The occupier of a petrol service station must take all practical measures to manage the risk associated with the storage and handling of dangerous goods. The NSW *Work Health and Safety Act 2011*, NSW WorkCover 2005 *Storage and handling of dangerous goods: Code of practice*, the *National Occupational Health and Safety Commission's National Standard for the Storage and Handling of Workplace Dangerous Goods*, and the *National Code of Practice for the Storage and Handling of Dangerous Goods*, as well as all other applicable laws, will be very relevant for the conduct of vapour recovery at petrol service stations.

Before a vapour recovery system is installed at a petrol service station, a thorough risk analysis for the site should be undertaken by a duly qualified person who has competencies and experience that are recognised by the industry as appropriate for the task. A duly qualified person includes personnel that have been trained, authorised and accredited by the manufacturer of the vapour recovery system.

All vapour recovery equipment used should be designed, installed and tested with reference to relevant Australian and international standards, national methods, codes of practice and industry guidelines that were in place when the equipment was installed, unless prescribed by the Regulation or these Standards and Guidelines. Some relevant reference documents are listed in the Appendix 2.

Appendix 1: Reporting templates

Downloadable copies of these reporting forms are available on the [Vapour recovery at petrol service stations](#) page.

Send the commissioning report to the responsible local government authority, clearly labelled 'Service Station Vapour Recovery Commissioning Report'.

The responsible local government may be found at the [Office of Local Government's Find my council](#) page.

Commissioning of Stage 1 vapour recovery

1. Name and address of petrol service station

Name:	ABN:
Address:	

2. Company or person responsible for the operation of the petrol service station (the occupier or franchisee)

Name:	Telephone:
Email:	

3. Entity or person that owns the petrol service station and related infrastructure

Name:	Telephone:
Email:	

4. Annual petrol throughput of petrol service station for the last 3 years (designed throughput for new stations)

Year	Throughput

5. Name and contact details of vapour recovery service technician and tank tester:

Technician name:	Telephone:
Email:	
Tank tester name:	Telephone:
Email:	

6. New or modified: Is the service station new, or was it upgraded after 1 July 2010?

Yes No

Note: A 'modified petrol service station' means an existing petrol service station on which works requiring development consent are carried out that involve opening the forecourt, opening the petrol product lines, modification of the storage tanks, tank vents, petrol dispensers or tanker connection points.

7. Pass date of pre-commissioning tank integrity test __/__/__ (dd/mm/yy)

Please specify the test method:

Note: The occupier of the petrol station is required to keep a vapour recovery logbook. It must contain copies of the tank integrity test results, the commissioning report, the vapour containment test results, periodic test results, maintenance records and certificates for the installed equipment. For more information, see the Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations.

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8. **Stage 1 vapour recovery date of commissioning** __/__/__ (dd/mm/yy)
9. **Is automatic pressure monitoring installed?** Yes No
10. **Have the underground storage tank and vapour recovery pipes and components passed the vapour containment integrity test?** Yes No

Attach the vapour containment integrity test results or use the form provided with this report.

Please specify the test method:

Signature

It is an offence to supply any information in this report that is false or misleading. The maximum penalty for the offence is currently \$11,000 for a corporation or \$5500 for an individual.

To be signed by the occupier/owner of the petrol service station:

Signature:

Date:

Name:

Position:

Commissioning reports need to be provided to the responsible local government authority within **one month** of commissioning.

Send the commissioning report to the responsible local government authority, clearly labelled 'Service Station Vapour Recovery Commissioning Report'.

The responsible local government authority may be found at the [Office of Local Government's Find my council page](#).

Commissioning VR1 Attachment 1: vapour containment integrity test results

Name of service station:
Address of service station:
Phone number of service station:
Owner name:
Phone number:

Number of underground storage tanks:			
Tank number		Tank number	
Capacity of tank		Capacity of tank	
Fuel volume		Fuel volume	
Ullage		Ullage	
Initial pressure		Initial pressure	
Final pressure		Final pressure	
Allowable final pressure		Allowable final pressure	
Tank number		Tank number	
Capacity of tank		Capacity of tank	
Fuel volume		Fuel volume	
Ullage		Ullage	
Initial pressure		Initial pressure	
Final pressure		Final pressure	
Allowable final pressure		Allowable final pressure	
Tank number		Tank number	
Capacity of tank		Capacity of tank	
Fuel volume		Fuel volume	
Ullage		Ullage	
Initial pressure		Initial pressure	
Final pressure		Final pressure	
Allowable final pressure		Allowable final pressure	

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Signature

I certify that the vapour containment integrity test was carried out in accordance with the test procedures as outlined in the *Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations*, and the results recorded here are true and correct to the best of my knowledge.

Signature of tester: _____

Date: __/__/__

Name of tester: _____

Test company name: _____

Phone number: _____

Commissioning of Stage 2 vapour recovery

1. Name and address of petrol service station

Name:	ABN:
Address:	

2. Company or person responsible for the operation of the petrol service station (the occupier or franchisee)

Name:	Telephone:
Email:	

3. Entity or person that owns the petrol service station and related infrastructure

Name:	Telephone:
Email:	

4. Annual petrol throughput of petrol service station for the last 3 years (designed throughput for new stations)

Year	Throughput

5. Stage 2 vapour recovery compliance certificate number and issuer

Certificate number:
Issuer:

6. Name and contact details of vapour recovery system installer and tester:

Technician name:	Telephone:
Email:	
Tester name:	Telephone:
Email:	

7. Type of Stage 2 vapour recovery monitoring (V/L ratio monitoring)?

Automatic Manual

8. Stage 2 vapour recovery date of commissioning : __/__/__ (dd/mm/yy)

9. Have all dispenser hoses passed a leak test? Yes No

10. Specify the method used to test the efficiency of the Stage 2 vapour recovery:

Wet Dry

11. Date of vapour system recovery performance test: __/__/__ (dd/mm/yy)

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Attach the vapour system recovery performance test results or use the form provided with this report.

Please specify the test method:

Signature

It is an offence to supply any information in this report that is false or misleading. The maximum penalty for the offence is currently \$11,000 for a corporation or \$5500 for an individual.

To be signed by the occupier/owner of the petrol service station:

Signature:

Date:

Name:

Position:

Commissioning reports need to be provided to the local government authority within **one month** of commissioning.

Send the commissioning report to the responsible local government authority, clearly labelled 'Service Station Vapour Recovery Commissioning Report'.

The responsible local government authority may be found at the [Office of Local Government's Find my council page](#).

Commissioning VR2 Attachment 1: Vapour system recovery performance test results

Facility information

Name of service station:
Address of service station:
Phone number of service station:
Owner name:
Phone number:

Test information

A total of _____ nozzles have been tested.

Test method used : Wet method Dry method

If **dry method** used, state the correction factor: _____

Outdoor temperature: _____ Test date: __/__/__

Note: Automatic control systems are required to be retested every 3 years; manual control systems every 6 months.

- If wet method is used, record results in the **before adjustment** column.
- If dry method is used, both **before and after adjustment test results must be recorded.**
- Where additional dispensers are present, please attach additional test results on separate sheet.

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Dispenser identifier	Pump number/dispenser side	Grade number	Grade name	V/L ratio and fuel flow rate			
				Before adjustment		After adjustment	
				[%]	[L/min]	[%]	[L/min]
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					

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Dispenser identifier	Pump number/dispenser side	Grade number	Grade name	V/L ratio and fuel flow rate			
				Before adjustment		After adjustment	
				[%]	[L/min]	[%]	[L/min]
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					
		G1					
		G2					
		G3					
		G4					

Appendix 2: Important reference documents

European standards and test methods

EN-16321-1-2013 Petrol vapour recovery during refuelling of motor vehicles at service stations – Part 1: Test methods for the type approval efficiency assessment of petrol vapour recovery systems.

Available from a range of standards providers including: www.document-center.com/standards/show/EN-16321-1

EN-16321-2-2013 Petrol vapour recovery during refuelling of motor vehicles at service stations – Part 2: Test methods for verification of vapour recovery systems at service stations.

Available from a range of Standards providers including: www.document-center.com/standards/show/EN-16321-2

DIRECTIVE 2014/99/EU of 21 October 2014 amending, for the purposes of its adaptation to technical progress, Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ev0020&from=EN> and

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0099&from=EN>

Other standards and test methods

Verein Deutscher Ingenieure (The Association of German Engineers) (VDI)

The following VDI Stage 2 vapour recovery equipment standard test methods are available in English at www.vdi.eu/engineering/vdi-standards/vdi-standards-details/?tx_wmdbvdirilisearch_pi1%5BsearchKey%5D=4205&tx_wmdbvdirilisearch_pi1%5Bmode%5D=1&tx_wmdbvdirilisearch_pi1%5BsingleSearch%5D=1:

VDI 4205: Measurement and test methods for the assessment of vapour recovery systems on filling stations:

- Part 1 – Fundamentals (as adopted July 2003)
- Part 2 – Wet method (as adopted July 2003)
- Part 3 – Dry method (as adopted November 2003)
- Part 4 – Measurement and test methods for the assessment of vapour recovery systems on filling stations: System test for active vapour recovery systems (as adopted August 2005)
- Part 5 – Measurement and test methods for the assessment of vapour recovery systems on filling stations: System test of automatic monitoring systems of active vapour recovery systems (as adopted September 2006).

German Federal Ordinance

Twentieth Ordinance of the Implementation of the Federal Immission Control Act (Ordinance on the Limitation of Hydrocarbon Emissions Resulting from the Fuelling of Motor Vehicles – 20, BImSchV) of May 1998.

Twenty-first Ordinance of the Implementation of the Federal Immission Control Act (Ordinance on the Limitation of Hydrocarbon Emissions Resulting from the Fuelling of Motor Vehicles – 21, BImSchV) of October 1992.

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California Air Resources Board (CARB)

The following CARB vapour recovery certification and test procedures are available at www.arb.ca.gov/testmeth/vol2/currentprocedures.htm

- CP-201: Certification Procedure for Vapor Recovery Systems at Dispensing Facilities (as adopted 23 April 2015)
- TP-201.1E: Vapor Recovery Test Procedure for Leak Rate and Cracking Pressure of Pressure/Vacuum Valves (as adopted 8 October 2003)
- TP-201.2: Vapor Recovery Test Procedure for Efficiency and Emission Factor for Phase II Systems (as adopted 26 July 2012)
- TP-201.3: Vapor Recovery Test Procedure: Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (as adopted 26 July 2012)
- TP-201.3A: Vapor Recovery Test Procedure: Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities (as adopted 12 April 1996)

References and further reading

Australian Standards

AS 1940:2004	The storage and handling of flammable and combustible liquids
AS 3000:2007	Electrical installations
AS 3800:2012	Electrical equipment for explosive atmospheres
AS 4897:2008	The design, installation and operation of underground petroleum storage systems
AS 2381.1:2008	Electrical equipment for explosive gas atmospheres – selection, installation and maintenance
AS 2229:2004	Fuel dispensing equipment for explosive atmospheres

Other relevant documents

NSW *Work Health and Safety Act 2011* www.legislation.nsw.gov.au/#/view/act/2011/10

WC01354 WorkCover 2005, Storage and handling of dangerous goods: Code of practice. www.workcover.nsw.gov.au/__data/assets/pdf_file/0019/17074/storage-handling-dangerous-goods-1354.pdf

EPA 2008, *Guidelines for implementing the POEO (Underground Petrol Storage Systems) Regulation 2008*, visit www.epa.nsw.gov.au/clm/upssguidelines.htm

NOHSC:2017 2001, *National code of practice for the storage and handling of workplace dangerous goods*, National Occupational Health and Safety Commission, visit www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/cp2001storageandhandling

Information on the European Union petrol vapour recovery requirements

<http://ec.europa.eu/environment/air/transport/petrol.htm>

Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009L0126&from=EN>

Appendix 3: Collated regulatory requirements

Stage 1 vapour recovery prescribed control equipment

Table A3.1 sets out the prescribed control equipment for Stage 1 vapour recovery.

Table A3.1: Prescribed control equipment for Stage 1 vapour recovery

Equipment	Specification	Regulation reference
vapour transfer system	Trucks used to supply petrol to petrol service stations must be equipped with vapour return lines to which the petrol service station vapour transfer system is connected	subclause 69(1)(a)
coupling for the vapour return line	A coupling on the vapour return line that makes a vapour-tight connection with the vapour return hose on the delivery tank and that closes automatically when disconnected	subclause 69(1)(b)
fill pipe	A submerged fill pipe that terminates below the lowest point of any suction inlet used for the pumping of petrol out of the storage tank	subclause 69(1)(c)
overflow prevention device	A new petrol service station must have an overflow prevention device installed in the tank fill piping or a supply system that slows delivery of petrol into the storage tank to prevent overflowing	subclause 69(1)(d)(i)
	If the overflow prevention device is electrically powered or contains electronic components, the overflow prevention device must meet the following standards: <ul style="list-style-type: none"> it must be constructed in accordance with relevant safety and electrical standards it must be installed in accordance with relevant safety and electrical standards 	subclause 69(1)(d)(ii)
storage tank overflow protection	Storage tank overflow protection, comprising a float vent valve positioned: <ul style="list-style-type: none"> above the highest point of any overflow prevention device when in the closed position so the valve shuts off the flow into the storage tank at the level advised by the manufacturer of the storage tank or, if no level is advised, at 95% of the storage tank's capacity 	subclause 69(1)(e)
connection points and seals	Spill containment enclosures for all storage tank fill connection points	subclause 69(1)(f)
	A coupling on the storage tank's fill pipe that makes a liquid-tight connection with the delivery tank's liquid transfer hose	subclause 69(1)(g)
	Secure seals on connection points of tank filling pipes and vapour return pipes that minimise vapour leaks when those pipes are not in active use	subclause 69(1)(h)
	Secure seals for the apertures for the use of a dipstick, if dip hatches are provided on the storage tank	subclause 69(1)(i)
incompatible fittings	Fittings on the petrol delivery lines and hoses must be incompatible with the fittings on the vapour return lines and hoses so as to prevent misconnection or the accidental discharge of liquid petrol into the vapour return lines or pipes	subclause 69(1)(j)

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

Equipment	Specification	Regulation reference
storage tank vent pipe	A pressure vacuum valve and a 10 millimetre orifice fitted to the storage tank vent pipe. Similar devices are permitted where they can be shown by an accepted certifying agency to achieve the same requirements	subclause 69(1)(k)
	Pressure vacuum relief valves must achieve the following: The settings criteria are: <ul style="list-style-type: none"> • the device must be of a size and weight to allow an emergency release of vapours at not more than 80% of maximum tank design pressure • the device must be of a type that: <ul style="list-style-type: none"> – is certified by the manufacturer as conforming with any applicable standards published by Standards Australia, European Standards, British Standards or United States Underwriters Laboratories (UL), and – is certified by the manufacturer as meeting the pressure specifications and total leak rates set out at sections 3.5.1 and 3.5.2 of the California Environmental Protection Agency Air Resources Board Vapour Recovery Certification Procedure CP201 of January 9, 2013 • is of a size and type and possesses the safety features that a duly qualified person has advised is suitable • is installed in accordance with the advice of a duly qualified person 	subclause 69(1)(k)(i) subclause 69(1)(k)(ii) subclause 69(1)(k)(iii) subclause 69(1)(k)(i)
	A 'duly qualified person' means a person who has such competence and experience in relation to the activity as is recognised in the relevant industry as appropriate to carry out that activity	clause 59
	Where a device similar to a 10 millimetre orifice is to be used in the vent line, it must have certification from a testing authority accepted by the EPA that it retains 97% of vapour in the proposed system	subclause 69(1)(k)
	Where a device similar to a pressure vacuum valve is used, it must have settings that can provide emergency relief of excessive pressure or vacuum and vent a sufficient volume flow rate to prevent exceedences of maximum tank design pressure/vacuum under adverse conditions. When the device is in the closed position, it must provide a seal against leakage with the same performance as that included in the CARB TP201.1E leak test. The device must be certified the manufacturer	subclause 69(1)(k)
	vapour processing unit	Where a storage tank is fitted with a vapour processing unit, it must, before commissioning: <ul style="list-style-type: none"> • be certified by the manufacturer as having a hydrocarbon capture efficiency of at least 97%, and be certified by the manufacturer as conforming with any applicable standards published by Standards Australia, European Standards, British Standards or United States Underwriters Laboratories

Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations

Stage 2 vapour recovery prescribed control equipment

Table A3.2 sets out the prescribed control equipment for Stage 2 vapour recovery.

Table A3.2: Prescribed control equipment for Stage 2 vapour recovery

Equipment	Specification	Regulation reference
vapour recovery system	<p>A vapour recovery system is to be fitted to the petrol dispenser. Before commissioning, the vapour recovery system must be certified by the manufacturer as being of the following type and hydrocarbon capture efficiency:</p> <ul style="list-style-type: none"> • Type: a Stage 2 vapour recovery system certified by the manufacturer in accordance with: <ul style="list-style-type: none"> – EN 16321-1:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 1: Test Methods For The Type Approval Efficiency Assessment Of Petrol Vapour Recovery Systems (or equivalent standard), OR – the provisions of Ordinance on the Limitation of Hydrocarbon Emission Resulting from the Fuelling of Motor Vehicles – 21, BImSchV (section 3, paragraph 6), and • Hydrocarbon capture efficiency: a hydrocarbon capture efficiency of not less than 85% vapour recovery to liquid dispensed by volume as measured using a test for active vapour recovery systems in EN 16321-1:2013 Petrol Vapour Recovery During Refuelling Of Motor Vehicles At Service Stations – Part 1: Test Methods For The Type Approval Efficiency Assessment Of Petrol Vapour Recovery Systems (or equivalent standard), OR in VDI specification 4205 (see Appendix 2). • The certification obtained must certify that the Stage 2 vapour recovery system achieves 85% vapour recovery and must specify the test used 	subclause 72(a)
	Is installed in accordance with the manufacturer’s specifications by a duly qualified person	subclause 72(b)
	Before commissioning, is tested by a duly qualified person in the manner specified in Section 5.4.1	subclause 72(c)
	A ‘duly qualified person’ means a person who has such competence and experience in relation to the activity as is recognised in the relevant industry as appropriate to carry out that activity	clause 59
automatic monitoring system (mandatory for petrol stations with an annual throughput of more than 7 million litres)	<p>The automatic monitoring system must be certified by the manufacturer in accordance with the provisions of Ordinance on the Limitation of Hydrocarbon Emission Resulting from the Fuelling of Motor Vehicles – 21, BImSchV (section 3, clause 5) [2002] with the exception that the number of days until the automatic system shuts off the flow is to be seven days. The test procedure for demonstrating the correct function of the automatic monitoring system is VDI specification 4205.</p> <p>Automatic monitoring systems must provide a visual indication of the operational status of each fuelling point</p>	subclause 74(1)

Log book requirements

Any relevant information relating to the prescribed control equipment or its installation, necessary for its correct and efficient operation and management, must be recorded in a log book.

Clause 77 (3) requires the following items to be recorded or stored in the log book:

- name, address and contact details of the person with overall responsibility for the petrol service station vapour recovery system
- description of the installed prescribed control equipment, including types, serial numbers (if any) and the manufacturer's or supplier's equipment certificates
- name and address of the person with overall responsibility for installing and commissioning the vapour recovery system
- description of the testing of the operation of the prescribed control equipment including the type of test, all test results and the name and address of the person with overall responsibility for carrying out the test
- details of repairs and maintenance
- weekly check results for manual monitoring
- description of any incidences involving faults with or malfunction of the vapour recovery system and the measures taken to investigate and respond to the incident

Details of anything done prior to commencement of the amended Regulation do not need to be recorded. The records need to be kept for three years, even if the petrol service station is decommissioned.

Roads and Maritime Notices

MARINE SAFETY ACT 1998

MARINE NOTICE

Section 12(2)

REGULATION OF VESSELS-EXCLUSION ZONE

Location

Hastings River – near the locality of Port Macquarie and:

- Practice Swims – Friday 5 and Saturday 6 May 2017 between the Marine Rescue boat ramp and Port Macquarie Marina, and
- Ironman and Ironman 70.3 Races – Sunday 7 May 2017 between Short Street boat ramp (ex-Fisherman's Co-op) and the Broadwater Main Canal.

Duration

6am to 9.30am Friday 5 and Saturday 6 May 2017 (Practice Swims), and

6am to 11.30am Sunday 7 May 2017 (Ironman and Ironman 70.3 Races).

Detail

Ironman Practice Swims and the Ironman and Ironman 70.3 Races will be conducted on the Hastings River during the above times and at the locations specified above.

An **EXCLUSION ZONE** is specified during the events, which will be monitored and patrolled by control vessels at the above locations. The exclusion zone will be indicated by the presence of control vessels.

Vessel operators and persons must keep a proper lookout, keep well clear of competing swimmers and support vessels, and should exercise extreme caution near the exclusion zone.

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

A 'transit lane' will be established along the Hastings River within which authorised control vessels will at times during the event, authorise local vessel traffic to cross the exclusion zone during breaks in the swim races.

SPECIAL RESTRICTIONS apply to vessels using the transit lane. Vessels navigating the transit lane must do so at a speed not exceeding 4 knots, must produce no wash, and must comply with any direction given by an authorised officer.

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

For full details visit the Roads and Maritime Services website – www.rms.nsw.gov.au/maritime

Marine Notice 1725

Date: 24 April 2017

Rod McDonagh
Manager Operations North (Boating Operations)
Delegate

MARINE SAFETY REGULATION 2016

DIRECTION NOTICE

Clause 56(1)

HIRE AND DRIVE HOUSEBOATS – DIRECTION RESTRICTING NAVIGATION IN DESIGNATED AREAS

I, Michael Hammond, Principal Manager Maritime Operations and Compliance, a delegate of Roads and Maritime Services (RMS), pursuant to clause 56(1)(b) of the *Marine Safety Regulation 2016* (the Regulation), issue this **DIRECTION NOTICE** ('the Notice') to the holders of certificates of operation for any Class 4 (Hire and Drive) Domestic Commercial Vessel.

This Notice applies at all times (24 hours per day, 7 days per week).

This Notice is issued to address safety concerns associated with the nature of certain waterways, including prevailing waterway conditions, channel width, available depth, the density and nature of river traffic, the presence of on-water hazards (including moored vessels, structures, and snags), and prevailing currents. The Notice applies to Class 4 Domestic Commercial Vessels due to safety concerns surrounding the handling characteristics of those vessels in these waterways.

This Notice **PROHIBITS** certain Class 4 Domestic Commercial Vessels from occupying or being operated on waters as detailed in **Schedule 1**.

This prohibition does not apply in any individual case where RMS has expressed in writing that it is not to apply with respect to a particular vessel or waterway.

Object

The Object of this Notice is to minimise the risk and any adverse impact on vessels, vessel occupants, the public, and the waterway as a result of the use of Class 4 vessels in waterways which are unsuited for such vessels.

This Notice, in addition to local signage, advises the holders of the certificates of operation of the vessels and the public generally of the waters in which the specified vessels are prohibited from operating.

Definitions

‘*Class 4 Domestic Commercial Vessel*’ means any vessel which is let for hire or reward or for any other consideration, including vessels provided in conjunction with holiday establishments or hotels for the use of guests or tenants.

‘*Length overall*’ has the same meaning as defined in Part B of the *National Standard for Commercial Vessels* (NSCV).

‘*Beam overall*’ means has the same meaning as defined in Part B of the *National Standard for Commercial Vessels* (NSCV).

Publication

Pursuant to clause 56(2) of the Regulation, this Notice is published in the NSW Government Gazette.

This Notice takes effect on publication and will continue in force until revoked.

This Notice may be revoked or modified at any time by RMS.

Date: 20 April 2017

MICHAEL HAMMOND
Delegate

SCHEDULE 1

WATERWAY MANAGEMENT DESIGNATED AREAS AND VESSELS

(clause 56(6))

Navigable Waters	Prohibited Vessel
All waters of the Edward River and its tributaries between Lawson Syphon, near the township of Deniliquin NSW, downstream to Stevens Weir.	Any Class 4 Domestic Commercial Vessel greater than 18.3 metres length overall and/or greater than 8.0 metres beam overall.
All waters of the Murray River and its tributaries between the Hume Weir, near the township of Albury NSW, downstream to Boundary Bend, near the intersection of the Murray Valley Highway and the Kooloonong – Boundary Bend Road, Victoria.	Any Class 4 Domestic Commercial Vessel greater than 18.3 metres length overall and/or greater than 8.0 metres beam overall.
All waters of the Murray River and its tributaries between Boundary Bend, near the intersection of the Murray Valley Highway and the Kooloonong – Boundary Bend Road, Victoria, downstream to the extent of NSW waters.	Any Class 4 Domestic Commercial Vessel greater than 21.8 metres length overall and/or greater than 9.0 metres beam overall.

ROADS ACT 1993

Order - Sections 46, 48, 49, 54 and 67

Kiama Municipal Council Area

Declaration as Controlled Access Road and Declaration as Freeway of part of the Princes Highway at Bombo

I, the Minister for Roads, Maritime and Freight, pursuant to Sections 46, 48, 49, 54 and 67 of the *Roads Act, 1993*, by this order -

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

HON MELINDA PAVEY MP
Minister for Roads, Maritime And Freight

Schedule 1

All those pieces or parcels of land situated in the Kiama Municipal Council area, Parish of Kiama and County of Camden, shown as:

Lots 27 and 28 Deposited Plan 1200815; and

Lots 105 to 109 inclusive Deposited Plan 1042921.

The above Lots are shown in RMS Plan 0001 236 AC 4013.

Schedule 2

All that piece or parcel of land situated in the Kiama Municipal Council area, Parish of Kiama and County of Camden, shown as Lot 21 Deposited Plan 1200815.

The above Lot is shown in RMS Plan 0001 236 AC 4013.

Schedule 3

All those pieces or parcels of land situated in the Kiama Municipal Council area, Parish of Kiama and County of Camden, shown as:

Lots 13 and 14 Deposited Plan 1027584;

Lots 22 and 23 Deposited Plan 1200815;

Lot 56 Deposited Plan 1042667; and

Lots 101 and 102 Deposited Plan 1042921.

The above Lots are shown in RMS Plan 0001 236 AC 4013.

Schedule 4

All those pieces or parcels of public road situated in the Kiama Municipal Council area, Parish of Kiama and County of Camden, shown as:

Lots 24, 25 and 26 Deposited Plan 1200815.

The above Lots are shown in RMS Plan 0001 236 AC 4013.

Schedule 5

Between the points A and B shown in RMS Plan 0001 236 AC 4013.

(RMS Papers: SF2017/022551)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land
at Arncliffe in the Bayside Council Area and
at Tempe, Sydenham and St Peters in the Inner West Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

K DURIE
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

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

Lots 18 and 27 Deposited Plan 1227769, being parts of the land in Certificate of Title 1/1033288 and said to be in the possession of Rail Corporation New South Wales;

Lots 28 and 36 Deposited Plan 1228031, being parts of the land in Certificate of Title CP/SP74819 and said to be in the possession of The Owners - Strata Plan No 74819;

Lots 29 and 37 Deposited Plan 1228031, being parts of the land in Certificate of Title 1/657702 and said to be in the possession of Peter Kysil, Ben Peter Kysil, Sophia Elizabeth Kysil and Lynette Margaret Anne Kysil (registered proprietors) and Bendigo and Adelaide Bank Limited (mortgagee);

Lots 30 and 38 Deposited Plan 1228031, being parts of the land in Certificate of Title 92/606915 and said to be in the possession of Van Tho Tran (registered proprietor) and National Australia Bank Limited (mortgagee);

Lots 31 and 39 Deposited Plan 1228031, being parts of the land in Certificate of Title 1/34600 and said to be in the possession of Milano Investments Pty Limited;

Lots 32 and 40 Deposited Plan 1228031, being parts of the land in Certificate of Title 1/412310 and said to be in the possession of Milano Investments Pty Ltd;

Lots 33, 34, 41 and 42 Deposited Plan 1228031, being parts of the land in Certificate of Title Auto Consol 6772-117 and said to be in the possession of NSW Land and Housing Corporation;

Lots 101 and 102 Deposited Plan 1228032, being parts of the land in Certificate of Title 1/952266 and said to be in the possession of Milano Investments Pty Ltd;

Lots 17, 18, 19, 24, 25 and 26 Deposited Plan 1227429, being parts of the land in Certificate of Title Auto Consol 2182-240 and said to be in the possession of The Trustees of the Roman Catholic Church for the Archdiocese of Sydney;

Lots 20 and 27 Deposited Plan 1227429, being parts of the land in Certificate of Title A/323842 and said to be in the possession of The Trustees of the Roman Catholic Church for the Archdiocese of Sydney;

Lots 21 and 28 Deposited Plan 1227429, being parts of the land in Certificate of Title B/323842 and said to be in the possession of The Trustees of the Roman Catholic Church for the Archdiocese of Sydney;

Lots 22 and 29 Deposited Plan 1227429, being parts of the land in Certificate of Title A/317958 and said to be in the possession of The Trustees of the Roman Catholic Church for the Archdiocese of Sydney;

Lots 23 and 30 Deposited Plan 1227429, being parts of the land in Certificate of Title 1/442336 and said to be in the possession of Netbas Pty Limited (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 41 and 55 Deposited Plan 1228044, being parts of the land in Certificate of Title 1/712522 and said to be in the possession of Adnan Karnib (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 42 and 56 Deposited Plan 1228044, being parts of the land in Certificate of Title 41/563926 and said to be in the possession of Ewa Seweryna Dmitrewicz (registered proprietor), ING Bank (Australia) Limited (mortgagee) and Newtown Village No 1 Pty Limited (caveator);

Lots 37 and 51 Deposited Plan 1228044, being parts of the land in Certificate of Title 1/656046 and said to be in the possession of Giuseppe Cordi (registered proprietor), Thi Thu Trang Tran (lessee) and Combined Projects (Wickham St) Pty Ltd (caveator);

Lots 43 and 57 Deposited Plan 1228044, being parts of the land in Certificate of Title 42/563926 and said to be in the possession of Min Hua Song;

Lots 44 and 58 Deposited Plan 1228044, being parts of the land in Certificate of Title 5/9399 and said to be in the possession of Luba Kuzevski (registered proprietor) and Arncliffe Towers Pty Limited (caveator);

Lots 36 and 50 Deposited Plan 1228044, being parts of the land in Certificate of Title B/403508 and said to be in the possession of Pijaru Pty Limited (registered proprietor), Suncorp-Metway Limited (mortgagee) and Combined Projects (Wickham St) Pty Ltd (caveator);

Lots 45 and 59 Deposited Plan 1228044, being parts of the land in Certificate of Title 1/504282 and said to be in the possession of Jose Paulo De Freitas Ferreira and Maria Jose De Sousa Ferreira;

Lots 35 and 49 Deposited Plan 1228044, being parts of the land in Certificate of Title 1/133643 and said to be in the possession of Pijaru Pty Limited (registered proprietor), Suncorp-Metway Pty Limited (mortgagee) and Combined Projects (Wickham St) Pty Ltd (caveator);

Lots 34 and 48 Deposited Plan 1228044, being parts of the land in Certificate of Title Auto Consol 11240-184 and said to be in the possession of Pijaru Pty Limited (registered proprietor), Suncorp-Metway Pty Limited (mortgagee) and Combined Projects (Wickham St) Pty Ltd (caveator);

Lots 46 and 60 Deposited Plan 1228044, being parts of the land in Certificate of Title 2/504282 and said to be in the possession of Soteris Papas and Gavriella Papas;

Lots 47 and 61 Deposited Plan 1228044, being parts of the land in Certificate of Title 7/9399 and said to be in the possession of Zhi Fang Li (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 59 and 66 Deposited Plan 1228056, being parts of the land in Certificate of Title 1/374145 and said to be in the possession of Pijaru Pty Limited (registered proprietor), Suncorp-Metway Pty Limited (mortgagee) and Combined Projects (Wickham St) Pty Ltd (caveator);

Lots 58 and 65 Deposited Plan 1228056, being parts of the land in Certificate of Title 13/6602 and said to be in the possession of Abbas Hassan El Zein (registered proprietor), Westpac Banking Corporation (mortgagee) and Arncliffe Towers Pty Limited (caveator);

Lots 57 and 64 Deposited Plan 1228056, being parts of the land in Certificate of Title 12/6602 and said to be in the possession of Evangelia Krili (registered proprietor) and Arncliffe Towers Pty Limited (caveator);

Lots 60 and 67 Deposited Plan 1228056, being parts of the land in Certificate of Title 2/374145 and said to be in the possession of Henry Ting Hon Ng and Yuni Bai (registered proprietors) and Westpac Banking Corporation (mortgagee);

Lots 63 and 70 Deposited Plan 1228056, being parts of the land in Certificate of Title 19/6602 and said to be in the possession of Tony Evripidou and Louise Evripidou (registered proprietors) and Westpac Banking Corporation (mortgagee);

Lots 61 and 68 Deposited Plan 1228056, being parts of the land in Certificate of Title B/350566 and said to be in the possession of Lawrence Lok Lun Chu and Joanna Pui Yee Tang (registered proprietors), Westpac Banking Corporation (mortgagee) and Arncliffe Towers Pty Limited (caveator);

Lots 62 and 69 Deposited Plan 1228056, being parts of the land in Certificate of Title 18/6602 and said to be in the possession of Grahame Don Pearson and Lee Veronica James-Pearson;

Lots 21 and 22 Deposited Plan 1228058, being parts of the land in Certificate of Title CP/SP49203 and said to be in the possession of The Owners - Strata Plan No 49203;

Lots 17 and 21 Deposited Plan 1228041, being parts of the land in Certificate of Title 9/2976 and said to be in the possession of Boris Paceskoski (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 24 and 38 Deposited Plan 1227883, being parts of the land in Certificate of Title 701/1163934 and said to be in the possession of Rami Abdallah (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 25 and 39 Deposited Plan 1227883, being parts of the land in Certificate of Title 5/666249 and said to be in the possession of Peter Psarras;

Lots 26 and 40 Deposited Plan 1227883, being parts of the land in Certificate of Title 5/666250 and said to be in the possession of John Robert Morris and Amie Joy Zar (registered proprietors) and National Australia Bank Limited (mortgagee);

Lots 27 and 41 Deposited Plan 1227883, being parts of the land in Certificate of Title A/309997 and said to be in the possession of Paul Alan Perry and Yvonne Ruth Perry;

Lots 28 and 42 Deposited Plan 1227883, being parts of the land in Certificate of Title B/309997 and said to be in the possession of Tan Trung Pham and Van Thu Thi Nguyen (registered proprietors), St George Bank Limited (mortgagee) and Arncliffe Towers Pty Limited (caveator);

Lots 29 and 43 Deposited Plan 1227883, being parts of the land in Certificate of Title 26/6602 and said to be in the possession of Ilija Cvetkovski, Silvana Cvetkovski and Ivanka Cvetkovski (registered proprietors), National Australia Bank Limited (mortgagee) and Arncliffe Towers Pty Limited (caveator);

Lots 30 and 44 Deposited Plan 1227883, being parts of the land in Certificate of Title 25/6602 and said to be in the possession of George Balassis and Georgina Balassis;

Lots 31 and 45 Deposited Plan 1227883, being parts of the land in Certificate of Title 24/6602 and said to be in the possession of Robert Joseph Martino and Tania Rachael Martino (registered proprietors) and ING Bank (Australia) Limited (mortgagee);

Lots 32 and 46 Deposited Plan 1227883, being parts of the land in Certificate of Title 23/6602 and said to be in the possession of Constantino Stenta and Joan Elizabeth Stenta;

Lots 34 and 48 Deposited Plan 1227883, being parts of the land in Certificate of Title 20/6602 and said to be in the possession of Tuyet Phan Ly and Duc Ly;

Lots 35 and 49 Deposited Plan 1227883, being parts of the land in Certificate of Title 21/6602 and said to be in the possession of Gajta Kostascki;

Lots 36 and 50 Deposited Plan 1227883, being parts of the land in Certificate of Title 22/6602 and said to be in the possession of Michael Ly and Voan Ly (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 37 and 51 Deposited Plan 1227883, being parts of the land in Certificate of Title 28/6602 and said to be in the possession of John Winwood Eve and Benjamin Harvey Eve (registered proprietors) and The Registrar General (caveator);

Lots 36 and 42 Deposited Plan 1227886, being parts of the land in Certificate of Title 6/4/1633 and said to be in the possession of Norma Dorothy Celin;

Lots 37 and 43 Deposited Plan 1227886, being parts of the land in Certificate of Title 7/4/1633 and said to be in the possession of Wayne Neil Sheridan;

Lots 38 and 44 Deposited Plan 1227886, being parts of the land in Certificate of Title 8/4/1633 and said to be in the possession of Mira Greif;

Lots 39 and 45 Deposited Plan 1227886, being parts of the land in Certificate of Title 9/4/1633 and said to be in the possession of Sean Anthony Turner and Samantha Jayne Turner (registered proprietors), Australia and New Zealand Banking Group Limited (mortgagee) and Arncliffe Towers Pty Limited (caveator);

Lots 40 and 46 Deposited Plan 1227886, being parts of the land in Certificate of Title 10/4/1633 and said to be in the possession of John Grbevski (registered proprietor) and National Australia Bank Limited (mortgagee);

Lots 41 and 47 Deposited Plan 1227886, being parts of the land in Certificate of Title 11/4/1633 and said to be in the possession of Denise Janette Powter and Warren John Buffrey (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 54 and 58 Deposited Plan 1227894, being parts of the land in Certificate of Title 211/615994 and said to be in the possession of Constantine Zogalis (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 55 and 59 Deposited Plan 1227894, being parts of the land in Certificate of Title 212/615994 and said to be in the possession of Constantine Zogalis and Xanthe Zogalis (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 56 and 60 Deposited Plan 1227894, being parts of the land in Certificate of Title 21A/956954 and said to be in the possession of Ingo Mollenbeck (registered proprietor), St George Bank Limited (mortgagee) and Arncliffe Towers Pty Limited (caveator);

Lots 57 and 61 Deposited Plan 1227894, being parts of the land in Certificate of Title 1/829789 and said to be in the possession of Jose Guevara and Alicia Guevara;

Lots 37, 38, 39, 47, 48 and 49 Deposited Plan 1227738, being parts of the land in Certificate of Title Auto Consol 15121-26 and said to be in the possession of Roman Kovac (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 36 and 46 Deposited Plan 1227738, being parts of the land in Certificate of Title 41/3/790 and said to be in the possession of Roman Kovac;

Lots 34, 35, 44 and 45 Deposited Plan 1227738, being parts of the land in Certificate of Title Auto Consol 9965-214 and said to be in the possession of Rogerio Guerreiro and Graciete Guerreiro;

Lots 33 and 43 Deposited Plan 1227738, being parts of the land in Certificate of Title 1/1191731 and said to be in the possession of Steven George Glinatsis and Christine Glinatsis (registered proprietors) and National Australia Bank Limited (mortgagee);

Lots 23 and 26 Deposited Plan 1227744, being parts of the land in Certificate of Title A/323612 and said to be in the possession of Yao Qin Liang and You Wen Xu;

Lots 24 and 27 Deposited Plan 1227744, being parts of the land in Certificate of Title B/323612 and said to be in the possession of Dimitra Papamichalakis (registered proprietor) and Macquarie Bank Limited (mortgagee);

Lots 25 and 28 Deposited Plan 1227744, being parts of the land in Certificate of Title C/323612 and said to be in the possession of Despina Papamichalakis;

Lots 59 and 68 Deposited Plan 1227742, being parts of the land in Certificate of Title 1/311165 and said to be in the possession of Nikolas Hazianastasiou and Diana Hazianastasiou;

Lots 60 and 69 Deposited Plan 1227742, being parts of the land in Certificate of Title 2/311165 and said to be in the possession of Parnel Dion McAdam and Emelia May Thomas (registered proprietors) and Suncorp-Metway Limited (mortgagee);

Lots 61 and 70 Deposited Plan 1227742, being parts of the land in Certificate of Title 3/311165 and said to be in the possession of Joseph Jeremy Chillari (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 62 and 71 Deposited Plan 1227742, being parts of the land in Certificate of Title 1/902184 and said to be in the possession of Daniel Lasala and Leticia Munoz (registered proprietors) and ING Bank (Australia) Limited (mortgagee);

Lots 63 and 72 Deposited Plan 1227742, being parts of the land in Certificate of Title 1/115116 and Lots 64 and 73 Deposited Plan 1227742 being parts of the land in Certificate of Title 1/317934 and said to be in the possession of Carol Tran (registered proprietor) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 28, 29, 39 and 40 Deposited Plan 1227924, being parts of the land in Certificate of Title Auto Consol 4134-24 and said to be in the possession of Si Luo (registered proprietor) and ING Bank (Australia) Limited (mortgagee);

Lots 30 and 41 Deposited Plan 1227924, being parts of the land in Certificate of Title 7/5/790 and said to be in the possession of Diane Lloryan Ferguson;

Lots 43 and 46 Deposited Plan 1227925, being parts of the land in Certificate of Title 1/439486 and said to be in the possession of Edward Francis Griffin Tyler and Rosana Celina Tyler (registered proprietors) and G&C Mutual Bank Limited (mortgagee);

Lots 44 and 47 Deposited Plan 1227925, being parts of the land in Certificate of Title 2/439486 and said to be in the possession of Robyn Buck (registered proprietor) and Permanent Custodians Limited (mortgagee);

Lots 45 and 48 Deposited Plan 1227925, being parts of the land in Certificate of Title 3/439486 and said to be in the possession of Michael David Exell and Susanna Joy Exell (registered proprietors) and Qudos Mutual Limited (mortgagee);

Lots 74 and 77 Deposited Plan 1227928, being parts of the land in Certificate of Title A/181362 and said to be in the possession of Fleurdell Pty Limited;

Lots 32, 33, 50 and 51 Deposited Plan 1227949, being parts of the land in Certificate of Title Auto Consol 1577-87 and said to be in the possession of Rail Corporation New South Wales;

Lots 34 and 52 Deposited Plan 1227949, being parts of the land in Certificate of Title 21/750 and said to be in the possession of Rail Corporation New South Wales;

Lots 35 and 53 Deposited Plan 1227949, being parts of the land in Certificate of Title 3/1184440 and said to be in the possession of Rail Corporation New South Wales;

Lots 44 and 62 Deposited Plan 1227949, being parts of the land in Certificate of Title 1/750 and said to be in the possession of Rail Corporation New South Wales;

Lots 43 and 61 Deposited Plan 1227949, being parts of the land in Certificate of Title 2/750 and said to be in the possession of Rail Corporation New South Wales;

Lots 41, 42, 59 and 60 Deposited Plan 1227949, being parts of the land in Certificate of Title Auto Consol 1010-60 and said to be in the possession of Rail Corporation New South Wales;

Lots 40 and 58 Deposited Plan 1227949, being parts of the land in Certificate of Title 1/34799 and said to be in the possession of Jun Fang Zhang;

Lots 39 and 57 Deposited Plan 1227949, being parts of the land in Certificate of Title 6/664363 and said to be in the possession of Jun Fang Zhang;

Lots 38 and 56 Deposited Plan 1227949, being parts of the land in Certificate of Title 7/658605 and said to be in the possession of Arts Spot Pty Limited (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 37 and 55 Deposited Plan 1227949, being parts of the land in Certificate of Title 8/750 and said to be in the possession of Arts Spot Pty Limited (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

Lots 9 and 17 Deposited Plan 1228007, being parts of the land in Certificate of Title 15/652130 and said to be in the possession of Tin Wang;

Lots 10 and 18 Deposited Plan 1228007, being parts of the land in Certificate of Title 16/651419 and said to be in the possession of Perpetual Trustee Company Limited (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 11 and 19 Deposited Plan 1228007, being parts of the land in Certificate of Title 17/659143 and said to be in the possession of Perpetual Trustee Company Limited (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 12 and 20 Deposited Plan 1228007, being parts of the land in Certificate of Title 1/659141 and said to be in the possession of Perpetual Trustee Company Limited (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 13 and 21 Deposited Plan 1228007, being parts of the land in Certificate of Title 2/659142 and said to be in the possession of Perpetual Trustee Company Limited (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lots 15 and 23 Deposited Plan 1228007, being parts of the land in Certificate of Title 1/354845 and said to be in the possession of Alpha Distribution Ministerial Holding Corporation (registered proprietor) and Blue Asset Partner Pty Limited (lessee);

Lots 14 and 22 Deposited Plan 1228007, being parts of the land in Certificate of Title 1/650584 and said to be in the possession of Princes Highway Nominees Pty Ltd (registered proprietor), MW Sheet Metal Holdings Pty Limited (lessee) and Australia and New Zealand Banking Group Limited (mortgagee);

Lots 16 and 24 Deposited Plan 1228007, being parts of the land in Certificate of Title 2/614629 and said to be in the possession of Paul Giannikouris, Stephani Giannikouris, Norman Giannikouris and Katina Giannikouris (registered proprietors) and National Australia Bank Limited (mortgagee);

Lots 55 and 60 Deposited Plan 1227993, being parts of the land in Certificate of Title 4/1184440 and said to be in the possession of Rail Corporation New South Wales;

Lots 56, 57, 61 and 62 Deposited Plan 1227993, being parts of the land in Certificate of Title Auto Consol 8629-46 and said to be in the possession of G & G Mikhael Pty Limited;

Lots 58 and 63 Deposited Plan 1227993, being parts of the land in Certificate of Title 14/653727 and said to be in the possession of Martha Diez (registered proprietor) and Fitzpatrick Supreme Pty Limited (lessee);

Lots 101 and 102 Deposited Plan 1227963, being parts of the land in Certificate of Title 100/1038302 and said to be in the possession of Rail Corporation New South Wales;

Lots 21 and 32 Deposited Plan 1227918, being parts of the land in Certificate of Title 1/825986 and said to be in the possession of Edward Roger Firth;

Lots 23 and 34 Deposited Plan 1227918, being parts of the land in Certificate of Title 1/1035416 and said to be in the possession of Ranelle Louise Cliff (registered proprietor) and HSBC Bank Australia Limited (mortgagee);

Lots 24 and 35 Deposited Plan 1227918, being parts of the land in Certificate of Title 2/1035416 and said to be in the possession of Lientage Investments Pty Limited;

Lots 25 and 36 Deposited Plan 1227918, being parts of the land in Certificate of Title 3/1035416 and said to be in the possession of John Tsaprazis;

Lots 26 and 37 Deposited Plan 1227918, being parts of the land in Certificate of Title 6/204595 and said to be in the possession of Man Hong Shen;

Lots 27 and 38 Deposited Plan 1227918, being parts of the land in Certificate of Title 5/204595 and said to be in the possession of Glen Christopher Kolenc (registered proprietor), Westpac Banking Corporation (mortgagee) and Axis Legal (Australia) Pty Ltd (caveator);

Lots 28 and 39 Deposited Plan 1227918, being parts of the land in Certificate of Title 4/204595 and said to be in the possession of Cryton Investments No 9 Pty Ltd;

Lots 29 and 40 Deposited Plan 1227918, being parts of the land in Certificate of Title 2/204595 and said to be in the possession of Samantha Mayer and Anthony Craig Sheehy (registered proprietors) and Commonwealth Bank of Australia (mortgagee);

Lots 30 and 41 Deposited Plan 1227918, being parts of the land in Certificate of Title 1/204595 and said to be in the possession of Tony Issa and Stella Issa; and

Lots 201 and 202 Deposited Plan 1227922, being parts of the land in Certificate of Title 11/1201506 and said to be in the possession of Cryton Investments No 9 Pty Ltd.

(RMS papers: SF2016/271939;

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Charmhaven in the Central Coast Council Area

Roads and Maritime Services, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the *Roads Act 1993*.

K DURIE
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All those pieces or parcels of land situated in the Central Coast Council area, Parish of Munmorah and County of Northumberland, shown as:

Lot 4 Deposited Plan 431647; and

Lots 11 and 12 Deposited Plan 873201.

(RMS Papers: SF2014/080501; RO SF2014/064804)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Hamlyn Terrace in the Central Coast Council Area

Roads and Maritime Services, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the *Roads Act 1993*.

K DURIE
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All that piece or parcel of land situated in the Central Coast Council area, Parish of Munmorah and County of Northumberland, shown as Lot 211 Deposited Plan 1187449.

(RMS Papers: SF2017/085624; RO SF2012/019706)

Mining and Petroleum Notices

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T17-1080)

No. 5487, HAVERFORD HOLDINGS PTY LTD (ACN 142660553), area of 15 units, for Group 1, dated 24 April, 2017. (Cobar Mining Division).

The Hon Donald Harwin MLC
Minister for Resources

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

(V17-3305)

Exploration Licence No. 4962, TRITTON RESOURCES PTY LTD (ACN 100 095 494), area of 107 units. Application for renewal received 24 April, 2017.

(V17-3263)

Exploration Licence No. 8261, ALKANE RESOURCES LTD (ACN 000 689 216), area of 21 units. Application for renewal received 20 April, 2017.

(V17-3299)

Exploration Licence No. 8362, G D R MINES DEVELOPMENT PTY LTD (ACN 001 635 669), area of 18 units. Application for renewal received 24 April, 2017.

The Hon Donald Harwin MLC
Minister for Resources

Notice is given that the following application has been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(V17/3278)

Exploration Licence No. 8280, ANGLOGOLD ASHANTIA AUSTRALIA LIMITED, (ACN 008 737 424), County of Lincoln, area of 86 units.

Application for Cancellation was received on 20 April 2017

(V17/3281)

Exploration Licence No. 8301, ANGLOGOLD ASHANTIA AUSTRALIA LIMITED, (ACN 008 737 424), County of Kennedy, area of 18 units.

Application for Cancellation was received on 20 April 2017

(V17/3284)

Exploration Licence No. 8207, NSW MINERAL (AUSTRALIA) PTY LTD, (ACN 163 748 696), County of Buccleuch and Harden, area of 50 units.

Application for Cancellation was received on 21 April 2017

The Hon Donald Harwin MLC
Minister for Resources

MINING ACT 1992

Order under section 369A

Constitution of Fossicking District 60, 61, 62 and 63

Pursuant to section 369A of the *Mining Act 1992*, I, Christopher Yeats, Executive Director Geological Survey of NSW in the Department of Planning and Environment, as delegate of the Minister for Resources, do, by this Order, constitute the following fossicking districts:

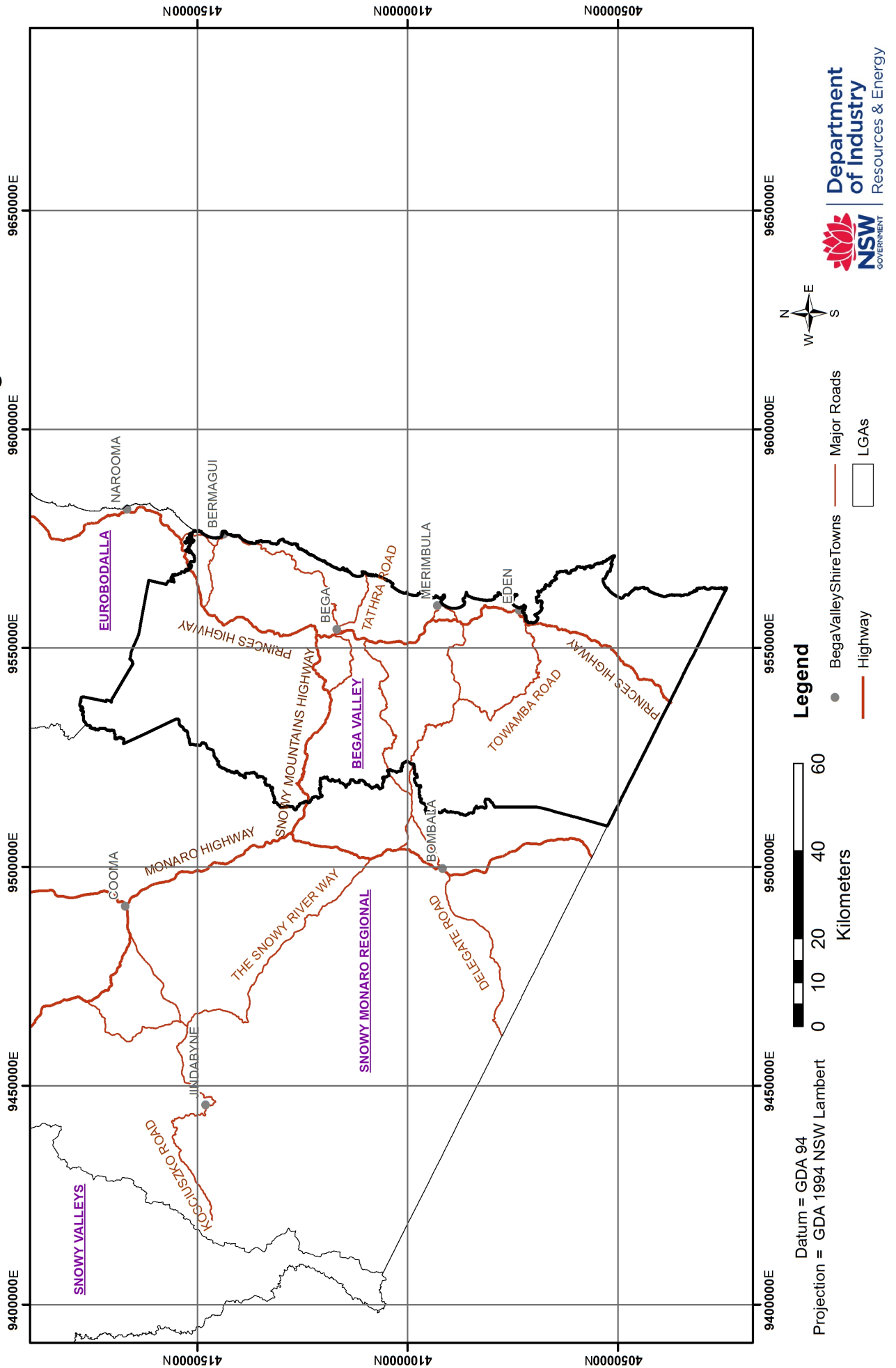
- a) all land within the Local Government Area of Bega Valley Shire Council and identified by bold black outline in the map in Schedule 1, to be named Fossicking District 60.
- b) all land within the Local Government Area of Bland Shire Council and identified by bold black outline in the map in Schedule 2, to be named Fossicking District 61.
- c) all land within the Local Government Area of Eurobodalla Shire Council and identified by bold black outline in the map in Schedule 3, to be named Fossicking District 62.
- d) all land within the Tumut area identified by bold black outline in the map in Schedule 4, to be named Fossicking District 63.

This Order commences on the date on which it is published in the NSW Government Gazette.

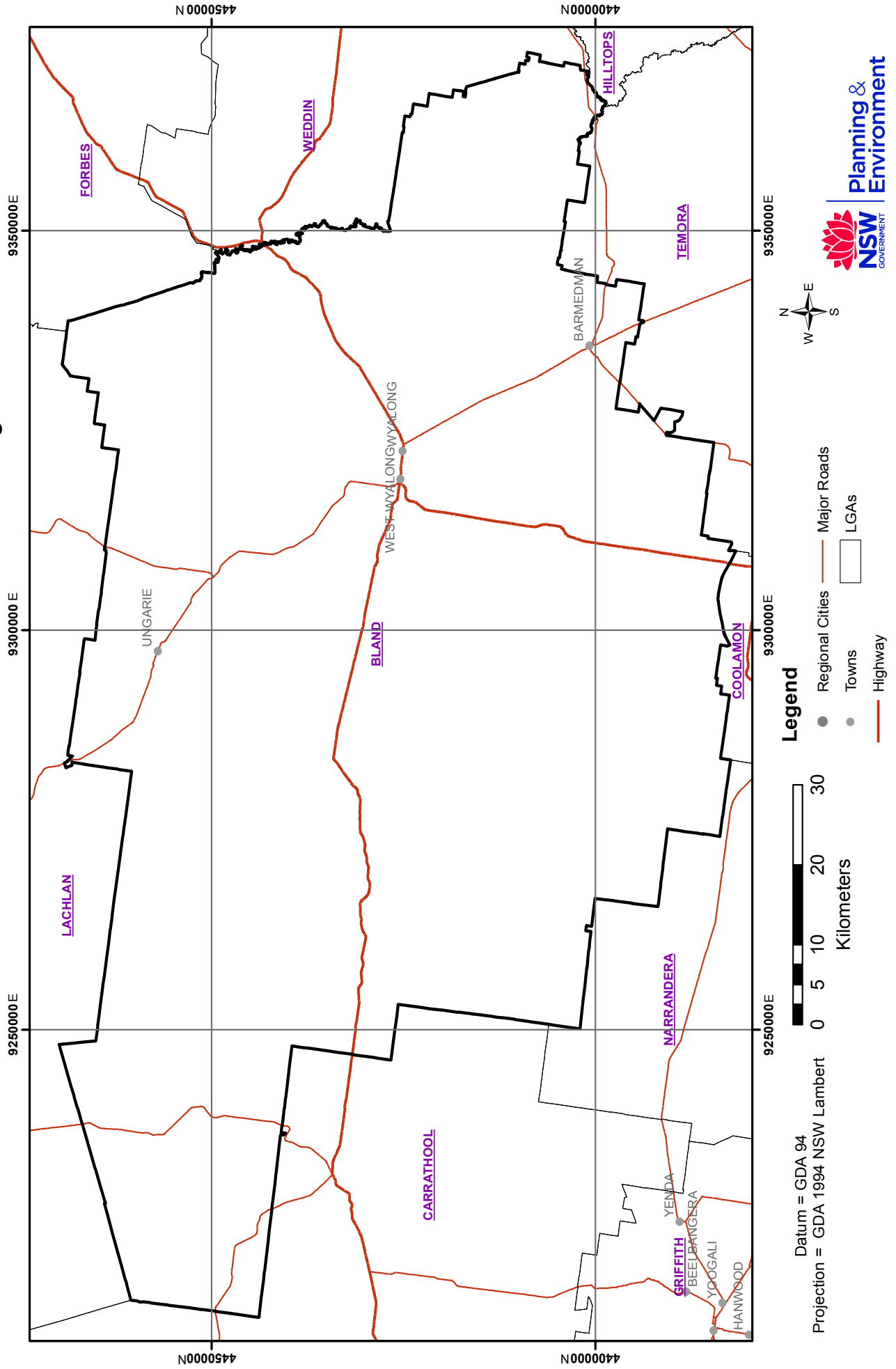
Dated this 26th day of April 2017.

Christopher Yeats
Executive Director Geological Survey of NSW
As delegate of the Minister for Resources

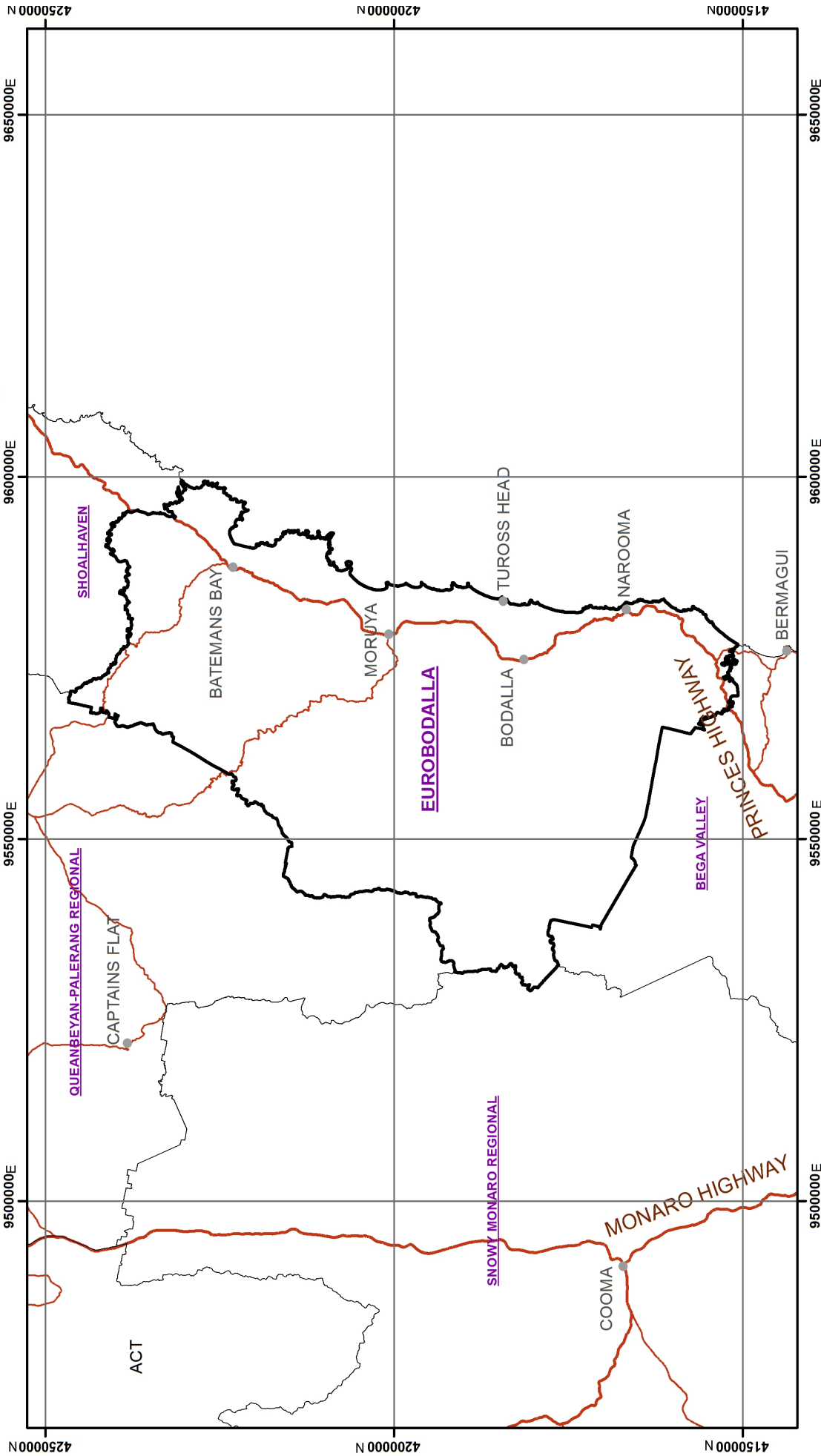
SCHEDULE 1 - BEGA VALLEY SHIRE COUNCIL - Fossicking District 60



SCHEDULE 2 - BLAND SHIRE COUNCIL - Fossicking District 61



SCHEDULE 3 - EUROBODALLA SHIRE COUNCIL - Fossicking District 62



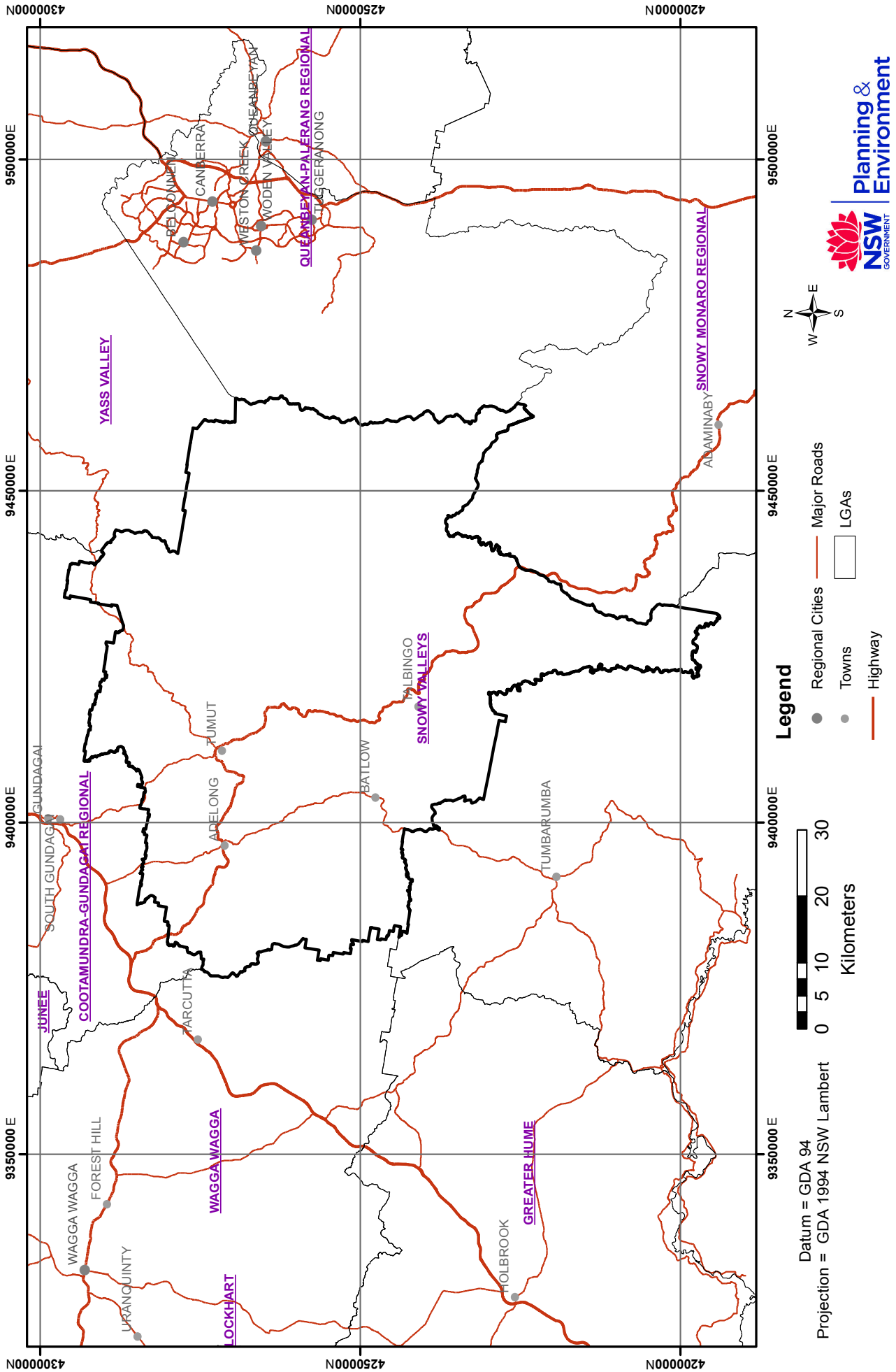
Datum = GDA 94
 Projection = GDA 1994 NSW Lambert

Legend

- Eurobodalla Towns
- Major Roads
- Highway
- LGAs



SCHEDULE 4 - TUMUT - Fossicking District 63



Primary Industries Notices

Stock Diseases (Declaration of Diseases in Stock) Proclamation 2017

under the

Stock Diseases Act 1923

His Excellency General The Honourable David Hurley AC DSC (Ret'd), Governor

I, General The Honourable DAVID HURLEY, AC, DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, in pursuance of sections 3(2) and 4(a) of the *Stock Diseases Act 1923* ("the Act"), make the following Proclamation to declare specified diseases to be diseases in stock for the purposes of the provisions of the Act.

Signed and sealed at Sydney this 19th day of April 2017.

By His Excellency's Command,

NIALL BLAIR, MLC
Minister for Primary Industries

GOD SAVE THE QUEEN!

Stock Diseases (Declaration of Diseases in Stock) Proclamation 2017

under the

Stock Diseases Act 1923

1 Name of Proclamation

This Proclamation is the *Stock Diseases (Declaration of Diseases in Stock) Proclamation 2017*.

2 Commencement

This Proclamation commences on the date it is published in the *NSW Government Gazette*.

3 Definitions

In this Proclamation:

the Act means the *Stock Diseases Act 1923*.

Note: Disease and *stock* have the same meaning as in the Act.

4 Revocation of *Stock Diseases (Declaration of Diseases in Stock) Proclamation 2014*

Pursuant to sections 3(2) and 4(a) of the Act, the *Stock Diseases (Declaration of Diseases in Stock) Proclamation 2014* published in *NSW Government Gazette* No. 19 of 10 February 2014 at pages 511 to 514 is revoked, as is any Proclamation revived as a result of this revocation.

5 Declaration of diseases in stock to which provisions of the Act apply

Pursuant to section 4(a) of the Act, the diseases specified in Column 1 of the Schedule are declared to be diseases in stock in respect of which the provisions of the Act or only such provisions of the Act as are specified in Column 2 of the Schedule, apply.

Schedule

Diseases in stock recognised as exotic to NSW

Column 1	Column 2
Acariasis Tracheal Mite (<i>Acaraspis woodi</i>)	
African horse sickness	
Africanised honeybees (<i>Apis mellifera scutellata</i> and its hybrids)	
African swine fever	
Asian honeybee (<i>Apis cerana</i>)	
Aujeszky's disease	

Column 1	Column 2
Avian influenza	
Bluetongue (clinical)	
Borna disease	
Bovine tuberculosis due to <i>Mycobacterium bovis</i>	
Bovine Virus Diarrhoea Type 2	
Braula fly /Bee Louse (<i>Braula coeca</i>)	
<i>Brucella abortus</i>	
<i>Brucella canis</i>	
<i>Brucella melitensis</i>	
Camelpox	
Chagas' disease (<i>Trypanosoma cruzi</i>)	
Classical swine fever	
Contagious agalactia	
Contagious bovine pleuropneumonia (<i>Mycoplasma mycoides</i> subsp. <i>mycoides</i> small colony type)	
Contagious caprine pleuropneumonia	
Contagious equine metritis	
Crimean Congo Haemorrhagic Fever	
Devil Facial Tumour Disease	
Dourine	
Duck virus enteritis (duck plague)	Only section 9
Duck virus hepatitis	Only section 9
Dwarf honeybee (<i>Apis florea</i>)	
<i>Echinococcus multilocularis</i>	
Encephalitides (tick borne)	
Enzootic abortion of ewes (<i>Chlamydophila abortus</i>)	
Epizootic haemorrhagic disease (clinical disease)	
Epizootic lymphangitis (<i>Histoplasma capsulatum</i> var. <i>farciminosum</i>)	
Equine encephalomyelitis (Eastern, Western and Venezuelan)	
Equine encephalosis	
Equine herpes – virus 1 (neurological strain)	
Equine influenza	
Equine piroplasmiasis (<i>Babesia caballi</i> and <i>Theileria equi</i>)	
Exotic Theileria [East Coast fever (<i>Theileria parva</i>) and Mediterranean/Tropical Theileriosis (<i>Theileria annulata</i>)]	
Foot and mouth disease	
Fowl typhoid (<i>Salmonella Gallinarum</i>)	
Getah virus infection	
Giant honeybee (<i>Apis dorsata</i>)	

Column 1	Column 2
Glanders	
Haemorrhagic septicaemia	
Heartwater	
Infectious bursal disease (very virulent and exotic antigenic variant forms)	
Influenza A (H1N1) pdm 2009	Only section 9
Japanese encephalitis	
Jembrana disease	
Leishmaniosis of any species	
Louping ill	
Lumpy skin disease	
Lyssaviruses other than Australian Bat Lyssavirus and Rabies	
Maedi-visna	
Malignant catarrhal fever (wildebeest associated)	
Menangle virus infection	
Nairobi sheep disease	
Newcastle disease (all strains other than non-pathogenic V4-like strains)	
Nipah virus infection	
Peste des petits ruminants	
Porcine cysticercosis (<i>Cysticercus cellulosae</i>)	Only section 9
Porcine enterovirus encephalomyelitis (Teschen)	
Porcine epidemic diarrhoea	
Porcine reproductive and respiratory syndrome	
Post-weaning multi-systemic wasting syndrome	
Potomac fever (<i>Neorickettsia risticii</i>)	
Pulmonary adenomatosis (Jaagsiekte)	
Rabies	
Rift Valley fever	
Rinderpest	
Salmonellosis (<i>Salmonella abortus equi</i>)	
Salmonellosis (<i>Salmonella abortus ovis</i>)	
Screw-worm fly – New World (<i>Cochliomyia hominivorax</i>)	
Screw-worm fly – Old World (<i>Chrysomya bezziana</i>)	
Sheep pox and goat pox	
Sheep scab (<i>Psoroptes ovis</i>)	
Surra (<i>Trypanosoma evansi</i>)	
Swine influenza (other than influenza A (H1N1) pdm 2009)	
Swine vesicular disease	

Column 1	Column 2
Transmissible gastroenteritis	
Transmissible spongiform encephalopathies (bovine spongiform encephalopathy, chronic wasting disease of deer, feline spongiform encephalopathy, scrapie)	
Trichinellosis	
Tropilaelaps mite (<i>Tropilaelaps clareae</i> and <i>T.mercedesae</i>)	
Trypanosomosis (tsetse fly associated)	
Tularaemia	
Turkey rhinotracheitis (avian metapneumovirus)	
Varroasis (<i>Varroa destructor</i>)	
Varroasis (<i>Varroa jacobsoni</i>)	
Vesicular exanthema	
Vesicular stomatitis	
Warble-fly myiasis	
Wesselsbron disease	
West Nile virus infection (clinical)	

Diseases in stock recognised as endemic or sporadic in NSW

Column 1	Column 2
Anaplasmosis	
Anthrax	
Australian Bat Lyssavirus	
Babesiosis	
Bovine cysticercosis (<i>Cysticercus bovis</i>)	
Cattle tick (<i>Rhipicephalus (Boophilus) Australis</i> and <i>Rhipicephalus (Boophilus) microplus</i>)	
Chalkbrood (<i>Ascophaera apis</i>)	Only section 9
Chlamydiosis in birds other than poultry	Only section 9
Chlamydiosis in poultry	
Egg drop syndrome (EDS 76)	Only section 9
Enzootic bovine leucosis	
Equine herpes - virus 1 (abortigenic strain)	Only section 9
Equine infectious anaemia	Only section 9
Equine viral arteritis	Only section 9
European foulbrood (<i>Melissococcus pluton</i>) in honeybees	Only section 9
Footrot in sheep and goats	
Hendra virus infection	
Infectious laryngotracheitis	Only section 9

Column 1	Column 2
Nosemosis in honeybees	Only section 9
Ovine brucellosis caused by <i>Brucella ovis</i>	All provisions other than section 9
Paratuberculosis (Johne's Disease)	Only sections 9 and 20C(2)(c) and 20C(3)
Pigeon paramyxovirus	Only section 9
Porcine myocarditis (Bungowannah virus infection)	
Pullorum disease (<i>Salmonella Pullorum</i>)	
<i>Salmonella</i> Enteritidis infection in poultry	
Sheep lice	All provisions other than sections 9 and 20B
Small hive beetle (<i>Aethina tumida</i>)	Only section 9
Porcine brucellosis (<i>Brucella suis</i>)	
Trichomoniasis	Only section 9
Tuberculosis (mammalian or avian)	

Crown Lands Notices

1300 886 235 www.crownland.nsw.gov.au

ARMIDALE OFFICE

ROADS ACT 1993

ORDER

TRANSFER OF A CROWN ROAD TO A COUNCIL

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

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

SCHEDULE 1

Parish – Uralla; County – Sandon

Land District – Armidale; LGA – Uralla Shire

Crown road shown coloured in red on diagram hereunder.



SCHEDULE 2

Roads Authority: Uralla Shire Council
Lands Reference: 17/04896

DUBBO OFFICE

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
grazing	Reserve No. 61125 Public Purpose: village purposes Notified: 17 May 1929 File Reference: 15/11564

Schedule

Column 1	Column 2
agriculture dam	Reserve No. 755434 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 16/10689

APPOINTMENT OF TRUST BOARD MEMBERS

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Vivienne Wellington (new member) Delia Claire Sheridan Dray (new member) Emily Falson (new member) For a term commencing the date of this notice and expiring 12 November 2020.	Burrendong Arboretum Trust	Reserve No. 120082 Public Purpose: arboretum Notified: 22 June 1990 File Reference: 08/1264

GOULBURN OFFICE

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
grazing	Reserve No. 433 Public Purpose: firewood Notified: 19 May 1879 File Reference: 16/01657

ORDER – AUTHORISATION OF ADDITIONAL PURPOSE UNDER S121A

Pursuant to section 121A of the *Crown Lands Act 1989*, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
rural services	Reserve No. 26171 Public Purpose: public recreation Notified: 3 July 1897 File Reference: 17/02890

GRAFTON OFFICE

ROADS ACT 1993

DEDICATION OF CROWN LAND AS PUBLIC ROAD

In pursuance of the provisions of section 12 and section 151, *Roads Act 1993*, the Crown land specified in Schedule 1 is dedicated as public road under the control of the Roads Authority specified in Schedule 2, as from the date of publication of this notice.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule 1

Parish – Robertson; County – Buller

LGA – Kyogle Council

Crown land shown as road widening on DP1227902.

Crown Lands File Reference: 12/00267

Schedule 2

Roads Authority: Kyogle Council

Council Reference: DP1227902

NOTE: Part Reseve 751077 for Future Public Requirements, notified 29 June 2007 (Folio 4182 & 4187) is auto revoked over the road widening shown on DP1227902.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish – Cox; County – Burnett

Land District – Warialda; LGA – Gwydir

Road Closed: Lot 2 DP 1217611

File No: 15/08113

SCHEDULE

On closing, the land within Lot 2 DP 1217611 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish – Leigh; County – Fitzroy
Land District – Bellingen; LGA – Bellingen

Road Closed: Lot 1 DP 1227898
File No: 13/15790

SCHEDULE

On closing, the land within Lot 1 DP1227898 which was formerly Council road becomes vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish – Hall; County – Clarke
Land District – Glen Innes; LGA – Armidale Regional

Road Closed: Lot 3 DP 1227283
File No: 16/01443

SCHEDULE

On closing, the land within Lot 3 DP 1227283 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish – Bolivia; County – Clive
Land District – Tenterfield; LGA – Tenterfield

Road Closed: Lot 1 DP 1222040
File No: 16/01011

SCHEDULE

On closing, the land within Lot 1 DP 1222040 remains vested in the State of New South Wales as Crown land.

ORDER – AUTHORISATION OF ADDITIONAL PURPOSE UNDER S121A

Pursuant to section 121A of the *Crown Lands Act 1989*, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
community purposes	Reserve No. 90056 Public Purpose: boy scouts Notified: 11 February 1972 File Reference: GF06R39

APPOINTMENT OF TRUST BOARD MEMBERS

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Jack Lee Adams (new member) Kevin Allan Boyd (new member) For a term commencing the date of this notice and expiring 09 October 2018.	Rileys Hill Dry Dock Heritage Reserve Trust	Reserve No. 1004288 Public Purpose: tourist facilities and services Notified: 14 February 2003 File Reference: GF03R9

GRIFFITH OFFICE

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
dam	Reserve No. 94590 Public Purpose: future public requirements Notified: 6 April 1981 File Reference: 16/09671

APPOINTMENT OF TRUST BOARD MEMBERS

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Betty Lorraine Fenning (new member) For a term commencing the date of this notice and expiring 19 January 2021.	Weethalle War Memorial Hall Trust	Reserve No. 85212 Public Purpose: hall, war memorial Notified: 29 January 1965 Dedication No. 559018 Public Purpose: public hall Notified: 23 November 1934 File Reference: GH89R39-002

HAY OFFICE

ERRATUM

IN the notification appearing in the New South Wales Government Gazette of 15 February 2013, Folio 401, appearing under the heading of ‘Revocation of Reservation of Crown land’ in reference to Reserve 756045 is to be withdrawn and is to be replaced with notifications appearing in this current New South Wales Government Gazette with reference to Reserve 756045 and Un-notified Reserve.

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 Schedules hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedules.

The Hon Paul Toole, MP
Minister for Lands and Forestry

SCHEDULE 1

COLUMN 1	COLUMN 2
Land District: Hillston Local Government Area: Carrathool Shire Council Locality: Tabbita Reserve No. 756045 Public Purpose: Future public requirements Notified: 29 June 2007 File Reference: 11/02329	The part being Lots 1-3 Section 5 DP758943; Lots 5-10 Section 5 DP758943; Lots 12-16 Section 5 DP758943 and Lot 80 DP1072363. Parish: Denny County: Sturt

SCHEDULE 2

COLUMN 1	COLUMN 2
Land District: Hillston Local Government Area: Carrathool Shire Council Locality: Tabbita Reserve No. Un-notified Reserve Public Purpose: Post Office Notified: As referenced on Crown Plan 5-2993 and established by approval in 1926 File Reference: 11/02329	The part being Lot 1 Section 5 DP758943 Parish: Denny County: Sturt

MAITLAND OFFICE

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
walkway vegetation management	Reserve No. 755234 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 16/09667

Schedule

Column 1	Column 2
piles berthing area	Reserve No. 1012468 Public Purpose: access and public requirements, tourism purposes and environmental and heritage conservation Notified: 15 September 2006 File Reference: MD80H805

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

MOREE OFFICE

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
channel pipeline	Reserve No. 36959 Public Purpose: travelling stock Notified: 5 December 1903 File Reference: 16/05434

NEWCASTLE OFFICE

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Cooyal; County – Phillip
Land District – Mudgee; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1228286

File No: 16/08037

SCHEDULE

On closing, the land within Lot 1 DP 1228286 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Yarrawa; County – Camden
Land District – Moss Vale; LGA – Wingecarribee*

Road Closed: Lot 2 DP 1225901

File No: 15/09871 RS

SCHEDULE

On closing, the land within Lot 2 DP 1225901 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Oberon; County – Westmoreland
Land District – Bathurst; LGA – Oberon*

Road Closed: Lot 1 DP 1221033

File No: CL/00665

SCHEDULE

On closing, the land within Lot 1 DP 1221033 remains vested in the State of New South Wales as Crown land.

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish – Nanima; County – Bligh

Land District – Wellington; LGA – Dubbo Regional

Road Closed: Lot 1 DP 1210652

File No: 14/01341

SCHEDULE

On closing, the land within Lot 1 DP1210652 becomes vested in the State of New South Wales as Crown Land.

Council's reference: 2015/030/2

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parishes – Thornshope, Lidsdale; Counties – Roxburgh, Cook

Land District – Lithgow; LGA – Lithgow

Road Closed: Lot 1 DP 1227655

File No: 16/05922

SCHEDULE

On closing, the land within Lot 1 DP 1227655 remains vested in the State of New South Wales as Crown land.

REVOCATION OF RESERVATION OF CROWN LAND

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

SCHEDULE

Column 1	Column 2
Parish: Wandella County: Dampier Land District: Moruya Local Government Area: Bega Valley Locality: Yowrie Reserve No. 752164 Public Purpose: Future public requirements Notified: 29 June 2007 File Reference: 13/15535	The part being: Lot 1 DP823272 of an area of 2792 m ²

Notes: For the purpose of sale of Lot 1 DP823272 – closed Crown road (notified in Government Gazette 7/04/1995) to an adjoining owner.

NOTIFICATION OF CLOSING OF A ROAD

In pursuance of the provisions of the *Roads Act 1993*, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Beecroft; County – St Vincent
Land District – Nowra; LGA – Shoalhaven*

Road Closed: Lot 1 DP 1229922

File No: 16/10865

SCHEDULE

On closing, the land within Lot 1 DP 1229922 remains vested in Shoalhaven City Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference: 53490E (D17/35967)

NOTIFICATION OF CLOSING OF A ROAD

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Cullendore; County – Buller
Land District – Tenterfield; LGA – Tenterfield*

Road Closed: Lot 1 DP 1229393

File No: 16/03802

SCHEDULE

On closing, the land within Lot 1 DP 1229393 remains vested in the State of New South Wales as Crown land.

NOWRA OFFICE

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
building	Reserve No. 751268 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 16/00250

ORANGE OFFICE

ROADS ACT 1993

ORDER

Transfer of Crown Roads to Council

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

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

SCHEDULE 1

Parish – Oberon; County – Westmoreland

Land District – Bathurst

Local Government Area – Oberon Council

The road as shown shaded on the diagram below.

Width to be transferred: Whole width



SCHEDULE 2

Roads Authority: Oberon Council

Council Ref: R Burgess

File Ref: 17/04890; W583653

SYDNEY METROPOLITAN OFFICE

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.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
Picnic Point Reserve Trust	Reserve No. 63565 Public Purpose: public recreation Notified: 14 October 1932 File Reference: MN89R133

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.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Canterbury-Bankstown Council For a term commencing the date of this notice	Picnic Point Reserve Trust	Reserve No. 63565 Public Purpose: public recreation Notified: 14 October 1932 File Reference: MN89R133

ORDER – AUTHORISATION OF ADDITIONAL PURPOSE UNDER S121A

Pursuant to section 121A of the *Crown Lands Act 1989*, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
bush fire brigade purposes	Reserve No. 66219 Public Purpose: public recreation Notified: 4 September 1936 File Reference: 14/01086

Schedule

Column 1	Column 2
bush fire brigade purposes	Part Reserve No. 84371 being Lot 7003 DP 93993 Public Purpose: public recreation Notified: 5 April 1963 File Reference: 10/04775

WAGGA WAGGA OFFICE

REMOVAL FROM OFFICE OF CORPORATION MANAGER OF RESERVE TRUST

Pursuant to section 96(2) of the *Crown Lands Act 1989*, the corporation specified in Column 1 hereunder is removed from the office of manager of the reserve trust specified in Column 2, which is trustee of the reserve referred to in Column 3.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Girl Guides Association (New South Wales)	Tumut Girl Guides (R.87579) Reserve Trust	Reserve No. 87579 Public Purpose: girl guides Notified: 19 December 1969 File Reference: 10/15077

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.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
Tumut Girl Guides (R.87579) Reserve Trust	Reserve No. 87579 Public Purpose: girl guides Notified: 19 December 1969 File Reference: 10/15077

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

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
grazing	Reserve No. 55507 Public Purpose: public recreation Notified: 16 June 1922 File Reference: 16/09348

WESTERN REGION OFFICE

ERRATUM

IN the NSW Government Gazette of 27 January 2017, folio 199 under the heading “Addition to a Western Lands Lease”, all reference to Western Lands Lease 3571 should be deleted.

File Reference: 08/2056

The Hon PAUL TOOLE MP
Minister for Lands and Forestry

Water Notices

WATER ACT 1912

WATERNSW

An application for a Licence under Section 10 of the *Water Act 1912*, as amended, has been received as follows:
ANTHONY ANDREW CLAY, for a pump on Hastings River on Lot 2; DP 618791, Parish of Pappinbarra, County of Macquarie, for irrigation purposes (18 megalitres). Entitlement by way of permanent transfer (Ref: 2017-0083).

Any inquiries should be directed to (02) 6641 6500. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with WaterNSW, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

Mark Bonner, Water Regulation Officer

WATER ACT 1912

WATERNSW

An application for a licence under Section 10 of the *Water Act 1912*, as amended, has been received as follows:
DUDLEY EWAN BARLIN AND CARMEL DAPHNE BARLIN, for a pump on Little Toms Creek on Lot 13; DP 754420, Parish of Kerewong, County of Macquarie, for irrigation purposes (15 megalitres). Entitlement by way of permanent transfer.

(Ref: 2017-0090).

Any inquiries should be directed to (02) 6641 6500. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with WaterNSW, Locked Bag 10, Grafton NSW 2460 within 28 days of this publication.

M. Bonner, Water Regulation Officer

Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration pursuant to Section 76

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

2834 STUDIOS INCORPORATED	INC1400881
ADVANCE SERVICE CLUB OF FORSTER TUNCURRY INCORPORATED	INC1400596
ANGLO INDIAN DREAM MAKERS INC	INC9892425
APEX CLUB OF LEETON INC	Y0549714
AUSTRALASIAN SARCOPENIA AND MUSCLE SOCIETY INCORPORATED	INC1300658
AUSTRALIAN BUSINESS ASSOCIATION ORION INCORPORATED	INC9893268
BALLIMORE TENNIS CLUB INC	Y1370537
BATHURST IN A BOX INCORPORATED	INC1300534
BONNY HILLS YOUTH AND COMMUNITY PROJECT GROUP INC	INC9891365
BREWARRINA CRICKET ASSOCIATION INCORPORATED	INC1301465
BREWARRINA OZTAG ASSOCIATION INCORPORATED	INC1301466
CHATHAM/CUNDLE JUNIOR CRICKET CLUB INCORPORATED	INC9892330
COFFS HARBOUR CHRISTIAN BROADCASTERS INCORPORATED	Y2049825
DIVINE APOSTOLIC MINISTRIES (DAM) INCORPORATED	INC1401517
FEATS OF IMAGINATION INCORPORATED	INC1500513
FORSTER TUNCURRY BODYBOARDING ASSOCIATION INCORPORATED	INC9891459
GLENARA TENNIS CLUB INCORPORATED	Y2722329
GOULBURN CHIN COMMUNITY INCORPORATED	INC9893408
GRENFELL & DISTRICT CRICKET ASSOCIATION INCORPORATED	Y2153148
HAWKESBURY SCHOOLS CONNECT INCORPORATED	INC9894350
HEAR THE BUSH BEAT ASSOCIATION INCORPORATED	INC9895186
HUNTER ABORIGINAL CLOSE THE GAP COMMITTEE INCORPORATED	INC1300776
INFINITE LIGHT YOUTH ASSOCIATION INCORPORATED	INC9883976
KAIVITI SPARTANZ INCORPORATED	INC1300495
KOTARA COMMUNITY AND BUSINESS GROUP INCORPORATED	INC9889699
LA MAISON D'ANITA INCORPORATED	INC1401278
LIVE ORIGINAL ARTISTS AND MUSICIANS INCORPORATED	INC1300690
LOVE LIFE LONGEVITY 777 INCORPORATED	INC1500432
MANNING RIVER DISTRICT DARTS ASSOCIATION INCORPORATED	Y1722629
MATURE AGE STUDENT NETWORK OF AUSTRALIA INCORPORATED	INC1300781
MAURITANIAN MUSLIM COMMUNITY IN AUSTRALIA INCORPORATED	INC1500456
METRO STUDY GROUP INCORPORATED	INC1300783
MIGRANT AND REFUGEE WOMEN'S ASSOCIATION INCORPORATED	INC1300536
MOREE FOOTBALL REFEREES ASSOCIATION INCORPORATED	INC9893107
NARRANDERA & DISTRICT GYMKHANA CLUB INCORPORATED	Y2129926
NEW SOUTH WALES LAWYERS ORCHESTRA INCORPORATED	INC1600701
NORTHERN BEACHES AMAZON FURY INCORPORATED	INC1500437
OUTBACK REGIONAL TOURISM ORGANISATION INCORPORATED	Y2271141
OXFORD INLAND FISHING CLUB INCORPORATED	Y2286514
RCIRCSA SOCIAL CLUB INCORPORATED	INC1301280

ROMANIAN-AUSTRALIAN CULTURAL SOCIETY “SOUTHERN CROSS” INCORPORATED	INC9887059
ROSSMORE ELECTRIC FLYERS INC	INC1500552
SHARE A LITTLE INCORPORATED	INC1300462
SHOALHAVEN RIVER OYSTERS INCORPORATED	INC9886534
STAFFORDSHIRE BULL TERRIER SOCIAL AND SUPPORT GROUP INCORPORATED	INC1300683
STRENGTHENING COMMUNITIES INCORPORATED	INC9893733
SWELL KIDS PRIMARY LYMPHOEDEMA ASSOCIATION INC	INC1300459
SYDNEY SHANGHAI FRIENDSHIP SOCIETY INCORPORATED	INC9885632
TARCUTTA POLOCROSSE CLUB INC	Y0286526
THE LIONS CLUB OF NEW SOUTH WALES CAMPUS INCORPORATED	INC1401277
THE NON SPORTING DOG CLUB OF N.S.W. INCORPORATED	Y2357322
TUGGERAH LAKES MARINE RADIO BASE INCORPORATED	INC1400259
UNITED YOUTH OF AUSTRALIA INCORPORATED	INC9889360
WILD GAME HUNTERS INCORPORATED	INC1401645
WIRREANDA VALLEY LANDOWNERS ASSOCIATION INCORPORATED	INC1300362

Cancellation is effective as at the date of gazettal.

Dated this 28th day of April 2017.

Christine Gowland
 Delegate of the Commissioner
 NSW Fair Trading

COMPANION ANIMALS REGULATION 2008

ORDER

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

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

SCHEDULE 1

Name of organisation	Address of organisation
T.L.C. Rescue Inc.	6 Wildflower Crescent HOPPERS CROSSING VIC 3029

SCHEDULE 2

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

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

Sonja Hammond
Acting Manager, Performance
Office of Local Government

Date: 20 April 2017

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 8 of the *Geographical Names Act 1966*, the Geographical Names Board hereby notifies that it proposes to assign the names:

Ken Lambkin Reserve for a reserve adjacent to the Pacific Highway and accessed by Paley Crescent in the locality of Belmont South.

Pasterfield Sports Complex for a reserve bound by Kinross Avenue, Horizon Avenue and Cocked Hat Creek in the locality of Cameron Park.

Estellville Park for a reserve located adjacent to Seaham Street in the locality of Holmesville.

James Brady Reserve for a reserve that extends from the northern section of Nanda Street to Marmong Point in the locality of Marmong Point.

The position and extent for these features are recorded and shown within the Geographical Names Register of New South Wales. The proposal can also be viewed and submissions lodged on the Geographical Names Board website at www.gnb.nsw.gov.au from Friday 28 April to Monday 29 May 2017. Alternatively, written submissions may be lodged with the Secretary, Geographical Names Board, 346 Panorama Ave, Bathurst, NSW 2795.

In accordance with Section 9 of the *Geographical Names Act 1966*, all submissions lodged may be subject to a freedom of information application and may be viewed by a third party to assist the Board in considering this proposal.

NARELLE UNDERWOOD
Chair
Geographical Names Board
PO Box 143
BATHURST NSW 2795

EMERGENCY SERVICES LEVY INSURANCE MONITOR ACT 2016

Revised Guidelines relating to prohibited conduct under section 21

I, professor Allan Fels AO, the person appointed as the Emergency Services Levy Insurance Monitor under section 5 of the *Emergency Services Levy Insurance Monitor Act 2016* (“the Act”) publish the following guidelines, for the purposes of section 21 (1) of the Act: Guidelines on the prohibition against price exploitation in relation to the emergency services levy reform. The Guidelines take effect immediately.

Professor Allan Fels AO
Emergency Services Levy Insurance Monitor



Emergency Services Levy Insurance Monitor Act 2016

**Revised Guidelines on
the prohibition against
price exploitation**

April 2017



GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Published by

Emergency Services Levy Insurance Monitor
McKell Building, 2-24 Rawson Place, Sydney 2000
enquiries@eslinsurancemonitor.nsw.gov.au
www.eslinsurancemonitor.nsw.gov.au

Disclaimer

Every effort has been made to ensure that the information presented in this document is accurate at the time of publication. Because this document avoids the use of legal language, information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

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GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

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GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

A. Introduction

- 1 On 10 December 2015, the New South Wales Treasurer announced that the Government intended to reform the way emergency services organisations are funded in New South Wales. Legislation to give effect to this reform was passed by the New South Wales Parliament and came into effect on 4 April 2017. In particular, from 1 July 2017 this reform abolishes the emergency services contributions required to be paid by insurance companies, which are recovered from policyholders by charging an Emergency Services Levy (ESL), and establishes a land-based levy to be paid by all New South Wales property owners through their local council rates.
- 2 The *Emergency Services Levy Insurance Monitor Act 2016* (the Act), which was passed by the NSW Parliament on 31 May 2016 and came into effect on 7 June 2016, provides for the appointments of an Emergency Services Levy Insurance Monitor and Deputy Monitor “*who will be responsible for ensuring that insurers pass on the benefits of abolishing the ESL to households and businesses in the form of lower insurance premiums.*”¹
- 3 Section 9 (2) of the Act specifies that the Monitor has the following general functions:
 - (a) to provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
 - (b) to monitor prohibited conduct and compliance with this Act and the regulations
 - (c) to monitor prices for the issue of regulated contracts of insurance,
 - (d) to monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,
 - (e) to prepare and publish guidelines relating to the operation and enforcement of this Act and the regulations,
 - (f) to receive complaints about prohibited conduct and to deal with them in accordance with this Act, and
 - (g) to investigate and institute proceedings in respect of prohibited conduct or any contraventions of the Act or the regulations.
- 4 The *Fire and Emergency Services Levy Act 2017* (“FESL Act”) came in to effect on 4 April 2017 and contains amendments to the Act, necessitates some revision to the Guidelines, which were first issued in September 2016.
- 5 The Act contains prohibitions against price exploitation and false or misleading conduct in relation to the emergency services levy reform, collectively referred to as “prohibited conduct”. There is provision in section 21 for the Monitor to issue Guidelines about when conduct may be considered to breach these prohibitions.
- 6 These Guidelines specifically address the prohibition against price exploitation. Draft Guidelines were originally issued by the Monitor in July 2016 for comment and consultation. The settled version of the Guidelines was published in September 2016. These revised Guidelines have been issued to:
 - (a) address the Monitor’s activities following the commencement of the FESL Act; and

¹ NSW Legislative Assembly, *Emergency Services Levy Insurance Monitor Bill 2016* (“the Bill”), Second Reading, Ms Gladys Berejiklian, Treasurer and Minister for Industrial Relations, 3 May 2016.

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- (b) to provide further guidance about the appropriate treatment of ESL in relation to regulated contracts of insurance issued or renewed before 30 June 2017, where such contracts are varied, adjusted or cancelled on or after 1 July 2017, or where the ESL on such contracts is received or collected by insurance companies after 1 July 2017.

A.1 Statutory basis and application of the Guidelines

- 7 These Guidelines on the prohibition against price exploitation are issued under section 21 of the Act, and take effect immediately (28 April 2017). The Act provides that the Monitor must have regard to any Guidelines issued under section 21 of the Act in deciding whether to issue contravention and prevention notices. Under section 16, the Monitor may issue a contravention notice to an insurance company if the Monitor considers the company has contravened the prohibition on price exploitation. Under section 17, the Monitor may issue a prevention notice to an insurance company if the Monitor considers that doing so will aid the prevention of price exploitation. Section 18(4) provides that the Supreme Court may have regard to any Guidelines issued under section 21 of the Act in determining whether to make an order in relation to prohibited conduct, including price exploitation. The Monitor must also have regard to any Guidelines issued under section 21 in deciding whether to issue a substantiation notice (section 22(6)) or a public warning statement (section 31(3)) under the Act.
- 8 The Act provides that Guidelines issued under section 21 and any variations of them must be published in the Government Gazette and on the Monitor's website. Accordingly, these revised Guidelines and the date on which they are to take effect will be published in the Government Gazette and will be available on the Monitor's website www.eslinsurancemonitor.nsw.gov.au.

A.2 The emergency services levy reform

- 9 Insurance companies have been required to pay contributions to help fund the emergency services organisations in New South Wales, being Fire and Rescue NSW, NSW Rural Fire Service and NSW State Emergency Service. These contributions (defined as emergency services contributions under the Act) are collected under Part 5 of the *Fire Brigades Act 1989*², Part 5 of the *Rural Fires Act 1997*³ and Part 5A of the *State Emergency Service Act 1989*⁴. Insurance companies provide 73.7 per cent of the total contributions required to fund the New South Wales emergency services organisations with the balance being provided by the Treasury (14.6 per cent) and Local Councils (11.7 per cent).
- 10 The contributions required from insurance companies are determined on the basis of the approved budgets of the emergency services organisations and the share of the market held by each insurance company, based on designated portions of total premiums obtained from particular classes of insurance as specified in schedules to the legislation

² From 4 April 2017, Part 5, section 80 and Schedule 1 to this Act continue to apply in any financial year commencing before 1 July 2017 under the combined effect of section 87 and clause 32 of Schedule 4 to the *Fire Brigades Act 1989*.

³ From 4 April 2017, Part 5 and Schedule 2 to this Act continue to apply in any financial year commencing before 1 July 2017 under the combined effect of section 137 and clause 30 of Schedule 3 to the *Rural Fires Act 1997*.

⁴ From 4 April 2017, Part 5A, and Schedule 2 to this Act continue to apply in any financial year commencing before 1 July 2017 under the combined effect of section 30 and clause 14 of Schedule 1 to the *State Emergency Service Act 1989*.

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identified above. The relevant classes of insurance and contribution percentages as specified in the schedules are shown in the following Table.

Table 1: Classes of insurance subject to contribution and rates applied

Class of policies of insurance	Proportion of premiums subject to contribution
1 Any insurance of property including consequential loss but not including any insurance of a class specified elsewhere in in this Schedule	80 per cent
2 House owners and householders, however designated (buildings or contents or both)	50 per cent
3 Personal combined on personal jewellery and clothing, personal effects and works of art	10 per cent
4 Motor vehicle and motor cycle	2.5 per cent
5 Marine and baggage – any insurance confined to maritime perils or confined to risks involving transportation on land or in air including storage incidental to transportation by sea, land or air, but not including static risks* (which are to be declared under Item 1) Note* static risks includes all movements of goods and/or stock and/or material associated with processing or storage operations at any situation.	1 per cent
6 (a) Combined fire and hail on growing crops (b) Live stock	1 per cent 1 per cent
7 Aviation hull	Nil
8 Any insurance solely covering: a) Loss by theft b) Plate glass c) Machinery – confined to mechanical breakdown and/or consequential loss arising from mechanical breakdown d) Explosion or collapse of boiler and pressure vessels – confined to damage other than by fire	Nil Nil Nil Nil

11 Insurance companies have generally recovered their emergency services contributions by charging an ESL as part of the premiums required to be paid by insurance policyholders.

12 On 10 December 2015 and subsequently, when introducing the *Emergency Services Levy Insurance Monitor Bill* 2016 to the Parliament, the Government indicated its intention,

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subject to acceptance by the Parliament, to cease funding the emergency services organisations through insurance company contributions and to replace the insurance-based levies with property-based levies to be collected by Local Government. The FESL Act confirms that this change will have effect from 1 July 2017. From that date there will be no contributions required to be made by insurance companies and no ESL should be included on insurance policies issued on or after that date.

- 13 The abolition of compulsory contributions by insurance companies to the funding on New South Wales' fire and emergency services will affect the prices that insurance companies charge for insurance where such levies were previously applied.

A.3 The Monitor's role in relation to price exploitation

- 14 The Government intends that insurance policyholders in NSW, both households and businesses, should benefit fully from the abolition of the ESL. The abolition of the ESL should decrease the prices paid by purchasers of insurance. Insurers will collect ESL in premiums charged to New South Wales policyholders to pay contributions of \$785 Million during 2016-17. This amount, plus associated Goods and services Tax ("GST") and duty must be removed from premiums on policies commencing from 1 July 2017.⁵ There should be no exploitation of policyholders by insurance companies not passing on to them the full benefits of removal of the ESL.

- 15 The then Treasurer stated in the Second Reading Speech on the *Emergency Services Levy Insurance Monitor Bill 2016* ("the Bill"):

*"By establishing the consumer protection framework now, before legislation abolishing the ESL is introduced, the Government is providing a framework that will enable insurers to gradually transition insurance prices so that the ESL will be fully removed from insurance prices by 1 July 2017."*⁶

- 16 The Government has established an insurance price oversight regime under the Act which prohibits price exploitation in the lead up to and following emergency services levy reform. The Act provides the Monitor with extensive powers to ensure compliance with that prohibition.

A.4 Penalties for contravention of the prohibition on price exploitation

- 17 The level of penalties for contraventions of the prohibited conduct provisions of the Act reflects the Government's concern to ensure that there is no price exploitation associated with emergency services levy reform by any insurance company. The Supreme Court may impose pecuniary penalties up to \$10 million on corporations, and \$500,000 on individuals, for contraventions of the price exploitation provisions which occur after commencement of the Act. If a contravention occurs after 10 December 2015 but before 3 May 2016, being the date when the Bill was introduced into Parliament, the maximum penalty the Supreme Court may impose "is not to exceed the amount that a court is satisfied represents the amount of any monetary benefits acquired by the respondent, or accrued or accruing to the respondent, as a result of the conduct." (Section 18(5)).

5. The NSW Treasurer, Mr Dominic Perrottet, in his Second reading speech to the FESL Bill 2017, referred to a reduction of \$938 million in the cost of insurance in 2017-18. This amount takes into account ESL and associated GST and Duty.

6 Second Reading, Ms Gladys Berejiklian, 3 May 2016.

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A.5 To whom do the Guidelines apply in relation to price exploitation?

- 18 The Guidelines apply to any insurance company which issues or has issued 'at any time during the relevant period' a 'regulated contract of insurance'.
- 19 An insurance company is defined in section 3 of the Act to mean a person, partnership, association or underwriter that:
- (a) issues or undertakes liability under policies of insurance against loss of or damage to property situated in New South Wales, or
 - (b) receives premiums in respect of such policies of insurance on behalf of, or for transmission to, a person, partnership, association or underwriter outside of New South Wales.
- 20 Section 14(3) provides that the relevant period⁷ commences on 10 December 2015, the date the Government announced its intention to proceed with the emergency services levy reform, and ends on the date on which the section commences, i.e., 7 June 2016. This means that the prohibition on price exploitation applies retrospectively to the time of the Government's announcement of the emergency services levy reform and continues to apply to any regulated contract of insurance issued up to 31 December 2018.
- 21 A regulated contract of insurance is defined, in section 3 of the Act, as being 'any policy of insurance issued by an insurance company (whether before, on or after the commencement of this Act) that:
- (a) belongs to a class of policies of insurance that is, on the commencement of this Act, subject to contribution under the emergency services funding scheme, or
 - (b) is a combined or comprehensive policy of insurance that includes a policy of insurance belonging to such a class.
- 22 The prohibition on price exploitation affects any insurance policy within the class of policies listed in table 1 or any policy which incorporates a policy within any of these classes.

⁷ See s14 (3) of the Act

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B. The prohibition on price exploitation

23 The prohibition on price exploitation is a key element of the regulatory regime established by the Act to oversee the abolition of the insurance-based ESL and is intended to ensure that the benefits of the emergency services levy reform are passed on in full to insurance policyholders.

B.1 The legislative provisions

24 Section 14 of the Act defines price exploitation, providing that:

- (1) For the purposes of this Act, an insurance company engages in **price exploitation** if:
- (a) the insurance company issues (or has, at any time during the relevant period, issued) a regulated contract of insurance; and
 - (b) the price for the supply of the regulated contract of insurance is unreasonably high having regard to -
 - (i) the emergency services levy reform, and
 - (ii) the contributions required to be paid by the insurance company under the emergency services funding scheme, and
 - (iii) the historical emergency services levy rates charged by the insurance company, and
 - (iv) the costs of supplying insurance against loss of or damage to property, and
 - (v) any other matters prescribed by the regulations.

25 Section 3 of the Act provides that:

price, in relation to the issue of a regulated contract of insurance includes:

- (a) any premium paid or payable for the issue of the regulated contract of insurance (including any base premium, emergency services levy, GST or duty), and
- (b) any brokerage or commission paid or payable on:
 - (i) the premium, or
 - (ii) bonuses or return premiums allowed in respect of the regulated contract of insurance, or
 - (iii) such part of the premium received by or payable to the insurance company issuing the regulated contract of insurance as is paid or payable by way of reinsurance by the insurance company to another insurance company.

B.2 What is the appropriate level of analysis to determine price exploitation?

26 The Monitor considers that section 14 applies to the price of an individual insurance policy in the relevant classes of policy, rather than to an insurance company's prices in aggregate or its methodology for setting its premiums in general. The Monitor places emphasis on the plain or ordinary meaning of the words in the section in reaching this

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view. The key provision in this respect is the reference to a contract of insurance in the singular:

- Section 14(1)(a) refers to 'the insurance company issues "*a regulated contract of insurance*" [emphasis added]; and
- Section 14(1)(b) refers to 'the price for the issue of "*...the regulated contract*" [emphasis added].

27 While a focus on the individual insurance policy is appropriate when determining whether prices have been unreasonably high, the Monitor considers that an insurance company's overall pricing may be a relevant consideration in relation to the matters specified in section 14(1)(b).

Guideline 1:

The prohibition on price exploitation applies at the level of the price of an individual contract of insurance within the scheduled classes issued by an insurance company and regulated under the Act.

B.3 The relevant components of a price?

- 28 The main components of the price to be considered in connection with the price exploitation provision include the base premium, the ESL, GST and duty. In addition, any brokerage or commission paid or payable on the premium, bonuses or return premiums and reinsurance are identified as separate components of price that may be considered.
- 29 The Monitor will seek information from insurance companies on each of these elements of price in undertaking the role of monitoring the effect of the emergency services levy reform on insurance premiums. It may seek information on these elements of price also when considering whether insurance companies have engaged in price exploitation.
- 30 Under section 80 of the *Fire Brigades Act 1989*⁸, an insurance company is 'not to issue to a person any invoice or other statement as to the premium payable in respect of the renewal of a policy of insurance (that is subject to a contribution and is of a class listed in Part A of Schedule 1 to that Act⁹, essentially property insurance) unless the statement also indicates how much of the premium is estimated to be attributable to the total of the required contributions to the three emergency services organisations.
- 31 The collection by insurance companies of GST and duty is not discretionary. They are imposed by Commonwealth and New South Wales legislation, respectively. Their amounts are affected by both the base premium and the ESL as they are applied as percentages on top of these amounts. Currently the GST is 10 per cent and duty is 9 per cent for most property insurance, but 5 per cent on motor vehicle insurance and 2.5 per cent on crop and livestock insurance.
- 32 For regulated contracts of insurance entered into from 1 July 2017, following the implementation of emergency services levy reform, no premium payable under a regulated contract of insurance should include an ESL component or any other element linked to ESL.

8. See footnote 2 above.
9. See footnote 2 above.

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33 The Monitor expects that GST, duty and any brokerage payable under regulated contracts of insurance will decrease commensurately with the abolition of ESL.

Guideline 2:

The prohibition on price exploitation relates to the total price charged for a regulated contract of insurance and the major components of the price, including the base premium (including re-insurance costs), ESL, GST and duty, and brokerage or commission. Abolition of an ESL will reduce the total price by eliminating the ESL component of the price and reducing other components of the price previously affected by the ESL, including the GST and duty and any brokerage or commission paid or payable.

B.4 When do the provisions apply?

34 The price exploitation provisions (section 14) came into effect on 10 December 2015. The Act covers the period up to 31 December 2018. The Act will be repealed on 1 January 2019 (section 79). An application for an order for a civil pecuniary penalty relating to price exploitation cannot be made later than 31 December 2018 (section 18(6)). Proceedings for a criminal offence under the Act may not be commenced after 31 December 2018. The positions of Monitor and Deputy Monitor cease on that date. Any on-going proceedings or other matters not completed at this date may be continued by the Commissioner for Fair Trading.

B.5 What is price exploitation?

35 Price exploitation occurs if the price for the issue of a regulated contract of insurance by an insurance company is unreasonably high having regard to the five specified criteria listed in section 14(b). These criteria are:

- the emergency services levy reform, and
- the contributions required to be paid by the insurance company under the emergency services funding scheme, *and*
- the historical emergency services levy rates charged by the insurance company, and
- the costs of supplying insurance against loss of or damage to property, and
- any other matters prescribed by the regulations.

36 The phrase 'unreasonably high' is not defined in the Act. The Monitor will, however, have regard to the plain or ordinary meaning of the words used, their statutory context and the criteria provided by Parliament. The dictionary definition of 'unreasonably' or 'unreasonable' is relevant. The Macquarie Dictionary, 7th Edition (2017), defines 'unreasonable' as: '*1. not reasonable; not endowed with reason; 2. not guided by reason or good sense; 4. not based on or in accordance with reason or sound judgment; 5. exceeding the bounds of reason; immoderate; exorbitant.*' Given that the phrase will need to be given meaning in the context in which Parliament has placed it, it is also instructive to note the ordinary meaning of the word 'exploitation'. The same dictionary defines 'exploitation' as: "*1. utilisation for profit; 2. selfish utilisation.*"

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- 37 The Monitor considers that the meaning of the phrase “unreasonably high” is to be determined in accordance with the purposes of, and having regard to the criteria listed in, the Act.
- 38 Price exploitation occurs in connection with the issue of a regulated contract of insurance by an insurance company. The term ‘issued’ is defined, inclusively in the Act. Section 14(2) provides, for the purposes of the section, that “issue” includes ‘receive a premium in respect of a regulated contract on behalf of, or for transmission to any body corporate, partnership, association, underwriter or person outside of New South Wales’. The Macquarie Dictionary defines the word “issued”, when used as a verb, as “20. to put out, deliver for use, sale etc; put into circulation; 23. to send out, discharge, emit; 24. to be sent or put forth authoritatively or publicly, as a writ, money etc”. For the purpose of assessing potential price exploitation, the Monitor considers that the date upon which a regulated contract of insurance is issued is the date when the contract of insurance is formed.
- 39 The then Treasurer summarised succinctly what is meant by price exploitation in her second reading speech on the Bill:
- “Price exploitation is when an insurance company does not pass on to consumers the full reduction in cost from the abolition of the insurance-based levy or seeks to recover more in fire services levy from policyholders than the insurance company is required to remit to the Government.”¹⁰*

B.6 The criteria relevant to determining if an insurance price is 'unreasonably high'?

- 40 An indication of how the Monitor will interpret each of the criteria in section 14(1) of the Act is set out below. The Monitor will consider all the criteria in assessing whether a price is “unreasonably high” although in any particular case only one or more of the criteria may be relevant.

Criterion 1: The emergency services levy reform

- 41 Section 14(1)(b)(i) directs the Monitor to have regard to “the emergency services levy reform” in assessing whether a price is unreasonably high. The emergency services levy reform is defined in section 3 to mean:
- (a) the abolition, by the *FESL Act* of the emergency services funding scheme, and
 - (b) the establishment of a Fire and Emergency Services Levy (FESL) by that Act.
- 42 This criterion directs the focus of the Monitor’s oversight to the impact of the abolition of ESL on premiums paid for the issue of regulated contracts of insurance. This change occurs on 1 July 2017, so that there should be no ESL charged in connection with any regulated contract of insurance issued from this date. ESL rates may increase and decrease before that date. There should be no increase in the base premiums to compensate for falls in ESL rates or in anticipation of or following the abolition of ESL.
- 43 The Monitor is concerned to ensure that the reduction and the final abolition of ESL brought about by the emergency services levy reform are reflected in commensurate

¹⁰ Second Reading, Ms Gladys Berejiklian, 3 May 2016.

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changes in the prices of regulated contracts of insurance. It is not concerned with whether the existing level of prices set by insurance companies is considered to be appropriate or not.

- 44 A price for the issue of a regulated contract of insurance will not be compared to any amount that may be collected under the new land-based Fire and Emergency Services Levy ("FESL"), applying from 1 July 2017. A payment of FESL by the holder of an insurance policy from 1 July 2017 is not relevant to the Monitor's consideration of whether there has been a contravention of the prohibition on price exploitation by insurance companies.

Guideline 3:

No ESL may be included in any insurance policy commencing from 1 July 2017 and no element of the price of a regulated contract of insurance, commencing from 1 July 2017, should be increased as a result of the abolition of the ESL.

Guideline 4:

Insurance companies should not anticipate the abolition of the ESL by increasing base premiums prior to 1 July 2017 on this account alone.

Reductions in ESL rates prior to 1 July 2017 should by themselves be reflected in commensurate reductions in total premiums.

- 45 The Chief Executive Officer of each insurance company is requested to provide the Monitor with a signed declaration, in a form specified by the Monitor, committing the company not to charge ESL on new policies issued or policies renewed from 1 July 2017, and not to anticipate abolition of the ESL prior to 1 July 2017 by increasing base premiums on this account alone. Each commitment received will be published on the Monitor's website.
- 46 The Monitor will have regard for these commitments received in pursuing a risk-based approach to any compliance and enforcement activities.

Guideline 5:

The Monitor expects each insurance company will implement internal controls designed to ensure that no ESL will be charged on regulated contracts of insurance issued or renewed from 1 July 2017 and that base premiums will not rise before this date in anticipation of the abolition of ESL on this account alone.

The Chief Executive Officer of each company is requested to provide the Monitor by 31 January 2017 a signed standard form declaration committing the company not to charge ESL on regulated contracts of insurance issued or renewed from 1 July 2017, or to anticipate abolition of the ESL in base premiums before this time. Each commitment received will be published on the Monitor's website.

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Criterion 2: The contributions required to be paid by the insurance company under the emergency services funding scheme.

- 47 The total contribution insurers are required to pay to the emergency services organisations has been determined each year by the NSW Government. The basis of calculation of this contribution is set out in the Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Service Act 1989*. In essence, the contributions of insurers take into account the approved budgets of the emergency services organisations and the share of the total premium pool accounted for by each insurer.
- 48 Table 2 indicates that the total required contribution of insurers to the emergency services organisations in the last five financial years. While the budgets of the emergency services organisations have generally been set in June of each year, variations have meant that they have not normally been finalised until November in each year, creating some uncertainties for insurance companies.

Table 2; Insurance company contributions to the NSW Government

Year	Total contribution to ESL from insurance companies
2012-13	\$691m
2013-14	\$716m
2014-15	\$719 m
2015-16	\$769 m
2016-17	\$785 m

- 49 In assessing whether a price or premium paid or payable for the issue or renewal of a regulated contract of insurance prior to 1 July 2017 is unreasonably high, the Monitor will have regard to the contributions required to be paid in the final two years of the scheme¹¹ (2015-16 and 2016-17) by each individual insurance company, as well as the amount actually collected from policyholders through ESL over the same period. This is defined as the over-collection amount in the Act. The Monitor will require audited returns from the insurance companies of the amounts of ESL collected from policyholders during this period. These audited returns are not the same as the Audited Return on Premiums required to be provided to the NSW Government.

¹¹ See the definition of Emergency Services Funding Scheme in s3 of the Act.

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Over-collection of ESL

- 50 The Monitor acknowledges that there are uncertainties for insurance companies in setting ESL rates and as to how much ESL rates will increase each year. Under and over-collections, compared to required contributions, are, therefore, inevitable to some degree. The Monitor does not consider that over-collection in itself necessarily constitutes unreasonably pricing. However, where over-collection has occurred and no steps have been taken to return this over-collection to policyholders, in accordance with arrangements approved by the Monitor, this will be regarded as indicating that prices have been unreasonably high in contravention of the price exploitation prohibition.
- 51 The process by which the Monitor will investigate and assess over-collection is outlined in Part 3A of the Act. Over-collection arises when the total amount of ESL collected by an insurance company exceeds the total amount of ESL contributed by the insurance company, calculated over the final 2 years of the scheme¹² (i.e., the 2016 and 2017 financial years). Insurance companies are liable for any over-collection amounts.
- 52 Any over-collection amount by insurance companies is to be determined by the Monitor. The Monitor will seek detailed information on the collections from insurers in forming his opinion on the amount that was collected for, or purportedly for, the payment of their ESL contribution in the final 2 years of the scheme. The Monitor will issue an assessment for any over-collection amount that it determines and seek acceptance of this assessment as provided for in the Act.
- 53 The Monitor is required to endeavour to ensure that any insurance company that is liable for an over-collection amount:
- (a) refunds the over-collection amount to relevant policyholders of the insurance company, if that is practicable; or
 - (b) if that is not practicable, pay the over-collection amount to the Chief Commissioner of State Revenue "(Chief Commissioner)" for payment into the Consolidated Fund.
- 54 The relevant policyholders for these purposes are policyholders who were insured under a regulated contract of insurance issued by an insurance company in the final 2 years of the Scheme. The issue of practicability of refunds to policyholders is one that will need to be determined on a case by case basis through discussions between the Monitor and each insurance company. The Monitor's presumption is that refunds should be paid as a matter of course to relevant policyholders. However, it is recognised that this may not be practicable where relatively small amounts are involved and in these cases the amounts can be bundled and paid to the Consolidated Fund. For retail customers, refunds should be made to individual policyholders where average amounts owing exceed \$5.00. For non-retail or commercial customers, particularly where intermediaries have been involved, the Monitor recognises that a higher threshold may be appropriate. The Monitor's presumption is that a threshold of \$100 could apply in these cases, but the Monitor will consider submissions from individual insurers wanting to apply higher threshold amounts.
- 55 If the Monitor reaches an agreement with an insurance company in relation to the distribution of over-collection amounts, the Monitor will expect the insurance company to enter into a refund undertaking in relation to any over-collection amount. Refund undertakings accepted by the Monitor will be consistent with the provisions of Division 2 of Part 4 of the Act relating to enforceable undertakings.

¹² See the definition of emergency services funding scheme in section 3 of the Act

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- 56 In the absence of an undertaking between the Monitor and an insurance company in respect of a refund undertaking, the Monitor will refer the over-collection amount to the Chief Commissioner for debt recovery action. Any debt recovery order made by the Chief Commissioner may be enforced through the courts. In addition, if an insurance company fails to pay an over-collection amount identified in a debt recovery order, upon conviction it faces a penalty of not more than 50 penalty units.
- 57 The Monitor will consider the failure by an insurance company to pay an over collected amount to constitute a breach of the statutory prohibitions of the Act, which potentially gives rise to substantially higher penalties.
- 58 Over-collection means that policyholders have been required to pay more than has been necessary to meet the insurance company's legislatively determined contribution to the emergency services organisations. The relevant entity here is considered to be the one that pays contributions to the NSW Government.

Guideline 6:

The Monitor will investigate and assess whether each insurance company is liable for an over-collection amount. This will be determined by comparing the insurance company's emergency services contribution for the final two years of the scheme with the amount that the Monitor considers was collected by the insurance company as ESL over the same period. Any over-recovery of statutory contributions must be refunded to the relevant policyholders (as defined in Section 31B of the Act) where it is practicable to do so. The Monitor may accept a refund undertaking from an insurance company in this regard.

Criterion 3: Historical emergency services levy rates charged by an insurance company

- 59 In determining whether prices can be considered unreasonably high the Monitor can have regard for the ESL rates charged historically by the insurance company. As the size of the insurance pool has grown a given ESL rate will have generated greater income. This has helped to accommodate increases in the budgets of the emergency services organisations.
- 60 Rates can vary through a year to achieve required collections. Significant variability through a year may give rise to concerns that ESL rates charged for particular policyholders are unreasonably high compared to previous years and to the ESL rates charged to other policyholders at different times. If complaints of this nature are received the Monitor will investigate the circumstances which have given rise to these differences and assess the reasonableness of the ESL rates charged.
- 61 Insurance companies have suggested that as the abolition date for ESL approaches there will be a need for ESL rates to be reduced. Otherwise some policyholders, especially business policyholders dealing through brokers, may cancel their policies to avoid paying higher ESL rates in the last few months of the scheme. Moreover, there may be criticisms from policyholders who do not appreciate that their ESL payments fund contributions in the financial year that they are made, not contributions for the future year. In response to these concerns, insurance companies have generally adjusted or tapered their ESL rates

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over the course of 2016-17 so that rates will be relatively low in the months approaching 1 July 2017.

- 62 The Monitor understands that any reduction in ESL rates toward the end of 2016-17 is likely to make it more difficult for insurance companies to fully recover their contributions to the emergency services organisations in that year. The Act is silent on the issue of how the insurance companies should set their rates in the final year of the scheme and the Monitor's view is that companies should determine independently their preferred approaches to this matter and be able to justify their positions if requested to do so by the Monitor. Any tapering of ESL rates throughout 2016-17 should be moderated so that rates charged to all policyholders are fair.
- 63 The NSW Government indicated that by establishing the consumer protection framework before passing the legislation which abolishes the ESL it "was providing a framework that will enable insurers to gradually transition insurance prices so that the ESL will be fully removed from insurance prices by 1 July 2017."¹³ The Treasurer also indicated that "the Government expects insurers will continue to set prices at the level necessary, in aggregate, to meet their tax obligations over the 2015-16 and 2016-17 years."¹⁴ In line with these objectives, the Monitor accepts that insurance companies can recover their contributions to the emergency services organisations over the 2015-16 and 2016-17 years combined through their premiums, including ESL rates.

Guideline 7:

The Monitor expects that insurance companies will make their own independent decisions as to how they recover their contributions to the emergency services organisations in 2015-16 and 2016-17. The Monitor recognises that insurance companies should be able to recover their contributions over the 2015-16 and 2016-17 years combined through their premiums, including ESL rates. Any tapering of ESL rates throughout 2016-17 should be moderated so that rates charged to policyholders are fair.

Criterion 4: The costs of supplying insurance against loss or damage to property

- 64 Section 14 (1)(b)(iv) of the Act allows the Monitor to have regard to 'the costs of supplying insurance against loss or damage to property.' The Monitor interprets the term 'costs' here to mean the costs of all inputs involved in a company's supply of insurance subject to ESL contribution, expenses incurred in the normal course of operating a place (or places) of business, and the company's costs incurred in any re-insurance arrangement relating to the provision of insurance subject to ESL contribution. However, the Monitor also recognises that premiums may have a direct influence on some costs such as brokerage or commission and reinsurance.
- 65 The costs associated with particular categories of insurance will be both direct and indirect. Where indirect costs are involved the methodology applied to the allocation of costs is important. The Monitor may seek information on how indirect costs are allocated, but, consistent with the focus on the change in premiums, the Monitor's main interest will be on any changes in costs and allocation methodology implemented over the period of operation of the prohibition on price exploitation.

¹³ Second Reading, Ms Gladys Berejiklian, 3 May 2016

¹⁴ Letter from the Treasurer, Ms Gladys Berejiklian, to the Monitor and Deputy Monitor. 19 February 2016.

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66 The Monitor does not have a pre-determined view on the appropriateness of any cost level or particular cost allocation or cross-subsidy involved in relation to insurance premiums subject to ESL contribution. However, where cost changes affect premiums, the Monitor may consider the reasonableness of these movements. Cost changes, including those arising from any changes in allocation methodology, should not be inflated to cause unreasonably high prices.

Guideline 8:

The Monitor will have regard to the costs of supplying insurance against loss or damage to property when assessing whether a price is unreasonably high. The Monitor considers these costs include the reasonable costs of all business inputs involved in a company's supply of insurance subject to ESL contribution, including expenses incurred in the normal course of operating a business and costs incurred in re-insurance arrangements relating to the provision of insurance subject to ESL contribution.

In assessing whether a price is unreasonably high, there will be a particular focus on any change in methodology, including cost allocation. Where a company incorporates a new factor (or factors) in its pricing methodology during the period of operation of the Act, and this factor contributes to higher prices, the Monitor expects the company will be able to provide a detailed explanation of the methodology change if requested to do so.

67 Particular concerns may arise if upward movements in costs are claimed to offset the effects of declining ESL rates and the eventual abolition of ESL. The Monitor is likely to seek a detailed explanation from insurance companies where this is claimed to be the case. From a community perspective there is also likely to be concern if base premiums are increased coinciding with the abolition of the ESL. The Monitor will expect insurance companies to explain to policyholders the relevant influences involved.

Guideline 9:

A base premium for an insurance policy subject to ESL contribution should not increase at the same time as the abolition of the ESL, unless the issuing company can demonstrate a genuine cost basis for the increase.

Where a premium paid or payable for an insurance policy increases simultaneously with the abolition of the ESL, and the higher premium reflects a change in costs, including increases due to a change in cost allocation, the Monitor may investigate the change and will expect the insurance company to justify any change in costs or cost allocation.

68 Prices may be unreasonably high where an insurance company does not pass on to consumers the full reduction in the price paid or payable for the issue of a regulated contract of insurance resulting from the abolition of the ESL.

69 The Monitor's assessment of the pricing of premiums for regulated contracts of insurance renewed in 2017-18 will include a particular focus on policies where the holders of like policies incurred higher ESL rates in 2016-17 compared to 2015-16, as a result of ESL rate tapering. The principle to be applied is that an amount equivalent to the 2016-17 ESL plus GST and stamp duty on the ESL plus any other cost reduction associated with

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

removal of the ESL, should be removed from the policy's total premium on renewal in 2017-18.

- 70 In having regard to the costs of supplying insurance against loss or damage to property, it is inevitable that some consideration will be given to the level of insurer profitability. Premiums for regulated contracts of insurance set by an insurance company will include a margin which will be influenced by the insurance company's perception of its required rate of return and the actual rate of return.
- 71 The Monitor considers that the abolition of ESL should not be seen by insurance companies as an opportunity to increase profitability. Rather, the abolition of ESL should be fully passed through to policyholders in the form of lower premiums. The Monitor will scrutinize carefully any increases in premiums aimed at boosting profitability coincidentally with the abolition of ESL.

Guideline 10:

The amount of the total premium for renewal of a regulated contract of insurance in the 2017-18 financial year should be less than the immediately preceding total premium by an amount equivalent to the ESL removed plus GST and duty on the ESL plus any other cost reduction associated with the abolition of the ESL charged in the preceding year's premium, unless there is a change in policy coverage, risk rating or supply costs that justify some other difference.

Criterion 5: Any other matters prescribed by the regulations

- 72 There are no other matters currently prescribed by the regulations.

B.7 Assessing price exploitation in relation to a new policy issued after 30 June 2017

- 73 A 'new policy' means a regulated contract of insurance that is entered into by an insurance company with either:
- (a) a person who has never previously entered into a contract of insurance with that insurance company or a related entity; or
 - (b) a person who has entered into a contract of insurance with that insurance company or a related entity, but where the new contract of insurance is not in substantially the same terms as the previous insurance contract with respect to the interest insured; or
 - (c) a person who has previously entered a contract of insurance with that company or a related entity prior to the 2015-16 year.
- 74 An insurance company setting a premium for a new policy issued contemporaneously with the abolition of the ESL could minimise the risk of contravening the prohibition on price exploitation if the base premium is determined on the same basis as existing policies being renewed in 2017-18.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Guideline 11:

Insurance companies will minimise the risk of contravention of the prohibited conduct provisions of the Act if premiums for new policies, issued in 2017–18, are determined using the same methodology as premiums for existing policies being renewed in 2017–18.

B.8 Refunds of ESL on policies issued during 2016-17 and cancelled prior to 30 June 2017

75 If a regulated contract of insurance, commencing in 2016-17, is cancelled toward the end of that financial year the insurer will record a lower earned premium in that year and will accordingly be subject to a lower ESL contribution. In these circumstances a reasonable approach to take is that a pro-rata refund of the ESL charged on that policy should be made to the policyholder, taking into account the time between the date of the cancellation and 30 June 2017. This would appear to be consistent with common law principles.

Guideline 12:

An insurance company that has collected ESL revenue on retail policies issued in 2016-17 will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance before 1 July 2017.

B.9 Variations, adjustments, cancellations and ESL received after 1 July 2017

76 Insurance companies will submit to the New South Wales an audited Return of Premium by 30 September 2017, declaring the amount of premium paid or payable for each class of insurance during the period 1 July 2016 to 30 June 2017, and this will enable the final two year assessment to be determined. The Monitor has no role in this and will take as given the determinations made by the Department of Justice. However, the Monitor considers that insurers should continue to apply the same accounting practice in recognising income as they have adopted in previous years.

77 Although no ESL should be included on a policy issued or renewed after 1 July 2017, the Monitor recognises that there may be legitimate instances where an insurance company will collect ESL after 1 July 2017 on a regulated contract of insurance that was issued or renewed on or before 30 June 2017. These instances may include:

- (a) processing delays related to intermediated business policies;
- (b) customers paying their premium after the date payment is due; and
- (c) customers paying their annual premium in monthly instalments.

These amounts may or may not be included in an insurance company's Return of Premium for the 2016-17 year, but will be included in the Monitor's assessment of over-collection amounts.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

- 78 The contribution obligations of an insurance company for the final year of the insurance-based funding scheme will be determined based on the premiums it declares in the final 2016-17 Return of Premium form.
- 79 Where an insurance company issues or renews an insurance policy prior to 30 June 2017, and that policy is subsequently cancelled on or after 1 July 2017, the insurance company may refund the unearned premium to the policyholders. If the entire income from this policy has been included in the 2016-17 Return of Premium, it will be assumed that the ESL charge funded the required contribution and no refund of ESL to the customer will be required. If no contribution liability has been incurred the Monitor expects that ESL will be refunded to the policyholders on these cancelled policies. These refunds will not be included in the assessment of collections by the Monitor.
- 80 Where a regulated contract of insurance issued or renewed prior to 30 June 2017, is varied or adjusted on or after 1 July 2017, no ESL for the variation or adjustment may be included in, or form part of, any additional premiums paid or payable.

Guideline 13:

An insurance company's obligation to contribute to the funding of emergency services during 2016-17 is determined by the amount of premium declared in its 2016-17 Return of Premium form. The Monitor expects that the contribution obligations of the insurance companies for 2016-17 will be determined in line with the accounting practice they adopted in previous years.

The Monitor recognises that an insurance company may for legitimate reasons collect ESL after 1 July 2017 on a regulated contract of insurance that is issued or renewed on or before 30 June 2017.

The Monitor will take into account any ESL collected by an insurance company on or after 1 July 2017, relating to a regulated contract of insurance issued or renewed before 1 July 2017, in determining an insurance company's over-collection amount.

B.10 Verification of ESL Collections

- 81 An over-collection amount is the difference between the amounts that the Monitor considers were collected by the insurance company as ESL for the 2015-16 and 2016-17 financial years less the total amount contributed by the company as determined under s31(c) of the Act.
- 82 To assist in the determination of any over-collection amount, the Monitor will require the following declarations from each insurance company:
- (a) The total ESL collected from policyholders by each class of regulated contract of insurance relating to the financial years 2015-16 and 2016-17 (even if collected after 1 July 2017), in a form specified by the Monitor.
 - (b) The accounting basis upon which premiums have been recognised in the Return of Premium form for 2015-16 and 2016-17. Where a cash basis for recognition of income is applied, ESL received or collected from 1 July 2017 in the 2017-18 year should be disclosed.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

83 The declarations required at paragraph 82 must be independently and externally verified as demonstrated by assurance opinions from assurance practitioners registered under the Corporations Act 2001.¹⁵

Guideline 14:

To ensure that the total ESL collections declared to the Monitor reconciles in all material respects with the amounts recorded in the insurer's accounting system, for the financial years 2015-16, 2016-17 and, where applicable 2017-18, the Monitor may require insurance companies to conduct a review of all such declarations, providing "reasonable assurance" in accordance with Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*. All declarations and assurance opinions are to be submitted to the Monitor by the close of business 15 November 2017.

B.11 Companies' pricing justification generally

84 The Monitor expects that each insurance company will have in place policies and procedures that will enable them, if so required, to provide an explanation to the Monitor for the price paid or payable for the issue of a regulated contract of insurance during the period of the Act's operation.

Guideline 15:

Insurance companies should be able to provide sufficient information to justify their pricing decisions for contracts of insurance regulated under the Act.

¹⁵ An auditor satisfying the registration requirements of Division 2 of Part 3M.4 and the auditor independence requirements of Divisions 3, 4 and 5 of Part 3M.4 of the *Corporations Act 2001*.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

C. The Guidelines

Guideline 1:

The prohibition on price exploitation applies at the level of the price of an individual contract of insurance within the scheduled classes issued by an insurance company and regulated under the Act.

Guideline 2:

The prohibition on price exploitation relates to the total price charged for a regulated contract of insurance and the major components of the price, including the base premium (including re-insurance costs), ESL, GST and duty, and brokerage or commission. Abolition of an ESL will reduce the total price by eliminating the ESL component of the price and reducing other components of the price previously affected by the ESL, including the GST and duty and any brokerage or commission paid or payable.

Guideline 3:

No ESL may be included in any insurance policy commencing from 1 July 2017 and no element of the price of a regulated contract of insurance, commencing from 1 July 2017, should be increased as a result of the abolition of the ESL.

Guideline 4:

Insurance companies should not anticipate the abolition of the ESL by increasing base premiums prior to 1 July 2017 on this account alone.

Reductions in ESL rates prior to 1 July 2017 should by themselves be reflected in commensurate reductions in total premiums.

Guideline 5:

The Monitor expects each insurance company will implement internal controls designed to ensure that no ESL will be charged on regulated contracts of insurance issued or renewed from 1 July 2017 and that base premiums will not rise before this date in anticipation of the abolition of ESL on this account alone.

The Chief Executive Officer of each company is requested to provide the Monitor by 31 January 2017 a signed standard form declaration committing the company not to charge ESL on regulated contracts of insurance issued or renewed from 1 July 2017, or to anticipate abolition of the ESL in base premiums before this time. Each commitment received will be published on the Monitor's website.

Guideline 6:

The Monitor will investigate and assess whether each insurance company is liable for an over-collection amount. This will be determined by comparing the insurance company's emergency services contribution for the final two years of the scheme with the amount that the Monitor considers was collected by the insurance company as ESL over the same period. Any over-recovery of statutory contributions must be refunded to the relevant policyholders (as defined in Section 31B of the Act) where it is practicable to do so. The Monitor may accept a refund undertaking from an insurance company in this regard.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Guideline 7:

The Monitor expects that insurance companies will make their own independent decisions as to how they recover their contributions to the emergency services organisations in 2015-16 and 2016-17. The Monitor recognises that insurance companies should be able to recover their contributions over the 2015-16 and 2016-17 years combined through their premiums, including ESL rates. Any tapering of ESL rates throughout 2016-17 should be moderated so that rates charged to policyholders are fair.

Guideline 8:

The Monitor will have regard to the costs of supplying insurance against loss or damage to property when assessing whether a price is unreasonably high. The Monitor considers these costs include the reasonable costs of all business inputs involved in a company's supply of insurance subject to ESL contribution, including expenses incurred in the normal course of operating a business and costs incurred in re-insurance arrangements relating to the provision of insurance subject to ESL contribution.

In assessing whether a price is unreasonably high, there will be a particular focus on any change in methodology, including cost allocation. Where a company incorporates a new factor (or factors) in its pricing methodology during the period of operation of the Act, and this factor contributes to higher prices, the Monitor expects the company will be able to provide a detailed explanation of the methodology change if requested to do so.

Guideline 9:

A base premium for an insurance policy subject to ESL contribution should not increase at the same time as the abolition of the ESL, unless the issuing company can demonstrate a genuine cost basis for the increase.

Where a premium paid or payable for an insurance policy increases simultaneously with the abolition of the ESL, and the higher premium reflects a change in costs, including increases due to a change in cost allocation, the Monitor may investigate the change and will expect the insurance company to justify any change in costs or cost allocation.

Guideline 10:

The amount of the total premium for renewal of a regulated contract of insurance in the 2017-18 financial year should be less than the immediately preceding total premium by an amount equivalent to the ESL removed plus GST and duty on the ESL plus any other cost reduction associated with the abolition of the ESL charged in the preceding year's premium, unless there is a change in policy coverage, risk rating or supply costs that justify some other difference.

Guideline 11:

Insurance companies will minimise the risk of contravention of the prohibited conduct provisions of the Act if premiums for new policies, issued in 2017-18, are determined using the same methodology as premiums for existing policies being renewed in 2017-18.

Guideline 12:

An insurance company that has collected ESL revenue on retail policies issued in 2016-17 will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance before 1 July 2017.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Guideline 13:

An insurance company's obligation to contribute to the funding of emergency services during 2016-17 is determined by the amount of premium declared in its 2016-17 Return of Premium form. The Monitor expects that the contribution obligations of the insurance companies for 2016-17 will be determined in line with the accounting practice they adopted in previous years.

The Monitor recognises that an insurance company may for legitimate reasons collect ESL after 1 July 2017 on a regulated contract of insurance that is issued or renewed on or before 30 June 2017.

The Monitor will take into account any ESL collected by an insurance company on or after 1 July 2017, relating to a regulated contract of insurance issued or renewed before 1 July 2017, in determining an insurance company's over-collection amount.

Guideline 14:

To ensure that the total ESL collections declared to the Monitor reconciles in all material respects with the amounts recorded in the insurer's accounting system, for the financial years 2015-16, 2016-17 and, where applicable 2017-18, the Monitor may require insurance companies to conduct a review of all such declarations, providing "reasonable assurance" in accordance with Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*. All declarations and assurance opinions are to be submitted to the Monitor by the close of business 15 November 2017.

Guideline 15:

Insurance companies should be able to provide sufficient information to justify their pricing decisions for contracts of insurance regulated under the Act.

Home Building Act 1989

Section 33D(1)

INSTRUMENT

Qualification requirements for an endorsed contractor licence or supervisor certificate for general building work

I, Rod Stowe, Commissioner for Fair Trading, Department of Finance, Services and Innovation, as the “Secretary” under the *Home Building Act 1989* (“the Act”) determine:

1. pursuant to section 33D(1)(a) of the Act the possession of qualifications and the passing of examinations; and
2. pursuant to section 33D(1)(b) of the Act the possession of experience of such a kind and for such a period,

necessary for an applicant for the issue of a Licence or Certificate to be as follows:

- (a) where the application is received by the Secretary on or after the date on which this Instrument is signed (“the Commencement Date”):
 - (i) the possession of qualifications or the passing of examinations specified in Column 1 of Table A to Schedule 1; and
 - (ii) the possession of experience specified in Column 2 of Table A opposite the relevant matter in Column 1;
- (b) where the application is received by the Secretary before the Commencement Date of this Instrument:
 - (a) the possession of qualifications or the passing of examinations; and
 - (b) the possession of experience,

specified in the instrument dealing with the same matters as this Instrument which was in force at the time the relevant application was made.

Dated this 31 day of March 2017.

Rod Stowe
Commissioner for Fair Trading
Department of Finance, Services and Innovation

Explanatory note

The Commissioner for Fair Trading, Department of Finance, Services and Innovation is at the date of this instrument the “Secretary” under the *Home Building Act 1989* and the *Home Building Regulation 2014*. See paragraph (a) of the definition of “Secretary” in clause 1(1) of Schedule 1 to the *Home Building Act 1989*.

Interpretation

In this Instrument:

“**the Act**” means the *Home Building Act 1989*;

“**Australian University**” has the same meaning as in the *Higher Education Act 2001* or successor legislation in force for the time being providing for the recognition of Australian universities;

references to “**Certificate**” and “**Licence**” are respectively to a supervisor certificate, or endorsed contractor licence, as defined in the Act to do or supervise general building work;

“**Degree**” means a degree of any kind, and in particular includes the degrees of doctor, master and bachelor but excludes an associate degree or honorary degree;

The reference to a “**Diploma**” in Item 8 in Table D of Schedule 1, does not include a Diploma of: Building; Construction; Construction Management; Construction Economics; Applied Science (Building); Structural Engineering; or Quantity Surveying. On every other occasion the term “Diploma” is used in this Instrument it is to be given its ordinary meaning;

“**Experience**” means experience gained by the applicant as:

- (a) an employee of; or
- (b) a holder of a supervisor certificate and as a nominated supervisor for the contractor licence held by; or
- (c) a holder of an endorsed contractor licence contracted to; or
- (d) a holder of a supervisor certificate in the capacity of a nominated supervisor for a contractor licence held by an individual, partnership or corporation contracted to; or

the holder of a contractor licence authorising the holder to do the class of residential building work in which the experience was gained (“the Work”), where the applicant, during the relevant period, was:

- supervised and directed in the doing of the Work by the holder of an endorsed contractor licence or supervisor certificate authorising its holder to supervise the Work, and this is verified in the Relevant Application Form; and
- received Remuneration in accordance with law for the Work which the applicant carried out; or

- (e) a holder of a supervisor certificate in the category of full general building work or an endorsed contractor licence in the category of full general building work, held

continuously for a minimum period of 2 years within 10 years from the date the application is made;

“Relevant Application Form” means the relevant application form for the Licence or Certificate that is being applied for, which is published on the NSW Fair Trading website, including the required attachments to that form. (Note – Applications are to be made in accordance with section 12 of the *Licensing and Registration (Uniform Procedures) Act 2002*);

“Registered Training Organisation” has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* (Cth);

the reference to **“Schedule 1”** includes the tables in Schedule 1;

“TAFE” means the New South Wales Technical and Further Education Commission.

“Remuneration” means wages, salary and director’s fees paid to an applicant on a regular basis, but does not include bonuses, commissions, allowances or any other ad-hoc payments, including payments from a profit-sharing arrangement between the applicant and any another party, where such payments are the only payments made to the applicant for the Work which the applicant carried out.

Schedule 1

Table A

Qualifications	
Column 1 Qualifications or Examinations	Column 2 Experience
<p>1. Completion of Certificate IV in Building and Construction, being:</p> <p>(a) (BCG40106 / CPC40108 / CPC40110 Building); <u>or</u> (b) (BCG40206 / CPC40208 Contract Administration) <u>or</u> (c) (BCG40306 / CPC40308 Estimating); <u>or</u> (d) (BCG40506 / CPC40508 Site Management),</p> <p>including <u>all of</u> the units of competency listed in Table B.</p> <p>AND</p> <p>I. an endorsed contractor licence or supervisor certificate held under the Act for Carpentry or Bricklaying which is current at the date on which the application is made or a qualification approved for the time being under section 33D(1) of the Act for such a licence or certificate; <u>or</u></p> <p>II. Completion of a Diploma of Building and Construction (Building) (BCG50206 / CPC50208 / CPC50210) including, in respect of CPC50210 only, <u>all of</u> the units of competency listed in Table C.</p>	<p>At least two years' relevant industry Experience in a wide range of building construction work, where the majority of that Experience was obtained within 10 years of the date on which the application is made;</p> <p>OR</p> <p>a holder of a supervisor certificate in the category of full general building work or an endorsed contractor licence in the category of full general building work, held continuously for a minimum period of 2 years within 10 years from the date the application is made.</p>
<p>2. Completion of a Degree in:</p> <p>(a) Building; <u>or</u> (b) Construction; <u>or</u> (c) Construction Management; <u>or</u> (d) Construction Project Management; <u>or</u> (e) Construction Economics; <u>or</u> (f) Applied Science (Building); <u>or</u> (g) Quantity Surveying,</p> <p>from an Australian University which requires the applicant to undertake the equivalent of four years' full time study and a mandatory work placement.</p>	<p>At least two years' relevant industry Experience in a wide range of building construction work, where the majority of that Experience was obtained within 10 years of the date on which the application is made;</p> <p>OR</p> <p>a holder of a supervisor certificate in the category of full general building work or an endorsed contractor licence in the category of full general building work, held continuously for a minimum period of 2 years within 10 years from the date the application is made.</p>

<p>3. Completion of a Bachelor of Housing from an Australian University <u>or</u> a Degree in any of the following:</p> <p>(a) Civil Engineering; <u>or</u> (b) Structural Engineering; <u>or</u> (c) Architecture; <u>or</u> (d) Housing; <u>or</u> (e) Construction; <u>or</u> (f) Construction Management; <u>or</u> (g) Construction Project Management; <u>or</u> (h) Construction Economics; <u>or</u> (i) Applied Science (Building); <u>or</u> (j) Quantity Surveying,</p> <p>from an Australian University.</p> <p>AND</p> <p>Completion of Certificate IV in Building and Construction:</p> <p>(a) (BCG40106 / CPC40108 / CPC40110 Building); <u>or</u> (b) (BCG40206 / CPC40208 Contract Administration); <u>or</u> (c) (BCG40306 / CPC40308 Estimating); <u>or</u> (d) (BCG40506 / CPC40508 Site Management),</p> <p>which includes <u>all</u> the units of competency listed in Table B.</p>	<p>At least two years' relevant industry Experience in a wide range of building construction work, where the majority of that Experience was obtained within 10 years of the date on which the application is made;</p> <p>OR</p> <p>a holder of a supervisor certificate in the category of full general building work or an endorsed contractor licence in the category of full general building work , held continuously for a minimum period of 2 years within 10 years from the date the application is made.</p>
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Transitional arrangements	
Column 1 Qualifications or Examinations	Column 2 Experience
<p>4. Existing Licence or Certificate</p> <p>A current Licence or Certificate without any restrictions or conditions held immediately before the Commencement Date.</p>	N/A
<p>5. Licence or Certificate held before the date of application</p> <p>A Licence or Certificate without any restrictions or conditions held within five years of the date on which the application for a new Licence or Certificate is received by the Secretary.</p>	N/A

<p>6. Licence or Certificate obtained under <i>Mutual Recognition Act 1992</i> held before the date of application</p> <p>A NSW Licence or Certificate, with restrictions or conditions, that was originally obtained under the <i>Mutual Recognition Act 1992 (Cth)</i> and was held within five years of the date on which the application for a new Licence or Certificate is received by the Secretary.</p>	N/A
<p>7. Superseded Qualifications</p> <p>Any superseded qualification, as set out in Table D:</p> <p>(a) which the applicant attained before 18 August 2008; <u>or</u></p> <p>(b) the course for which the applicant commenced before, but did not complete until after, 18 August 2008,</p> <p>unless the context indicates that the applicant need not have attained, or commenced the course for, the qualification, or an element of the qualification, before 18 August 2008.</p>	<p>At least 2 years' relevant industry Experience in a wide range of building construction work, where the majority of that Experience was obtained within 10 years of the date on which the application is made;</p> <p>OR</p> <p>a holder of a supervisor certificate in the category of full general building work or an endorsed contractor licence in the category of full general building work, held continuously for a minimum period of 2 years within 10 years from the date the application is made.</p>

Table B

Units of competency required for Certificate IV in Building and Construction
<p>The following units must be achieved and indicated in the applicant's transcript of the Certificate IV in Building and Construction qualification:</p> <p>(a) BCGBC4001A / CPCBC4001A - Apply building codes and standards to the construction process for low-rise building projects;</p> <p>(b) BCGBC4002A / CPCBC4002A - Manage occupational health and safety in the building and construction workplace;</p> <p>(c) BCGBC4003A / CPCBC4003A - Select and prepare a construction contract;</p> <p>(d) BCGBC4004A / CPCBC4004A - Identify and produce estimated costs for building and construction projects;</p>

- (e) BCGBC4005A / CPCBC4005A - Produce labour and material schedules for ordering;
- (f) BCGBC4006A / CPCBC4006A / CPCBC4006B - Select, procure and store construction materials for low-rise projects;
- (g) BCGBC4007A / CPCBC4007A - Plan building or construction work;
- (h) BCGBC4008A / CPCBC4008A / CPCBC4008B - Conduct on-site supervision of the building and construction project;
- (i) BCGBC4009A / CPCBC4009A / CPCBC4009B - Apply legal requirements to building and construction projects;
- (j) BCGBC4010A / CPCBC4010A / CPCBC4010B - Apply structural principles to residential low rise constructions;
- (k) BCGBC4011A / CPCBC4011A / CPCBC4011B - Apply structural principles to commercial low rise constructions;
- (l) BSBSBM406A / BSBSMB406A / BSBSMB406 - Manage small business finances;
- (m) BCGBC4012A / CPCBC4012A / CPCBC4012B - Read and interpret plans and specifications;
- (n) BCGBC4018A / CPCBC4018A - Apply site surveys and set out procedures to building and construction projects;
- (o) BCGBC4024A / CPCBC4024A - Resolve business disputes.

Table C

**Units of competency required for Diploma of Building and Construction (Building)
(CPC50210)**

The following units must be achieved and indicated in the applicant's transcript of the qualification:

- (a) CPCBC5004A - Supervise and apply quality standards to the selection of building and construction materials;
- (b) CPCBC5005A - Select and manage building and construction contractors;
- (c) CPCBC5007A / CPCBC5007B - Administer the legal obligations of a building and construction contract;
- (d) CPCBC5009A - Identify services layout and connection methods in medium rise construction projects.

Table D

Superseded Qualifications

The following are superseded qualifications for the purposes of clause 6 of Schedule 1:

1. Certificate IV in Building (3477) conducted by a Registered Training Organisation or TAFE **AND** –
 - (a) a Carpentry, Carpentry & Joinery, or Bricklaying Trade Course from TAFE or a Registered Training Organisation; or
 - (b) an endorsed contractor licence or supervisor certificate held under the Act for Carpentry or Bricklaying which is current at the date on which the application is made or a qualification approved for the time being under section 33D(1) of the Act for such a licence or certificate.
2. Diploma in Building (3475) conducted by a Registered Training Organisation or TAFE.
3. Advanced Diploma in Building (3471) conducted by a Registered Training Organisation or TAFE.
4. Certificate IV in Building Studies 90944NSW (1261) from TAFE **AND** –
 - (a) a Carpentry, Carpentry & Joinery, or Bricklaying Trade Course from TAFE or a Registered Training Organisation; or
 - (b) an endorsed contractor licence or supervisor certificate held under the Act for Carpentry or Bricklaying which is current at the date on which the application is made or a qualification approved for the time being under section 33D(1) of the Act for such a licence or certificate.
5. Diploma in Building Studies 90945NSW (1262) from TAFE.
6. Advanced Diploma in Building Studies 90946NSW (1263) from TAFE.
7. Advanced Diploma in Structural Engineering 91155NSW (6443) from TAFE.
8. A Diploma from an Australian University or a body controlled by an Australia University which is a bridging or pathway course entitling the holder to enrol in a Degree in: Building; Construction; Construction Management; Construction Economics; Applied Science (Building); Structural Engineering; or Quantity Surveying at an Australian University, but only if the applicant has attained the Diploma before 26 March 2012, **or** commenced the Diploma course before, but did not complete it until after, 26 March 2012.
9. Certificate of Registration as an Architect under the *Architects Act 2003* which is current at the date on which the application is made.
10. Degree in Civil Engineering or Architecture from an Australian University regardless of when it was attained **AND** Certificate IV in Building (3477 or TAFE Course 1261).
11. Diploma of Structural Engineering 15114NSW (2992) from TAFE
12. Associate Diploma in Applied Science (Building) (5185) TAFE.
13. Certificate in Building (5102) TAFE.
14. Certificate in Building Foreman & Clerk of Works (135) from TAFE.
15. Certificate in Building Supervision (5108) from TAFE
16. Advanced Certificate in Building Supervision (5189) from TAFE.
17. Advanced Building Studies Course – Diploma in Building Studies Level V (2183) from TAFE.
18. Advanced Building Studies Course – Certificate IV in Building Studies – Residential Level IV

(2182) from TAFE **AND** a Carpentry, Carpentry & Joinery, or Bricklaying Trade Course from TAFE or a Registered Training Organisation.

19. Certificate IV in Contractors Management Program conducted by Back to Basics Business Training Pty Ltd ACN 077 042 490 **AND** a Carpentry, Carpentry & Joinery, or Bricklaying Trade Course from TAFE or a Registered Training Organisation.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Interests in Land for the Purposes of the Transport Administration Act 1988

Transport for NSW by its delegate declares, with the approval of His Excellency the Governor, that the easement described in Schedule 1 below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

Robert Parrish

Acting Deputy Program Director

Sydney Metro

Transport for NSW

SCHEDULE 1

An easement for scaffolding on the terms set out in Schedule 2, and over all that piece or parcel of land situated at Sydney, in the Local Government Area of North Sydney, Parish of Willoughby and County of Cumberland, being part of Lot 2 in Deposited Plan 792740, shown marked "Y" in Drawing No. NWRLSRT-RPS-SVC-SR-DWG-000021, a copy of which is held in the offices of Transport for NSW.

SCHEDULE 2

Terms of easement for scaffolding

1. Easement for scaffolding

1.1 Easement summary

This Easement provides the Authority Benefited with a right to install and use scaffolding in the Easement Site at all times until the expiry of the Easement pursuant to clause 1.3.

1.2 Terms of the Easement

- (a) The Owner of the Lot Burdened grants to the Authority Benefited full, free and unimpeded right for the Authority Benefited to:
 - (i) enter on, pass and repass over and to encroach on the Easement Site at all times with or without Equipment for the Permitted Purpose until expiry of this Easement under clause 1.3; and
 - (ii) do anything reasonably necessary for that purpose including:
 - (A) entering the Easement Site; and

(B) taking anything on to the Easement Site.

- (b) In exercising its rights under this Easement, the Authority Benefited must:
- (i) prior to installing Scaffolding in the Easement Site, provide the Owner of the Lot Burdened with details of the extent of the Scaffolding, including access paths through and around the Scaffolding where there may be an impact on access to the Lot Burdened and take into consideration any reasonable requirements of the Owner in relation to the Scaffolding;
 - (ii) ensure that the Scaffolding installed in the Easement Site is maintained in good repair and in a safe condition;
 - (iii) maintain adequate safety arrangements in respect of the Easement Site to:
 - (A) mitigate risk of harm to members of the public caused by the activities of the Authority Benefited; and
 - (B) maintain adequate safety arrangements in respect of the Scaffolding to secure any relevant building from being accessed from any part of the Scaffolding;
 - (iv) promptly make good any damage to the Easement Site, the Lot Burdened and the Building to the extent caused by the Authority Benefited;
 - (v) carry out all activities so as to cause as little inconvenience as is reasonably practicable to the Owner of the Lot Burdened or any Occupier;
 - (vi) take all necessary steps to minimise any adverse interference caused by the Authority Benefited to the Owner of the Lot Burdened or any Occupier; and
 - (vii) comply with all relevant laws relating to the exercise of those rights.

1.3 Expiry of the Easement

- (a) As soon as practicable after the date on which the Authority Benefited no longer requires the rights under this Easement, the Authority Benefited must:
- (i) remove the Scaffolding from the Easement Site; and
 - (ii) notify the Owner of the Lot Burdened in writing.
- (b) This Easement will expire on the earlier to occur of:
- (i) 13 November 2017; and
 - (ii) the date on which the Authority Benefited gives the Owner of the Lot Burdened notice under paragraph (a)(ii).

1.4 Incorporation of definitions and interpretation clauses

The provisions of clause 2 apply to this Easement to the extent relevant.

The name of the persons empowered to release, vary or modify this easement:

The Authority Benefited.

2. **General**

2.1 **Exercise of the benefit of the Easement**

The Authority Benefited may, in its discretion, permit any of its agents, employees, contractors (and each of their subcontractors at any level) and consultants to exercise its rights and perform its obligations under any Easement from time to time.

2.2 **Conditions**

The Conditions constitute and are covenants and agreements by and between the Authority Benefited and the Owner of the Lot Burdened for themselves and their respective successors, assigns and transferees with the intention and agreement that the benefit and burden of such covenants and agreements must pass with the benefit and burden of the Easement.

2.3 **Definitions**

Authority Benefited means Transport for NSW (ABN 18 804 239 602), a New South Wales Government agency constituted by section 3C of the *Transport Administration Act 1988* (NSW).

Building means the building and other structures (or any part of the building or other structures) on the Lot Burdened from time to time.

Conditions means the conditions contained in the Easement, excluding the section entitled "Easement summary" and including the general provisions set out in this clause 2.

Easement means the easement in this instrument and includes the Conditions in relation to the easement.

Easement Site means the area as shown marked "Y" on Drawing No. NWRLSRT-RPS-SVC-SR-DWG-000021, a copy of which is held in the offices of the Authority Benefited.

Equipment means all necessary tools, implements, materials, machinery and vehicles.

Lot Burdened means Lot 2 in Deposited Plan 792740.

Occupier means any person who is legally entitled and authorised to occupy any part of Lot Burdened from time to time.

Owner of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including without limitation any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened.

Permitted Purpose means installing, maintaining, replacing, dismantling and removing Scaffolding.

Project means the design, construction (including any demolition required to enable construction to proceed or as a necessary part of any construction), operation and maintenance of the Sydney Metro City & Southwest project on land adjoining or in the vicinity of the Lot Burdened.

Scaffolding means a temporary structure (including access platforms, working platforms, catch platforms, landing platforms, chainmesh and shade cloth mesh) incorporating elements of scaffolding systems as detailed using the principles of engineering design supported on:

- (a) the ground;
- (b) a class B hoarding structure;
- (c) a cantilevered support structure;
- (d) adjacent property roof structure(s); or
- (e) any combination of the above,

as may be applicable, and braced as required using scaffold ties, anchorages and components as determined by relevant principles of engineering design.

(Transport for NSW Document Number: SM17/00434, A5988130)

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Interests in Land for the Purposes of the Transport Administration Act 1988

Transport for NSW by its delegate declares, with the approval of His Excellency the Governor, that the easement described in Schedule 1 below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

Robert Parrish
Acting Deputy Program Director
Sydney Metro
Transport for NSW

SCHEDULE 1

An easement for rock anchors on the terms set out in Schedule 2, and over all that piece or parcel of land situated at Sydney, in the Local Government Area of North Sydney, Parish of Willoughby and County of Cumberland, being part of Lot 2 in Deposited Plan 792740, shown marked "X" in Drawing No. NWRLSRT-RPS-SVC-SR-DWG-000021, a copy of which is held in the offices of Transport for NSW.

SCHEDULE 2

Terms of easement for rock anchors

1. Easement for rock anchors

1.1 Easement summary

This Easement provides the Authority Benefited with:

- (a) access to the Easement Site for the purpose of installing Rock Anchors; and
- (b) the right to have the Rock Anchors remain on the Easement Site at all times until expiry of the Easement under clause 1.3.

1.2 Terms of the Easement

- (a) The Owner of the Lot Burdened grants to the Authority Benefited full, free and unimpeded right for the Authority Benefited to:
 - (i) enter on, pass and repass over the Easement Site at all times with or without Equipment for the Permitted Purpose and do anything reasonably necessary for that purpose including:

- (A) entering the Easement Site; and
 - (B) taking anything on to the Easement Site; and
 - (ii) have the Rock Anchors remain on the Easement Site until expiry of the Easement under clause 1.3.
- (b) In exercising its rights under this Easement, the Authority Benefited must:
- (i) prior to installing Rock Anchors in the Easement Site, provide the Owner of the Lot Burdened with the following:
 - (A) information on the shoring system for the Rock Anchors;
 - (B) documentation setting out the design of the Rock Anchors; and
 - (C) the proposed number and location of the Rock Anchors;
 - (ii) after the installation of the Rock Anchors in the Easement Site, provide the Owner of the Lot Burdened with quality assurance records and as built surveys available to the Authority Benefited;
 - (iii) make good any damage to the Easement Site, Lot Burdened and Building to the extent caused by the Authority Benefited;
 - (iv) carry out all activities so as to cause as little inconvenience as is reasonably practicable to the Owner of the Lot Burdened or any Occupier;
 - (v) take all necessary steps to minimise any adverse interference caused by the Authority Benefited to the Owner of the Lot Burdened or any Occupier; and
 - (vi) comply with all relevant laws relating to the exercise of those rights.

1.3 Expiry of the Easement

- (a) As soon as practicable after the date on which the Authority Benefited no longer requires the rights under this Easement, the Authority Benefited must:
- (i) de-stress any stressed Rock Anchors but is not required to remove any Rock Anchors installed on the Easement Site pursuant to this Easement; and
 - (ii) notify the Owner of the Lot Burdened in writing.
- (b) This Easement will expire on the earlier to occur of:
- (i) 10 June 2021; and
 - (ii) the date on which the Authority Benefited gives the Owner of the Lot Burdened notice under paragraph (a)(ii).

- (c) If this Easement has expired under paragraph (b), the Owner of the Lot Burdened may, at its risk and cost, cut the Rock Anchors at any location within the Easement Site and otherwise deal with any part of the Rock Anchors within the Easement Site as the Owner of the Lot Burdened sees fit.

1.4 Incorporation of definitions and interpretation clauses

The provisions of clause 2 apply to this Easement to the extent relevant.

The name of the persons empowered to release, vary or modify this Easement:

The Authority Benefited.

2. General

2.1 Exercise of the benefit of the Easement

The Authority Benefited may, in its discretion, permit any of its agents, employees, contractors (and each of their subcontractors at any level) and consultants to exercise its rights and perform its obligations under the Easement from time to time.

2.2 Conditions

The Conditions constitute and are covenants and agreements by and between the Authority Benefited and the Owner of the Lot Burdened for themselves and their respective successors, assigns and transferees with the intention and agreement that the benefit and burden of such covenants and agreements must pass with the benefit and burden of the Easement.

2.3 Definitions

Authority Benefited means Transport for NSW (ABN 18 804 239 602), a New South Wales Government agency constituted by section 3C of the *Transport Administration Act 1988* (NSW).

Building means the building and other structures (or any part of the building or other structures) on the Lot Burdened from time to time.

Conditions means the conditions contained in the Easement, excluding the section entitled "Easement summary" and including the general provisions set out in this clause 2.

Easement means the easement in this instrument and includes the Conditions in relation to the easement.

Easement Site means the area as shown marked "X" on Drawing No. NWRLSRT-RPS-SVC-SR-DWG-000021, a copy of which is held in the offices of the Authority Benefited.

Equipment means all necessary tools, implements, materials, machinery and vehicles.

Lot Burdened means Lot 2 in Deposited Plan 792740.

Occupier means any person who is legally entitled and authorised to occupy any part of Lot Burdened from time to time.

Owner of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including without limitation any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened.

Permitted Purpose means installing Rock Anchors within the Easement Site and all works and activities associated with such installation, including replacement or removal of the Rock Anchors.

Project means the design, construction (including any demolition required to enable construction to proceed or as a necessary part of any construction), operation and maintenance of the Sydney Metro City & Southwest project on land adjoining or in the vicinity of the Lot Burdened.

Rock Anchors means ground anchors, rock anchors, rock bolts, rock pinning, soil nails, rock dowels and other structures or equipment for the purpose of temporarily supporting or temporarily protecting the works on land owned by the Authority Benefited or temporarily underpinning and supporting improvements erected on the Lot Burdened.

(Transport for NSW Document Number: SM17/00434, A5988587)

COUNCIL NOTICES

ALBURY CITY COUNCIL

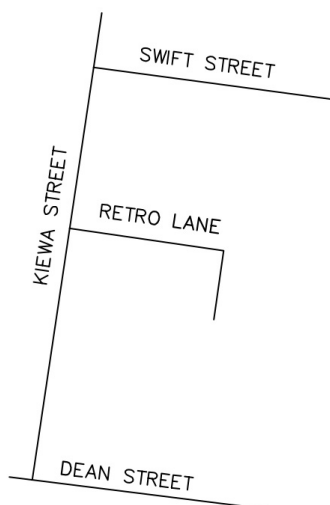
ROADS ACT 1993

Naming of Roads

Notice is hereby given that Albury City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
RETRO LANE	Albury
Description	
Off Kiewa Street, between Swift & Dean Streets. See attached map	

The attached diagram shows the extent of the road(s):



FRANK ZAKNICH, GENERAL MANAGER, Albury City Council, PO Box 323, ALBURY NSW 2640
GNB Ref: 0073

[9110]

ALBURY CITY COUNCIL

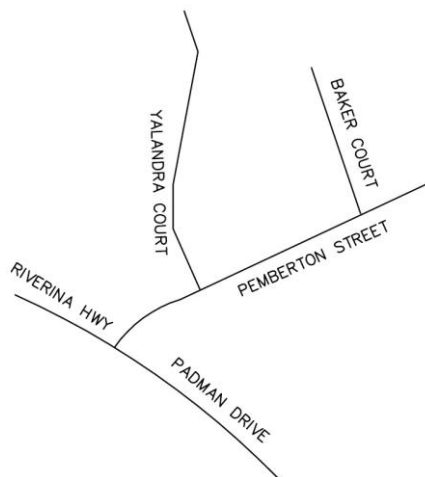
ROADS ACT 1993

Naming of Roads

Notice is hereby given that Albury City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
YALANDRA COURT	West Albury
Description	
Yalandra Court extends northerly off Pemberton Street, West Albury. See attached map.	

The attached diagram shows the extent of the road(s):



FRANK ZAKNICH, GENERAL MANAGER, Albury City Council, PO Box 323, ALBURY NSW 2640
GNB Ref: 0072

[9111]

BATHURST REGIONAL COUNCIL

ROADS ACT 1993

Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that in accordance with section 10 of the *Roads Act 1993*, the land described in the Schedule below is dedicated as a Public Road.

David Sherley, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795

SCHEDULE

Lot 1 in DP1219073 being land situated on Ophir Road, Eglinton.

[9112]

CAMPBELLTOWN CITY COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Campbelltown City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
THEATRE WALK	Bardia
Description	
A new pedestrian way in the Edmondson Park South residential development, between Macdonald Road and Bruce Ferguson Avenue.	
Name	Locality
SARIWON STREET	Bardia
Description	
A new street in the Edmondson Park South residential development, between Apple Orchard Street and Bruce Ferguson Avenue.	
Name	Locality
RAEME LANE	Bardia
Description	
A new laneway in the Edmondson Park South residential development, off Bruce Ferguson Avenue.	

Council Notices

Name	Locality
PAKCHON STREET	Bardia
Description	
A new laneway in the Edmondson Park South residential development, off Bruce Ferguson Avenue.	

Name	Locality
ORDNANCE LANE	Bardia
Description	
A new laneway in the Edmondson Park South residential development, off Retimo Street.	

Name	Locality
MALAYA STREET	Bardia
Description	
A new street in the Edmondson Park South residential development, between Arthur Allen Drive and Paul Cullen Drive.	

Name	Locality
KAPYONG STREET	Bardia
Description	
A new street in the Edmondson Park South residential development, between Bruce Ferguson Avenue and Paul Cullen Drive.	

Name	Locality
HERAKLION LANE	Bardia
Description	
A new laneway in the Edmondson Park South residential development, off Retimo Street.	

Name	Locality
FAUNA LANE	Bardia
Description	
A new laneway in the Edmondson Park South residential development, off Bruce Ferguson Avenue.	

Name	Locality
DAMASCUS STREET	Bardia
Description	
A new street in the Edmondson Park South residential development, between Arthur Allen Drive and Bardia Avenue.	

Name	Locality
APPLE ORCHARD STREET	Bardia
Description	
A new street in the Edmondson Park South residential development, between Bruce Ferguson Avenue and Kapyong Street.	

Name	Locality
ALAMEIN STREET	Bardia
Description	
A new street in the Edmondson Park South residential development, between Arthur Allen Drive and Bardia Avenue.	

Name	Locality
ADLOUN LANE	Bardia
Description	
A new laneway in the Edmondson Park South residential development, off Damascus Street.	

LINDY DEITZ, General Manager, Campbelltown City Council, PO Box 57, CAMPBELLTOWN NSW 2560
GNB Ref: 0071 [9113]

NEWCASTLE CITY COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Newcastle City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
SHEARWATER DRIVE	Shortland
Description	
From Vale Street, Shortland extending east across State Highway 23 into Newcastle University, then North toward Shortland Golf Course/ Clubhouse. Then North East to Fairy Wren Circuit.	

PETER CHRYSTAL, Interim Chief Executive Officer, Newcastle City Council, 282 King Street, NEWCASTLE NSW 2300

GNB Ref: 0076

[9114]

SINGLETON COUNCIL

ROADS ACT 1993

Section 10

LOCAL GOVERNMENT ACT 1993

Section 47f(2)(A)

Dedication of Land as Public Road for the Purposes of Road Widening

NOTICE is hereby given by Singleton Council, in pursuant to Section 10 of the *Roads Act 1993*, and Section 47f(2)(a) of the *Local Government Act 1993* dedicates the land described in the Schedule below as public road for the purposes of the road widening.

JASON LINNANE, General Manager, Singleton Council, PO Box 314, SINGLETON, NSW 2330.

SCHEDULE

All that piece or parcel of land known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 31 and 32 in DP1224108 in the Council area of Singleton, Parish of Wollombi, County of Northumberland and described as folio identifiers 1/122410, 2/122410, 3/122410, 4/122410, 5/122410, 6/122410, 7/122410, 8/122410, 9/122410, 10/122410, 11/122410, 12/122410, 13/122410, 14/122410, 15/122410, 16/122410, 17/122410, 18/122410, 19/122410, 20/122410, 21/122410, 22/122410, 23/122410, 24/122410, 25/122410, 31/122410 and 32/122410.

[9115]

By Authority

Government Printer